SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No. 12441-2023

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD. Applicant

and

DEVANDRAN KARUNAKARAN Respondent

Before:

Ms A Horne (in the chair)
Mr J Abramson
Ms J Rowe

Date of Hearing: 26-27 June 2023

Appearances

James Counsell KC, barrister of Outer Chambers, instructed by Capsticks LLP for the Applicant.

Gregory Treverton-Jones KC, barrister of 39 Essex Chambers, instructed by Weightmans LLP for the Respondent.

JUDGMENT

Allegations

1. The Allegations against Mr Karunakaran were that on 19 November 2019, he admitted and was convicted, by the State Court of Singapore, of four counts alleging that, on 16 May 2018:

1.1. He used criminal force to a 48 year-old female (Ms H, the anonymised name used in the charges), knowing it to be likely that he would thereby outrage the modesty of that person by using both hands to stroke her back and waist;

1.2. He used criminal force to a 28 year-old female (Ms P), knowing it to be likely that he would thereby outrage the modesty of that person by using his left hand to stroke her body from her left shoulder to her left waist;

1.3. He used criminal force to a 30 year-old female (Ms K), knowing it to be likely that he would thereby outrage the modesty of that person by using his right hand to stroke her body from her right waist to her buttock; and

1.4. With intent to cause distress to another person (in this case, a doorman, Mr D), he uttered threatening and abusive words, by threatening to make him lose his job and uttering the words "Fuck you mate" repeatedly, thereby causing Mr D distress.

2. In addition, he admitted and the Court took into consideration three further offences, two identically worded offences in respect of Ms H and one against Ms K involving the use of his right hand to hold her waist and to pull her towards him.

3. His actions, described at paragraphs 1.1 to 1.3, were unwanted, inappropriate and/or sexually motivated.

4. In respect of paragraph 1.4, he reinforced that threat and his abuse by telling Mr D that he was a lawyer.

5. His conduct, both individually and taken together, constituted a breach of Principle 2 and/or Principle 6 of the SRA Overseas Rules 2013 (the Overseas Principles).

6. The relevant Overseas Principles are as follows;

Principle 2: You must act with integrity.

Principle 6: You must not do anything which will or will be likely to bring into disrepute the overseas practice, yourself as a regulated individual or responsible authorised body or, by association, the legal profession in and of England and Wales.

Documents

7. The Tribunal considered all of the documents in the case which were contained in an agreed electronic bundle.

Preliminary Matters

8. Submissions on Sanction

8.1 After the Tribunal had made its findings, and before hearing mitigation, Mr Counsell indicated that he wished to make submissions on sanction. The Tribunal heard submissions from Mr Counsell and Mr Treverton-Jones as to whether it should hear from the SRA on sanction. The submissions were lengthy and are only briefly summarised below.

Applicant's Submissions

8.2 Mr Counsell invited the Tribunal to hear the SRA on sanction so as to ensure that the parties were on an "equal footing", and so that the case would be heard justly. Mr Counsell made clear that he was not suggesting that SRA was entitled to be heard as of right. However, he submitted that as a matter of fairness in an area of misconduct that is particularly sensitive, and of interest to the public, it was appropriate to hear submissions from the prosecutor, to avoid the risk of injustice or that justice should not be seen to be done. Mr Counsell referred the Tribunal to the overriding objective (Rule 4 of the SDPR) and to Rules 27(1)(c) and 38(3) which related to directions as to submissions, which he submitted demonstrated that there was nothing in the Tribunal's rules that prevented the Tribunal from hearing submissions from the SRA on sanction.

8.3 Mr Counsell submitted that this case was one of particular sensitivity, and there was considerable public interest in hearing from both parties on the question of sanction. He noted that other professional disciplinary tribunals did hear such submissions.

8.4 Mr Counsell submitted that, not hearing the SRA on sanction risked losing sight of the overriding objective. Any fair-minded observer might not consider it to be a just or equal process if only one party was heard on sanction. If the SRA was not heard on sanction then there was a risk that the Tribunal might overlook a relevant factor.

8.5 If the SRA was permitted to make submissions on sanction, the last word would still go to Mr Karunakaran's representative.

Respondent's Submissions

8.6 Mr Treverton-Jones opposed the application, which he observed was now being made regularly. He accepted that the Tribunal was entitled to hear such submissions when appropriate, but submitted that there was nothing about this case in particular that made it out of the ordinary.

8.7 Mr Treverton-Jones submitted that there appeared to be a "strong desire in the senior reaches" of the SRA to be heard on sanction in every case. He invited the Tribunal to resist that "encroachment". The Tribunal had a legal expertise and experience that was not available in other Tribunals.

8.8 Mr Treverton-Jones submitted that the reason the SRA wanted to make these submissions was that it wanted to see heavier sanctions imposed. He submitted that the appropriate way to achieve this would be to appeal a suitable case, as it had done in dishonesty cases.

8.9 Mr Treverton-Jones submitted that allowing the SRA to make submissions on sanction could give the "unfortunate impression" that the SRA was "bossing the "Tribunal about" and so dilute the Tribunal's independence.

The Tribunal's Decision

8.10 The Tribunal's procedures and policies were contained in the SDPR 2019, any Policy Notes/Practice Directions issued by the Policy Committee and in published Guidance Notes – the Guidance Note on Sanction (10th Edition – June 2022) being the relevant such document for these purposes.

8.11 The Tribunal was required to give effect to the overriding objective, which required fairness to all parties.

8.12 Rule 41 of the SDPR dealt with the question of sanction and made no reference to the SRA having a right to make submissions on sanction, as Mr Counsell had quite rightly accepted. The Guidance Note on Sanction also made no reference to hearing the SRA on sanction. There were no Policy Notes/Practice Directions that conferred an expectation that the SRA would make submissions on sanction. It was therefore a matter for each panel of the Tribunal to determine whether or not to hear from the SRA on sanction and to specify the areas of assistance that the SRA could offer.

8.13 The Tribunal was an expert Tribunal, and each panel included two solicitor members as well as a lay member. It was assisted and advised on law and procedure by a legally qualified clerk.

8.14 The usual practice of the Tribunal was to hear from the SRA, in opening, as to the nature and severity of the alleged misconduct. Where matters were proved, the Tribunal would take into account all the factors it deemed relevant and apply them to the Guidance Note on Sanction. The Tribunal was rarely assisted by a reminder of the SRA's position as to, for example, lack of integrity. The Tribunal would work through the Guidance Note on Sanctions and identify the factors relevant to sanction, taking into account the facts of the case as determined by the Tribunal and any points raised in mitigation. The Tribunal did not accept the submission of Mr Counsell that this may be perceived as an "unjust" or "unequal" approach – indeed it was one that underlined the fact that the Tribunal was independent of the SRA.

8.15 There may be some unique or novel cases, in which a panel would be assisted by submissions from the SRA on the question of sanction. There was nothing to prevent the Tribunal hearing such submissions in those circumstances. In the vast majority of cases, however, the Tribunal was well equipped to identify the appropriate sanction. Each party had the right of appeal should it disagree with the Tribunal's decision. The Tribunal noted that, while Mr Counsell had submitted that this particular case was one in which submissions would be helpful due to its nature, the application to be heard on

sanction was now being made by the SRA in virtually every case, which rather undermined his point.

8.16 In this case the Tribunal did not consider that there was any reason to depart from the usual position that it would not hear from the SRA on sanction and it refused Mr Counsell's application.

Factual Background

9. Mr Karunakaran was admitted to the Roll of Solicitors on 15 September 2006. At all relevant times, he lived and worked in Singapore, practising there as a foreign lawyer. At the time of these events, he was employed as a partner at Ince & Co Singapore LLP. At the time of the hearing Mr Karunakaran held a current practising certificate, free of conditions.

10. On 16 May 2018 Mr Karunakaran had met a client for a drink in a bar after work. On his own account, by the time he left the bar and his client he was "quite drunk", but he decided to have another drink in the bar of an international hotel on his way home. He had one or two further drinks in the hotel bar and says that he wandered around talking to a number of people. The SRA stated that he approached three women, unknown to him, and made physical and inappropriate contact. Mr Karunakaran said that he had no recollection of touching one of the women (Ms H) and that he had a vague recollection of approaching the other two women, but did not recall whether he touched them in the way alleged and as he subsequently admitted.

11. Shortly before midnight, he was told by Mr D, whom he believed to be a doorman, but was in fact the bar manager, to leave the bar. Mr Karunakaran did not understand why he was being asked to leave and this led to an argument. The Police were called, and Mr Karunakaran was arrested and detained overnight at the Police Station.

12. On 29 October 2018, Mr Karunakaran was charged in Singapore with seven offences contrary to section 354(1) of the Penal Code 1871, and one offence contrary to section 3(2) of the Protection from Harassment Act 2014, arising out of the incident on 16 May 2018.

13. On 19 November 2019, Mr Karunakaran pleaded guilty to the following four offences:

> "Charge 1
> You, Devendran Karunakaran, are charged that you, on 16th day of May 2018, at or about 11.00pm, at the Grand Hyatt Hotel, Singapore, did use criminal force to one Ms H, a 48-year-old female, knowing it to be likely that you would thereby outrage the modesty of the said person by such criminal force, to wit, by using both hands to stroke her back and waist, and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap. 224, 2008 Rev).
>
> Charge 4
> You, Devendran Karunakaran, are charged that you, on 16th day of May 2018, at or about 11.30pm, at the Grand Hyatt Hotel, Singapore, did use criminal force to one Ms P, a 28-year-old female, knowing it to be likely that you would

thereby outrage the modesty of the said person by such criminal force, to wit, by using your left hand to stroke her body from her left shoulder to her waist, and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap. 224, 2008 Rev).

Charge 5
You, Devendran Karunakaran, are charged that you, on 16th day of May 2018, at or about 11.30pm, at the Grand Hyatt Hotel, Singapore, did use criminal force to one Ms K, a 30-year-old female, knowing it to be likely that you would thereby outrage the modesty of the said person by such criminal force, to wit, by using your right hand to stroke her body from her right waist to her buttock and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap. 224, 2008 Rev).

Charge 7
You, Devendran Karunakaran, are charged that you, on 16th day of May 2018, at or about 11.45pm, at the Grand Hyatt Hotel, Singapore, with intent to cause distress to one Mr D, uttered threatening and abusive words at the said person, to wit, by threatening to make him lose his job and uttering "Fuck you mate" repeatedly, thereby causing the said person distress, and you have thereby contravened section 3(1)(a) and committed an offence punishable under section 3(2) of the Protection from Harassment Act (Cap. 256A, 2015 Rev. Ed.)."

14. The following three additional offences were taken into consideration (TIC) when Mr Karunakaran was being sentenced.

"Charge 2 (TIC 1)
You, Devendran Karunakaran, are charged that you, on 16th day of May 2018, at or about 11.01pm, at the Grand Hyatt Hotel, Singapore, did use criminal force to one Ms H, a 48-year-old female, knowing it to be likely that you would thereby outrage the modesty of the said person by such criminal force, to wit, by using both hands to stroke her back and waist, and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap. 224, 2008 Rev).

Charge 3 (TIC 2)
You, Devendran Karunakaran, are charged that you, on 16th day of May 2018, at or about 11.05pm, at the Grand Hyatt Hotel, Singapore, did use criminal force to one Ms H, a 48-year-old female, knowing it to be likely that you would thereby outrage the modesty of the said person by such criminal force, to wit, by using both hands to stroke her back and waist, and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap. 224, 2008 Rev).

Charge 6 (TIC 3)
You, Devendran Karunakaran, are charged that you, on 16th day of May 2018, at or about 11.31pm, at the Grand Hyatt Hotel, Singapore, did use criminal force to one Ms K, a 30-year-old female, knowing it to be likely that you would thereby outrage the modesty of the said person by such criminal force, to wit, by using your right hand to hold her right waist and pulling her towards you,

and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap. 224, 2008 Rev)."

15. Mr Karunakaran was fined a total of $15,000 (SGD) for the offences of which he had been convicted. A period of 75 days imprisonment was set in the event that he defaulted on the fine.

16. Mr Karunakaran's employment with Ince & Co Singapore LLP was terminated on 20 November 2019, immediately after this conviction.

17. The conduct initially came to the attention of the SRA on 16 November 2019, when a report was received from Ince Gordon Dadds LLP (as the firm had become), Mr Karunakaran's employer. The SRA received a further report from Pinsent Masons LLP, acting for Ince Gordon Dadds LLP, on 3 December 2019. On 10 December 2019 Mr Karunakaran self-reported the matter to the SRA.

18. In that self-report, Mr Karunakaran accepted that he had been out for drinks on that evening, and that his behaviour fell below the professional standard to be expected of a regulated individual from a personal and professional perspective. He accepted that he was intoxicated and became involved in an argument with a "bouncer". When requested to do so he refused to leave, and he was subsequently arrested. He also accepted that the fact that he could not remember events was his own fault for being intoxicated, and he accepted responsibility for his actions. He said that he had apologised to each of the women involved and the doorman. He emphasised that he deeply regretted his actions and took full responsibility for them. He described feeling "frankly disgusted with my behaviour towards the three women and the bouncer". He said that he had later learned that his confusion about what happened "stemmed partly from being unaware of what was acceptable and what was not with respect to social interaction with members of the opposite sex."

19. The case was reported in media in Singapore.

20. The SRA's case was that the way in which Mr Karunakaran approached and touched the women in the bar was sexually motivated. Mr Karunakaran denied this.

Witnesses

21. The written and oral evidence of Mr Karunakaran is quoted or summarised 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 and made notes of the oral evidence. 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.

22. <u>The Respondent</u>

22.1 Mr Karunakaran told the Tribunal that he admitted the breach of Principle 6. Mr Counsell asked him which part of his behaviour he considered had breached Principle 6. Mr Karunakaran told the Tribunal that his argument with Mr D had gone too far. As far as the offences against the women were concerned, he said any contact

was unintentional, but he accepted that he had made contact when it was unwanted. Mr Karunakaran further accepted that the criminal convictions themselves brought the profession into disrepute.

22.2 In relation to the argument with Mr D, Mr Karunakaran accepted that he had refused to leave the bar. He told the Tribunal that this was because he did not think he had done anything wrong, and he wanted to finish his drink. Mr Karunakaran told the Tribunal that he had not become abusive because he was asked to leave, but because Mr D was also angry and Mr Karunakaran believed he was standing up for himself. Mr Karunakaran told the Tribunal that he had been asked to leave a bar before for no good reason, and he believed this was to do with his ethnicity. He accepted that, apart from asking him to leave, Mr D had done nothing specific to justify that assumption.

22.3 Mr Counsell put to Mr Karunakaran that Mr D had told him to leave because he had behaved inappropriately to three women. Mr Karunakaran told the Tribunal that he was given this explanation, but he had not believed Mr D, as he did not consider he had touched anyone inappropriately. Mr Karunakaran accepted that he had sworn at Mr D.

22.4 Mr Counsell put to Mr Karunakaran that he had tried to put pressure on Mr D by telling him that he was a lawyer and was in a position to make Mr D lose his job. Mr Karunakaran told the Tribunal that he only told Mr D he was a lawyer so that Mr D would understand that Mr Karunakaran "knew his rights". However, if Mr D was bullying him, as Mr Karunakaran felt was the case, then his job should be under threat.

22.5 Mr Counsell put the following passage to Mr Karunakaran from his witness statement:

> "14. When he insisted that I should leave, I swore at him in anger. I was so certain that I was in the right and that I was being picked on that I threatened to call the police. I also told him that I was a lawyer and would make him lose his job because firstly, I wanted him to know that I knew my rights and he couldn't just "push" me around and secondly, I wanted him to know that a person in a position of responsibility should not treat a member of an ethnic minority community, or anyone else for that matter, in an unfair way. In my mind, if he was bullying me, it was correct that his job should be under threat."

22.6 Mr Counsell put to Mr Karunakaran that he had linked in his statement the point about being a lawyer with the reference to the loss of Mr D's job. Mr Karunakaran maintained that that notwithstanding the way that sentence was constructed, the two were separate.

22.7 Mr Karunakaran told the Tribunal that it was the criminal conviction arising from the events in question that brought the profession into disrepute, because it was reported in the press, and not the conduct in itself. Mr Karunakaran did not accept his behaviour was disgraceful, but told the Tribunal that he was very disappointed in himself and very apologetic.

22.8 In relation to the offences against the three women, Mr Counsell again asked Mr Karunakaran which part of his behaviour he considered had breached Principle 6. Mr Karunakaran told the Tribunal that he accepted what was put to him by the Prosecution in Singapore in the form of the charges arising out of the incident. Mr Karunakaran told the Tribunal that it was "entirely possible" that he had touched

someone while trying to get to the bar to get a drink, or perhaps while trying to get her attention to strike up a conversation. He had a vague recollection of approaching the other two women, who were working as DJs, to ask them to play a favourite song. He did not remember touching them, but said he may have put his arms round them because he is generally a friendly and tactile person. He did not regard any of that as behaviour which would bring himself or the profession into disrepute. However, by pleading guilty to the offences of outraging modesty, and as a result of this being widely reported, this publicity had brought the profession into disrepute. Mr Karunakaran denied that it was the conduct itself that had brought the profession into disrepute.

22.9 Mr Counsell noted that in his self-report to the SRA, Mr Karunakaran had described himself as "disgusted" by his own behaviour. He asked Mr Karunakaran which parts of his behaviour made him feel that way. Mr Karunakaran told the Tribunal that he was disgusted and disappointed for two reasons. The incident in question did not involve any intention, but he accepted that he was drunk and being tactile either to strike up conversation, or get some music played. He accepted that being a "drunk guy in a bar is not a good look" and would have been annoying. The other reason was because the whole incident should not have happened because he clearly had something else going on in his life, including stresses that should have been addressed other than by drinking to excess.

22.10 Mr Karunakaran told the Tribunal that he had no recollection of the incident involving Ms H at the bar. Mr Counsell put it to him that, in those circumstances, his explanations as to what had happened were purely conjecture. Mr Karunakaran told the Tribunal that it was supposition based on what he knew of himself. Mr Karunakaran told the Tribunal that in a pre-trial conference in the criminal proceedings, the Judge had said that the movement of his hands could have been moving them away, rather than stroking.

22.11 In relation to Ms P and Ms K, who were the two women at the DJ booth, Mr Karunakaran told the Tribunal he vaguely recalled going in between them, as if in a group photo, and saying something to the effect of "hey, what's up". The DJ booth was a new feature of the bar and so it stood out in his memory, albeit vaguely. Mr Karunakaran had wanted some music played.

22.12 Mr Karunakaran accepted that his actions had been unwanted and annoying, that he had been drunk and over-friendly, and that this had led to the complaints and the convictions.

22.13 Mr Counsell put to Mr Karunakaran that he had admitted the charges before the Court because he would have been convicted of the offences if the matter had gone to trial. Mr Karunakaran told the Tribunal that he had been advised that any physical contact was sufficient for the charge to be made out, and that if he had contested the matter and been found guilty he would have faced a custodial sentence at a time when his wife was pregnant. Mr Karunakaran also told the Tribunal that that he accepted he had committed the offences, and that his contact had been unwanted. Mr Karunakaran maintained it had been unintentional, which he clarified to mean that the offending of modesty was unintentional. In relation to the touching of Ms K's buttock, Mr Karunakaran told the Tribunal that the Judge had suggested at a pre-trial hearing that this could have happened as a result of him moving his hand away, and not been intentional. The Tribunal asked Mr Karunakaran whether he knew what material was before the Judge

at that pre-trial hearing, and whether this reported remark by the Judge was informed by anything he had read in the case. Mr Karunakaran did not know on what information or material the Judge had based that suggestion. He had not seen any witness statements from the complainants before or after entering his guilty pleas, and he did not know if the Judge had seen them either.

22.14 There was extensive cross-examination as to the TIC matters. Mr Karunakaran told the Tribunal that he had considered those matters to be withdrawn by the prosecution, and not considered by the Court when it came to sentencing. Moreover, he considered the splitting of the charges to be artificial, describing it as all one incident. Mr Karunakaran told the Tribunal that the Judge had reached the same view. Mr Karunakaran told the Tribunal that he accepted "the whole incident" but could not say he accepted all the individual allegations, as the split was in his view artificial.

Findings of Fact and Law

23. 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 Mr Karunakaran's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

24. **Allegation 1 - The Allegations against Mr Karunakaran were that on 19 November 2019, he admitted and was convicted, by the State Court of Singapore, of four counts alleging that, on 16 May 2018:**

1.1. He used criminal force to a 48 year-old female (Ms H, the anonymised name used in the charges), knowing it to be likely that he would thereby outrage the modesty of that person by using both hands to stroke her back and waist;

1.2. He used criminal force to a 28 year-old female (Ms P), knowing it to be likely that he would thereby outrage the modesty of that person by using his left hand to stroke her body from her left shoulder to her left waist;

1.3. He used criminal force to a 30 year-old female (Ms K), knowing it to be likely that he would thereby outrage the modesty of that person by using his right hand to stroke her body from her right waist to her buttock; and

1.4. With intent to cause distress to another person (in this case, a doorman, Mr D), he uttered threatening and abusive words, by threatening to make him lose his job and uttering the words "Fuck you mate" repeatedly, thereby causing Mr D distress.

2. In addition, he admitted and the Court took into consideration three further offences, two identically worded offences in respect of Ms H and one against Ms K involving the use of his right hand to hold her waist and to pull her towards him.

3. His actions, described at paragraphs 1.1 to 1.3, were unwanted, inappropriate and/or sexually motivated.

4. In respect of paragraph 1.4, he reinforced that threat and his abuse by telling Mr D that he was a lawyer.

5. His conduct, both individually and taken together, constituted a breach of Principle 2 and/or Principle 6 of the SRA Overseas Rules 2013 (the Overseas Principles).

Applicant's Submissions

24.1 Mr Counsell submitted that the way in which Mr Karunakaran had singled out and touched the three women was sexually motivated. He approached, spoke to and touched three women in the hotel bar who were not known to him. Mr Counsell told the Tribunal that the SRA relied on the fact that Mr Karunakaran was convicted of serious offences, on the wording in the charges and TIC matters which was accepted by Mr Karunakaran by virtue of his guilty pleas, and on what he said in his self-report.

24.2 Mr Counsell made clear that the SRA did not rely on any other sources of information, including the media reports. The only relevance of those was to demonstrate that this sort of conduct was likely to, and did, generate publicity and so reflect on the profession at large.

Principle 2

24.3 Mr Counsell referred the Tribunal to the test for integrity in Wingate v Solicitors Regulation Authority [2018] EWCA Civ 366 and submitted that Mr Karunakaran had lacked integrity in his actions leading to the convictions. Mr Counsell referred to the Guidance Notes that accompanied the Overseas Principles. The Guidance Note to Principle 2 stated as follows:

> "Personal integrity is central to your role as the client's trusted adviser and should characterise all of your professional dealings with clients, the court, other lawyers and the public, wherever they are being conducted. You should use your judgment when considering how best to maintain your integrity at all times and avoid any behaviour outside England and Wales which undermines your character and suitability to be an authorised person. A responsible authorised body should ensure that its overseas practices observe comparable standards."

24.4 Mr Counsell submitted this was drafted widely. He submitted that approaching and molesting three women in a bar when drunk, and behaving in the way he did towards Mr D, amounted to serious offences. While it was not the most serious of offences to come before the Tribunal, it was not trivial.

24.5 In relation to Mr D, Mr Counsell submitted that Mr Karunakaran had used his position as a lawyer to threaten Mr D that he would lose his job. Mr Counsell submitted that Mr Karunakaran identifying himself as a lawyer could only have had one purpose, to intimidate or coerce the Mr D into not requiring him to leave the bar.

Sexual Motivation

24.6 In relation to his conduct towards Ms H, Ms P and Ms K, Mr Counsell submitted that the appropriate test for whether conduct was sexually motivated was that set out in Basson v GMC [2018] EWHC 505 (Admin). This defined sexual motivation as conduct which was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship. Mr Counsell submitted that either or both limbs apply in this case. He submitted that Mr Karunakaran's conduct was not an accidental and momentary physical contact but a series of deliberate acts. Mr Counsell submitted that Mr Karunakaran's actions were repeated, unwanted and inappropriate. They involved the touching of these women by stroking their back and waist, in one case the buttock and in one case by pulling Ms K towards him. It could only sensibly be inferred that this conduct towards these three women was sexually motivated in the sense that it was an attempt, albeit a clumsy and boorish one, either to get to know them better in pursuit of sexual relations or for sexual gratification.

24.7 Mr Counsell noted that Mr Karunakaran had adduced an expert report relating to criminal law in Singapore. There was no challenge to the content of that report or to the expertise of the author, but Mr Counsell submitted that it took the case no further. While the offences did not necessarily require a sexual element, they could nevertheless be committed where there was a sexual element. The SRA relied on the facts behind the convictions, not simply the convictions themselves.

24.8 In relation to the question of conduct occurring in the context of a solicitor's private life, Mr Counsell referred the Tribunal to Beckwith v SRA [2020] EWHC 3231 (Admin) [54]:

> "There can be no hard and fast rule either that regulation under the Handbook may never be directed to the regulated person's private life, or that any/every aspect of her private life is liable to scrutiny. But Principle 2 or Principle 6 may reach into private life only when conduct that is part of a person's private life realistically touches on her practise of the profession (Principle 2) or the standing of the profession (Principle 6). Any such conduct must be qualitatively relevant. It must, in a way that is demonstrably relevant, engage one or other of the standards of behaviour which are set out in or necessarily implicit from the Handbook. In this way, the required fair balance is properly struck between the right to respect to private life and the public interest in the regulation of the solicitor's profession."

24.9 Mr Counsell submitted that there was a sufficient connection between Mr Karunakaran's conduct and the context in which it took place so that it could be said to touch upon both his practice as a solicitor and the standing of the profession. Mr Karunakaran had been out drinking with a client after work for several hours before moving on to the hotel bar. Following his molesting of the three women, he had identified himself as a lawyer to Mr D in order to intimidate Mr D and reinforce his threat that Mr D would lose his job if he required him to leave the bar. Mr Counsell submitted that this was an abuse of his position as a solicitor, and it clearly touched upon his practice as a solicitor and the standing of the profession.

Respondent's Submissions

24.10 Mr Treverton-Jones submitted that this was a case in which a very unusual allegation had been made.

24.11 The areas of dispute were sexual motivation and lack of integrity. Mr Treverton-Jones reminded the Tribunal that the burden of proof rested on the SRA and matters should only be proved on cogent evidence.

Sexual motivation

24.12 The test in Basson contained two limbs. Mr Treverton-Jones submitted that there had been no suggestion that the "fleeting touches" that occurred were for immediate sexual gratification. In those circumstances he submitted that the only relevant limb was the desire to pursue a future sexual relationship.

24.13 There were no witness statements from the complainants and no transcript of the court hearing that took place in Singapore. Mr Treverton-Jones submitted that the fact that Mr Karunakaran pleaded guilty did not assist, as the offences themselves could be committed without any sexual motivation, as confirmed in the expert report relied on.

24.14 Mr Treverton-Jones reminded the Tribunal that the SRA relied only on the wording of the charges themselves. He submitted that the only wording that could conceivably be interpreted as sexual was "stroking", which connotes moving a hand and retaining contact. It may or may not have an erotic component.. The Tribunal would need to know what the complainant actually experienced, of which there was no evidence. Mr Karunakaran could not recall exactly what happened, and so Mr Treverton-Jones submitted that there was no evidence of any actions that unequivocally pointed to sexual motivation.

24.15 In relation to the words used, Mr Treverton-Jones submitted that there were no sexualised comments. The words "Hey what's up?" plainly did not amount to a sexualised comment. Mr Treverton-Jones submitted that the absence of such comments was significant in that, if Mr Karunakaran had wanted sexual contact, he would have made that clear verbally.

24.16 In relation to the court proceedings, Mr Treverton-Jones submitted that the Judge had not considered the offences to be sexually motivated, as was evident from the report of the hearing by Mr Karunakaran's solicitor in Singapore. The Judge had imposed a modest fine on an equity partner in an international law firm. One of the $4,000 (SGD) fines was in relation to Mr D, which was higher than the fine for the offence against one of the three women. Mr Karunakaran's understanding was that during the pre-trial conference the Judge had not regarded the touching of Ms K's buttock as significant.

24.17 Mr Treverton-Jones submitted that there was a considerable body of evidence that established that the offences were not sexually motivated. Mr Karunakaran had been an honest witness, and it was always difficult to give an account of events that were not properly recalled. Mr Karunakaran had accepted that his behaviour was unwanted and annoying. Mr Treverton-Jones submitted that the evidence was that at the time Mr Karunakaran was a friendly, sociable and tactile person. He referred to the evidence

of Mr Karunakaran's wife, and to that of Mr Antcliffe, a close friend of Mr Karunakaran. Mr Treverton-Jones submitted that there was no suggestion that Mr Karunakaran had been predatory or sexually aggressive in the past. He referred to the character references provided, five of whom were from women.

Principle 2

24.18 Mr Treverton-Jones submitted that the allegation of 'lack of integrity' was losing its meaning. Integrity is best considered as professional integrity. He referred the Tribunal to the following paragraphs of Beckwith:

> "33. The standards that give substance to the obligation to act with integrity must themselves be drawn from some legitimate source - they must stem from legitimate construction of the rules made in exercise of the section 31 power. To the extent that the obligation to act with integrity includes a requirement not to act dishonestly, the judgment in Wingate is authority for the proposition that properly interpreted, the Handbook imports the well-known legal definition of what is dishonest. So far as the requirement to act with integrity extends further, we accept and agree with the point made in Wingate that the Tribunal is a body well-equipped to act in the manner of a professional jury to identify want of integrity. Yet when performing this task, the Tribunal cannot have carte blanche to decide what, for the purposes of the Handbook, the requirement to act with integrity means. The requirement to act with integrity must comprise identifiable standards. There is no free-standing legal notion of integrity in the manner of the received standard of dishonesty; no off-the-shelf standard that can be readily known by the profession and predictably applied by the Tribunal. In these circumstances, the standard of conduct required by the obligation to act with integrity must be drawn from and informed by appropriate construction of the contents of the Handbook, because that is the legally recognised source for regulation of the profession.
>
> 34 Looking to the Handbook (i.e. the rules made under the 1974 Act) in this way gives effect to the second and third Wingate principles we have referred to above - i.e. the need in some matters to hold members of a profession to a higher standard on some matters, while not falling into the trap of requiring members of that profession to be paragons of virtue in all matters. It does this because the contents of the Handbook, considered in the round, are the best guide to the occasions and contexts where members of the solicitors' profession ought to be held to a higher standard. Looking to the rules and the interpretation of those rules is also necessary to ensure the requirements of legal certainty are met. The Tribunal cannot and does not have liberty to act outside the rules made under section 31 of the 1974 Act. Those rules must be construed coherently; the standards that emerge must be sufficiently predictable. This approach to the meaning of the requirement to act with integrity facilitates a principled approach to the important point raised by the circumstances of this appeal: the extent to which it is legitimate for professional regulation to reach into personal lives of those who are regulated."
>
> 38. Given the detailed findings the Tribunal had made as to the events of the evening, we consider the Tribunal was clearly right to conclude that no abuse

> of authority had occurred. However, the Tribunal then fell into error by categorising those events as it had assessed them, to be a breach of Principle 2. In the context of the course of conduct alleged in Allegation 1.2, the requirement to act with integrity obliged the Appellant not to act so as to take unfair advantage of Person A by reason of his professional status. On the findings made by the Tribunal, that had not happened. In the premises, the Tribunal's final statement that the Appellant had "fallen below accepted standards" is not coherent. Whatever "standards" the Tribunal was referring to as ones which identified what, in the circumstances of this case, the obligation to act with integrity required, were not ones properly derived from the Handbook."

24.19 Mr Treverton-Jones submitted that no lay person would say that Mr Karunakaran acted with a lack of integrity. This was not a case where a lack of integrity had been proved.

The Tribunal's Findings

Allegation 1.1-1.4

24.20 These Allegations were admitted by Mr Karunakaran. The Tribunal determined that the status of a criminal conviction in a foreign jurisdiction was that it was admissible as proof, but not conclusive proof, that the individual was guilty of the offences. It did not fall within Rule 32(1) as that related to criminal convictions in the United Kingdom. The wording of Rule 32(2) came closest to dealing with this type of conviction. The Tribunal therefore had evidence of the convictions having taken place, in the form of the certificate of conviction, which was accepted by Mr Karunakaran. The Tribunal was therefore satisfied that the admissions were properly made and found each Allegation proved on the balance of probabilities.

Allegation 2

24.21 This Allegation related to the TIC matters. Mr Karunakaran's position was less clear in that he admitted, in his Answer, that the offences were taken into consideration, but at the same time asserted his understanding that they had been withdrawn.

24.22 The Tribunal had before it a schedule setting out the result of the criminal proceedings which showed that these additional matters had been taken into consideration by the court in Singapore. Whilst Mr Karunakaran could not recall being advised that TIC matters involved an admission by him, there was no suggestion in correspondence that he had denied the allegations, or to support his belief that they had been withdrawn. Indeed, his witness statement recorded that in October 2018 the prosecution "made an offer that, if [he] pleaded guilty, they would proceed with four of the charges, with the remaining charges to be taken into consideration for the purposes of sentencing". That description of events did not connote any suggestion that the prosecution were offering to "withdraw" the remaining charges. The likelihood is that the TIC charges were treated as admitted by Mr Karunakaran, in order to be taken into account when his sentence was determined.

24.23 Mr Counsell had taken Mr Karunakaran through the facts of the TICs, and Mr Karunakaran had stated in evidence that he admitted the "whole incident", though he took issue with the way in which the various elements of the offences had been split

up in the charges. Mr Karunakaran had not explained what was artificial about this "splitting-up" and he had limited recollection of the incident as a whole. He was, therefore, not in a position to say that what had happened was different from that which was described in the charges which resulted in convictions, and those which were taken into consideration.

24.24 The Tribunal found on the balance of probabilities that it was more likely than not that the Court had concluded that Mr Karunakaran had admitted the TIC matters, and that the prosecution had agreed not to lay them as additional charges. It seemed inherently unlikely that these matters would have been withdrawn, while at the same time being taken into consideration at sentencing, particularly if there had been no admission. The Tribunal accepted that Mr Karunakaran may have misunderstood the position at the time, but nevertheless found, on the balance of probabilities that he had admitted the three TIC matters.

Allegation 3

24.25 This Allegation was denied by Mr Karunakaran. The Tribunal applied the test in Basson to his interaction with each of the three women. In doing so the Tribunal recognised that his recollection was poor due to intoxication. The Tribunal also had regard to the character references referred to by Mr Treverton-Jones. The Tribunal accepted that the wording of the offence(s) did not necessarily import a sexual motivation. It also did not exclude one.

24.26 In respect of Ms H, the admitted conduct involved three instances of using both hands to stroke her back and waist, each a few minutes apart. The Tribunal noted that Allegation 3 did not attach directly to Allegation 2, which dealt with two of these instances as TICs. Nevertheless, it would be artificial to consider the question of sexual motivation without looking at the context in which the behaviour detailed at Allegation 1.1 took place. Mr Karunakaran had suggested that he may have been pushing past Ms H to get to the bar, and put his hands on her to steer her out of the way. He also suggested that he may have been trying to strike up a conversation, and just touched her in a friendly way. The Tribunal found both explanations to be inconsistent with the wording of the charge, which included that Mr Karunakaran used criminal force (which the expert report describes as any non-consensual physical contact short of an "assault") "knowing it to be likely that he would thereby outrage the modesty" of Ms H. Mr Karunakaran's evidence was that the offence could be committed if the criminal force was intended to, or was known by the perpetrator to be likely to, outrage the modesty of the victim. The Singaporean prosecutor had originally charged Mr Karunakaran with "intending to" outrage modesty, but had been persuaded by the defence to amend the charges to assert only that he had known that was likely. The Tribunal accepted that there had been no acceptance by Mr Karunakaran that he had intended to outrage the modesty of the complainants, but he had accepted that he knew it was likely that that would occur, and it was, of course, possible that someone could know their conduct was likely to outrage modesty without necessarily intending that it should do so. In any event, having accepted that he knew the unwanted physical contact was likely to outrage the modesty of Ms H, Mr Karunakaran was accepting that his touching of her was likely to be regarded by her as offensive. The fact that he had not been motivated to cause her offence was neither here nor there when considering whether his conduct in touching her was sexually motivated or not.

24.27 The Tribunal did not accept the submission that the fact no words were exchanged with Ms H (or at least that no sexualised words were complained of by her) was a basis on which to exclude sexual motivation. Many instances of women being groped in public places do not involve any words being spoken. So the absence of a complaint of sexualised comments directed at Ms H does not point one way or the other.

24.28 The Tribunal further concluded that if Mr Karunakaran had either been trying to get to the bar, or to strike up a conversation with Ms H, it would not be normal to "use both hands to stroke her back and waist", let alone to do so on three occasions within the space of a few minutes. The Tribunal could not think of any circumstances in which touching a stranger in that way might occur other than in pursuit of sexual gratification, or in the hope of encouraging a sexual relationship.

24.29 The Tribunal noted that Mr Treverton-Jones had submitted that there was "no suggestion" of the first limb of Basson (pursuit of sexual gratification). This was incorrect as it was clearly pleaded in the Rule 12 Statement that either and/or both limbs applied, and this had been repeated in Mr Counsell's submissions to the Tribunal. The Tribunal found on the balance of probabilities that Mr Karunakaran, when committing the offence in Allegation 1.1, did so in pursuit of sexual gratification.

24.30 In relation to Ms P, Mr Karunakaran had stroked her from her left shoulder to her left waist – almost the entire length of her upper body. He had approached her from behind and put his arm round her. He had told the Tribunal that he wanted to get some music played. The Tribunal found there could be no plausible reason to have stroked her from her shoulder to her waist other than in pursuit of sexual gratification. If a customer in a bar wanted a DJ to put on some particular music, there was no need to make any physical contact, and certainly no cause to stroke their back. A friendly arm round the shoulder was one thing, but the moving of a hand from shoulder to waist was not normal "friendly" physical contact, particularly when directed at a stranger. The suggestion advanced by Mr Karunakaran that he could have simply been moving his hand away from Ms P's shoulder, and had inadvertently touched the rest of her back in doing so, was not plausible. The Tribunal noted that this suggestion was attributed to the Judge in the criminal proceedings, but was unsupported by any evidence, the comment being said to have been made at a pre-trial conference at which Mr Karunakaran was not present. The Tribunal found on the balance of probabilities that Mr Karunakaran, when committing the offence described in Allegation 1.2, did so in pursuit of sexual gratification.

24.31 In relation to Ms K, Mr Karunakaran had stroked her body from her right waist to her buttock. Further, in the TIC matter, one minute later he had put his hand on her waist and pulled her towards him. As with Ms P, the Tribunal could see no plausible reason to have made this physical contact as part of an approach to request some music to be played. The only plausible reason for stroking Ms K in this way, and then pulling her closer, was sexual gratification. As with Ms P, the suggestion of Mr Karunakaran having inadvertently moved his hand onto Ms K's buttock when removing it from her waist was not credible. The (admitted) offence described a stroke from Ms K's waist to her buttock, which necessarily imputed that his hand remained in contact with her body, not that it was being removed. This was uninvited physical contact with a complete stranger. Mr Karunakaran had no good reason to have his hand on Ms K's body in the first place. The fact that this contact also involved Mr Karunakaran pulling Ms K

towards him suggested that he was trying to get closer to her. The Tribunal found on the balance of probabilities that Mr Karunakaran, when committing the offence in Allegation 1.3, did so in pursuit of sexual gratification.

Allegation 4

24.32 Mr Karunakaran accepted that he had told Mr D that he was a lawyer, but denied that this was linked to his comment about Mr D potentially losing his job, or to any threat or abuse.

24.33 Mr Karunakaran described his conversation with Mr D differently in his oral evidence from the account he gave in his witness statement. In his witness statement he linked the references to being a lawyer and to the loss of Mr D's job together. The Tribunal found it difficult to accept that Mr Karunakaran had a clear recollection of what had occurred, owing to his having been intoxicated to such extent that he had no recollection at all of the inappropriate touching which gave rise to the criminal complaints against him. Accordingly, the Tribunal found it hard to accept his oral evidence to the effect that he now recalled there being no connection with the threat to Mr D's job, notwithstanding that his earlier statement had made that connection.

24.34 The Tribunal concluded that Mr Karunakaran's earlier recollection of events, as set out in his witness statement, was more likely to reflect what occurred. Mr Karunakaran had accepted in cross-examination that nothing had occurred or been said to him by Mr D which supported an assumption that he was being asked to leave the bar on the basis of trumped-up complaints of inappropriately touching three strangers, for a racially discriminatory motive. The Tribunal found that the only plausible reason for referring to being a lawyer in the context of his argument with Mr D, was to bolster his threat that he could make Mr D lose his job. The intended outcome was that Mr D would back off and allow Mr Karunakaran to stay in the bar, notwithstanding the complaints which had been made against him. The Tribunal found Allegation 4 proved on the balance of probabilities.

Allegation 5

24.35 Mr Karunakaran had admitted the breach of Principle 6. The Tribunal was satisfied that this admission was properly made and the Tribunal found it proved on the balance of probabilities.

24.36 In respect of Principle 2, the Tribunal applied the test set out in Wingate when considering the question of integrity. It had regard to the requirement in Beckwith that the conduct had to have some connection to required standards of practice, deriving from the Handbook. The Tribunal also had regard to the Guidance Note attaching to Principle 2 of the Overseas Principles, which made clear reference to the requirement to observe personal integrity in one's dealings with others, including members of the public, and to maintain that integrity at all times.

24.37 In respect of Mr Karunakaran's offences against the three women, the Tribunal had found that he had used criminal force (in the sense of non-consensual touching) against each of them with sexual motivation, in some cases more than once. In doing so he had committed multiple criminal offences. Mr Karunakaran ought to have known what was

acceptable conduct in the jurisdiction in which he had been practising for some years (and indeed where he grew up). The commission of criminal offences by a practising solicitor inevitably brings that solicitor and the profession into disrepute. The Tribunal found on the balance of probabilities that Mr Karunakaran's conduct in committing the offences against each of Ms H, Ms P and Ms K had lacked integrity.

24.38 In respect of the offence committed against Mr D, Mr Karunakaran had made explicit reference to the fact he was a lawyer, and had used that fact as a means to gain an advantage in the dispute with Mr D. Mr Karunakaran had got himself so drunk that, following his inappropriate behaviour in the hotel bar towards the three women, he had become threatening and abusive towards Mr D who had asked him to leave. That threating and abusive behaviour had also resulted in a criminal conviction against Mr Karunakaran. The Tribunal found that the conduct giving rise to that criminal conviction, reinforced as it was by the statement that he was a lawyer, demonstrated a lack of integrity. The Tribunal accordingly found the allegation of lack of integrity proved on the balance of probabilities in respect of this offence.

Previous Disciplinary Matters

25. There were no previous findings at the Tribunal.

Mitigation

26. Mr Treverton-Jones submitted that this case involved three cases of outrage of modesty, and that what had actually occurred fell at the bottom of the scale of gravity. Mr Karunakaran's actions had not been premeditated, and the touching was fleeting. Mr Treverton-Jones submitted that it was not groping. There was no touching of intimate areas and each individual incident lasted a matter of seconds. Mr Treverton-Jones submitted that none of the women were ever at risk or felt themselves to be at risk. It happened in a public place. Mr Treverton-Jones submitted that Mr Karunakaran's actions had been irritating and annoying, but had not carried an additional element of fear. There had been no sexualised comments.

27. Mr Treverton-Jones submitted that the Judge had clearly also considered these matters to be at the bottom end of the scale, such that he had not felt the need to cause interruption with Mr Karunakaran's normal lifestyle.

28. Mr Treverton-Jones submitted that these offences had been committed at a difficult and stressful time in Mr Karunakaran's life. All was not well in the firm, which was looking to merge, partners were leaving, and Mr Karunakaran was drinking too much. Mr Treverton-Jones submitted this this was a one-off incident against an otherwise unblemished record in the profession and in society.

29. Mr Treverton-Jones submitted that in relation to the incident with Mr D, Mr D had himself been aggressive, and it was "six of one and half a dozen of the other". Mr Treverton-Jones submitted that Mr Karunakaran's conduct had been unattractive, but noted that he had been dealt with by way of a modest fine. He had explained his conduct in the context of a previous incident attributable to his ethnic background.

30. These offences had taken place five years ago. He had been held in a Police cell overnight, and had faced the risk of a prison sentence or caning. Mr Treverton-Jones submitted that Mr Karunakaran had genuine self-disgust and remorse for his actions. He had written letters of apology to the complainants and to his own family.

31. Mr Treverton-Jones submitted that the effects of the conviction on Mr Karunakaran were the loss of his job and upsetting publicity. Mr Karunakaran was now working outside the profession as a consultant. Mr Treverton-Jones set out some of Mr Karunakaran's background and personal circumstances. He told the Tribunal that Mr Karunakaran now drank a lot less, and had also suffered a serious health issue not long before the hearing requiring surgery. Mr Treverton-Jones submitted that Mr Karunakaran now lived a much cleaner, healthier lifestyle than he had at the time of this incident. There had been no criticism of Mr Karunakaran's work as a solicitor. In all the circumstances, Mr Treverton-Jones invited the Tribunal to deal with this matter by way of a fine.

Sanction

32. The Tribunal had regard to the Guidance Note on Sanctions (June 2022). The Tribunal assessed the seriousness of the misconduct by considering the Mr Karunakaran's culpability, the level of harm caused, together with any aggravating or mitigating factors.

33. In assessing culpability, the Tribunal identified the following factors:

- The motivation for the offences against Ms H, Ms P and Ms K was sexual, as the Tribunal had found. The motivation for the offence against Mr D was to be allowed to return to the bar and, when that failed, to intimidate Mr D and cause him to fear for his job.

- The offences were not planned, but were brought about by Mr Karunakaran being intoxicated. This had led him to act in a way that he thought was acceptable at the time, but was clearly not. He ought to have appreciated the appropriate standards of conduct required of him in that social situation.

- Mr Karunakaran had direct control over what took place. He had chosen to drink the quantity he did.

34. In assessing the harm caused, the Tribunal identified the following factors:

- Ms H, Ms P and Ms K were offended by what Mr Karunakaran did, and the Tribunal considered that his actions went beyond annoying. He had outraged their modesty and there was a cumulative effect when someone was treated in such a disrespectful way in a public place.

- There was also harm to Mr D who had been verbally abused and threatened by Mr Karunakaran. There was no evidence before the Tribunal that Mr D had been equally hostile.

- The Tribunal accepted that there was no evidence that Ms H, Ms P and Ms K felt at risk, and it noted that the offences took place in a crowded place rather than, for example, on a quiet street, when the victims would be more likely to be made fearful by uninvited touching.

- The conduct of Mr Karunakaran undoubtedly impacted the reputation of the profession, as reflected by the fact that there was media coverage of his conduct and criminal convictions.

35. The Tribunal identified the following aggravating factors:

- Criminal offences were involved.

- The offences were deliberate (not accidental) and repeated, albeit they all took place in on the same occasion.

- There was a sexual motivation.

- Mr Karunakaran sought to put some blame on Mr D for that part of the incident. This demonstrated a lack of complete insight on the part of Mr Karunakaran, who was effectively saying that Mr D had incited him through his unreasonable behaviour, despite having subsequently pleaded guilty to the offences which had caused Mr D to ask him to leave in the first place.

- Mr Karunakaran knew, or ought to have known, that his conduct was in material breach of his obligations to protect the reputation of the legal profession.

36. The Tribunal identified the following mitigating factors:

- The Tribunal had not seen the letters of apology sent by Mr Karunakaran to each of the complainants, but accepted that those letters had been written.

- Mr Karunakaran had self-reported the matter.

- The offences took place as part of a single episode of relatively brief duration, in the context of a previously unblemished career.

- There was a degree of insight, but Mr Karunakaran had held on to his construction of events and shown reluctance to accept the accounts of those complaining against him (despite having little recollection of events himself), which showed his insight to be incomplete.

- Mr Karunakaran had co-operated and engaged with the SRA.

- Mr Karunakaran made some admissions.

- The Tribunal accepted that there was unlikely to be any repeat of this conduct by Mr Karunakaran.

- The Tribunal noted the delay in these matters being dealt with, although some of that was due to extensive correspondence between Mr Karunakaran's solicitors and the SRA, in which the former had sought to forestall the prosecution.

37. The Tribunal found that making 'no order' or imposing a Reprimand was insufficient to reflect the seriousness of the misconduct. The level of culpability, the potential for significant harm, the fact that these were not simply minor breaches of regulation, and the need to protect the public and the reputation of the legal profession, required a greater sanction.

38. The Tribunal determined that the seriousness of the misconduct was such that the appropriate sanction was a financial penalty. The Tribunal considered the level of the fine with reference to the Indicative Fine Bands. The Tribunal considered that the misconduct was 'more serious' having regard to the fact that there was a lack of integrity and sexual motivation. The Tribunal also had regard to the fact that Mr Karunakaran's work as a solicitor had not been called into question, and to his personal mitigation and supportive testimonials. In the circumstances the Tribunal concluded that there was no requirement to restrict Mr Karunakaran's ability to practise or to move the fine to a higher band.

39. The Tribunal decided that the appropriate fine was one of £9,000 in all the circumstances. Mr Karunakaran had not filed a statement of means and so there was no basis to reduce the fine on account of his means.

Costs

40. Mr Counsell applied for costs in the sum of £23,850. Mr Treverton-Jones did not challenge the figure and submitted that it was a matter for the Tribunal. As noted above, there was no statement of means served.

41. The Tribunal reviewed the costs schedule and was satisfied that the sum claimed was reasonable in the circumstances of the case. It therefore made a costs order in the sum applied for.

Statement of Full Order

42. The Tribunal Ordered that the Respondent, DEVANDRAN KARUNAKARAN, solicitor, do pay a fine of £9,000.00, such penalty to be forfeit to His Majesty the King, and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £23,550.00.

Dated this 25th day of August 2023
On behalf of the Tribunal

A Horne

A Horne
Chair