

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12633-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

DAVID STORRY WALTON.

Respondent

Before:

Mr M N Millin (in the Chair)

Mr E Nally

Mr G Gracey

Date of Hearing: 18 September 2024

Appearances

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

JUDGMENT ON AN AGREED OUTCOME

Allegations

1. The allegation against the Respondent, Mr Walton, made by the Solicitors Regulation Authority Ltd was that, while in practice as a solicitor:
 - 1.1 Between 11 October 2019 and 25 October 2019, for the purpose of sexual gratification, he intentionally attempted to communicate with a person under 16, the communication being sexual in nature, contrary to Section 1(1) of the Criminal Attempts Act 1981, and Section 15A of the Sexual Offences Act 2023, and therefore breached either or both of Principle 2 and Principle 6 of the SRA Principles 2011 (“the Principles”).
2. Mr Walton admitted the allegation.

Documents

3. The Tribunal had before it the following documents:-
 - Rule 12 Statement and Exhibit ECP1 dated 1 July 2024.
 - Statement of Agreed Facts and Indicated Outcome signed by the parties.

Background

4. Mr Walton was born in 1956 and was admitted to the Roll of Solicitors in June 1981. He does not hold a current practising certificate. Following Mr Walton entering a plea of guilty on 28 September 2023, he was convicted of the offence detailed at paragraph 1.1 above.
5. On 26 October 2023 at the Manchester Crown Court, Mr Walton was sentenced as follows:
 - A Community Order with a condition of 20 Rehabilitation Activity Requirement Days; and
 - Being placed on the Sex Offenders Register for 5 years.

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

6. The parties invited the Tribunal to deal with the Allegations against Mr Walton in accordance with the Statement of Agreed Facts and Indicated 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

7. 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 Walton’s rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

8. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent's admissions were properly made.
9. The Tribunal considered the Guidance Note on Sanction (10th Edition). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. The Tribunal noted the sentencing remarks of HHJ Conrad detailed in the Agreed Facts and Indicated Outcome document. The Tribunal determined that the serious nature of the offence for which Mr Walton had been convicted was such that the only appropriate and proportionate sanction was to strike Mr Walton off the Roll. The parties agreed that this was the appropriate sanction. Accordingly, the Tribunal granted the application for the matter to be determined by way of the Agreed Outcome.

Costs

10. The parties agreed costs in the sum of £3,000. The Tribunal considered that the agreed sum was reasonable and proportionate. Accordingly, the Tribunal ordered that Mr Walton pay costs in the agreed amount.

Statement of Full Order

11. The Tribunal ORDERED that the Respondent, DAVID STORRY WALTON solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,000.00.

Dated this 25TH day of September 2024
On behalf of the Tribunal

M N Millin

M.N. Millin
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
25 SEPT 2024

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

Case No:12633-2024

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

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

DAVID STORRY WALTON

(SRA ID: 120901)

Respondent

**STATEMENT OF AGREED FACTS
AND INDICATED OUTCOME**

1. By an application dated 1 July 2024, accompanied by the statement made pursuant to Rule 12(2) of the Solicitors (Disciplinary Proceedings) Rules 2019, the Solicitors Regulation Authority Limited (the SRA) brought proceedings before the Solicitors Disciplinary Tribunal concerning the conduct of Mr David Storry Walton (the Respondent).
2. The allegation made against the Respondent by the SRA is that while in practice as a solicitor, between 11 October 2019 and 25 October 2019, for the purpose of sexual gratification, he intentionally attempted to communicate with a person under 16, the communication being sexual in nature, contrary to section 1(1) of the Criminal Attempts Act 1981, and section 15A of the Sexual Offences Act 2023, and therefore breached either or both of Principle 2 and Principle 6 of the SRA Principles 2011 (the Principles).

Admissions

3. The Respondent admits the allegation against him as set out at paragraph 2 above.

Professional Details

4. The following facts and matters are agreed between the SRA and the Respondent:

4.1 The Respondent, who was born August 1956, is a solicitor having been admitted to the Roll of Solicitors on 15 June 1981.

4.2 At the material times, he was a partner at DWF Law LLP, a licensed body whose head office is at 1 Scott Place, 2 Hardman Street, Manchester, M3 3AA (the Firm). The Respondent left the Firm on 12 December 2019.

4.3 The Respondent remains on the Roll of Solicitors but does not have a current practising certificate. His last practising certificate was for the period 2019 to 2020 which was free from conditions.

4.4 The SRA relies on the Respondent's conviction on his own admission at Manchester City Magistrates Court on 28 September 2023 of, for the purpose of obtaining sexual gratification, intentionally having attempted to communicate with a person under 16 who he did not reasonably believe to be 16 or over, the communication being sexual in nature, namely sending sexually explicit photographs, talking about masturbation and asking about sexual preferences contrary to section 1(1) of the Criminal Attempts Act 1981 and section 15A of the Sexual Offences Act 2003, and on the sentencing remarks of His Honour Judge Conrad at the Manchester Crown Court on 26 October 2023 and relies upon the findings of fact upon which that conviction was based as proof of those facts.

4.5 The Respondent was arrested at his home address on 3 November 2019 as the result of a 'sting' operation by a paedophile hunter group.

4.6 On 8 November 2019 the Respondent reported his arrest in relation to an “internet related offence”. On 12 November 2019 the Firm also notified the SRA about the matter.

4.7 There was a significant delay between the Respondent being initially arrested, and subsequently charged on 7 June 2023 with the offence, ‘adult attempt to engage in sexual communication with a child’, contrary to section 1 (1) of the Criminal Attempts Act 1981 and section 15A of the Sexual Offences Act 2003.

4.8 The offence related to a decoy as opposed to a genuine child, and there was therefore no victim to the offence.

4.9 On 28 September 2023 at the Manchester City Magistrates Court, the Respondent was convicted on his own admission to the offence described at paragraph 2 above.

4.10 On 26 October 2023, at the Manchester Crown Court, the Respondent was sentenced to:

4.10.1 A Community Order with a condition of 20 Rehabilitation Activity Requirement days; and

4.10.2 Being placed on the Sex Offenders Register for five years.

4.11 There was no punitive element to the sentence.

4.12 In his Sentencing Remarks, upon which the SRA relies, His Honour Judge Conrad stated that:

“You were arrested for this offence four years ago and it has taken four years for it to come to court, a matter that you have always intended to admit, and the delay has not been explained in any satisfactory manner to this court but I do know that none of it was of your making, which sets it apart from other such cases in quite a dramatic way.

What you did was very wrong, of course. I get the impression from reading the messages and reading what is said about the messages that in fact the perverted thrill for you was in the conversation itself rather than any concluded intention of meeting the other person, and it is of note that it

stopped on 24th October and it was only a couple of weeks later when they came round to your house after everything else had gone silent.

It has, of course, been a matter of great shame to you and you have shown some courage in bringing it out in the open with those who know you and highly respect you; in fact, rarely have I seen such an impressive body of testimonials. You have the advantage, therefore, of positive good character in works that you do both inside your own home and outside your own home and you have shown insight into what you have done and remorse for what you have done.

I am as confident as I can be that no criminal court will ever see you again and therefore I have to decide what is the appropriate way of dealing with this case”.

4.13 On 11 March 2024, the SRA sent a Notice recommending referral to the Tribunal to the Respondent’s representative, Burton Copeland LLP.

4.14 Burton Copeland LLP provided their Representations on Notice on behalf of the Respondent in which the latter admitted the allegations against him.

4.15 On 29 April 2024, an Authorised Officer of the SRA decided to refer the conduct of the Respondent to the Tribunal.

Mitigation

5. The following mitigation is advanced by the Respondent, and is not endorsed by the SRA Ltd.

5.1 Throughout the investigation by the police, Mr Walton co-operated fully and at the first appearance before the Court, he entered a guilty plea to the allegations.

5.2 Mr Walton had complied with the rules in relation to self-reporting to the SRA and has complied with this investigation throughout.

5.3 Prior to being charged with the offences, Mr Walton attended a number of recognised courses to deal with the issues he faced and at the point of sentence he provided a number of positive personal references and details of his work over a number of years within the community and for charitable organisations.

5.4 At the point of sentence, as evidenced in the Sentencing remarks, no punitive element to the sentence was imposed.

5.5 Mr Walton has complied with all the requirements of the community order to which he has been made the subject of, and the registration requirements which attach to these types of offences.

5.6 Mr Walton voluntarily retired from his work and the profession prior to this matter coming before the court and has no intention to seek re-registration or like employment.

Outcome

6. Having considered the Solicitors Disciplinary Tribunal's Guidance Note on Sanctions (10th Edition), the SRA contends, and the Respondent accepts, that in light of the seriousness of the allegation against him, namely a criminal conviction for a serious sexual offence, the proper penalty in this case is that the Respondent is struck off the Roll of Solicitors.

Costs

7. The Respondent agrees to pay the SRA costs of the application in the sum of £3,000.

Head of Legal and Enforcement
On behalf of the SRA

Mr David Storry Walton

Signed on behalf of David Walton by Louise Straw, Solicitor

Dated