

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL
IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)
BETWEEN:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

DARREN LAWRENCE ROISER

SRA ID 339523

Respondent

ANSWER

I Introduction and summary

1. The case being brought by the Applicant (“**the SRA**”) against the Respondent is that, whilst in a position of seniority in respect of Person A “*1.1. On 15 October 2020, whilst a team event arranged by Firm A at MNKY HSE, a dinner club in Mayfair, [he] engaged in any or all of the following conduct which was inappropriate and/or unwanted: 1.1.1. grabbed both of Person A’s arms; 1.1.2 pushed Person A against a wall; 1.1.3 kissed Person A on the mouth; 1.1.4 put his tongue [in] Person A’s mouth; 1.1.5 made a comment to her to the effect of ‘you’re very attractive’*” and that his actions were sexually motivated (“**the Allegation**”).
2. The SRA alleges that, in these circumstances, the Respondent acted in breach of Principles 2 and 5 of the SRA Principles 2019 (“**the Principles**”) and/or paragraph 1.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019 (“**the Code**”).
3. The Allegation is denied. The Respondent did not conduct himself as alleged and it follows that the breaches of the Principles and Code that are parasitical upon that conduct are necessarily denied.
4. In a context in which (as is common ground) Person A had been extremely intoxicated after a work team drinks and dinner at MNKY HSE (“**the Restaurant**”) on 15 October 2020, it was Person A who had followed the Respondent outside the Restaurant and initiated a kiss with the Respondent. The Respondent regrets having briefly engaged in

the kiss before pulling away. No form of non-consensual assault occurred, however, and nor were any inappropriate comments made by the Respondent.

5. It has taken the SRA nearly 4 years to bring these proceedings, the alleged conduct having been first brought to the SRA's attention by the Respondent's former firm (Firm A) on 25 November 2020. The substantive hearing is not due to take place until June 2025, by which time it will be approaching 5 years since the events in question.
6. This matter should not have been referred to the Tribunal given the countless evidential issues and deficiencies of real concern raised by the documents, which have been drawn to the attention of the SRA on a number of occasions, and the prejudice that has been caused to the Respondent by: (i) the SRA's delay; and (ii) the fact that, by reason of that delay, the SRA's investigation into Firm A's conduct is still ongoing.
7. The Allegation turns on what happened within a matter of moments between two individuals outside the Restaurant, where it is common ground that only Person A and the Respondent were present and there were no other witnesses. In that context, the following points are emphasised:

7.1. The Respondent has had since the outset a clear recollection of what happened outside the Restaurant, where his account accords precisely with what he immediately relayed to Person D at the time "[Person A] just kissed me. This is not good I need to go" (X163)¹ and again that a short time later that evening to Person G "there had been an incident with a paralegal where she had kissed him outside of the restaurant" (X265), and what he in turn described to Firm A and then to the SRA when it commenced its investigation. The Respondent accepts that he was himself intoxicated at the time. He is nonetheless well able to recall the details of what had happened consistent with the fact that the evidence of a number of witnesses records that he was leaving the dinner to meet his friend, Person G, who he then met for a drink at another restaurant.

7.2. The Allegation, which necessarily implies that the Respondent was pursuing Person A in a sexually predatory fashion, is inherently improbable and/or contradicted by the evidence of the individuals who were at the Restaurant in a context in which:

- 7.2.1. It is accepted (including by Person A) that it was the Respondent who had left the table first in order to leave the Restaurant and Person A who

¹ Which account he repeated in the taxi (X163).

had followed him outside, as opposed to the other way around. The fact that it was the Respondent who chose to leave the event first reflected his conduct at a previous team social event that summer referred to in the witness statement of Person B in Regents Park in summer 2020, at which the Respondent had “*left the event prior to anyone becoming significantly intoxicated*”, having been acting at the event in an “*appropriate social professional way*” (Person B statement at **X86**, paragraph 13). That account was also confirmed by Person D to the SRA at **X279** and **X285 to X286**.

- 7.2.2. The Respondent was leaving the Restaurant in order to join his friend, Person G, for a drink. During the course of the meal, the Respondent had shared with the team the fact that his wife was expecting their second child (Person A’s statement at **X18**, paragraph 16).
- 7.2.3. The only individual who had been present at the Restaurant and not drinking at all that evening (Person E), told Firm A that when Person A had left the Restaurant in a taxi to go to Person C’s house following the alleged events particularised in the Allegation, Person A had “*seemed very happy, not anxious or in a bad mood or anything like that*” (**X162**). Person E was, extraordinarily, the one individual at the Restaurant that the SRA chose not to approach for a witness statement (SRA Supplemental Notice dated 26 March 2024 at **X271** and email of 26 March 2024 at **X272**).
- 7.2.4. Person A does not contend that, upon the events particularised in the Allegation having occurred (including, allegedly, the Respondent having pushed Person A against a wall with force), there was any remark or intervention from any bouncer or other member of the public notwithstanding that it is common ground that what occurred between Person A and the Respondent took place in a small area on a busy pavement outside a reputable Mayfair establishment with bouncers in nearby proximity in the middle of Covid-19 restrictions and where the bouncers had prevented Person A from re-entering the Restaurant by reason of her levels of intoxication.
- 7.2.5. Person A herself accepts that her previous experience and knowledge of the Respondent, for whom she had worked since May 2020, does not align with the Allegation (Person A’s second statement at **X325**, paragraph 4).

- 7.3. It is common ground that Person A, on whose recollection the prosecution of the Respondent entirely rests (as the only witness to the conduct particularised in the Allegation), was so intoxicated that: (i) her description of herself the following day was that she had been “*blind drunk*” (Exhibit BGS1 at **X331**); (ii) she was not permitted by the bouncers to re-enter the Restaurant (Rule 12 Statement, paragraph 21); (iii) she repeatedly vomited upon arrival at Person C’s flat, including on her clothes and Person C’s furniture (Rule 12 Statement, paragraph 29, Person A’s statement at **X20**, paragraph 25; Person B’s statement at **X94**, paragraph 44); (iv) she was still being sick during the Uber ride back to her home from Person C’s flat several hours later that night (Exhibit CGA/1 at **X103**); and (v) she was unable to recall the next day who had ordered her Uber home (Exhibit BGS1 at **X331 to X332**).
- 7.4. Consistent with Person A’s level of intoxication, the witness evidence obtained by the SRA from Person B (who Person A had met up with on Sunday 18 October 2020, some 3 days after the evening in question) was that Person A had told him expressly that “*other than a general feeling that [the Respondent] had behaved in an inappropriate way, she couldn’t remember what had happened*” and that “*she had effectively blacked out and forgotten some of the details*” (Person B’s statement at **X96 to X97**, paragraph 53).
- 7.5. The account that Person A had given to Person B on the night, whose evidence will be that he had written it down the following day, was that Person A had told him not the factual components of the Allegation but that the Respondent had “*made out with me*” (**X102**). That language is consistent with a consensual kiss initiated by Person A as contended by the Respondent, and with the fact that Person A had emailed the team in response to an email from the Respondent the following day at 19:14 in terms that it had been “*so lovely to see everyone!*” (**X340**). It bears no resemblance to the particulars of the Allegation, which particularises a non-consensual physical assault in which the Respondent allegedly pushed Person A with such force that she hit her head on a wall.
- 7.6. According to Person I (Head of People and Development of Firm A’s Australian office), to whom Person A reported her account of the incident on 21 October 2020, whilst Person A had said that it was the Respondent who had kissed her, “[Person A’s] original starting point was confusion about the incident and saying that she was drunk and that she just wanted to get out of there and get an apology. To me it seemed that she wasn’t really clear about what had happened in terms of what, how

it was that they had kissed...” and “I couldn’t really ever ascertain what actually happened between [Person A] and [the Respondent], and hence when I said to her, obviously, [the Respondent] may have a different version of events. It was because she was quite drunk and didn’t have a very good memory recall of the evening and so, as I say to come to suddenly have accelerated to where it got to was a surprise for me” (X218).

7.7. Following a number of these points (amongst others) having been brought to the attention of the SRA, a further witness statement was served by Person A dated 4 September 2024 (nearly four years after the incident), which now claimed for the first time that, contrary to what Person A had told Person B three days after the incident (and notwithstanding that she accepted she had been “*blind drunk*” at the time), Person A in fact had a “*clear recollection [the morning after the incident] about the events that occurred*” (Person A’s second witness statement at **X324 and X325**, paragraphs 4 and 6).

7.8. As regards the “*general feeling that Darren had behaved in an inappropriate way*”, to which Person B recalled Person A referring three days after the incident, the Respondent accepts, and has always accepted, that in a context in which he had been the partner in attendance at the team social event: (i) he should not have allowed a situation to develop where Person A was as intoxicated as she was; and (ii) he should not have participated in the kiss for however brief a period. Given Person A’s level of intoxication and the seniority disparity between them, it was obviously inappropriate for there to have been even a brief consensual kiss. The Respondent was, rightly, willing to apologise to Person A for his part in that following the Respondent’s discussion with Person K as to what Person A wanted and the Respondent’s belief that, in providing her with an apology, the matter would be brought to a close and everyone could move on, He has, however, been clear and consistent from the outset (including to Person K) that it was Person A, and not the Respondent, who had initiated the kiss. For the same reason, he feels deeply sad about the impact that the events of 15 October 2020 appear to have had on Person A. That is, however, a world away from apologising for the Allegation, which he cannot apologise for, and has not done so, because it does not accord with his recollection of what happened.

7.9. The Respondent had told Person D ahead of Person K informing him of what Person A was contending had happened, that he “*wanted to speak to [Person K] who is general Counsel. He said it was a horrible situation and wanted to speak to him but did not want to escalate to avoid embarrassment or damage*” to Person A (SRA witness meeting notes with Person D at **X279**).

7.10. The SRA's attempt to use against the Respondent the fact that, having been informed what Person A was saying had happened, the Respondent apologised to Person A (Rule 12 Statement, paragraph 51) is misconceived and unattractive. It is, with respect, extraordinary that the SRA, as a regulator, should say that, on the Respondent's account "*there would have been no need to apologise for what would have been a kiss between consenting persons*" (Rule 12 Statement, paragraph 57).

7.11. The Respondent is not able to speak to how a kiss initiated by Person A whilst extremely intoxicated turned into the Allegation or what impact embarrassment at having been so intoxicated at a second work function that she initiated a kiss with the Respondent and/or Person B's seemingly strongly held views about the Respondent (or about what Person B believed had happened between Person A and the Respondent)² had on Person A during their discussions on the night in question and in the days that followed. As to that, however:

7.11.1. As observed by Leggatt J in the well known guidance from Gestmin SGPS S.A v Credit Suisse [2013] EWHC 3560 (Comm) as to evidential probity and weight at [22]: "*Above all, it is important to avoid the fallacy of supposing that, because a witness has confidence in his or her recollection and is honest, evidence based on that recollection provides any reliable guide to the truth*".

7.11.2. It was the conclusion of Firm A, having carried out an investigation of Person A's allegation in November and December 2020 that, beyond establishing that a kiss had taken place between Person A and the Respondent (which was common ground), the Firm was not able to make a further determination as to what had happened (X76). The investigation was carried out by two partners, [REDACTED] (in his regulatory capacity as COLP) and [REDACTED] and included discussions with each of the attendees at the Restaurant. It obviously took place significantly closer to the events in question than the SRA's investigation.

² It was Person B's position that "*[the Respondent's] actions had left me unable to continue to work with him and therefore at [the Firm] in circumstances where I had and continued to support [Person A] in making a complaint to the firm in relation to the Incident*" (Person B's witness statement at X98, paragraph 58) and that "*[the Respondent] had put me in a position where I could not continue to work at [the Firm]*" (Person B's witness statement at X98, paragraph 61).

7.11.3. There is, on any view, serious issues here with evidence contamination, with evidential inconsistencies, and with alleged direct recollections having seemingly grown over time. It is striking how the accounts provided to Firm A during Firm A's investigation are different in numerous material respects to those later provided to the SRA.

7.11.4. Person A's account in relation to the Allegation (including the implication that the Respondent was acting in a sexually predatory fashion) is, as described above, inherently improbable.

8. As regards the SRA's delay in prosecuting this matter following the Respondent's conduct having been referred to it on 25 November 2020, and the prejudicial impact that that delay will inevitably have on the Respondent's ability properly to defend himself:

8.1. By the time of the hearing, it will be nearly 5 years since 15 October 2020, with the result, necessarily, that memories will have been adversely affected.

8.2. The passage of time has directly and adversely impacted the availability of relevant evidence for the Respondent to rely upon in his defence. A range of contemporaneous evidence, the probative value of which would be considerable and weigh significantly in the Respondent's favour, has now disappeared from existence. In particular, the messages exchanged between the Respondent and Person G on the day in question evidencing that the Respondent was indeed leaving the Restaurant to meet Person G, and the messages that were exchanged between Person A and Person D the following day evidencing how Person A behaved in the aftermath of the incident, are no longer available.³

8.3. We are already aware that one individual (Person D) has stated that she is not willing to give evidence in these proceedings specifically as a result of the passage of time since the events in question.⁴ (X287 and X293). As to Person D:

³ See Person G's witness statement at paragraph 8 (X265) and Person D's account to the SRA at X279 and X285.

⁴ The SRA's telephone attendance note of 7 September 2023 records that: "*I asked [Person D] what her concerns were about going to the SDT. She said it was just the length of time. This incident happened three years ago and she just doesn't want it to go on for another year or so and then have to give evidence standing up at court for it. She said it made her anxious. I explained to [Person D] that the SDT is informal, she can sit down to give her evidence. She can also give her evidence via remote link and we can apply for special measures which may help her. She said she was aware of this but she still didn't feel comfortable with the length of time.*" (X287)

8.3.1. Her account was consistent with that of the Respondent in numerous material respects including, but not limited, to the facts: (i) that the Respondent told Person D expressly in the moments immediately following the incident that Person A had kissed him and not the other way around; (ii) that it was the Respondent who, when Person D saw him outside the Restaurant, seemed “*taken aback and confused*”; and (iii) that the Respondent discussed with her that he wanted to discuss the matter with Firm A’s General Counsel but that he did not want to cause Person A embarrassment).

8.3.2. The SRA had not even approached Person D to give evidence until August 2023 (already 3 years after the date of the incident). In those circumstances, Person D’s reluctance is unsurprising.

8.4. The SRA has additionally confirmed that it did not even approach Person E for a witness statement, despite Person E being the only individual at the Restaurant who was not drinking alcohol and whose evidence was directly supportive of the Respondent (in particular given that it was Person E’s account that, following the incident, Person A had been “*very happy, not anxious or in a bad mood or anything like that*” (X162)).

8.5. Person G now resides in Saudi Arabia.

8.6. The SRA’s investigation of Firm A for its conduct in investigating this matter continues to be ongoing, with the result that the Respondent is not in practical terms able to approach individuals who are involved in that investigation (such as Person K) for the purposes of asking them to provide relevant and supportive evidence.

9. A number of these concerns have been brought to the attention of the SRA by those acting for the Respondent in advance of the proceedings being issued in the Tribunal (including in particular in a letter dated 30 July 2024 (“**the July 2024 Letter**”), which stated that, in the light of the evidential issues and prejudice to the Respondent, it was surprising and troubling that the matter had been referred to the Tribunal. A copy of the July 2024 Letter is attached to this Answer at **Appendix 1**.

10. Following the proceedings having been issued by the SRA nonetheless on 5 September 2024, the July 2024 Letter was not even enclosed with the documents that were sent to the Tribunal with the Rule 12 Statement for the purposes of certifying that there was a case to answer. Nor is the July 2024 Letter referred to in the Rule 12 Statement (in the section on the summary of the Respondent’s position or the SRA’s investigation at paragraphs 65 to

75) despite the fact that Person A's second witness statement dated 4 September 2024 and exhibit were, quite obviously, seeking to address (though not in fact answering) some of the specific evidential problems that had been identified by those acting for the Respondent in the July 2024 Letter.

11. In that context, the Rule 12 Statement omits reference to obviously relevant pieces of evidence despite the Respondent's express reliance on that evidence having been brought specifically to the attention of the SRA (including in the July 2024 Letter). In particular, Person B's account in his witness statement that Person A had told him in terms 3 days after the incident that she could not recall what had happened on 15 October 2020 (see paragraph 7.4 above) and had "*blacked out*" (Person B's statement, paragraph 53), (and not simply that "*his impression was that she remembered little about it so he said they should talk about what happened*" (as referred to at paragraph 36 of the Rule 12 Statement)).
12. Overall, notwithstanding that the SRA carries the burden of proof in relation to the Allegation, it is extremely troubling that the Respondent should be having to face the trauma of these proceedings at all and that the Allegation (and, in reality, therefore, the Respondent's character, professional standing, and career) is to be determined in the context of these evidential and procedural deficiencies and on the basis of the balance of probability.
13. As the Respondent's witness statement explains, the Respondent had established and built up his career from challenging beginnings and has always been immensely proud of what he had achieved. Against that background, the impact on him both personally and professionally of unfounded accusations having been made against him and the fallout from the Allegation in practical terms has been profound and devastating. Aside from having had the SRA's investigation hanging over him for nearly 4 years, the Respondent (who has a wife and 2 young children) has not worked at a law firm since March 2024 (when Firm A is understood to have applied to be deauthorised) and he does not anticipate being given the opportunity to do so again until after the resolution of these Tribunal proceedings.
14. This Answer is confined to responding to the matters particularised in the Rule 12 Statement. For convenience:
 - 14.1. The Respondent will adopt the same abbreviations, anonymisations and headings as in the Rule 12 Statement, without admission as to their accuracy;
 - 14.2. References to paragraph numbers are to paragraphs in the Rule 12 Statement, unless otherwise stated; and

14.3. References to page numbers in bold are references to pages of the Master Bundle on Case Center.

II Professional details

15. The Respondent's professional details set out in paragraph 6 are correct. Contrary to what is the case in many law firms, the role of Managing Partner in the London office of Firm A (which was effectively a satellite of the Chinese entity) was not based on seniority as the Respondent was the youngest partner in the office at the time of his appointment and it was a service role with a focus on helping fellow partners and facilitating business development.

16. Paragraph 7 is admitted.

III Facts and matters relied upon in support of the allegations

Background

17. In relation to paragraph 8:

17.1. It is admitted that paragraph 8 partially summarises Person's A account of the incident as contained in her first witness statement, which is the basis of the Allegation. That account differs significantly from the account that Person B says that he wrote on 16 October 2020 recording what Person A had told him the night before ("**Person A's Initial Account**"), including in particular Person A's description of what happened as having been that "*Outside the bar, Darren made out with me*" (**X37**).

17.2. As regards the respective levels of intoxication of Person A and the Respondent, paragraphs 7.3 and 7.1 above are repeated. A number of witnesses describe the Respondent as having been significantly less intoxicated than described by Person A. In particular, Person C told Firm A on 2 November 2020 that people were "*reasonably drunk*" (by contrast to Person A, who was "*very drunk*") (**X180**), Person D described the Respondent to the SRA as having been a 7 out of a scale of 10 where "*he was drunk enough but carries it differently*" (**X284**).

18. In relation to paragraph 9, it is admitted that the Respondent's position is as described in his response to the SRA's Notice. The Respondent's account as to what happened on 15 October 2020 has been clear and consistent since the evening in question, see in particular:

(i) his statement to Person D that “[Person A] just kissed me. This is not good I need to go”, which was repeated in the taxi (**X163**); (ii) his account to Person G almost immediately after the event that “there had been an incident with a paralegal where she had kissed him outside of the restaurant they were attending earlier that evening” (see Person G’s statement at **X265**, paragraph 7); (iii) his account to Person K on being asked about it during a call on 26 October 2020 that “she had kissed him before [Person D] turned up and asked what was going on” (**X152**); (iv) his account to the Firm on 10 November 2020 (“GS moved to kiss DR”) (**X181**); (v) his email attaching a letter to the SRA dated 16 March 2021 (**X71 and X72**); and (vi) his witness statement dated 7 March 2024 (**X254**).

15 October 2020

19. Paragraph 10 is admitted. The evening was (as Person D confirmed to the SRA at **X282**) organised by Person D, who chose the Restaurant.

20. Paragraph 11 is admitted save that the Respondent can neither admit or recall whether he had any one to one discussions with Person A. He does not recall having sat next to Person A all evening or having really spoken to her. It is admitted that paragraph 8 of Person A’s first witness statement records Person A’s recollection that everyone was mildly intoxicated when they left the bar. That also accords with the Respondent’s recollection. In relation to Person E, who it is admitted joined the others for dinner later at the Restaurant, she was not drinking alcohol.

21. Paragraph 12 is admitted.

22. In relation to paragraph 13:

22.1. Contrary to the implication of paragraph 13 that it was the Respondent who pursued Person A out of the Restaurant, Person A accepts in her witness statement that the Respondent was the first person to leave the table at the Restaurant and that she followed him (Rule 12 Statement, paragraph 18; Person A 1st witness statement at **X18**, paragraph 18). That is also the evidence of several other witnesses including Person C (Person C’s witness statement at **X134**, paragraph 43).

22.2. It is admitted that the remainder of the paragraph accurately summarises part of Person A’s account of the incident as contained in her first witness statement at paragraphs 20 to 21 (**X18 and X19**).

- 22.3. Person A's account in her first witness statement of what allegedly happened outside the Restaurant is denied by the Respondent. In addition to being inherently improbable, in particular for the reasons summarised at paragraph 7.2 above, Person A's account is inconsistent with other surrounding evidence, including the account of Person D that when she came out of the Restaurant, the Respondent and Person A were "*standing against a wall/railing, to the side*" (X278). Person A's account in her first witness statement was that she had allegedly walked away from the Respondent and was trying to get back inside the Restaurant when she saw the other members of the team. .
- 22.4. By contrast, the Respondent's account is that it was in response to his attempts to help Person A get back into the Restaurant that the security personnel "*repeated that she was too drunk but that they would pass a message downstairs for her belongings to be brought up*" (Respondent's statement at X258, paragraph 26). That accords with the accounts of other witnesses that, whilst the rest of the team were still downstairs at the table, a waitress came over and said words to the effect that "*The girl who was with you is outside. She says she left her jacket in here, but she is too drunk for us to let her back in*" (Person B's statement at X90, paragraph 30; SRA witness meeting with Person D on 5 September 2023 at X277).
23. In relation to paragraph 14, it is denied that the Respondent acted as alleged or made the comments that he is alleged to have made (Respondent's statement at X259, paragraph 30). In Person A's Initial Account (paragraph 17.1 above), the Respondent was alleged by Person A to have made markedly different comments to Person A, which he equally did not make.
24. Paragraph 15 is admitted albeit the Respondent did not know Person A's exact age at the time. He believed that she was in her 20s.
25. In relation to paragraph 16:
- 25.1. It is admitted that paragraph 16 accurately summarises what Person A says in paragraph 16 of her first witness statement.
- 25.2. In relation to Person A's recollection of the alcohol consumption during the dinner: (i) Person E did not in fact drink any alcohol that evening, as she confirmed to Firm A (X162) and as was confirmed by Person B (in Person B's statement at X89, paragraph 25); (ii) Person B accepts that he was drinking throughout the evening and that he was intoxicated, which he put as a 7 out of a scale of 10 (Person B's statement at X89 and X92, paragraphs 25 and 35); (iii) as regards the

Respondent's level of intoxication, paragraph 7.1 above is repeated. The Respondent agrees with the account of Person C that he was "*reasonably drunk*" (X142) or, as characterised by Person D, a 7 out of 10 (X277). It is accepted that the Respondent was speaking more loudly than usual in a context in which, as recorded by Person B, "*I found I needed to speak in a raised voice to be heard by others, even at close quarters*" (Person B's statement at X89, paragraph 24). The Respondent does not believe that he was slurring his words, which is inconsistent with the Respondent having been sufficiently sober to go from the Restaurant to meet Person G (and likewise with his having been reasonably drunk or '7 out of 10').

26. It is admitted that paragraph 17 accurately summarises what Person C describes in the paragraphs of his witness statement cited. It is common ground that there was alcohol being consumed at the restaurant, which included champagne with sparklers (which was ordered by the Respondent in response to a request for him to do so). Multiple rounds of food and sharing plates were also ordered to accompany the drinks. As Person D described to the SRA: "*First dinner out of lockdown, had the dinner and then during the night, we had a lot of food and a lot of drinks. Not like we were focusing on alcohol*" (X282). In relation to the Respondent's level of intoxication, paragraph 25.2 above is repeated. It is denied that the Respondent was more drunk than the rest of the attendees at the Restaurant, which is a claim that is, amongst other things, impossible to reconcile with the admitted evidence of Person A's own level of intoxication (as to which paragraph 7.3 is repeated). The Respondent has no recollection of having danced at the Restaurant but he accepts that he may have done so at the table given that it was an enjoyable occasion at a fun restaurant with music. The Respondent agrees with Person D's account to the SRA that: "*We were moving around throughout the whole night. Sitting but got up to move seats. Entertainment people playing loud music and running around the venue so we were all taking photos and videos of the entertainment*" (X277).

27. In relation to paragraph 18:

27.1. It is admitted that at paragraph 18 of her first witness statement, Person A recalled that the team left the Restaurant at about 11pm. That is incorrect. The Respondent's evidence is that he asked for the bill and paid it a little after 9pm as he wanted to get away in good time to see Person G, with whom he was hoping to be able to meet (and did then meet) (Respondent statement at X258, paragraph 23).

27.2. The Respondent's account in this regard is corroborated by: (i) Person B, where he states "*At around 9.20pm Darren paid the bill. He then stood up and said he was going to leave. He said we were free to stay and finish the food or go home, but he*

was going to leave then. Darren and Person A then left. I'm not sure that I actually saw Darren and Person A go up the stairs to leave the restaurant, but I know that Darren and Person A left at the same time. The rest of us stayed at the table and were trying to communicate about whether we should stay or go. I don't know whether Darren and Person A had a conversation, or what led to Person A leaving at the same time as Darren" (Person B's statement at X90, paragraph 29); (ii) the Google Maps timeline from Person B's phone, which confirms that Person B left the Restaurant at 9:35pm (Exhibit CGA/2 at X105); (iii) Person D's account to the SRA that Person A and Person D had taken a photo together at 9:19pm and that Person A then disappeared, with Person D thereafter messaging Person A at 9:42pm to ask if those still at the table were waiting for her or not before leaving (SRA's witness meeting note with Person D at X277); and (iv) Person G's account that the Respondent arrived at the restaurant that they were meeting at in Soho at approximately 9.30pm (Person G's statement at X265, paragraph 7).

27.3. It is denied that everyone stood to get up from the table at around the same time. The Respondent informed the team that he was leaving and told the team that they were free to stay but Person A then followed the Respondent from the table (Respondent's statement at X258, paragraph 24). That is corroborated by Person B's statement (at X90, paragraph 29) and by Person D (SRA's witness meeting note with Person D at X277).

27.4. Person A herself accepts that "[the Respondent] left the table and started walking toward the exit. I followed him" (Person A's first witness statement at X18, paragraph 18).

28. In relation to paragraph 19:

28.1. It is admitted that in her first witness statement, Person A described what is set out at paragraph 19 (at paragraph 19).

28.2. It is denied that the Respondent joined Person A in an alcove on the street, which implies that the Respondent followed Person A and joined her there. Rather, the Respondent had left the table first and it was Person A who had followed him out of the Restaurant.

28.3. Upon leaving the Restaurant and noticing that Person A had followed him out and was outside the Restaurant without all of her belongings, the Respondent explained to the security and front of house staff (of which there were 3 or 4 members) that Person A needed to go back inside to retrieve her belongs. The

Restaurant's staff said that Person A was too drunk and that she would not be allowed back in, but said that they would pass a message downstairs for her belongings to be brought up (Respondent's statement at X258 and X259, paragraphs 24 to 27). Person B and Person D recall being at the table when the message was delivered by the waitress that Person A had left her jacket and was not being allowed back into the Restaurant on account of being too drunk (paragraph 22.4 above).

28.4. Person A acknowledges in her witness evidence that there were quite a lot of people in the street as well as 1 or 2 bouncers, who were standing by the Restaurant door (Person A's first witness statement at X18 and X19, paragraphs 19 and 21). In a context in which it was busy outside the Restaurant, having passed the message downstairs for Person A's belongings to be brought up to her, the Restaurant's staff instructed Person A to stand to the side of the entrance, so as to allow people to enter and exit, and told the Respondent to look after her.

28.5. In relation to Person A's sketch plan at X35, it is admitted that the incident took place where Person A has indicated on the plan, which accords with the photograph produced by the Respondent at X263.

28.6. It is admitted that it was at this point (whilst the Respondent and Person A were standing to one side of the Restaurant entrance) that Person A initiated a kiss, which took the Respondent by surprise, and which lasted no more than a couple of seconds before the Respondent stepped away. The Respondent regrets what happened for the reason given at paragraph 7.8 above. It is denied, however, that any misconduct took place as alleged.

The conduct

29. Paragraphs 20 and 21 quote accurately from, and summarise, paragraphs 20 to 22 of Person A's first witness statement. The Respondent denies that the account contained therein of what happened is an accurate one and notes and relies upon the fact that it is markedly different to Person A's Initial Account. Further:

29.1. In relation to Person A's account in her first witness statement that she allegedly felt as if the Respondent was coercing her into a taxi: (i) the Respondent did not seek to coerce or persuade Person A into getting a taxi; and (ii) any case that he was is impossible to reconcile with the fact that the Respondent was leaving the venue to join his friend, Person G, at another restaurant.

- 29.2. The Respondent is unable to admit or deny whether Person A was shocked and confused following what happened between them. If she was, then it is inferred that it was the result of embarrassment at the fact that she had initiated a kiss with the Respondent, who was significantly senior to her at Firm A and married, who had pulled away from the kiss.
- 29.3. The Respondent was shocked and flustered by what had happened, as Person D described to the Firm (X163) (“*[the Respondent] looked ‘very flustered and very relieved to see me’*”) and the SRA (“*You could see he was taken back and confused*” and “*[the Respondent] was genuinely shocked and confirmed. [The Respondent] had full intentions of leaving the venue*” (X278)).
- 29.4. The Respondent told Person D immediately that “*Person A just kissed me. This is not good I need to go*” (X163). That was later repeated to Person D by the Respondent when they were in the taxi (X163) as to which “*He feels strongly it was [Person A] who initiated*” (X278). Person D “*genuinely believed him*” (X285).
- 29.5. It is admitted that the security staff would not permit Person A to re-enter the Restaurant due to her level of intoxication. Person A’s attempt to re-enter the Restaurant and the reaction of the security staff had been prior to the kiss initiated by Person A as described above.
- 29.6. The final sentence of paragraph 21 is admitted. The recollection of Person E (who had not been drinking alcohol) was that Person A “*seemed very happy, not anxious or in a bad mood or anything like that*” (X162).
- 29.7. That accords with the recollection of the Respondent that, as he was seeking to leave the Restaurant in a taxi, Persons A, B and C were having an animated and excited discussion about an afterparty and possible karaoke (Respondent’s statement at paragraph 32).

30. In relation to paragraph 22:

- 30.1. It is admitted that the first and last sentences accurately describe what Person A states in her first witness statement (at paragraph 23) in relation to the Respondent’s taxi. That account is not correct. In particular, Person D did not share a taxi with the Respondent in order to ensure that he got home safely and Person D’s accounts to Firm A and to the SRA do not say that she did (and nor does that case make any sense given that the Respondent was meeting Person G). The Respondent had discussed potentially sharing a taxi with Person D during the dinner as they both lived in [REDACTED]. As a result of the Respondent going to meet Person G

for a drink after the Restaurant, the plan changed in that the Respondent was dropped in Soho instead of at his home, but he and Person D nonetheless shared a taxi together up until that point with Person D then going on to her home. That is consistent with the account of Person E “[Person D] and [the Respondent] got a taxi as they were going in the same direction” (X162).

30.2. Upon attempting to get into a taxi with Person D after the Restaurant, the driver was, however, extremely rude to the Respondent and to Person D and they ended up getting into another taxi. It is denied that the Respondent had needed to look for his home address. The Respondent had needed to look for the address of the venue where he was meeting Person G.

30.3. It is denied that the taxi driver told the Respondent that he was too intoxicated to get into the taxi or that Person E referred to that having occurred in his statement. Person E said in his witness statement that he saw the Respondent having an argument with a taxi driver (X134), which is consistent with the Respondent’s account described above.

30.4. It is denied that Person E describes Person A as having been drunk and seemed upset. The only individual who had been present at the Restaurant and not drinking (Person E), told the Firm that when Person A had left in a taxi to go to Person C’s house Person A had “*seemed very happy, not anxious or in a bad mood or anything like that*”. (X162)

31. In relation to paragraph 23:

31.1. It is admitted that the first three sentences accurately summarise what Person A described in her first witness statement about the taxi journey (at X19, paragraphs 22 and 23). The Respondent is unable to admit or deny what is described as he was not there.

31.2. It is admitted that Person C stated in his witness statement (at X134, paragraph 44) that during the taxi ride Person A was very drunk and looked upset and overwrought. Person C did not say anything to that effect in his first account of the evening to the Firm on 2 November 2020 (X165). Rather, his position was that he “*didn’t have a clear recollection of events when they left the restaurant*”.

31.3. The only individual who had been present at the Restaurant and not drinking (Person E) told the Firm that when Person A had left in a taxi to go to Person C’s

house she had “*seemed very happy, not anxious or in a bad mood or anything like that*” (X162). The SRA did not obtain a witness statement from Person E.

32. In relation to paragraph 24:

32.1. It is admitted that the paragraph accurately summarises what Person A describes happened at Person C’s apartment in her first witness statement (at X20, paragraphs 25 to 27). The Respondent is unable to admit or deny what is described as he was not there.

32.2. In relation to the statement that Person B stayed with Person A until she felt better, Person B’s intended evidence in his witness statement is that Person A was still vomiting in the Uber at around midnight when he took her back to her flat (Person B’s statement at X95, paragraph 46).

32.3. Person B’s witness statement explains (at X93, paragraph 38) that his “*best recollection*” of what Person A told him that night is as recorded in his file note (quoted at paragraph 17.1 above). The file note written by Person B states that the Respondent had “*made out with [Person A]*”, as to which Person B says that he expressed his view to her that “*it was a serious matter*” and says that he remembers “*responding to [Person A] at the time with my view that what had happened was ‘seriously fucked up’*” (Person B’s statement at X93, paragraph 41). That also appears in the file note (X103).

33. It is admitted that paragraph 25 accurately summarises what Person A describes happened at her home in her first witness statement (at X21, paragraph 28). The Respondent is unable to admit or deny what happened at Person A’s home that night as he was not there.

34. In relation to paragraph 26:

34.1. It is admitted that Person B did not witness the alleged conduct and that he has set out his recollections in the documents described, as well as providing the Google maps timeline from his phone.

34.2. It is denied that Person B’s file note, which he says was made the following day (quoted at paragraph 17.1 above) or that his witness statement records, states that it was the Respondent who kissed Person A on the night in question. Person B’s witness statement says that his best recollection of what Person A told him is recorded in the file note (Person B statement at X93, paragraph 38). The file note does not say that the Respondent kissed Person A. Rather, it says that “*Outside the*

bar, [the Respondent] made out with me". It was in response to that account that Person B says that he told Person A that he thought that it was "*seriously fucked up*" and a "*very serious matter*".

35. It is admitted that paragraphs 27 and 28 accurately summarise what is described in Person B's witness statement in paragraphs 28, 31 and 32. It is denied that Person B accurately described what happened with the Respondent's taxi (as to which paragraph 30 above is repeated) or that the Respondent was a 9.5 out of 10 on the scale of intoxication, unsteady on his feet, not speaking properly and having unfocused eyes. Person B's assessment of the Respondent in this regard is impossible to reconcile with the fact that the Respondent went on to go in a taxi to a subsequent restaurant and meet with Person G and with the accounts of other witnesses as described at paragraph 25.2 above. Equally, Person B's analysis that the Respondent was allegedly more intoxicated than Person A is impossible to reconcile with the fact that Person A was so intoxicated that she repeatedly vomitted over the next 3 hours (as described by Person B in his statement). As described at paragraph 29.7 above, as the Respondent was seeking to leave the Restaurant in a taxi, Persons A, B and C were having an animated and excited discussion about an afterparty and possible karaoke.
36. It is admitted that paragraphs 29 to 31 accurately summarise what is described in Person B's statement (at **X92 to X95**, paragraphs 36, 40 to 42 and 48). The Respondent is unable to admit or deny what it is described therein as he was not there.
37. It is admitted that paragraph 32 accurately summarises Person B's statement (at **X96 to X98**, paragraphs 51 to 61). It is further admitted that Person B returned to Australia on 31 December 2020. The Respondent is unable to admit or deny whether Person B found the experience difficult and stressful. Person B evidently had strong views about the Respondent and/or what he understood had happened between the Respondent and Person A after the Restaurant, where it is accepted by Person A and B that they had a number of discussions about it.

After the incident

38. On 16 October 2020, the Respondent had considered raising what had happened with Person K (as Firm A's General Counsel) to seek his advice and had discussed doing so with Person D that day (as she confirmed to the SRA at **X279** and **X285**) but he did not do so as he did not want to cause Person A additional embarrassment: "*[The Respondent] did mention he wanted to speak to [Person K] who is general Counsel. He said it was a horrible situation and wanted to speak to him but did not want to escalate to avoid embarrassment or damage. He might have avoided the situation; do not know if he spoke to [Person K] that day or not. He did say he wanted to but was not sure if he should*".

39. It is admitted that paragraph 33 accurately summarises what is described in Person A's first witness statement at paragraph 30 and that Person A responded to the Respondent's email in the terms quoted. Her email was sent to the team at 19:14. Person D explained to the SRA that she had exchanged messages with Person A on 16 October 2020 (which are no longer available) which did not refer to what Person A now alleges happened and did not give Person D the impression that "[Person A] had been in a situation" (X286).
40. It is admitted that paragraph 34 accurately summarises the Facebook messages exchanged between Person A and Person B the following day.
41. Paragraph 35 is admitted. The second witness statement of Person A, which states that on 16 October 2020 she could recall the contents of her first witness statement, including in particular the particulars of the Allegation, was produced in response to a letter from the Respondent's solicitors dated 30 July 2024. That letter drew the SRA's attention to, amongst other things, the fact that:
- 41.1. Person B had signed a witness statement which stated in terms that when he had met up with the Person A 3 days after the incident (on Sunday 18 October 2020), the Respondent had said words to the effect that "*other than a general feeling that [the Respondent] had behaved in an inappropriate way, she couldn't remember what had happened. I then told her what she had told me in the bathroom at [Person C's] house....It was surprising to me that she didn't have a stronger recollection. I think she said her impression was it made sense given how she was feeling, but that she had effectively blacked out and forgotten some of the details*" (Person B's statement at X96, paragraph 53).
- 41.2. In a context in which Person A had told Person B on 18 October 2020 that she could not recall what had happened on 15 October 2020, the file note containing Person A's Initial Account to Person B, which had then (according to Person B) been relayed back to Person A on 18 October 2020, did not accord with the particulars of the Allegation.
- 41.3. If Person A had not on 18 October 2020 had a direct recollection of what had happened with the Respondent outside the Restaurant on 15 October 2020, then it followed that she could not have a direct recollection now.
42. In relation to paragraph 36:

- 42.1. It is admitted that paragraph 36 accurately summarises what is described in Person A's first witness statement (at **X22**, paragraphs 31 to 33). The Respondent is unable to either admit or deny what is described as he was not there.
- 42.2. It is admitted that Person B said in his witness statement (at **X96**, paragraph 53) that when he and Person A met on Sunday 18 October 2020, Person A did not bring up the incident and said that his impression was that she remembered little about it so he said they should talk about what happened.
- 42.3. That only partially relates what Person B described in his witness statement as to his conversation with Person A on 18 October 2020, a fuller version of which (though still not the whole account) is quoted at paragraph 41.1 above. As such, Person B's recollection as contained in his witness statement was: (i) that Person A had said in terms that she could not remember what had happened other than a general feeling that the Respondent had behaved in an inappropriate way; and (ii) that, in those circumstances, Person B had relayed to Person A what she had told him in the bathroom at Person C's house, i.e. Person A's Initial Account as set out in the file note including that "*[the Respondent] made out with me*".
43. It is admitted that paragraph 37 accurately describes what Person A says in her first statement about her meeting with Person B (at **X22**, paragraph 33) as to which the Respondent is not able to admit or deny what is described as he was not there.
44. In relation to paragraph 38:
- 44.1. It is admitted that paragraph 38 accurately summarises what Person A says in her first witness statement (at **X23**, paragraphs 37 and 38) regarding the days following the incident and that the SRA has exhibited the messages between Person A and B save that the reference to page 69 should be a reference to page 68.
- 44.2. It is further admitted that the Respondent made no contact with Person A (beyond the group email referred to at paragraph 33 of the Rule 12 Statement) in the days after the incident. The Respondent assumed that Person A would feel embarrassed about what had happened, especially given that this was the second time within a few months that Person A had been extremely intoxicated at a work social event and he did not wish to compound that embarrassment by bringing it up with her. As Person B records in his witness statement (at paragraph 13), at the event in Regent's park in June 2020, Person A had also been so intoxicated that she had vomited and had issues walking (**X86**). That account is corroborated by what Person D described to the SRA (**X285 to X286 and X279**). The Respondent accepts

that he himself felt embarrassed at what had happened outside the Restaurant and for his part in allowing so much alcohol to have been consumed at a work social event by Person A and other junior colleagues. He took the view, however, that it was unfair on Person A to bring up what had happened and to make a big deal out of it. He felt it better to leave the issue well alone and move on. For the same reason, whilst he considered discussing it with Firm A's General Counsel (as Person D confirms), he ultimately decided not to do so. For obvious reasons, he bitterly now regrets that he did not do so.

45. It is admitted that paragraph 39 and the first sentence of paragraph 40 accurately summarises what Person A describes in her first witness statement (at X23 to X24, paragraphs 38 to 42). It is admitted that the notes of the calls include what is described. There are numerous inconsistencies between what is recorded in those notes, Person A's Initial Account and Person A's first witness statement. Person I later explained to Firm A that *"her original starting point was confusion about the incident and saying that she was drunk and that she just wanted to get out of there and get an apology. To me it seemed that she wasn't really clear about what had happened in terms of what, how it was that they had kissed, even though it was, from her perspective, it was he who kissed her. That it seems, you know, my thoughts were, it was obviously very inappropriate that [the Respondent] had gone out with a group of people that he was responsible for and got them so drunk that they couldn't remember what happened and that was at the minimum, completely inappropriate, but I couldn't really ever ascertain what actually happened between [Person A] and [the Respondent], and hence when I said to her, obviously, [the Respondent] may have a different version of events. It was because she was quite drunk and didn't have a very good memory recall of the evening and so, as I say to come to suddenly have accelerated to where it got to was a surprise for me"* (X218).

46. In relation to paragraph 41:

46.1. It is admitted that a witness statement provided by Person F sets out what she says that Person A told her about the incident on 31 October 2020. The account of the incident contained in Person F's witness statement is materially different to Person A's Initial Account and to the account provided by Person A in her first witness statement. In particular, it is alleged that the Respondent repeatedly tried to kiss Person A as opposed to having actually kissed her.

46.2. It is admitted that Person A spoke to Person F after reporting the incident to Person I, albeit the Respondent is unable to admit or deny what was discussed as he was not present at the discussion.

46.3. The reference to Person I's interview with Person J is unclear, but it appears that it was Person K (not Person A) who had asked Person J to speak with Person I (**X210**), and the correct page references to this interview are **X210 to X221**.

47. It is admitted that paragraph 42 accurately summarises what Person A describes herself as having done in her first witness statement (at **X24** and **X29 to X30**, paragraphs 42, 62 and 63) as to which the Respondent is unable to either admit or deny what is described beyond admitting that the exchanges took place.

Emails from the Respondent to Person A and response to local investigation

48. In relation to paragraph 43:

48.1. The Respondent accepts that he himself felt embarrassed and in those circumstances he thought it better to leave the issue well alone and move on. Equally, as described at paragraph 38, the Respondent had considered raising what had happened with Firm A's General Counsel (and had discussed doing so with Person D on 16 October 2020) but had decided against doing so for the same reasons. Throughout the Respondent's career he has sought to encourage and support junior and senior colleagues and peers alike and he is still in touch with a large number of his former trainees and contemporaries. It would never be the Respondent's intention to cause upset to any colleague and he felt guilty about his role in what had happened. Furthermore, as described at paragraph 44.2 above, the Respondent had not contacted Person A following the incident because he assumed that she too would feel embarrassed by what had happened given in particular that this was the second time on which she had been so intoxicated at a work social event. He did not wish to compound that embarrassment by bringing it up with her.

48.2. On 26 October 2020, Person K called the Respondent and told him that Person A was saying that the Respondent had kissed her (the Respondent's recollection is that Person K had used the words 'making out'), that she was upset and that she wanted an apology. Person K seemed unsure of the detail of exactly what Person A was contending but he said that he wanted the Respondent's version of what had happened. The Respondent told Person K that Person A's account was not correct and what had in fact happened in the terms described in paragraph 4 above (consistent with what he had already told Person D and Person G on the night in question). The Respondent was nonetheless apologetic and embarrassed as regards his role in events and that Person K should have needed to call the Respondent to discuss it. The impression that the Respondent had from Person K was that Person

A simply wanted an apology, which Person K appeared to think was sensible and would bring an end to the matter.

- 48.3. The Respondent said that he was willing to speak to Person A about it.
- 48.4. As the partner in attendance at the team social event, the Respondent acknowledged that he should not have allowed a situation to develop where Person A and others were as intoxicated as they were, which had led to Person A initiating a kiss that she evidently now deeply regretted and was embarrassed by and he recognised that he should not have participated in the kiss for however brief a period. In those circumstances, if an apology would give Person A some comfort and allow her to move on and equally resolve matters so far as Firm A and Person K was concerned, then the Respondent had no difficulty giving her such an apology and told Person K as such.
- 48.5. In response, Person K cautioned the Respondent to be careful about the language that he used in the apology given that his account was different to what Person A was alleging.
- 48.6. In those circumstances, the Respondent accepts that the apology sent to Person A on 26 October 2020 (**X82**) is written in awkward language.
- 48.7. The second sentence accurately describes what Person I recorded Person A as having said about the Respondent's email.
- 48.8. On 27 October 2020, the Respondent was informed by Person K that Person A was not happy with the apology that he had given. In those circumstances, and in circumstances in which the Respondent was, as a result, becoming concerned as to Person A's position in relation to what had happened and why there was a continuing issue, the Respondent emailed Person A on 28 October 2020 apologising again on the basis that: *"It is my responsibility to ensure a safe, supportive and enjoyable environment for all team members. On this occasion I have not met that standard and for that I can only apologise to you. As you can imagine, I am very concerned about this and about your wellbeing"* (**X81**).

49. Paragraph 44 is admitted. The account provided by the Respondent to Person K was materially consistent with the account that he has provided of what happened throughout (**X183 to X209**).

50. Paragraph 45 is admitted.

Impact

51. In relation to paragraph 46:

51.1. It is admitted that Person A has set out the impact that she says that the Respondent's alleged conduct has had on her at paragraphs 73 to 80 of her first witness statement, and that the passages of her witness statement are accurately summarised therein. The Respondent is unable to admit or deny what the Firm did or as to how that allegedly made Person A feel, but he nonetheless feels deeply sorry for the position that she now describes being in.

51.2. In relation to Person A's position that the Respondent has failed to show remorse or acknowledge the effect of his actions, the Respondent admits that he has not acknowledged having acted as he is alleged to have acted as that conduct is denied. The Respondent has nonetheless acknowledged that his conduct was not appropriate and has accepted responsibility for that, including by way of making two apologies.

52. It is admitted that paragraphs 47 and 48 accurately summarise Person A's position as set out in the paragraphs of her witness statement cited. Person A was due to leave the London office of Firm A in any event a few weeks after the incident in order to [REDACTED].

53. The Respondent accepts and has always accepted that he played a role in allowing the situation on 15 October 2020 to occur, for which he accepted responsibility and apologised to Person A (twice). He feels deeply sad about the impact that the events of 15 October 2020 appear to have had on Person A and followed his apologies up with appropriate training as was described to Firm A at **X189 to X192** and to the SRA at **X74 to X75**.

54. The impact, however, of having been wrongly accused of having acted in a way that the Respondent is sure that he did not act, and the fall out from the Allegation on the Respondent in practical terms has been profound and devastating. In particular and by way of summary only:

54.1. At the end of Firm A's investigation, it concluded that it was not able to make any determination of the facts beyond the fact that a kiss had occurred between Person A and the Respondent, which was in any event common ground **X76**. Despite acknowledging (amongst other positive attributes) that the Respondent had "*made a very valuable contribution to the Firm*" and that he had an unblemished record, the Respondent was asked by Firm A on 2 December 2020 to stand down

as Managing Partner with effect from 31 December 2020 X76 to X77. The Respondent immediately agreed to do so.

54.2. In April 2024, the London office of Firm A closed as part of a deal with [REDACTED] with the majority of the office having joined [REDACTED] towards the end of 2023. The Respondent was not offered a position at [REDACTED] and has not since found an alternative role solely as a result of the ongoing SRA investigation and now these proceedings. As a result, the Respondent has had to step away from his career at a critical point putting his professional life on hold ever since. It is highly unlikely the Respondent will now achieve anything close to his prior ambitions or potential should he feel able to return to work following the substantive hearing, which is in any event not listed until June 2025.

54.3. The whole process, but in particular the ferocity and tone of some of the statements made by former colleagues, has caused the Respondent to question himself and his professional relationships and interactions. The Respondent has no intention of returning to a city law firm office environment.

54.4. The Respondent has sought both [REDACTED] to help him [REDACTED]
[REDACTED]

54.5. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Breaches of professional standards

55. In a context in which it is denied that the Respondent conducted himself in the manner alleged, it follows that the alleged breaches of professional standards that are parasitical upon that alleged conduct are denied.

56. In relation to the second paragraph 48:⁵

56.1. It is admitted that Paragraph 1.2 of the Code provided as stated at the material time.

⁵ There is a formatting issue in the Rule 12 Statement.

- 56.2. It is denied that the Respondent breached paragraph 1.2 of the Code.
57. Paragraph 49 is admitted.
58. Paragraph 50 is denied. The kiss was instigated by Person A and not the Respondent.
59. In relation to paragraph 51, it is denied that the allegation is supported by the Respondent's apologies, as to which paragraph 7.7 above is repeated.
60. In relation to paragraphs 52 to 56 it is admitted that if the Respondent had acted as alleged it would have been a breach of Principle 2. It is denied that he did.
61. In relation to paragraph 57, it is denied that on the Respondent's own account there would have been no need to apologise and paragraph 7.8 above is repeated. In any event, people frequently apologise regardless of whether there is strictly a 'need' to do so, simply because it feels like the right thing to do and/or to help the individual to whom the apology is directed to move on and/or because it is expected to bring an end to the matter and to allow the apologise to move on. All were relevant factors here.
62. In relation to paragraphs 58 to 61, it is admitted that if the Respondent had acted as alleged, it would have constituted a breach of Principle 5. It is denied that he did.
63. In relation to paragraphs 62 to 63 and paragraph 64, it is admitted that if the Respondent had acted as alleged, that conduct would: (i) have been of a sexual nature and/or sexually motivated; and (ii) have been conduct that touched upon his practice as a solicitor and the standing of the profession. It is denied that he did.
64. Paragraph 65 is admitted.
65. It is admitted that paragraphs 66 to 70 accurately summarise, albeit only partially and selectively, what the Respondent said in his statement dated 7 March 2024.

The SRA's investigation

66. The steps taken by the SRA to investigate this matter as described at paragraphs 71 to 75 are admitted. For the reasons explained to the SRA in correspondence, including in the July 2024 letter, the SRA's investigation into this matter was inadequate in a number of material respects, including in particular as regards: (i) its extremely protracted nature; (ii) evidence identification and gathering; and (iii) the fact that the investigation against the Firm, which

is being conducted in tandem to these proceedings, is still ongoing. Each of those matters has caused the Respondent identifiable prejudice.

MARIANNE BUTLER

5 November 2024

I believe that the facts and matters stated in this Answer dated 5 November 2024 are true to the best of my information, knowledge and belief.

Signed: 

Dated: 05 November 2024 | 11:36 AM GMT