

James Benjamin Williams

Solicitor

413345

Agreement Date: 15 November 2024

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 15 November 2024

Published date: 6 January 2025

Firm details

No detail provided:

Outcome details

This outcome was reached by agreement.

Reasons/basis

1. Agreed outcome

1.1 James Benjamin Williams, a solicitor, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is rebuked.
- b. to the publication of this agreement.
- c. he will pay the costs of the investigation of £300.

2. Summary of Facts

2.1 On 7 October 2022, Mr Williams was arrested after the vehicle he had been driving collided with another vehicle. Mr Williams was breathalysed at the scene by the police. Mr Williams failed the roadside breath test and, later that same day, gave the police a blood sample. The sample was found to contain not less than 177 milligrams of alcohol per 100 milligrams of blood. The legal limit for driving is 80 milligrams of alcohol per 100 millilitres of blood.

2.2 Mr Williams subsequently instructed a Forensic Scientist to carry out an independent analysis of the blood sample taken from him at the



police station. This analysis found the sample to contain not less than 158 milligrams of alcohol in 100 millilitres of blood.

2.3 Mr Williams was charged by a postal requisition dated 29 March 2023, with driving a motor vehicle after consuming so much alcohol that the proportion of it in his blood, namely 177 milligrams of alcohol in 100 millilitres of blood, exceeded the prescribed legal limit.

2.4 Mr Williams appeared before Wycombe Magistrates' Court on 17 April 2023 and pleaded guilty to driving with excess alcohol on the basis that the amount of alcohol in his blood was 158 milligrams in 100 millilitres of blood. The Magistrates agreed to sentence Mr Williams on this basis, as it was determined that the difference between the readings would not affect the sentence.

2.5 Mr Williams was convicted of the offence on 17 April 2023 at Wycombe Magistrates' Court and sentenced as follows:

- a. Fined £1,271.
- b. Disqualified from driving for 19 months (to be reduced by 19 weeks on completion of a driving course approved by the Secretary of State before 6 May 2024).
- c. Ordered to pay a surcharge of £508 and prosecution costs of £85.

2.4 On 5 April 2023 Mr Williams notified the SRA of the offence charged and his intention to plead guilty at the first court hearing.

2.5 On 19 April 2023 Mr Williams notified the SRA of the conviction and sentence.

3. Admissions

3.1 Mr Williams makes the following admissions which the SRA accepts:

- a. that by driving a vehicle after consuming a level of alcohol in excess of the legal limit, for which he was convicted, he breached Principle 2 of the SRA Principles which says:

"You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons."

4. Why a written rebuke is an appropriate outcome

4.1 The SRA's Enforcement Strategy sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements.

4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr



Williams and the following mitigation which he has put forward:

- a. he promptly reported the charge and conviction to the SRA.
- b. this was an isolated incident and out of character.
- c. he has shown insight and remorse for his actions.

4.3 The SRA considers that a written rebuke is the appropriate outcome because:

- a. Mr Williams was directly responsible for his conduct.
- b. By driving after he had consumed alcohol that exceeded the prescribed limit, Mr Williams disregarded the potential risk of harm that this might cause.
- c. Mr Williams had a high level of alcohol when he was arrested. The independent analysis confirmed that the reading was almost double the legal limit.
- d. His conduct was reckless and he disregarded the risk, or potential risk, of harm to persons or property.
- e. The collision resulted in vehicle damage.

4.4 A rebuke is appropriate to maintain professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons.

4.5 A rebuke is also intended to deter the individual and others from similar behaviour in the future. Any lesser sanction would not provide a credible deterrent to Mr Williams and others. A rebuke meets the requirements of rule 3.1 of the Regulatory and Disciplinary Procedure Rules.

5. Publication

5.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Mr Williams agrees to the publication of this agreement.

6. Acting in a way which is inconsistent with this agreement

6.1 Mr Williams agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

6.2 If Mr Williams denies the admissions or acts in a way which is inconsistent with this agreement, the conduct which is subject to this agreement may be considered further by the SRA. That may result in a disciplinary outcome or a referral to the Solicitors Disciplinary Tribunal on the original facts and allegations.

6.3 Denying the admissions made or acting in a way which is inconsistent with this agreement may also constitute a separate breach

of principles 2 and 5 of the Principles and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

7. Costs

7.1 Mr Williams agrees to pay the costs of the SRA's investigation in the sum of £300. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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