SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No. 12699-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD Applicant

and

LANDRETH ADONIS DANIEL Respondent

Before:

Mr E Nally (in the chair)
Mr J Johnston
Dr A Richards

Date of Hearing: 15 – 16 July 2025

Appearances

Tom Walker, Counsel employed by Blake Morgan LLP of New Kings Court, Chandlers Ford, Eastleigh, SO53 3LG for the Applicant.

Alexis Hearnden**,** Counsel, 39 Essex Chambers, 81 Chancery Lane, London WC2A 1DD for the Respondent.

JUDGMENT

Allegations

The allegations made by the SRA against Landreth Adonis Daniel ("the Respondent") are that:

1. Whilst in practice as a Solicitor at Andrew Storch Solicitors ("the Firm"), and having previously received instructions to act as the legal representative of Persons A and B respectively:

1.1. Between 21 December 2021 and 4 February 2022, acted for Person B in criminal proceedings arising from an incident of domestic abuse on 15 December 2021 ("the Incident") in which Person A was the Complainant, having known or ought to have known, that a conflict of interest or a significant risk of a conflict of interest existed; and by doing so, breached any or all of:

1.1.1. Paragraphs 6.2 and 6.5 of the Code of Conduct for Solicitors, RELs and RFLS 2019 ("the Code"); and / or

1.1.2. Principles 2, 5 and 7 of the SRA Principles 2019 ("the Principles").

1.2. On 3 February 2022, provided legal advice to Person A in respect of a witness summons issued requiring her to give evidence in criminal proceedings regarding the Incident in which Person B was the Defendant, having known or ought to have known, that a conflict of interest or a significant risk of a conflict of interest existed; and by doing so, breached any or all of:

1.2.1. Paragraphs 6.2 and 6.5 of the Code; and / or

1.2.2. Principles 2, 5 and 7 of the SRA Principles 2019 ("the Principles").

Executive Summary

2. The Respondent was a criminal defence solicitor and faced two allegations concerning a conflict of interest in his representation of Person A and Person B. This conduct came to the attention of the SRA following a report made by Thames Valley Police on 14 November 2022.

3. The subsequent allegations arose from the Respondent's representation of Person B, who had been charged with offences that included an assault on his partner Person A. Despite Person A being both a past and continuing client of the Respondent in unrelated criminal matters, the Respondent appeared on behalf of Person B in those proceedings. The Tribunal found that the Respondent acted despite having known or ought to have known, that a conflict of interest or a significant risk of a conflict of interest existed.

4. The conflict was further compounded when, on 3 February 2022, one day before Person B's trial, when the Respondent provided legal advice to Person A regarding a witness summons requiring her to attend court to give evidence.

5. The allegations were found proved as the Tribunal held that the Respondent, a senior practitioner, had failed to identify and respond appropriately to an obvious and serious

conflict of interest. A suspension of two months was imposed to mark the seriousness of the misconduct

Sanction

6. The Tribunal ordered that the Respondent be SUSPENDED from practice for the period of 2 months to commence on the 16th day of July 2025. The Tribunal's sanction and its reasoning on sanction can be found [here]

Documents

7. The Tribunal reviewed all the documents submitted by the parties, which included (but was not limited to):

- Rule 12 Statement and Exhibit TW1 dated 16 October 2024.
- Respondent's Answer to the Rule 12 Statement dated 12 November 2024.
- Applicant's Statement of Costs dated 8 July 2025

Background

8. The Respondent was admitted to the Roll of Solicitors on 5 February 1991. He is a solicitor consultant with the Firm, based in Reading, and his area of practice includes Crime.

9. The conduct in this matter came to the attention of the SRA following a report made by Thames Valley Police ("the Police") on 14 November 2022. The report concerned an alleged conflict of interest on the part of the Respondent in his representation of Persons A and B.

10. Persons A and B were in a relationship and were professionally known to the Respondent. Prior to 15 December 2021, Person A was a client of the Respondent and continued to be represented by him in relation to various criminal matters thereafter.

11. On or around 15 December 2021, Person B was charged with assault occasioning actual bodily harm against Person A—an allegation involving headbutting and causing bleeding—and with criminal damage. Both were imprisonable offences. The charges were classified as domestic abuse-related and thus subject to particular protocols within the criminal justice system, recognising that victims in such cases are often conflicted due to personal circumstances such as cohabitation, ongoing relationships, or shared custody of children with the alleged perpetrator. As a result, victims frequently attempt to withdraw their statements or avoid attending court.

12. This case followed that pattern. Person A indicated that she wished to withdraw her statement and expressed a reluctance to attend court. However, there was no evidence that she ever denied the occurrence of the assault or her wish for Person B to be prosecuted. Rather, she stated to various individuals that she did not wish to give evidence in court.

13. A central feature of the Applicant's case was that the Respondent was providing criminal legal aid services to lay clients who were potentially vulnerable and may have

had a limited understanding of the complexities inherent in legal proceedings. In that context, the views or instructions of Persons A and B as to whether the Respondent acted for either or both of them were not determinative of his professional obligations.

14. Nonetheless, on 21 December 2021, the Respondent appeared on behalf of Person B in criminal proceedings arising from the incident, despite the fact that Person A was both the complainant and the principal prosecution witness in the same matter.

15. Between 21 December 2021 and 3 February 2022, the Respondent continued to have contact with Person A. He represented her as a solicitor in other criminal matters and provided advice in relation to her attendance at court. This culminated in a telephone conversation on 3 February 2022, which was captured on police body-worn camera ("the telephone call").

16. According to the Applicant, the practical effect of the advice given by the Respondent during that call was to discourage the service of a witness summons on Person A, thereby inhibiting her attendance at court. Such a result would have been favourable to Person B, as the absence of Person A, the primary witness against him, was likely to result in his acquittal.

17. The conduct giving rise to these allegations came to light during the aborted trial of Person B on 4 February 2022, at which point the Respondent withdrew from the case. As a result of concerns raised by Person A at court, the Crown Prosecution Service lawyers with conduct of the case reported the matter to the District Judge. This in turn prompted a police investigation into the Respondent's actions and the substance and nature of his communications with Person A. That investigation subsequently led to a report being made to the Applicant.

18. Person A later attended court again in May 2022, and Person B was convicted of the offence. The Respondent did not represent Person B on that occasion.

Witnesses

19. The evidence is quoted or summarised in the Findings of Fact and Law below. The evidence referred to will be that which was relevant to the findings of the Tribunal, and to facts or issues in dispute between the parties. For the avoidance of doubt, the Tribunal read all of the documents in the case. The absence of any reference to particular evidence should not be taken as an indication that the Tribunal did not read, hear or consider that evidence.

20. The Respondent was the only person who provided oral evidence at the hearing.

Findings of Fact and Law

21. The Applicant was required by Rule 5 of The Solicitors (Disciplinary Proceedings) Rules 2019 to prove the allegations to the standard applicable in civil proceedings (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 their private and family life

under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

22. The Tribunal reviewed all the material before it and considered with great care the oral evidence (and cross-examination) of the Respondent, along with the submissions made by Mr Walker and Ms Hearnden. All findings were made on the balance of probabilities. The burden of proof lay entirely with the Applicant.

23. The Applicant's Case

23.1 The Applicant's case is set out in the Rule 12 Statement which can be found here. [Click Here]

24 The Respondent's Case

24.1 The Respondent's Answer to the Applicant's Rule 12 Statement – [Click Here]

25. **Allegation 1.1 - Between 21 December 2021 and 4 February 2022, acted for Person B in criminal proceedings arising from an incident of domestic abuse on 15 December 2021 ("the Incident") in which Person A was the Complainant, having known or ought to have known, that a conflict of interest or a significant risk of a conflict of interest existed.**

25.1 The Respondent denied Allegation 1.1 in its entirety.

25.2 The Respondent possessed detailed knowledge of Person A's domestic circumstances and criminal antecedents, having acted for her as a longstanding client. In 2021, the Respondent represented Person A in various criminal matters, including allegations of: common assault by beating, contrary to section 39 of the Criminal Justice Act 1988; being drunk and disorderly, contrary to section 91(1) of the Criminal Justice Act 1967; and obstructing or resisting a police officer, contrary to section 89 of the Police Act 1996.

25.3 The Respondent took instructions from Person A in relation to some of these matters on 10 November 2021. On 27 December 2021, he took further instructions from Person A in connection with a separate criminal matter, following her being charged with additional offences.

25.4 The Incident occurred on 15 December 2021. Person B was charged with assault occasioning actual bodily harm, contrary to section 47 of the Offences Against the Person Act 1861, and criminal damage, contrary to section 1 of the Criminal Damage Act 1971. Person A was the Complainant and, accordingly, a key prosecution witness in relation to the offences arising from the Incident.

25.5 On 21 December 2021, the Respondent represented Person B in criminal proceedings relating to the Incident at Reading Magistrates' Court. Person B entered a not guilty plea to all charges, and the case was adjourned for Trial on 4 February 2022 at the same court. It was confirmed that Person A would be required to give live evidence at Trial. Bail conditions were imposed on Person B, including a prohibition on contacting Person A, either directly or indirectly.

25.6 In representing Person B in proceedings involving imprisonable offences, the Respondent was under a duty to take all reasonable steps to safeguard Person B's best interests. This necessarily included a professional assessment of whether he could properly act, given that Person A, his longstanding client, was the Complainant in the same matter. The Tribunal therefore considered whether the Respondent acted in Person B's proceedings knowing, or having ought to have known, that a conflict of interest (or a significant risk thereof) existed.

25.7 The Respondent submitted that the Applicant's case oversimplified the proper legal analysis of the conflict of interest risk arising in the circumstances. He gave clear and coherent evidence, articulating his position and demonstrating a detailed understanding of his area of practice. It was apparent that the Respondent was a highly experienced and well-regarded practitioner in his field.

25.8 The Respondent maintained that his representation of Person A related to entirely separate matters. He had not acted for her in relation to the Incident, where she was, in any event, a witness rather than a party. He asserted that there was no overlap between the matters in which he had represented Person A and his representation of Person B in relation to the Incident. He stated that he had acted in Person A's best interests in the matters where she was the defendant, and that he could equally act in Person B's best interests in relation to the Incident.

25.9 The Respondent submitted that he was satisfied that neither a conflict of interest, nor a significant risk thereof, arose in his representation of Person B following the incident. The Respondent contended that this was an honest and genuine decision, made in the exercise of his professional judgment. Even if that assessment was incorrect, he argued, it was not a decision that no reasonably competent solicitor could have reached.

25.10 The Tribunal rejected these submissions. It found that the Respondent had acted for Person A in a range of previous and ongoing matters, and had been privy to personal information about her that was plainly relevant to the defence of Person B. This included not only the likelihood of Person A attending court, given her personal and domestic circumstances, but also information bearing on her credibility and any propensity to act in a violent or disorderly manner.

25.11 Regardless of the merits of any potential bad character application, the Respondent was in a position of actual conflict, which materially impaired his ability to make appropriate decisions in the case.

25.12 Person B's defence was based on self-defence, which necessarily implied that Person A had acted violently. Regardless of whether a formal bad character application was pursued, the Respondent would have been required to robustly cross-examine his own client on the basis that she was violent. This was in order to establish that Person B believed it was necessary to use reasonable force in defence of himself against violence or the threat thereof, as allegedly instigated by Person A.

25.13 The Respondent was also aware that Person A was engaged in separate family court proceedings, and that the outcome of the criminal charges against Person B was clearly of significance to her.

25.14 On 3 February 2022, a witness summons was issued in an effort to secure Person A's attendance at the Trial. Police officers attended Person A's home to serve the summons. During this visit, the telephone call took place between the Respondent and Person A, which was recorded on the police officer's body-worn camera.

25.15 With the benefit of this recording, the Tribunal considered the Respondent's evidence that the legal advice he provided to Person A during the call was general in nature. The Respondent rejected any suggestion that the advice was intended to benefit Person B or to undermine the prosecution.

25.16 The Tribunal did not accept the Respondent's evidence on this point. Had the advice truly been of a general nature, the Respondent would reasonably have addressed, *inter alia*, Person A's interests in giving evidence and how these could have been supported, for example through the use of special measures. Instead, the Tribunal placed weight on the fact that the Respondent approached the conversation from the outset on the basis of how Person A might avoid accepting the witness summons. The Respondent appeared irritated that Person A had answered the door to the police officers, thereby allowing the summons to be served and triggering the subsequent telephone call.

25.17 The Respondent prepared a letter dated 22 December 2021 to Person B, addressing the substance of the prosecution case, in which he acknowledged the key role played by Person A. He also prepared an attendance note dated 3 February 2022 confirming his review of the prosecution case in preparation for Trial. These documents demonstrated that the Respondent fully recognised the importance of Person A to the prosecution's case against Person B.

25.18 In these circumstances, the Respondent placed himself in a professionally compromised position of his own making. In order to act in Person B's best interests and seek an acquittal, he needed to be unfettered in his cross-examination of Person A, who was not only the Complainant but also his existing client. The Tribunal found that this was plainly not a professionally sustainable position, given the significant risk of a conflict of interest.

25.19 The Respondent's explanation for his decision to act for Person B, despite his ongoing professional obligations to Person A, lacked credibility. His reasoning amounted to an overly technical attempt to avoid responsibility, and a refusal to acknowledge the practical realities of the situation, in which there was a clear and significant conflict of interest.

25.20 That conflict arose from the fact that the Respondent represented Person B in criminal proceedings arising from the Incident, in which Person A—his existing client—was both the Complainant and the principal prosecution witness. In those circumstances, the only appropriate and professionally permissible course of action was for the Respondent to decline to act.

25.21 Having found the factual matrix of Allegation 1.1 proved on the balance of probabilities, the Tribunal went on to consider the alleged breaches of the Principles and the Code.

Paragraph 6.2 of the Code

25.22 Paragraph 6.2 of the Code prohibited the Respondent from acting in relation to a matter or particular aspect of it if there was a conflict of interest or a significant risk of such a conflict in relation to that matter or an aspect of it, unless one of several exceptions[1] applied.

25.23 The Tribunal determined that none of the exceptions applied in this case and as a consequence of the Tribunal's finding that the Respondent had acted for Person B in criminal proceedings arising from the Incident in which Person A was the Complainant, having known or ought to have known, that a conflict of interest or a significant risk of a conflict of interest existed, the Tribunal found on the balance of probabilities that the Respondent breached Paragraph 6.2 of the Code.

Paragraph 6.5 of the Code

25.24 Paragraph 6.5 of the Code sets out the prohibition on acting for a client in a matter where that client has an interest adverse to the interest of another current or former client for whom confidential information material to the matter in question is held, unless effective measures have been taken such that there is no real risk of disclosure of the confidential information, or informed consent has been provided. The Tribunal found that no exceptions applied in relation to the Respondent's conduct and in view of the Tribunal's findings regarding the Respondent's knowledge and professional obligations concerning Person A, there was a real risk of the disclosure of confidential information. The Tribunal found on the balance of probabilities that the Respondent breached Paragraph 6.5 of the Code.

Principle 2 of the Principles

25.25 Principle 2 of the Principles required the Respondent to act in a way that upheld public trust and confidence in the solicitors' profession and in legal services provided by authorised persons. The public would expect the Respondent to identify any circumstances where there was a conflict or significant risk of one. The public would also expect the Respondent to be aware of the potential serious consequences to his clients should he act in a conflict situation. The Respondent should have identified the obvious conflict of interest and acted accordingly in the best interests of both clients. The Tribunal found on the balance of probabilities that the Respondent breached Principle 2 of the Principles.

Principle 5 of the Principles

25.26 Principle 5 of the Principles required the Respondent to act with integrity. The Tribunal considered the comments of Jackson LJ in <u>*Wingate v SRA*</u> [2018] EWCA Civ 366 ("<u>Wingate</u>"), where he stated:

[1] Paragraph 6.2 exceptions:- a) the clients have a substantially common interest in relation to the matter or the aspect of it, as appropriate; or b) the clients are competing for the same objective, and the conditions below are met, namely that: i. all the clients have given informed consent, given or evidenced in writing, to you acting; ii. where appropriate, you put in place effective safeguards to protect your clients' confidential information; and you are satisfied it is reasonable for you to act for all the clients

> "[97] ... *the term "integrity" is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members ... The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards ... [100] Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty*".

25.27 The Tribunal found on the balance of probabilities that a solicitor acting with integrity would not, *inter alia*, have acted for both Person A and B in proceedings where one client would have to give evidence against the interests of the other. The Tribunal noted the Respondent's partial admission to acting in conflict in relation to Allegation 1.2. This was difficult to reconcile with his denial in respect of acting in conflict in Allegation 1.1 as Allegation 1.2 was effectively a sub-set of that Allegation as the conflict of interest arose at the outset. The Respondent failed to act with moral soundness, rectitude and failed to demonstrate adherence to the ethical code of the profession and the Tribunal found on the balance of probabilities that the Respondent therefore breached Principle 5 of the SRA Principles 2019.

Principle 7 of the Principles

25.28 Principle 7 of the Principles required the Respondent to act in the best interests of each client. Given the adversarial nature of the criminal proceedings arising out of the Incident, and the mutually exclusive nature of the interests of Persons A and B in respect of the same, it was impossible for the Respondent positively and fearlessly to assert the best interests simultaneously of both Persons A and B. The Tribunal found on the balance of probabilities that the Respondent breached Principle 7 of the SRA Principles 2019.

26. **Allegation 1.2. On 3 February 2022, provided legal advice to Person A in respect of a witness summons issued requiring her to give evidence in criminal proceedings regarding the Incident in which Person B was the Defendant, having known or ought to have known, that a conflict of interest or a significant risk of a conflict of interest existed**

26.1 The circumstances giving rise to the telephone call on 3 February 2022, following the issue of a witness summons intended to secure Person A's attendance at Person B's trial scheduled for the following day, and the Tribunal's findings in relation to the advice provided by the Respondent during the telephone call are set out above.

26.2 The Respondent made admissions in relation to the factual matrix of Allegation 1.2 on the basis that he provided Person A with *"…informal* [advice]*, free of charge, and did not constitute a retainer*". The Respondent accepted that he should not have relented, following repeated requests for legal advice from Person A prior to 3 February 2022, and acknowledged that he ought not to have offered even general advice concerning the witness summons. He submitted that the context was important in understanding how he came to overstep the professional boundary, having, on several previous occasions, attempted without success to signpost Person A to alternative sources of advice and assistance.

26.3 It was said that criminal practice often involves working at a fast pace shaped by the ongoing progression of court proceedings and the demands of clients where regular contact is a central feature of the role. The Respondent submitted that, although he had acted with the intention of doing his best in difficult circumstances, he ultimately got it wrong and overstepped the line on this occasion. He accepted that what he had characterised as a pragmatic response was, in hindsight, misplaced. He admitted that there was a significant risk of a conflict of interest in providing advice to a prosecution witness while simultaneously representing the defendant in the same proceedings.

26.4 The Tribunal found that the Respondent's admissions were properly made, albeit on a basis that appeared, in parts, to minimise his culpability. The Tribunal's findings in relation to the telephone call, as set out above under Allegation 1.1, were equally applicable in this context. The Tribunal found factual matrix of Allegation 1.2 proved on the balance of probabilities and went on to consider the alleged breaches of the Principles and the Code.

26.5 The Respondent admitted that he had acted in breach of Paragraph 6.2 of the Code and that he breached Principles 2 and 5 of the SRA Principles. However, the Respondent denied that his conduct amounted to a breach of Paragraph 6.5 of the Code or of Principle 7.

Paragraph 6.2 of the Code

26.6 The Tribunal found that the Respondent's admission in respect of a breach of Paragraph 6.2 of the Code was properly made. Paragraph 6.2 of the Code prohibited the Respondent from acting in relation to a matter or particular aspect of it if there was a conflict of interest unless one of several exceptions applied. The Tribunal determined that none of the exceptions applied in this case.

26.7 The Respondent accepted that he had been ill advised in providing advice to Person B and the Tribunal found that there was no professionally justifiable basis for the Respondent to have become professionally involved at all in the way that he did on 3 February 2022. The Tribunal found on the balance of probabilities that the Respondent breached Paragraph 6.2 of the Code.

Principle 2 of the Principles

26.8 Principle 2 of the Principles required the Respondent to act in a way that upheld public trust and confidence in the solicitors' profession and in legal services provided by authorised persons. The public would expect the Respondent to have identified, in relation to his involvement in the matter of the witness summons on 3 February 2022, that providing legal advice to Person A having known (or ought to have known) that a conflict of interest or a significant risk of a conflict of interest existed was liable to damage public confidence and trust in the solicitor's profession.

26.9 The Tribunal found that the Respondent admission in relation the breach of Principle 2 of the Principles was properly made. The Tribunal found on the balance of probabilities that the Respondent breached Principle 2 of the Principles.

Principle 5 of the Principles

26.10 Principle 5 of the Principles required the Respondent to act with integrity. The Tribunal was assisted by and applied the guidance set down in Wingate in determining this allegation. The Respondent accepted that, as an officer of the court, he should not have provided advice to Person A in relation to what he described as her desire not to attend court. The Tribunal rejected the Respondent's submission that the advice given to Person A was limited to general guidance.

26.11 The Tribunal found that the Respondent had provided legal advice to Person A concerning a witness summons requiring her to give evidence in criminal proceedings relating to the Incident, in which Person B was the Defendant. At the time of doing so, the Respondent knew, or ought to have known, that a conflict of interest, or a significant risk thereof, existed. In acting in this way, the Respondent failed to demonstrate the moral soundness, rectitude, and steady adherence to an ethical code required to discharge the obligation to act with integrity. The Tribunal found that the Respondent's admission in relation to the breach of Principle 5 was properly made. It concluded, on the balance of probabilities, that the Respondent had breached Principle 5 of the Principles.

Paragraph 6.5 of the Code and Principle 7 of the Principles

26.12 The Respondent submitted that, for the purposes of applying Paragraph 6.5 of the Code, Person A was not a client in respect of the matter involving the witness summons, and therefore the associated duties did not arise, or did not arise to the same extent. The Tribunal rejected that submission.

26.13 The Tribunal considered the Respondent's interpretation of Paragraph 6.5 to be unduly narrow. In reaching this conclusion, it had careful regard to the wording of the provision, the underlying purpose of the Code including the mischief it is designed to prevent and the language used in the supporting SRA guidance. The Tribunal concluded that a broader and purposive interpretation of Paragraph 6.5 was both appropriate and necessary for its proper application to the facts of this case.

26.14 The Tribunal also considered the nature of the Respondent's professional relationship with both Person A and Person B, and the duties that arose from those relationships. Person A was not a client in the specific proceedings arising from the Incident, where she appeared as the complainant, however she remained a current client of the Respondent in relation to other criminal matters.

26.15 In that context, the Respondent continued to owe duties arising from his possession of confidential information relating to Person A, which was plainly material to the proceedings involving Person B. The Respondent advised Person A in connection with the witness summons compelling her attendance at Person B's trial. The Tribunal was satisfied that these circumstances brought the matter squarely within the scope of Paragraph 6.5, which applies where a solicitor holds confidential information about a current or former client and proposes to act in a matter where that client's interests are adverse to those of another.

26.16 The Code does not require the two individuals to be clients in the same matter, nor even parties to the same proceedings. What it does require is that the solicitor holds material confidential information and is acting in circumstances where there is a conflict of interest, or a significant risk of such a conflict. The Tribunal found that those conditions were clearly met in this case.

26.17 The Tribunal further found that the nature of the confidential information held about Person A gave rise to an irresistible and irreconcilable conflict between the Respondent's duties to her and his duty to act in the best interests of Person B. The information was not only confidential, but potentially central to Person B's defence, particularly given the nature of the allegations and the likely challenge to Person A's credibility and reliability.

26.18 There was no realistic prospect that the Respondent could act in Person B's best interests without being influenced, consciously or otherwise, by his knowledge of Person A acquired through his prior representation of her. Nor could he properly fulfil his duty to preserve Person A's confidential information without compromising his obligation to act fearlessly and independently for Person B.

26.19 The Tribunal found that the Respondent had therefore placed himself in a situation involving a direct conflict of duties. That conflict was not hypothetical or remote; it was live, substantial, and plainly irreconcilable. The fact that Person A was technically a witness rather than a party did not diminish the reality of the conflict, nor did it relieve the Respondent of his professional obligations under the Code.

26.20 The Tribunal found on the balance of probabilities that the Respondent's conduct amounted to a clear breach of both Paragraph 6.5 of the Code and Principle 7 of the Principles.

Previous Disciplinary Matters

27. The Tribunal noted that the Respondent had two previous disciplinary findings recorded against him. The Tribunal considered those Judgments in advance of determining the appropriate sanction.

Mitigation

28. It was submitted by Ms Hearnden on behalf of the Respondent that any sanction must be proportionate to the seriousness of the misconduct, and no more than necessary to protect the public and maintain confidence in the profession.

29. The Respondent's age and experience was referenced by Ms Hearnden as the Respondent remained an active and committed solicitor. The Respondent practised in criminal defence work, largely within the publicly funded legal aid sector, for over 30 years, and had no intention to retire. The Tribunal was informed that he continued to work full-time as a consultant, maintaining a full caseload and working long hours to serve vulnerable members of the public facing the criminal justice system.

30. The Respondent's personal circumstances were also advanced in mitigation. The Respondent's financial and caring responsibilities towards his family were explained in

detail. It was submitted that these responsibilities would be impacted by any sanction imposed.

31. Ms Hearnden directed the Tribunal to a range of testimonials provided on the Respondent's behalf. It was submitted that the references came from a broad cross-section of different senior professionals. They attested to the Respondent's good character, integrity, and longstanding commitment to ethical and diligent practice. The references also spoke highly of the Respondent's professionalism and reliability.

32. It was submitted that the Respondent's misconduct arose not from bad faith or a desire to secure an advantage for one client at the expense of another, but from a mistaken attempt to assist two clients with whom he had pre-existing professional relationships. Ms Hearnden accepted that there had been a failure of professional judgment and that the Respondent had erred in providing advice to Person A on 3 February 2022. However, it was said that the Respondent was trying to support both Person A and Person B in navigating the criminal justice system, rather than acting for an improper purpose.

33. It was further submitted that the circumstances were unique, not premeditated, and had not been repeated. The Respondent did not seek to mislead the regulator or manipulate proceedings. Ms Hearnden accepted that the Respondent's experience was a factor increasing his culpability, but argued that it also demonstrated the absence of any pattern of similar behaviour and that he had shown some insight into what had gone wrong.

34. The Tribunal was referred to the Respondent's previous appearances before the Tribunal in 2002 and 2009. It was submitted that the 2002 matter arose from a technical error in relation to public funding claims. The 2009 matter related to a failure to obtain SRA approval related to a partner and delays in responding to correspondence. Ms Hearnden submitted that both matters were historic, different in nature from the current misconduct, and did not reveal any pattern of attitudinal or ethical failings.

35. It was submitted that the Respondent had cooperated fully with the Applicant, made early admissions where appropriate and had expressed regret and understanding regarding the error in advising Person A. Reference was made to the formal written apology submitted by the Respondent to the Applicant on 2 May 2024.

36. It was further submitted that since becoming aware of the investigation the Respondent had taken proactive steps to address the issues raised. He had completed continuing professional development courses in conflicts of interest, professional ethics, and safeguarding, and had reflected earnestly on his conduct. It was said that this demonstrated meaningful insight and a reduced risk of recurrence.

37. Finally, it was submitted that the Respondent did not present an ongoing risk to the public and that public confidence in the profession could be maintained without the need for suspension. Ms Hearnden argued that a financial penalty would be a proportionate and sufficient sanction in light of the findings, and that suspension would be punitive and unnecessary to mark the seriousness of the conduct or to protect the public.

Sanction

38. The Tribunal considered the Guidance Note on Sanction (11th Edition February 2025). and the proper approach to sanctions as set out in ***Fuglers and others v SRA*** **[2014] EWHC 179**. The Tribunal's overriding objective when considering sanction, was the need to maintain public confidence in the integrity of the profession.

39. In determining sanction, the Tribunal's role was to assess the seriousness of the proven misconduct and to impose a sanction that was fair and proportionate in all the circumstances. In determining the seriousness of the misconduct, the Tribunal was to consider the Respondents' culpability and harm identified together with the aggravating and mitigating factors that existed.

40. Mr Walker applied, on behalf of the Applicant for permission to be heard on sanction. The application was refused by the Tribunal on the basis that it would not be assisted by such submissions. The Tribunal was an expert Tribunal and competent to consider sanction in its usual way.

41. In determining sanction, the Tribunal took account of the representations on sanction made on behalf of the Respondent which acknowledged the seriousness of the proven conduct and submitted that a financial penalty would be appropriate as opposed to a more severe sanction.

42. Public confidence in the profession could not be maintained by the imposition of a financial penalty. The Tribunal was satisfied that a suspension was necessary to reflect the seriousness of the misconduct, to uphold the reputation of the profession, and to act as a deterrent to others.

43. The Respondent was a highly experienced solicitor and this was important in the Tribunal's assessment of his responsibility. The misconduct arose from a failure to identify and respond appropriately to a fundamental conflict of interest. Although the circumstances that initially presented themselves were unusual, the Respondent had direct control and responsibility for the decisions that followed. The Respondent represented Person B in proceedings where Person A was the complainant and a key prosecution witness, and later provided legal advice to Person A in respect of a witness summons issued to secure her attendance at Person B's trial. The Tribunal concluded that the Respondent's culpability was high.

44. The Tribunal was satisfied that the Respondent's conduct had a direct and detrimental impact on Person A, who was potentially vulnerable and the victim of a criminal offence. The Tribunal accepted that the criminal proceedings and Person A's interactions with the Respondent in particular, caused her distress and had an adverse impact on her health. The legal advice she received from the Respondent was incomplete and failed properly to explain the nature and effect of the witness summons or the options available to her. This exacerbated her distress and could have undermined her access to justice.

45. In addition to the personal harm caused to Person A, the Tribunal also found that the Respondent's conduct gave rise to procedural harm. He continued to represent Person B in proceedings for several months despite the unresolved conflict of interest. In the

Tribunal's judgment, the legal profession and the wider public would view the Respondent's conduct with considerable disapproval. The reputation of the profession was materially harmed.

46. The harm caused by the Respondent's misconduct was foreseeable. A solicitor in his position, particularly one of his seniority and experience, ought to have appreciated the obvious conflict and the damage that could be caused to both clients, the proceedings, and the public interest in the proper conduct of criminal trials.

47. In considering the Respondent's culpability and the level of harm caused, the Tribunal concluded that seriousness of the Respondent's misconduct was high.

48. The Tribunal identified several aggravating factors in this case. The misconduct was not isolated but continued over a sustained period. The Respondent either knew, or ought reasonably to have known, that his conduct constituted a serious breach of his professional obligations. Although the earlier disciplinary matters were historic, the Respondent had previously been the subject of adverse findings by the Tribunal in 2002 and 2009 and could not therefore be regarded as a practitioner with an unblemished disciplinary history.

49. The Tribunal accepted that the Respondent cooperated with the investigation and there was no evidence of obfuscation. Character references attested to his integrity and standing in the profession although it was unclear whether the referees were aware of the Respondent's previous disciplinary matters. The Tribunal noted that the Respondent had completed ethics training courses but found that his insight remained limited. In his oral evidence, the Respondent persisted in asserting that Person A was not owed a professional duty and he adopted a narrowly technical view of his obligations, rather than acknowledging the importance of continually reviewing cases and the interests of those he represented to identify where they may conflict in accordance with the Code and the applicable SRA Guidance.

50. Having considered all relevant factors, including the Respondent's culpability, the actual and potential harm caused, the aggravating and mitigating features, and the need to maintain public confidence in the profession, the Tribunal concluded that the appropriate and proportionate sanction was a suspension from practice for a period of two months.

51. This period of suspension was sufficient to mark the seriousness of the misconduct and to protect the public and the reputation of the profession.

Costs

52. Mr Walker applied for costs on behalf of the Applicant and referred the Tribunal to the Applicant's Statement of Costs dated 8 July 2025. The Applicant claimed its cost in the amount of £34,025.00. The Applicant had succeeded in the entirety its case and Mr Walker submitted that the costs claimed were reasonable and proportionate. The application covered all aspects of case preparation and presentation, including in respect of the disputed allegations, all of which were ultimately found proved. Mr Walker submitted that there was nothing in the Respondent's statement of means to suggest that costs should not follow the event, or that his ability to pay was materially impacted.

53. Ms Hearnden accepted that an order for costs was appropriate in principle but challenged the amount sought. She submitted that the time indicated on the Applicant's Statement of Costs was extraordinarily high for a case of this nature, noting by comparison that the Respondent's own solicitors had expended significant fewer hours on the case. On that basis, Ms Hearnden submitted that a significant reduction to the amount claimed by the Applicant was appropriate. Ms Hearnden also invited the Tribunal to consider the Respondent's limited means, referencing his work in publicly funded criminal defence and the information set out in his statement of means.

The Tribunal's Decision on Costs

54. The Tribunal assessed the Applicant's Statement of Costs in detail, guided by reference to Rule 43 of the Solicitors (Disciplinary Proceedings) Rules 2019, and had regard for the conduct of the parties (including the extent to which the Tribunal's directions and time limits imposed had been complied with), whether the amount of time spent on the matter was proportionate and reasonable and whether any or all of the allegations were pursued or defended reasonably.

55. The Respondent had provided information pursuant to Rule 43(5) of The Solicitors (Disciplinary Proceedings) Rules 2019 regarding his means. The Tribunal had regard for the Respondent's current financial circumstances.

56. The Applicant's case had succeeded in its entirety. The Tribunal reviewed the amount claimed by the Applicant and considered the extent to which the costs incurred arose from the general contractual arrangement with its external legal services provider. The Tribunal considered that the case was relatively straightforward in terms of its presentation and did not involve significant evidence from live witnesses. However, it noted that the legal issues raised were technically complex and required detailed consideration. Much of the Tribunal's determination centred on these technical aspects of the case, which necessitated a careful and thorough approach.

57. The Tribunal determined that the costs payable should be reduced to ensure proportionality and fairness. The Tribunal therefore ordered that the Respondent do pay the costs of and incidental to this application and enquiry fixed in the sum of £19,277.00.

Statement of Full Order

58. The Tribunal ORDERED that the Respondent, LANDRETH ADONIS DANIEL, solicitor, be SUSPENDED from practice for the period of 2 months to commence on the 16th day of July 2025 and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £19,277.00.

Dated this 23rd day of September 2025
On behalf of the Tribunal

J. Johnston

J. Johnston
Solicitor Member