

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**

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

**AND IN THE MATTER OF:**

**SOLICITORS REGULATION AUTHORITY LIMITED**

**Applicant**

**-and-**

**LEO BENEDICT MICHAEL FOSTER**

**Respondent**

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**STATEMENT OF**

**AGREED FACTS AND AGREED BREACHES OF THE SRA PRINCIPLES**

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1. The following facts are agreed by the Applicant and the Respondent who has confirmed that the allegations made by the Solicitors Regulation Authority ("the SRA") in the Rule 12 statement dated 1 August 2024 are admitted as set out below.

**The Allegations**

2. The Respondent, Mr Leo Foster, admits the following allegations:-

That, while in practice as a solicitor at BNP Paribas, London Branch ("the Bank") he  
(*numbering retained from Rule 12 statement*):

1.1 Between 21 December 2020 and 30 September 2021, created and/or used inappropriate, unprofessional, and/or offensive nicknames for colleagues, namely:

1.1.1 "*Hu She*"

1.1.2 "*Mad Paul*"

1.1.3 "*Pol Pot*"

1.1.4 "*The idiot*"

1.1.5 "*Jabba the Hut*"

1.1.6 "*The Twittering Fool*"

In doing so, he breached any or all of Principles 2, 5 and 6 of the SRA Principles 2019 ("the Principles")

1.2 Between December 2020 and November 2021 used offensive and/or inappropriate language in the workplace, namely:

1.2.2 Within an email dated 27 May 2021 referred to senior colleagues as "*cunts*";

1.2.3 Within an email dated 4 June 2021 concluded with "*Fuck knows*";

1.2.4 Within an email dated 14 October 2021, the entirety of which reads "*What the fuck is this?*";

1.2.5 Within an email an email dated 14 October 2021, the entirety of which reads "*Looks like a bunch of cock*";

1.2.6 Within an email an email dated 7 October 2021 asking if another individual is "*autistic*"; and

In doing so, he breached Principles 2 and 5 of the Principles.

3. The Respondent admits Allegations 1.1 and 1.2.2, 1.2.3, 1.2.4, 1.2.5, 1.2.6 in their entirety as well as the associated breaches of the Principles, as set out in this document.
4. The SRA has agreed to withdraw Allegation 1.2.1 and 1.2.7 on grounds of proportionality for the purposes of reaching this agreed Statement of Facts and a separate application to withdraw it will be made.

**Professional Details**

5. The Respondent [REDACTED] is a solicitor (SRA ID: 139593), who was admitted to the Roll on 1 October 1988. At the time of these Allegations the Respondent was working at the Bank as a solicitor, having commenced employment there on 8 November 1983. At the relevant time, the Respondent was the head of the London Debt and Equity Capital Markets and leading a team of 9 people.
6. The Respondent no longer works for the Bank, having left on 31 March 2022, and does not currently hold a Practising Certificate.

## The facts

### Background

7. The Allegations arise from a complaint made by a former colleague, Person A in respect of the Respondent's behaviour towards him, and the use of inappropriate nicknames, and language.
8. Between December 2020 and November 2021, Person A was managed by the Respondent within the Debt & Equity Capital legal team at the Bank. Person A is French. During an exit interview on 2 September 2021 with the Bank, Person A raised complaints about the conduct of the Respondent.
9. A disciplinary meeting was held on 8 December 2021 by the Bank.
10. The matter came to the attention of the SRA, when, on 30 January 2022, an article was published in CITY A.M. entitled '*BNP Paribas London executive keeps job despite naming Asian colleague "Hu She"*'.
11. On 14 February 2022 and 16 March 2022 respectively, Person A and the Bank reported this matter to the SRA. A report was also made to the SRA on 14 March 2022, by a member of the public who had seen the online article.
12. Following the press coverage of the matter, the Bank invited the Respondent to a further disciplinary hearing. However, ultimately the Bank negotiated an exit with the Respondent, who had indicated his desire to retire from practice. He left the Bank on 31 March 2022, without the re-convened disciplinary hearing taking place.
13. On 22 March 2022, Person A provided a witness statement to the SRA, to which he exhibited a number of documents. This set out the following background detail:
  - a. When Person A stated at the Bank, he worked in the Equity Capital Markets legal team. At that time, The Respondent was Co-Head of the Debt Capital Market legal team. At that time, Person A would see the Respondent, but have little contact with him. After a merger of the two teams in the summer of 2020, in December of that year, the Respondent became Person A's manager.
  - b. The Respondent frequently used derogatory monikers for co-workers, Person B. On three separate occasions, he was heard to refer to Person B (an East Asian Solicitor) as "*Hu She*". He used this name during video calls with senior lawyers between May and September 2021, as well as in emails (one of which is exhibited by Person B), and appeared to find it very amusing.

- c. Person A was also aware that the Respondent had referred to senior solicitors within the Bank as “*cunts*” within an internal email.
- d. Person A was told that the Respondent referred to another colleague as “*autistic*” (when she was not affected by autism).
- e. Person A also exhibits emails where the Respondent refers to him in a derogatory way, calling him as “*Mad Paul*”.
- f. Person A had reported the Respondent’s conduct to the Bank on 2 September 2021.

**Allegation 1.1 – Created and/or used inappropriate, unprofessional and/or offensive nicknames for colleagues**

14. On 21 April 2023, the SRA sought further documentation from the Bank, which was provided on 16 May 2023. This included various emails sent by the Respondent, which are exhibited to the witness statement of Mr Samuel Jebson, Investigation Officer at the SRA. The emails show that the Respondent has on numerous occasions, over the course of many months, used inappropriate, unprofessional and rude nicknames for his colleagues.
15. The Respondent used the nickname ‘*Hu She*’ in email correspondence on 12 occasions between 20 December 2020 and 29 September 2021. Within that correspondence, the Respondent refers to “*Hu She*” being one of the ‘*odious acolytes*’ of ‘*Pol Pot and Audinary*’. The name is also used to refer to “*Hu She [being] oleaginous in her flattery in order to get me to give her stuff...*”, that she is the “*Global Head of Bag-carrying*” and in the following terms – “*Suggest you provide that to Hu She and Audinary –and Pol himself, as there’s no point dealing with the monkey when you can deal with the organ-grinder direct*”. She is also one of the names as being listed in an email where the Respondent indicating “*If they get access to yours and mine when we go, they’ll be able to read that we thing [sic] they are a bunch of cunts*” which he ends stating “*But it’s not in any way discriminatory, it’s all of them*”.
16. An email dated 10 September 2021, also provides the nicknames apparently used for other colleges, namely: “*Biryani, Pol Pot, The Candidate, Audinary, The Black Swan, The Entry Point, “Ben [Redacted]”*”.
17. The email was followed by a further email on 14 September 2021 which listed the following additional nicknames: “*Dr No, Boomerang Jack, Phil Bennet/The Idiot, Marlon, Jabba The Hutt, The Sleeping Giant/Rip van Operfermann, The Twittering*”

*Fool, The International Hair, Les Miserables, Bryan Ferry, Scaramanga, Moomintroll, Knick-Knack, Corporal Jones, Mr Incredible, Nil-Ash*".

18. The Respondent admits that he has, on numerous occasions over the course of many months, used inappropriate, unprofessional and rude nicknames for his colleagues. He accepts that the individuals did not consent to the use of these nicknames.
19. The Respondent accepts that he created, and used the nickname "*Hu She*". There is documentary evidence of the Respondent using this nickname on at least 12 different occasions [JTC1, pages 48 to 62] to other colleagues within the Bank. The Respondent states that Person B was a recent joiner to the Bank, the pronunciation of her name was "Who-ee Who-ah". The Respondent had never met her but she assumed a position of managerial responsibility. The nickname was based on the "Who He?" joke in Private Eye magazine.
20. It is accepted by the Respondent that the use of such a nickname could be interpreted as mocking or ridiculing a traditional Chinese name.
21. It is admitted that the nickname itself, on the Respondent's own indication of its origin/meaning, is undermining to Person B, suggesting that she is absent, irrelevant or unknown. Further, it is accepted that the mocking of her name shows a clear lack of respect for a colleague.
22. The parties accept that there is no suggestion that the Respondent used this name to Person B directly or that Person B was aware of this name, or in any way sanctioned the use of it.
23. The Respondent accepts that even if the use of such a nickname was an attempt at humour and not intended to be offensive and/or derogatory, it was nonetheless derogatory and unprofessional.
24. The Respondent also accepts that he used the name "Mad Paul" in respect of Person A. Again, there is documentary evidence of the Respondent using this moniker on at least six occasions in the emails exhibited by Person A.
25. It is accepted by the Respondent that the use of this name is inappropriate, unprofessional, and offensive. Person A did not consent to the use of this name. The repeated use of the name "Mad Paul" (irrespective of the intention behind it) is disrespectful to Person A, and undermines his credentials as a solicitor. In any event, the Respondent's explanation for why the name was used, due to Person A's "*slightly*

*cavalier approach to timekeeping, attendance at the office and his interpersonal skill*" suggests that the Respondent was using the name to mock or ridicule Person A.

26. It is equally accepted by the Respondent, that the other names which the Respondent has used include, "Pol Pot", "The Idiot", "Jabba the Hutt" and "The Twittering Fool" and are all, by their very nature, inappropriate, unprofessional, and offensive.
27. It is acknowledged between the parties that there is no suggestion that any of the individuals, apart from Person A, referred to in this way were aware of such names being used. Person A was aware of the Respondent's use of *Hu She* towards Person B and became aware of names the Respondent used for him, as well as witnessing/hearing him use some of the inappropriate language alleged as indicated in his evidence.

#### SRA Warning Notice

28. The Respondent accepts that he should have conducted himself in line with the expectations set out in the SRA's Warning Notice entitled '*Offensive Communications*' first published 24 August 2017 and updated 25 November 2019. This Warning Notice states:- "*We expect you to behave in a way that demonstrates integrity and maintains the trust the public places in you and in the provision of legal services. In the context of letters, emails, texts or social media, this means ensuring that the communications you send to others or post online do not contain statements which are derogatory, harassing, hurtful, puerile, plainly inappropriate or perceived to be threatening, causing the recipient alarm and distress.*"

29. The Warning Notice also included a section entitled "Inter-office emails" which states:

*We expect you to act at all times with integrity and the fact that you intended such communications to be private will not excuse your conduct. Once sent, you have no control over what happens to your email and by using your firm's email system, you run the risk that others may be able to access those emails.*

*Likewise, you cannot justify your conduct on the grounds that you did not intend to cause offence, or that the recipient(s) of your email was not offended. One of our key concerns as a regulator is to uphold the public's confidence in the integrity and high standards of the profession. You may therefore be at risk of disciplinary action if you send an email which has the potential of causing offence to third parties and/or undermining public trust in the profession.*

*Entering into an exchange with others which you perceive or intend to be humorous can pose a particular risk, especially when your humour is at the expense of others; what may seem to be light-hearted banter to you may be offensive to a third party. You should ensure that you do not inadvertently cross the line and become offensive in any of the ways referred to above.*

30. The Respondent acknowledges that even if the recipients of the Respondent's emails shared his 'humour', the above makes it clear that this does not excuse such behaviour. The nicknames that were used were clearly at the expense of those to whom they referred.

### **Admissions to breaches of the Principles**

31. The Respondent admits breaches of the following principles in the following terms:-

#### Principle 2

32. The public trusts solicitors to engage with each other professionally and without rudeness, or being offensive. The public's trust in solicitors and in the provision of legal services would be damaged by a senior solicitor using an offensive, mocking, or inappropriate nickname for colleagues without their knowledge or consent, or indeed in respect of Person A that he was aware of some of the nicknames used towards Person B or himself. The Respondent has thereby breached Principle 2.

#### Principle 5

33. Principle 5 of the SRA Principles 2019 requires solicitors to act with integrity. In *Wingate v SRA [2018] EWCA Civ 366*, the Court of Appeal stated that integrity connotes adherence to the ethical standards of one's profession. In giving the leading judgement, Lord Justice Jackson said:

*"Integrity is a broader concept than honesty. In professional codes of conduct 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."*

34. A solicitor acting with integrity would not use inappropriate, unprofessional, and/or offensive nicknames towards a colleague or make reference to such nicknames using a workplace email to other colleagues. The Respondent has thereby breached Principle 5.

Principle 6

35. A solicitor acting in a way that encourages equality, diversity and inclusion would not use rude, undermining or offensive nicknames towards colleagues. The use of such nicknames was likely to cause those individuals to feel excluded. The Respondent has thereby breached Principle 6.

**Allegation 1.2 – used offensive and inappropriate language**

36. The Respondent admits that he also used profanities or offensive language in the work place and in the following emails:

- i. Within an email dated 27 May 2021 referred to senior colleagues as “*cunts*”;
- ii. Within an email dated 4 June 2021 concluded with “*Fuck knows*”;
- iii. Within an email dated 14 October 2021, the entirety of which reads “*What the fuck is this?*”;
- iv. Within an email an email dated 14 October 2021, the entirety of which reads “*Looks like a bunch of cock*”; and
- v. Within an email an email dated 7 October 2021 asking if another individual is “*autistic*”;

37. The emails show that on multiple occasions the Respondent used offensive and inappropriate language in emails to colleagues in the workplace setting. This included the use of the word “*cunts*”, apparently to describe senior colleagues, on two occasions using the word “*fuck*” and asking whether another colleague was “*autistic*”.

38. The Respondent accepts using the word “*cunts*” in the email as alleged, which was a private communication, but nonetheless wrong.

39. The Respondent accepts that the use of such language is offensive, derogatory and inappropriate for a workplace. He acknowledges that the word “*cunts*” is one of the most repugnant swear words that can be used, and was directed towards senior colleagues (albeit not directly to them).

**Admissions to breaches of the Principles**

40. The Respondent admits breaches of the following principles in the following terms:-



Principle 2

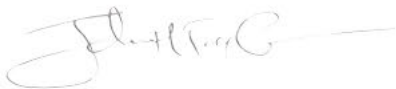
41. The public trusts solicitors to engage with each other professionally and without rudeness, or being offensive. The public's trust in solicitors and in the provision of legal services would be damaged by a senior, experienced solicitor using gratuitously offensive language in professional emails, particularly where directed towards other colleagues, or indeed by referring to his employer in the terms alleged and admitted in the presence of a person of that nationality. The Respondent has thereby breached Principle 2.

Principle 5

42. Paragraph 34 is repeated.

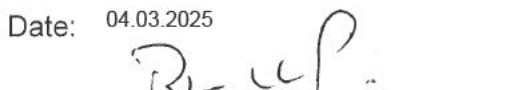
43. A solicitor acting with integrity would not have used such grossly offensive language. The Respondent has thereby breached Principle 5.

SIGNED:

  
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John Tippett-Cooper, Capsticks Solicitors LLP, on behalf of the SRA, APPLICANT

Date: 04.03.2025

  
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Leo Benedict Michael Foster, RESPONDENT

Date: 4 . 3 , 25