

Richard John Hetherington

Solicitor

099503

Agreement Date: 20 April 2020

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 20 April 2020

Published date: 29 April 2020

Firm details

No detail provided:

Outcome details

This outcome was reached by SRA decision.

Decision details

REGULATORY SETTLEMENT AGREEMENT

1. Richard John Hetherington agrees to the following outcome of the investigation into his professional conduct under reference TRI/1252400-2018.

Background

2. Mr Hetherington was born on 10 July 1950 and was admitted to the Roll of Solicitors on 2 September 1974.

3. At the date of this statement Mr Hetherington's name remains on the Roll of Solicitors and he holds a current practising certificate free from conditions.

4. On 29 November 2017 Mr Hetherington attended Nottingham Magistrates Court to represent a client at a hearing. During an informal conversation with colleagues in the courtroom, at a time when the Court was not sitting and the courtroom empty (aside from Mr Hetherington and colleagues referenced), Mr Hetherington made an inappropriate and offensive remark during an attempt to express a compliment in relation to a firm of solicitors. The compliment was meant innocently and genuinely but was misguided. The remark made reference to the ethnicity of members of the firm in question.

5. Mr Hetherington admits that by making an inappropriate and offensive remark to colleagues at Nottingham Magistrates Court he breached the following Principles of the SRA Principles 2011: -

5.1. He failed to act with integrity in breach of Principle 2

5.2. He failed to behave in a way which maintains the trust the public places in him and in the provision of legal services in breach of Principle 6

5.3. He failed to run his business or carry out his role in a way that encourages equality of opportunity and respect for diversity in breach of Principle 9.

Mitigation

6. Mr Hetherington, recognising that his conduct was unacceptable, attended a course on Equality and Diversity of his own volition. Consequently, he now has a better understanding of words and conduct which may be inappropriate.

7. Mr Hetherington maintains that this was an isolated and atypical lapse in behaviour which would not be repeated in the future.

Regulatory Outcome

8. Mr Hetherington accepts that by making an inappropriate and offensive remark to colleagues at Nottingham Magistrates Court in breach of Principles 2, 6 and 9 of the SRA Principles 2011, he should receive a fine of £2,000.

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

10. Mr Hetherington agrees to pay the costs of the investigation, including the SRA's legal costs, in the sum of £390 within 28 days of a statement of costs due being issued by the SRA.

11. Mr Hetherington agrees that he will not act in any way inconsistent with this agreement by, for example, denying the facts and misconduct admitted in relation to para 5 above.

12. By entering into this Agreement, the SRA confirms that the decision to refer Mr Hetherington's conduct to the Solicitors Disciplinary tribunal dated 18 2018 is overturned.

13. Mr Hetherington understands and accepts that if any terms of this Agreement are not complied with or if he acts in any way inconsistent with this agreement, his conduct may be referred to the SDT on the original facts and allegations and also on the basis that he has failed to comply with this Regulatory Settlement Agreement and will constitute a breach of Principles 2 and 5 of the SRA Principles 2019.

14. The Date of this Agreement is 20 April 2020.

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