

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12668-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

RESPONDENT AR

Respondent

Before:

Mr E. Nally (Chair)

Mr A. Horrocks

Mr R. Slack

Date of Hearing: 1 May 2025

Appearances

Louise Culleton, Counsel employed by Capsticks Solicitors LLP, Wellington House, 60-68 Wimbledon Hill Road, London, SW19 7PA, for the Applicant.

Marc Beaumont, Counsel, Windsor Chambers instructed by Bowers Law, for the Respondent.

JUDGMENT ON AGREED OUTCOME

Allegations

1. The allegations against the Respondent made by the SRA are that, while in practice as a Partner in Office X at the Firm:
 - 1.1. On 30 June 2022 he engaged in conduct towards Person A which was unwanted and/or inappropriate and/or sexualised and/or sexually motivated, in that:
 - 1.1.1. He said words to the effect of “I want to dominate you sexually” or “I want you to dominate me sexually”;
 - 1.1.2. Further to 1.1.1 above, when Person A due to her shock asked him “what are you saying to me?”, he said, “I want to dominate you sexually” and “yeah you’d like it” one or more times;
 - 1.1.3. Further to 1.1.1 and 1.1.2 above, when Person A told him to stop and indicated that he should stop he said “I want to dominate you sexually” one or more times;
 - 1.1.4. Further to 1.1.1, 1.1.2 and 1.1.3 above, he said words to the effect of “yer you’d like it yer you’d want it; I want to do it”.

And in so doing breached any or all of Principles 2 and 5 of the SRA Principles 2019 (“the Principles”) and also Rule 1.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019 (“the Code for Solicitors”).

Documents

2. The Tribunal had, amongst other things, the following documents before it:-
 - The Form of Application dated 22 August 2024.
 - Rule 12 Statement dated 22 August 2024 and exhibits.
 - Joint Skeleton Argument filed by the parties dated 30 April 2025
 - Agreed Outcome submitted 9 April 2025

Preliminary Application

3. The parties jointly applied for the hearing for the consideration of the Agreed Outcome to be held in private on the basis that publication would cause the Respondent exceptional hardship and exceptional prejudice. They also applied for anonymisation of the Respondent pursuant to Rules 35(9) and 35(10) of the Solicitors (Disciplinary Proceedings) Rules 2019 (“SDPR”)
4. In addition to the anonymisation of the Respondent the parties submitted a schedule proposing further parties, witnesses, third parties and venues named within the documents to be anonymised as they could lead to identification or increase the risk of jigsaw identification of witnesses and the Respondent.

5. The parties had jointly instructed a medical expert to produce a report ('the Report') regarding the Respondent's health. The expert was a Psychiatrist and Fellow of the Royal College of Psychiatrists with expertise in providing medico-legal and forensic reports to courts and tribunals.
6. The parties acknowledged both (i) the long-standing disinclination of courts and tribunals towards the anonymisation of respondents subject to disciplinary proceedings on the basis of open justice principles and also (ii) the general interest in the public being able to know the identities of those who have been subject to disciplinary proceedings.
7. The Tribunal was referred to paragraph 25 of the Judgment of Nicol J in *SRA v Spector* [2016] EWHC 37 (Admin): "*the starting point is full openness and it is only if an exception (even a limited exception, such as allowing a witness to be anonymous) is required in the interests of the administration of justice that some limitation is justified. In some contexts, at least, curtailment of open justice may also be necessary to avoid a violation of a person's rights under the European Convention on Human Rights - see Re S (A Child) (Identification Restrictions on Publication) [2005] 1 AC 593. Either way, I agree with Simler J who in BBC v Roden [2015] ICR 985 said at [34] that what was required was a judgment between these competing demands, not the exercise of a discretion.*"
8. The parties submitted that the starting point, in the SDT as in the courts, was full openness, and that only if an exception was required in the interests of the administration of justice, or to avoid a violation of a person's rights under the European Convention on Human Rights, could some limitation be justified.
9. The parties also referred the Tribunal to its powers under Rule 35 of the SDPR alongside the medical evidence detailed in the Report concerning the impact on the Respondent's health were he not to be anonymised/were the hearing to be conducted in public.
10. The parties submitted that should the Tribunal find that anonymity was necessary to protect the Respondent's rights and the medical evidence submitted supported that contention, it was obliged to make an anonymity order. It was submitted that publication of the Judgment, without anonymising the Respondent, posed a real risk to his life and would be in contravention of his Article 2 (right to life) and Article 8 (right to private and family life) ECHR rights.

The Tribunal's Decision

11. The Tribunal's decision was made on a majority basis with the Lay Member of the panel dissenting.

The Majority Decision

12. The majority Tribunal considered the submissions made and the medical evidence with great care. The majority Tribunal determined that publication of the Judgment in an un-anonymised form would be likely to cause the Respondent serious harm based upon its consideration of the joint expert medical evidence before the Tribunal and thus significantly violate the Respondent's Article 2 and 8 rights, such that a departure from

the usual principles of open justice was necessary. Rule 35 of the SDPR catered for this procedure to be adopted. In particular Rule 35(9) and 35(10) were both engaged here.

13. The majority Tribunal noted that the application for anonymity was a joint application by both parties including the Applicant. It was also supported by a jointly commissioned expert medical report which was agreed by both parties. The report was commissioned and dated shortly before the hearing and the majority Tribunal was therefore satisfied that it reflected the Respondent's up to date medical condition. The report referred to specific examples of potential serious harm to the Respondent including one particularly serious incident which had occurred a short time before this hearing. The majority Tribunal also noted that the report concluded that publication would act as a trigger to worsen still further the already serious medical position as described in the report. Balancing carefully the principles of open justice with the Respondent's own position the majority Tribunal noted that the full findings of the hearing still be published in unredacted although anonymised form, and also that its findings and the sanction would also appear against the Respondent's name on the Roll of Solicitors. The proper interest of the public in knowing the sanction which would be imposed on a solicitor found to have committed professional misconduct of this type would be met and those engaging with the Respondent in a professional capacity would have the means to access the same. The publication of this judgment alone in an unredacted form but with the Respondent anonymised did in this specific case provide the correct balance in the majority view of the Tribunal between the principles of open justice and the rights of the Respondent taking into account the factors advanced by both parties here in their agreed joint submissions to indicate that disclosure of his identity would be likely to cause him serious harm, supported by a joint and unchallenged expert medical report. The anonymisation of this judgment was appropriate in the individual circumstances of this particular case which included admissions properly made by the Respondent and sanctions the Tribunal unanimously found to be appropriate.
14. Accordingly, the Tribunal granted the parties' joint application and ordered that the Judgment be anonymised.

The Dissenting Decision

15. The dissenting member considered the application should be refused as they could not discern, based on the available evidence within the Report, that it was in the interests of justice to make such a direction pursuant to Rule 35(9) and (10) of the SDPR .
16. The Respondent's decision making was not impaired, he had given instructions to his lawyers and made informed, full admissions in relation to the allegations against him. Given the nature of the allegations there was a necessity for the public to be fully informed about the Respondent's name and professional details to allow for other complainants who may have been impacted by similar, separate conduct by the Respondent to come forward and report their concerns to the SRA.
17. The principle of open justice and the importance of transparency in the public interest outweighed the Respondent's interests notwithstanding the medical evidence in the case.

18. The medical evidence indicated that the Respondent, of his own volition, had not availed himself of the extent of all the treatment available to him and if he had done so his circumstances may have been ameliorated such that the assessing doctor may have reached different conclusions about his prognosis within the Report.
19. The Respondent remains under the ongoing and regular care of his doctors; it was clear that effective support was accessible and in place for him; in addition, he had insight into the possible need for such medical support and treatment, which he could access if he chose to do so, were he not to be anonymised.
20. For all the above reasons, the dissenting view was that despite the risk to life outlined in the Medical Expert's report, the balance of the competing demands of the interests of open justice and the interests of the Respondent, for which there were safeguards in place, was such that the principle of open justice outweighed the Respondent's rights.

Background

21. The Respondent is a solicitor who was admitted to the Roll on 15 March 2010. He is currently an in-house solicitor practising in the jurisdiction of Office X, and does not hold a current practising certificate in England and Wales as he did not renew his practising certificate in 2022.
22. At the time of the alleged conduct the Respondent was a Partner at the Firm in the Firm's Office X. The matter came to the attention of the SRA by way of both a report from the Firm and also a self-report by the Respondent.
23. The Firm made a report to the SRA on 9 September 2022, indicating that it was investigating the Respondent's conduct and that an update would be sent once the investigation had been completed. Further information was provided to the SRA on 3 November 2022 which summarised the matters investigated and the conclusion reached by the Firm's investigation.
24. In summary the Firm described the concerns as amounting to sexual harassment and the Respondent having made sexually suggestive comments towards Person A.
25. The Respondent made a self-report to the SRA on 7 November 2022. He indicated that the Firm had conducted an internal investigation into his conduct and that he accepted the findings of the report of the internal investigation and resigned as a partner of the Firm two days after the report had been issued.
26. Following these reports, the SRA commenced an investigation and obtained witness statements from Person A and Person C. Post-referral to the Tribunal the SRA also obtained a witness statement from Person D, who led the Firm's internal investigation.
27. The alleged misconduct related to inappropriate and sexual comments made by the Respondent to Person A on 30 June 2022, at a leaving drinks for colleagues at The Pub. Person A was based in the London Office.
28. This was the first time that they had met and they were introduced to each other by a mutual colleague Person C, who Person A worked with and who was friends with the

Respondent. The Respondent and Person A spoke briefly when initially introduced. It was later in the evening when their paths crossed again that the Respondent made inappropriate comments towards Person A.

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

29. The parties invited the Tribunal to deal with the Allegations against the Respondent 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

30. 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 the Respondent'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.
31. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent's admissions were properly made.
32. The Tribunal considered the Guidance Note on Sanction (11th edition). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
33. The Respondent had admitted a lack of integrity and there could be no doubt that his culpability for his conduct was high and that his actions had had the potential to directly harm the reputation of the legal profession. The Respondent admitted conduct, which was sexually motivated, and overtly sexual.
34. As to the harm caused, the admitted failures and breaches of the Code and Principles caused harm to Person A, which was reasonably foreseeable. Person A describes himself as having been "*shocked, really angry and really upset*".
35. As to the principal factors which aggravated the seriousness of the misconduct:-
 - The misconduct was deliberate;
 - The misconduct includes sexual misconduct albeit it is acknowledged that sexualised touching was not alleged;
 - The Respondent knew or ought reasonably to have known that the conduct complained of was in material breach of obligations to protect the public and the reputation of the legal profession.
36. The Tribunal had regard for the factors which served to mitigate the seriousness of the misconduct. The Respondent had voluntarily notified the regulator of the facts and circumstances giving rise to misconduct. The misconduct was either a single episode, or one of very brief duration in a previously unblemished career.

37. The misconduct giving rise to the allegations was serious. Given the nature of the alleged misconduct, lesser sanctions such as a Restriction Order, a Reprimand, or a financial penalty would not be adequate or suitable. The Tribunal determined that a suspension was the appropriate sanction. Public confidence in the legal profession demanded no lesser sanction.
38. The Tribunal identified a need to protect both the public and the reputation of the legal profession from future harm from the Respondent by removing his ability to practise, but neither the protection of the public nor the protection of the reputation of the legal profession justified a striking off the Roll;
39. In all the circumstances the Tribunal accepted that the proposed sanction (as set out in its order) was a reasonable and proportionate sanction to mark the seriousness of the misconduct, protect the public and maintain the reputation of the profession.

Costs

40. The parties agreed that the Respondent should pay costs in the sum of £32,655.07. The Tribunal considered the Applicant's costs schedule and determined that the agreed amount was reasonable and appropriate. Accordingly, the Tribunal ordered that the Respondent pay costs in the agreed sum.

Statement of Full Order

41. The Tribunal ORDERED that Respondent, AR be SUSPENDED from practice as a solicitor for the period of 24 months to commence on the 01 May 2025 and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £32,655.07.

Dated this 27th day of May 2025

On behalf of the Tribunal

E. Nally

Mr E Nally
Chair

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

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

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

RESPONDENT

Respondent

**ANONYMISED
STATEMENT OF AGREED FACTS AND OUTCOME**

1. By a statement made by Hannah Victoria Lane on behalf of the Applicant, the Solicitors Regulation Authority Limited (the “SRA”), pursuant to Rule 12 of the Solicitors (Disciplinary Proceedings) Rules 2019 and dated 22 August 2024 (“the Rule 12 statement”), the SRA brought proceedings before the Tribunal making allegations of misconduct against the Respondent.
2. Definitions and abbreviations used herein are those set out in the Rule 12 Statement. The numbering of the allegations as outlined in the Rule 12 statement has also been retained in this document for ease of reference.
3. This document is anonymised in accordance with the Order of the Tribunal for the purposes of publication.

Allegations

4. Adopting below the numbering of allegations from the Rule 12 statement, the allegations against the Respondent made by the SRA are that, while in practice as a Partner [REDACTED]

[REDACTED] in Office X at the Firm:

1.1. On 30 June 2022 he engaged in conduct towards Person A which was unwanted and/or inappropriate and/or sexualised and/or sexually motivated, in that:

1.1.1. He said words to the effect of “I want to dominate you sexually” or “I want you to dominate me sexually”;

1.1.2. Further to 1.1.1 above, when Person A due to her shock asked him “what are you saying to me?”, he said “I want to dominate you sexually” and “yeah you’d like it” one or more times;

1.1.3. Further to 1.1.1 and 1.1.2 above, when Person A told him to stop and indicated that he should stop he said “I want to dominate you sexually” one or more times;

1.1.4. Further to 1.1.1, 1.1.2 and 1.1.3 above, he said words to the effect of “yer you’d like it yer you’d want it; I want to do it”.

And in so doing breached any or all of Principles 2 and 5 of the SRA Principles 2019 (“the Principles”), and also Rule 1.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019 (“the Code for Solicitors”).

Admissions

5. The Respondent admits the allegations made against him.

6. The SRA has considered the admissions being made and whether those admissions, and the outcomes proposed in this document, meet the public interest having regard to the gravity of the matters alleged. For the reasons explained in more detail below, and subject to the Tribunal's approval, the SRA is satisfied that the admissions and outcome do satisfy the public interest.
7. The Parties invite the Tribunal to approve this Agreed Outcome on this basis. The Parties consider in all the circumstances that the proposed Agreed Outcome represents a proportionate outcome to the proceedings which is in the public interest.

Anonymisation

8. For the reasons addressed in the application Notice dated 8 April 2025 and which are not addressed in this document due to the nature of the evidence relied upon, the Parties jointly apply for this Agreed Outcome and any judgment of the Tribunal to be anonymised prior to publication.

Agreed Facts

Professional Details

9. The Respondent is a solicitor who was admitted to the Roll on 15 March 2010. He is currently an in-house solicitor practising in the jurisdiction of Office X, and does not hold a current practising certificate in England and Wales as he did not renew his practising certificate in 2022.

Background

10. At the time of the alleged conduct the Respondent was a Partner at the Firm in the Firm's Office X [REDACTED].
11. The matter came to the attention of the SRA by way of both a report from the Firm and also a self-report by the Respondent:

- 11.1. The Firm made a report to the SRA on 9 September 2022, indicating that it was conducting an investigation into the Respondent's conduct and that an update would be sent once the investigation had been completed. Further information was provided to the SRA on 3 November 2022 which summarised the matters investigated and the conclusion reached by the Firm's investigation. In summary the Firm described the concerns as amounting to sexual harassment and the Respondent having made sexually suggestive comments towards Person A.

- 11.2. The Respondent made a self-report to the SRA on 7 November 2022. He indicated that the Firm had conducted an internal investigation into his conduct and that he accepted the findings of the report of the internal investigation and resigned as a partner of the Firm two days after the report had been issued.
12. Following these reports, the SRA commenced an investigation and obtained witness statements from Person A and Person C, [REDACTED]. [REDACTED]. Post-referral, the SRA has also obtained a witness statement from Person D, who led the Firm's internal investigation.
13. The alleged misconduct relates to inappropriate and sexual comments made by the Respondent to Person A on 30 June 2022, at a leaving drinks for colleagues at The Pub. Person A was based in the London Office.
14. This was the first time that they had met and they were introduced to each other by a mutual colleague Person C, who Person A worked with and who was friends with the Respondent. The Respondent and Person A spoke briefly when initially introduced. It was later in the evening when their paths crossed again that the Respondent made inappropriate comments towards Person A as detailed further below.

Allegation 1.1 – comments made to Person A which were unwanted and/or inappropriate and/or sexualised and/or sexually motivated.

15. At the time of the alleged conduct Person A had been at the Firm for four and a half years. As the Respondent was a Partner at the Firm he was more senior to her and as such in terms of hierarchy she was a couple of layers below him.
16. She had not met or spoken to him prior to the events in question, although she may have attended a number of meetings where he had also been in attendance remotely.

30 June 2022

17. On 30 June 2022, there were leaving drinks for a number of colleagues from the Firm which started with a drinks trolley in the London offices of the Firm followed by drinks at The Pub, a pub nearby. The invitation for the drinks at The Pub was for 5:30 pm onwards and people moved on there from the Firm at around 6:00 to 6:30 pm.

18. Person C had mentioned to Person A that the Respondent was coming to the Firm's London office for the first time and was part of the wider team invited to the drinks. Person A had not been formally invited but had been verbally invited by Person C and Person E (one of those leaving the Firm) and when she finished work at about 6:00 to 6:30 pm she went to have a glass of wine at the drinks trolley.
19. Person A and Person C then went for a drink at The Bar (next door to The Pub) to catch up and then on to The Pub where they arrived at about 7:00 pm. Although the leaving drinks event was not an exclusive booking for The Pub, the Firm pretty much had the whole of the pub, there were about 20 people from the Firm there with various partners who were in attendance picking up the bill for drinks and food.
20. On entering The Pub Person A and Person C parted ways and she was talking to people and got a drink from the bar. There were lots of people there from [REDACTED], some associates and partners. The Respondent was not there initially but he arrived later and Person A was aware of his presence at around 8 pm.
21. When the Respondent arrived Person C greeted him and the Respondent and Person A were then introduced to each other. They then sat at a table and Person A describes the Respondent as being really energetic and excitable. He said that he had been looking forward to the trip as he had not met many colleagues face to face and because of the COVID-19 lockdown he had not been into the London office before. After a few minutes Person A left the table to allow Person C and the Respondent to catch up and she went to chat with other colleagues.
22. About one to one and a half hours later, at approximately 9:30 – 10 pm she and the Respondent crossed paths again. She once again describes the Respondent as appearing to be excited, that he wasn't acting like lawyers normally do and she said to him that it was great to meet him. Person A then states that "*out of the blue after about 30 seconds to a minute after we had started speaking*" he said to her "*I want to dominate you sexually*" or "*I want you to dominate me sexually*". He said this with a smile on his face and he was laughing and Person A states that it was said just loud enough for her to hear but not for others to hear. Person A explains that whilst there was a lot of chatter in the pub there is no way she misheard what he said, he was about two feet away from her when speaking and that he repeated it to her a minimum of five times, if not more.

23. Person A was shocked, she felt it was outrageous and said to him – “*what are you saying to me?*”. The Respondent continued to repeat what he had said, saying “*I want to dominate you sexually*” and “*yeah you’d like it*” and he said this repeatedly over and over again.
24. Person A told him to stop what he was saying to her and put her hand up to indicate to him that he should stop. However the Respondent just laughed and continued to repeat what he was saying. Person A states that when he was talking about domination he was saying – “*yer you’d like it, yer, you’d want it. I want to do it*” and “*yer you’d want it, you’d like it*”.
25. Person A responded to him saying “*I cant believe you are saying this to me, half the Firm we work for are employment lawyers, what are you saying to me?*”.
26. Person A states that the conversation must have been two to three minutes, maybe five minutes in total and that the Respondent had not reacted when she told him to stop. She describes herself as “*shocked, really angry and really upset*”.
27. She picked up her bag, finished the drink she had and walked over to Person C.
28. On a scale of one being stone cold sober and ten being unconscious from drink, Person A would put the Respondent at a five at the time that he was making the statements to her; she states that he was standing up fine, could string a sentence together, he had clearly had a few drinks but he was not out of control.
29. Person A then told Person C what had happened and that the Respondent had said to her that he wanted to dominate her sexually. She then made to leave and Person C walked back to City Thameslink station with her and Person A told Person C more about what the Respondent had said to her. She states that she began to cry; that the Firm prides itself on its ethics and not standing for such behaviour and so she thought something like what had occurred would not happen at the Firm. She states that what the Respondent had said to her was humiliating and she felt humiliated.
30. Once Person A had got on her train home she messaged her boyfriend, Person B, and told him what had happened.
31. Person C also messaged her to check if she was okay and said that he wanted to speak to the Respondent about what had happened, which she was happy for him to.

32. The next day the Respondent messaged Person A on the Microsoft Teams chat facility at the Firm:

“Hi [Person A], as you know, I spoke with [Person C] who told me that I upset you last night. This is completely unacceptable. He also said you’d be ok to speak over a call with me next week as you’re at the away-day today, and so in anticipation of this call I just wanted to say: 1. I am truly, deeply sorry that I upset you – there’s no excuse for any behaviour which should make you feel uncomfortable or upset in any way; and 2. I really appreciate that you’re willing to speak with me to let me apologise to you properly. I genuinely enjoyed meeting you last night and quickly formed a bond which I hope I haven’t ruined. Even for my close friends who know me, I know I can be a bit much – pushing limits. As [Person C] says, I can be a bit of a liability! In this case, I often say some things which are completely inappropriate, especially for someone who is not familiar with me, or where I show over familiarity – I honestly spoke to you like I would my closest friends, and I really hope that you can take this as a compliment to your fun and bubbly personality, and how comfortable I felt speaking with you. I was excited and overwhelmed to see you all in person for the first time. But as I said, none of this excuses such behaviour. I should know better. I do know better. And so I can only say again – I am really sorry for what I’ve done and said, and I hope you can forgive me and we can move forward as the good friends and colleagues that I had hoped we would become. Enjoy your away-day today, and have a great weekend! [Respondent] ”.

NON-AGREED MITIGATION

33. The Respondent advances the following points by way of mitigation but their inclusion in this document does not amount to acceptance or endorsement of such points by the SRA.

The Respondent states that:

- 33.1. He was under personal pressure due to issues in his marriage.
- 33.2. He was exhausted after a tiring overseas trip which extended over three weeks, involved a lot of socialising, drinking and travel and took him away from his young children.

- 33.3. He believes over-exhaustion together with his level of intoxication (on day 6 of drinking every day and people bought him lots of drinks at the Pub prior to his interaction with Person A) has lowered his inhibition and awareness and have contributed significantly to his “out-of-character behaviour” towards Person A.
- 33.4. Due to strict Covid restrictions where he is based, the Respondent has not attended many social gatherings for a long period, and he was experiencing social awkwardness, anxiety and nervousness meeting so many colleagues in a short period of time.
- 33.5. He did not physically touch Person A and does not know if he would have acted on his advance had it been reciprocated.
- 33.6. He did not appreciate the impact of his role as a partner and only saw Person A as a female close to his age and that he met for the first time, not a subordinate (not appreciating the details of her seniority or role within the Firm as they worked in different offices in different jurisdictions and had minimal professional interaction)
- 33.7. His action was not premeditated and arose out of a mistaken perception of the nature of the interaction between Person A and him, a mistake he only realised after the fact learning it for the first time from Person C
- 33.8. He did not mean to cause offence.
- 33.9. His action took place in full view of other people and there was no attempt by him to conceal what he was saying.
- 33.10. He is full of remorse and shame over his action. He self-reported in line with public interest and guidelines.

PROPOSED SANCTION INCLUDING EXPLANATION OF WHY SUCH ORDER WOULD BE IN ACCORDANCE WITH THE TRIBUNAL’S GUIDANCE NOTE ON SANCTION

- 34. Subject to the Tribunal’s approval, it is agreed that the Respondent should be subject to a sanction as set out below. Neither the protection of the public nor the protection of the reputation of the legal profession justifies a Strike Off.
- 35. The sanction agreed between the parties comprises:
 - 35.1. A period of suspension of 24 months;

- 35.2. An undertaking given by the Respondent to engage with treatment until remission as confirmed by his treating clinician(s).
36. The sanction outlined above is considered to be in accordance with the Tribunal's Guidance *Note on Sanctions* (11th edition) ("the Guidance Note"), taking into account the guidance set out in *Fuglers & Ors v Solicitors Regulation Authority* [2014] EWHC 179 (as per Popplewell J) and the guidance at particularly paragraphs 8 and 17 to 27 of the Guidance Note and the medical evidence provided by the Respondent.
37. The misconduct giving rise to the allegations is serious. Given the nature of the alleged misconduct, lesser sanctions such as a Restriction Order, a Reprimand, or a financial penalty would not be adequate or suitable.
38. This assessment takes into account that the level of the Respondent's culpability in respect of the allegations above is impacted by the following factors, in that the Respondent:
- 38.1. has admitted conduct which was sexually motivated, and overtly sexual;
 - 38.2. is unlikely to have planned the conduct, and the admitted conduct likely arose from spontaneous actions;
 - 38.3. had direct control of or responsibility for the circumstances giving rise to the misconduct;
 - 38.4. was sufficiently experienced at the time of the alleged conduct to have known that his conduct was inappropriate, having been admitted in 2010;
 - 38.5. The conduct lacked integrity.
39. As to the harm caused, the admitted failures and breaches of the Code and Principles caused harm to Person A, which was reasonably foreseeable. Person A describes herself as having been "shocked, really angry and really upset".
40. In addition, it is considered that there was harm to the reputation of the profession as a result of such conduct, again with such harm being foreseeable. At all times individuals must make sure that their conduct preserves and justifies clients' and colleagues' trust in them, as well as the public's trust in the profession. [REDACTED]
41. As to the principal factors which aggravate the seriousness of the misconduct:

- 41.1. The misconduct was deliberate;
- 41.2. The misconduct includes sexual misconduct albeit it is acknowledged that sexualised touching is not alleged;
- 41.3. The Respondent knew or ought reasonably to have known that the conduct complained of was in material breach of obligations to protect the public and the reputation of the legal profession
- 42. As to the principal factors which mitigate the seriousness of the misconduct:
 - 42.1. The Respondent voluntarily notified the regulator of the facts and circumstances giving rise to misconduct
 - 42.2. The misconduct was either a single episode, or one of very brief duration in a previously unblemished career;
- 43. The sanction proposed is also considered by the Parties to properly reflect issues raised as set out in the application notice dated 8 April 2025 which are not addressed in this document directly given the nature of those issues.

PROPOSED OUTCOME AND COSTS

- 44. Subject to the approval of this Agreed Outcome Proposal, the SRA is agreeable to the following order:
 - 44.1. A period of suspension of 24 months;
 - 44.2. An undertaking given by the Respondent to engage with treatment until remission as confirmed by his treating clinician(s).
 - 44.3. Costs in the sum of £32,655.07 the SRA being satisfied that this is a reasonable and proportionate contribution by the Respondent in all the circumstances.

Signed:

Hannah Pilkington, Legal Director, Capsticks Solicitors LLP

On behalf of the SRA

Dated: 08/04/2025

Signed:

Kevin Bowers, Partner, Bowers

On behalf of the Respondent

Dated: 09/04/2025