

**SOLICITORS DISCIPLINARY TRIBUNAL**

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12596-2024

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

NICHOLAS TRISTAN WILLIAMS

Respondent

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Before:

Mrs C Evans (in the chair)

Ms C Rigby

Mr A Lyon

Date of Hearing: 08 November 2024

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**Appearances**

There were no appearances as the matter was dealt with on the papers.

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**JUDGMENT ON AN AGREED OUTCOME**

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## **Allegations**

1. The allegations against the Respondent, Nicholas Tristan Williams, made by the SRA are that, while a solicitor and partner at Freshfields Bruckhaus Deringer (“the Firm), he:
  - 1.1 Between 20 and 21 December 2017, engaged in the following conduct towards Person Z, an associate in his team, which was inappropriate and/or unwanted:
    - 1.1.1 During a taxi journey, touched Person Z’s breast with his hand, over her clothes;
    - 1.1.2 Having exited the taxi, touched or attempted to touch Person Z’s breast with his hand, over her clothes and/or attempted to put his hand on Person Z’s leg under her skirt;
    - 1.1.3 On a separate occasion to allegation 1.1.2, fell against Person Z pinning her against a wall and touched her breast with his hand, over her clothes and/or put his hand on Person Z’s leg under her skirt and/or kissed or attempted to kiss her on the mouth.

In doing so, he breached Principles 2 and 6 of the SRA Principles 2011 (“the Principles) and/or failed to achieve Outcome 11.1 of the SRA Code of Conduct 2011 (“the Code of Conduct”).
  - 1.2 Viewing the conduct described above as a whole, Mr Williams accepted that sexual motivation was present.
2. Given the admissions made by Mr Williams, the Tribunal granted the application to amend the allegations pursuant to Rule 24 of the Solicitors (Disciplinary Proceedings) Rules 2019. The amended allegations appear at paragraphs 1.1 and 1.2 above.

## **Documents**

3. The Tribunal had before it the following documents:-
  - Rule 12 Statement and Exhibit LJF1 dated 30 April 2024
  - Statement of Agreed Facts and Outcome dated 5 November 2024

## **Background**

4. Mr Williams, who was born in 1980, was a solicitor, having been admitted to the Roll in August 2006. At the time of the conduct in question, he was a partner at the Firm and worked in the same subgroup as Person Z. He resigned from the Firm shortly after these matters came to light.

## **Application for the matter to be resolved by way of Agreed Outcome**

5. The parties invited the Tribunal to deal with the Allegations against Mr Williams in accordance with the Statement of Agreed Facts and Outcome annexed to this Judgment.

The parties submitted that the outcome proposed was consistent with the Tribunal's Guidance Note on Sanctions.

### **Findings of Fact and Law**

6. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with Mr Williams's rights to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
7. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the admissions were properly made.
8. The Tribunal considered the Guidance Note on Sanction (10<sup>th</sup> edition – June 2022). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. The Tribunal determined that given the serious nature of the misconduct, lesser sanctions such as a Reprimand or Fine, were not proportionate. The Tribunal considered that a suspension from practice as a solicitor accurately reflected the serious nature of Mr Williams's misconduct. Accordingly, the Tribunal approved the application for matters to be dealt with by way of an Agreed Outcome.

### **Costs**

9. The parties had agreed costs in the sum of £66,000. The Tribunal approved the agreed sum and ordered Mr Williams to pay costs in that amount.

### **Statement of Full Order**

10. The Tribunal ORDERED that the Respondent, NICHOLAS TRISTAN WILLIAMS, solicitor, be suspended from practice as a solicitor for the period of 24 months to commence on the 8<sup>th</sup> day of November 2024 and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £66,000.00.

Dated this 6<sup>th</sup> day of December 2024

On behalf of the Tribunal

*C. Evans*

Mrs C Evans  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**6 DECEMBER 2024**

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**

**Case No: 12596-2024**

**IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)**

**AND IN THE MATTER OF:**

**SOLICITORS REGULATION AUTHORITY LIMITED**

Applicant

And

**NICHOLAS TRISTAN WILLIAMS**

Respondent

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**STATEMENT OF AGREED FACTS AND OUTCOME**

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**Introduction/ Executive Summary**

1. By an Application dated 1 May 2024 and a Rule 12 statement signed by Lyndsey Farrell on behalf of Solicitors Regulatory Authority Limited (“the SRA”), pursuant to Rule 12 of the Solicitors (Disciplinary Proceedings) Rules 2019 dated 1 May 2024, the SRA has brought Tribunal proceedings raising allegations of professional misconduct against the Respondent. The matter has been listed for a substantive hearing to commence on 18 November 2024.
2. Having reviewed the position the Respondent is now prepared to make admissions which are acceptable to the SRA and, subject to the Tribunal’s approval, to accept a sanction of a suspension of 24 months, which the parties consider is in line with the Tribunal’s Guidance Note on Sanctions [Guidance Note on Sanctions - 10th Edition - Solicitors Disciplinary Tribunal \(solicitortribunal.org.uk\)](#)
3. For its part, the SRA is prepared to seek the Tribunal’s permission to amend the allegations by way of a separate application under Rule 24 in the event that this statement is approved. This separate application is made on the basis that the SRA takes the view that, if the statement is approved, a full trial of any outstanding

allegations would be unlikely to make a material difference to sanction and would mean that the complainant would not be required to give evidence. In those circumstances, it would be disproportionate and not in the public interest to proceed to trial in the light of the admissions made.

#### **Statement of Agreed Facts and Admissions**

4. Accordingly for the purposes of agreeing a disposal, the parties are agreed on the following facts:

1. *The allegations against the Respondent, Nicholas Tristan Williams, made by the SRA are that, while a solicitor and partner at Freshfields Bruckhaus Deringer ("the Firm"), he:*

1.1 *Between 20 and 21 December 2017, engaged in the following conduct towards Person Z, an associate in his team, which was inappropriate and/or unwanted:*

1.1.1 *During a taxi journey, touched Person Z's breast with his hand, over her clothes;*

1.1.2 *Having exited the taxi, touched or attempted to touch Person Z's breast with his hand, over her clothes and/or attempted to put his hand on Person Z's leg under her skirt;*

1.1.3 *On a separate occasion to allegation 1.1.2, fell against Person Z pinning her against a wall and touched her breast with his hand, over her clothes and/or put his hand on Person Z's leg under her skirt and/or kissed or attempted to kiss her on the mouth.*

*In doing so, he breached Principles 2 and 6 of the SRA Principles 2011 ("the Principles) and/or failed to achieve Outcome 11.1 of the SRA Code of Conduct 2011 ("the Code of Conduct").*

#### ***Sexual motivation***

1.2 *Viewing the conduct described above as a whole, the Respondent accepts that sexual motivation was present.*

#### **Professional details**

5. The Respondent, who was born on 1980, is a solicitor, having been admitted to the Roll on 15 August 2006.

6. At the time of the alleged misconduct, he was a partner at the Firm in the Dispute Resolution Department, working in the same subgroup as Person Z. The

Respondent had been a trainee with the Firm and had been made up to Partner in May 2017, seven months before these events. He resigned from his role at the Firm in December 2019 after these matters came to light.

***Allegation 1.1***

7. Person Z and the Respondent were colleagues and friends who worked on a number of matters together. Although Person Z was not managed by the Respondent, she was junior to him on these matters and he had provided feedback for the purposes of Person Z's appraisal in April 2017.
8. Prior to the misconduct, both had been at work and had attended an annual work Christmas party together in December 2017, an event just for their team and held at the private home of another partner.
9. The events that happened occurred during Person Z's attempt to escort the Respondent home in the early hours of the morning after the party was coming to an end. By the end of the party, the Respondent had become so intoxicated that he could barely stand up and, as a friend and colleague, Person Z felt she ought to try to help him.

***Allegation 1.1.1***

10. Person Z arranged for a taxi with the intention of assisting the Respondent in getting home; and during the taxi journey, the Respondent touched Person Z's breast with his hand, over her clothes.
11. Person Z's account is that during the taxi journey the Respondent put his arm around Person Z, with his hand on the side of her right breast, over her clothes. Person Z moved, thinking the Respondent's hand would drop, but he put his hand back in the same position and kept it there after she had told him to remove it.

***Allegation 1.1.2***

12. The taxi then stopped and dropped them off on a street which Person Z thought was close to where the Respondent lived; and as they were getting out of the taxi, the Respondent touched or attempted to touch Person Z's breast with his hand, over her clothes and/or attempted to put his hand on Person Z's leg under her skirt.
13. The Respondent leaned over and then fell on Person Z with one hand trying to touch her breast (over her clothes) and, with the other, trying to put it under her

skirt. Person Z firmly told the Respondent “no, absolutely not”, to get off her and pushed him backwards.

### ***Allegation 1.1.3***

14. Person Z repeatedly asked the Respondent where he lived and told him she just wanted to get home. He then staggered over to the other side of the street and slumped over and laid down on some cardboard on the floor. Person Z was worried that he could be sick and choke and die and asked him to get up. When the Respondent finally got up he fell against Person Z, pinning her against a wall and touched her breast with his hand, over her clothes and/or put his hand on Person Z’s leg under her skirt and/or kissed or attempted to kiss her on the mouth.
15. All of these actions were inappropriate and from the start, Person Z made clear to the Respondent that they were unwanted. It is agreed that, viewing the conduct as whole, sexual motivation was present.
16. Person Z arranged for a second taxi to pick her and the Respondent up to take him to her house since he did not want to leave him in a vulnerable state on the street and he could not tell her his address, and she knew her partner was at home and could assist. On arriving at her home, the Respondent vomited all over himself, on a tree and on her shoes. Person Z and her partner, Person B, then offered to let the Respondent stay for the night, but he wanted to go home and eventually agreed to take a taxi, which he then did, with Person Z.

### Principles

17. It is agreed that the Respondent’s admitted misconduct was in breach of the following Principles.

#### *Principle 2*

18. Person Z made it clear that the Respondent’s conduct was unwanted and, in the circumstances, described above, the Respondent accepts that he failed to act with integrity, i.e. with ‘*moral soundness, rectitude and steady adherence to an ethical code*<sup>1</sup>. He lacked integrity because, in behaving as he did, he took unfair advantage of a more junior colleague and failed to treat her with the respect to which she was entitled. In behaving in the manner set out at Allegation 1.1, the Respondent persisted in the conduct alleged notwithstanding that he was

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<sup>1</sup> *Hoodless v Financial Services Authority* [2003] UKFSM FSM007

voluntarily intoxicated through alcohol and Person Z had told him to remove his hand, pushed him away and made it clear that she wanted him to stop his actions.

*Principle 6*

19. The Respondent failed to behave in a way that maintained the trust the public had placed in him and the provision of legal services. Members of the public would not expect a solicitor to behave in the manner alleged towards a more junior colleague and friend who was trying to help him to get home. Person Z was in a vulnerable position herself in attempting to manage the Respondent who was intoxicated and much larger than she was.

Code of Conduct

20. It is also agreed that the admitted misconduct constituted a failure by the Respondent to achieve Outcome 11.1 under the Code of Conduct, which mandates that he should '*not take unfair advantage of third parties in either your professional or personal capacity*'.
21. It is agreed that sexual motivation for the Respondent's conduct described as a whole was present.

**Mitigation (not agreed)**

22. The following points are advanced by way of mitigation on behalf of the Respondent, but their inclusion in this document does not amount to adoption or endorsement of such points by the SRA:
  - a. The Respondent has no memory of what occurred and has therefore for the purposes of these proceedings pragmatically accepted the allegations on the basis of Person Z's account of events, bearing in mind the standard of proof in the Tribunal is the balance of probabilities.
  - b. The behaviours reflected in Person Z's account are so out of character that the Respondent still finds it difficult to believe that they occurred as described. He accepts, however, that in the absence of any recollection it is appropriate and correct to make the admissions he has made.
  - c. That the Respondent has not done so before these proceedings were brought is reasonable in all of the circumstances. Due to his extreme intoxication he had no memory of the events of the night in question and the alleged conduct was completely out of character.



- d. .The Respondent's admissions should be viewed against the backdrop of his extreme intoxication. According to Person Z's account, the Respondent could not stand such that she was having to physically support him and manoeuvre him around, and he was falling over apparently losing consciousness. He could not respond to questions or apparently remember where he lived. He was vomiting and could not speak coherently.
- e. The Respondent does not offer any explanation or excuse for why he became so intoxicated. He should never have allowed himself to become so drunk that he was not only physically incapable but also without memory of events.
- f. The Respondent regrets that his conduct was not brought to his attention at the time such that he could have offered an abject apology and sought to obtain Person Z's forgiveness. In his intoxicated state he did not treat Person Z with the respect which she deserved and for that he is truly sorry.
- g. There is no suggestion that any of this was planned or considered in advance. This was either a single episode or one of very brief duration.
- h. The Respondent had had an unblemished and successful career. This is the first and only incident of this kind with which he has been involved.
- i. The Respondent has already paid a very heavy price. He resigned from the Firm as a result of this matter and has not practised since. The very lengthy and unexplained delay on the part of the SRA in progressing and finalising its four year long investigation has inevitably taken a major toll on him.
- j. The Respondent has given his complete cooperation to the investigation and enquiries, despite the very lengthy delays.

### **Proposed Sanction**

- 23. The parties invite the Tribunal to determine that an appropriate sanction is one of **suspension for a period of 24 months** from the Roll of Solicitors.
- 24. In all the circumstances, the Respondent's admitted misconduct is so serious that neither a Restriction Order, Reprimand nor a Fine is a sufficient sanction. Although there is a need to protect the public and the reputation of the legal profession from future risks, in the light of the serious nature of this misconduct, balancing those factors against the mitigation put forward, a Strike off Order would not be an appropriate and proportionate disposal.

25. The Respondent's level of culpability is high as he is an experienced solicitor who, at the time of the misconduct, had been qualified for over 11 years and was a partner in his firm.
26. The parties invite the Tribunal to determine that a 24-month suspension will punish and deter whilst being proportionate to the seriousness of the misconduct.
27. By reference to the Guidance Note on Sanction (10<sup>th</sup> Edition), the aggravating features of the Respondent's conduct are that the misconduct:
- a. was repeated on 3 separate occasions over the course of the journey home from the party;
  - b. involved taking advantage of a more junior colleague and friend; and
  - c. included a sexual element, in view of the admitted sexual motivation behind the misconduct.
28. Besides the mitigation advanced above, the mitigating features are:
- a. The Respondent has now admitted the misconduct and the breaches alleged such that a contested hearing has been avoided, resulting in the complainant not having to go through the difficult process of giving evidence;
  - b. The Respondent has cooperated with the SRA's investigation; and
  - c. His previous good character with no regulatory history.

### **Costs**

29. As noted above, subject to the approval of this Agreed Outcome, it is agreed that the Respondent will contribute £66,000 to the SRA's costs of the Application and Enquiry, including VAT.

Signed:  
Russell-Cooke LLP; Solicitor for the Respondent  
Date: 04.11.2024

Signed:  
On behalf of Solicitors Regulation Authority Limited

Date: