

Ronald Stephen Simms

Solicitor

150907

Agreement Date: 23 August 2022

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 23 August 2022

Published date: 31 August 2022

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Capsticks Solicitors LLP

Address(es): 1 St. Georges Road, Wimbledon, London SW19 4DR

Firm ID: 497585

Outcome details

This outcome was reached by agreement.

Reasons/basis

1. Ronald Simms, former partner and manager of Capsticks Solicitors LLP (a licensed body), of an address known to the SRA agrees to the following outcome of the investigation into his professional conduct under reference CDT/1263696-2019.

Background

2. Following an investigation, a Notice Recommending Referral to the Solicitors Disciplinary Tribunal was sent to Mr Simms on 6 July 2021 (the "Report"). Mr Simms provided representations in response to the Report on 27 August 2021.

3. The investigation and Report identified that:

3.1. In January 2014, both Mr Simms and Colleague A, as well as others in the same team, agreed to move from their law firm at the time to the employment law department at Capsticks Solicitors LLP (the "Firm"). At that point, those who were moving to the Firm began to socialise together and share messages using their personal mobile phone numbers.

3.2. Mr Simms and Colleague A began working at the Firm in the Leeds office in March 2014, and Mr Simms was Colleague A's line manager. At some point, after March 2014, Mr Simms began to exchange messages with Colleague A between their personal mobile phones. Some of the messages were inappropriate.

3.3. In addition, in July 2017 while travelling back from a work meeting as a passenger in the front seat of Colleague A's car, Mr Simms placed his hand on Colleague A's thigh while she was driving, and made an inappropriate comment to the effect "ooh give me a moment".

3.4. Further, at a team meeting in September 2017, just before Colleague A went off on maternity leave, Colleague A recalls that Mr Simms made an inappropriate comment referring to Colleague A's sex life, her becoming pregnant and taking maternity leave.

3.5. Colleague A initially informed the Firm of the messages and of the incident in the car in December 2018. Following disciplinary processes, the Firm reported the matter to the SRA on 1 April 2019.

4. On 16 September 2021, an authorised officer considered the Report and Mr Simms' representations of 27 August 2021, and resolved that proceedings should be taken at the Solicitors Disciplinary Tribunal against Mr Simms.

5. The decision to take proceedings at the Solicitors Disciplinary Tribunal against Mr Simms will be rescinded upon the basis of entering into this Agreement.

Admissions

6. Mr Simms makes, and the SRA accepts, the following admissions:

6.1. That between December 2016 and February 2018 he sent inappropriate and at times unwanted messages to Colleague A (a junior colleague, of whom he was line manager) that were capable of being interpreted as sexual in nature, and thereby breached Principles 2 and 6 of the SRA Principles 2011 (the '2011 Principles').

6.2. That on or about 28 July 2017, he placed his hand on Colleague A's thigh while she was driving, and made an inappropriate comment to the effect of "ooh give me a moment" when Colleague A did not consent to this touching, which was capable of being interpreted as sexual in nature and, in doing so, he breached Principles 2 and 6 of the 2011 Principles.

6.3. That although he cannot specifically recall, in September 2017, he accepts he made a comment to Colleague A (who was pregnant at the time) in front of a number of colleagues, which inappropriately referenced her sex life and pregnancy and, in doing so, he breached Principles 2, 6 and 9 of the 2011 Principles.

6.4. That the conduct as described above was capable of being interpreted as harassment as defined under section 26 Equality Act 2010.

Mitigation

7. Mr Simms has advanced the following points by way of mitigation. These are not necessarily accepted by the SRA. Mr Simms:

7.1. has made limited admissions to the Firm and the SRA.

7.2. apologised to the Firm, Colleague A and the SRA for his actions at the outset of the investigation of this matter in 2019.

7.3. expressed regret and remorse about his actions and has accepted that he failed to meet the required standards.

7.4. has volunteered since February 2020, following the commencement of the SRA investigation to remove himself from the Roll of Solicitors.

Undertaking

8. Mr Simms undertakes that he will, within one month of this agreement, remove himself from the Roll of Solicitors, and not seek to reapply for admission to the Roll of Solicitors for a period of at least three years.

Regulatory Outcome

9. Mr Simms is also rebuked for the breaches identified in paragraph 6 above.

10. As Mr Simms has accepted the above breaches, an outcome that involves the admissions set out in paragraph 6 above and accepts a rebuke, the SRA considers that the undertaking to remove himself from the Roll for at least three years and a rebuke are proportionate in all the circumstances.

11. The SRA considers that a rebuke is the appropriate outcome because:

11.1. A public sanction is required to uphold public confidence in the delivery of legal services. A rebuke is appropriate to uphold professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons because of the seriousness of Mr Simms' conduct.

11.2. The SRA considers that by removing himself from the Roll, which means that Mr Simms cannot hold himself out as a solicitor or undertake any reserved activities, an appropriate outcome is achieved given the serious nature of the admitted misconduct.

12. Mr Simms agrees that this outcome will be published by the SRA and that it may also be disclosed to any person upon request or otherwise.

13. Mr Simms agrees to pay the costs of the investigation, including the SRA's legal costs, in the sum of £13,000.00 inclusive of VAT and disbursements within 56 days of a statement of costs due being issued by the SRA.

14. Mr Simms agrees to abide by this Agreement, including by, for example, not denying the misconduct admitted in paragraph 6 above.

15. If the undertaking contained in paragraph 8 above or any other terms of this agreement are not complied with within the time limits agreed, or if Mr Simms otherwise breaches this agreement, Mr Simms accepts that all issues may be referred back to the SRA for reconsideration, including that there be referral to the Solicitors Disciplinary Tribunal or SRA internal sanction on the original facts and allegations and also on the basis that such failure to comply constitutes a breach of Principles 2 and 5 of the SRA Principles and Rule 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

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