

Manraj Somal

Solicitor

413923

Agreement Date: 8 February 2022

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 8 February 2022

Published date: 17 March 2022

Firm details

No detail provided:

Outcome details

This outcome was reached by agreement.

Reasons/basis

1. Agreed outcome

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

- a. he is fined £2,000;
- b. to the publication of this agreement;
- c. he will pay the costs of the investigation in the sum of £600.

2. Summary of Facts

2.1 At around 10pm on 18 December 2018 the police attended a road traffic collision between a car driven by Mr Somal and another car. There were no injuries sustained by either driver.

2.2 Mr Somal failed a preliminary breath test carried out by the police and was arrested on suspicion of drink driving.

2.3 On 14 January 2020, Mr Somal pleaded guilty at Maidstone Magistrates' Court and was convicted of the offence of driving a motor vehicle after consuming so much alcohol that the proportion of it in his breath, namely 60 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

2.4 Mr Somal was fined £1,000, ordered to pay a surcharge to fund victim services of £170, ordered to pay costs of £620 to the CPS and was disqualified from holding or obtaining a driving licence for 36 months. That period of disqualification is to be reduced by 275 days if by 12 February 2022 he satisfactorily completes a course approved by the Secretary of State.

2.5 This was Mr Somal's second conviction for driving with excess alcohol within 10 years. On 20 January 2010, Mr Somal was convicted of driving after consuming so much alcohol that the proportion of it in his breath (90 micrograms of alcohol in 100 millilitres of breath) exceeded the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 ("the First Conviction").

2.6 As a result of the First Conviction, he was ordered to pay a surcharge to fund victim services of £15, to pay costs of £85 to the CPS and disqualified from holding or obtaining a driving licence for 24 months.

2.7 The First Conviction was referred to the SRA by Norfolk Constabulary. The SRA investigated the matter and, on 26 April 2010, issued Mr Somal with a letter of advice. That letter specifically noted that "we can also take this letter into account when deciding appropriate action if we receive any future allegations or concerns".

3. Admissions

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

- a. On 19 December 2018 he drove a motor vehicle after consuming so much alcohol that the proportion of it in his breath exceeded the prescribed limit contrary to section 5(1) (a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988, and thereby breached any or all of Principles 2 and 6 of the SRA Principles 2011 ("the Principles").

4. Why a fine 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. The SRA has also published a topic guide on its approach to enforcement in relation to convictions for driving with excess alcohol.

4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr Somal and the following mitigation which he has put forward:

- a. At the time of the conduct, he was experiencing difficulties in his personal life;

- b. He pleaded guilty to the offence and received credit for that early guilty plea; and promptly reported his conviction to the SRA.

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

- a. Mr Somal's conduct, in driving with excess alcohol, had the potential to cause harm to others;
- b. He had direct responsibility for that conduct;
- c. Having already received a letter of advice from the SRA in April 2010 following a similar conviction, Mr Somal was aware that such conduct was in breach of his regulatory obligations;
- d. However, Mr Somal has shown insight by recognising that his conduct was in breach of those obligations. He has co-operated with the SRA's investigation.

4.4 A fine is appropriate to maintain professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. A financial penalty therefore meets the requirements of rule 4.1 of the Regulatory and Disciplinary Procedure Rules.

5. Amount of the fine

5.1 The amount of the fine has been calculated in line with the SRA's published guidance on its approach to setting an appropriate financial penalty (the Guidance).

5.2 Having regard to the Guidance, the SRA and Mr Somal agree that the nature of the misconduct was low because Mr Somal has co-operated with the SRA's investigation and his conduct did not form a pattern of misconduct. While Mr Somal had been convicted of a similar offence in 2010, the SRA notes that the First Conviction was almost exactly 10 years before the conviction giving rise to this Agreement. The Guidance gives this type of misconduct a score of one.

5.3 The SRA considers that the impact of the misconduct was medium. While it has not been established that Mr Somal's conduct caused the accident which led to the police being called, it is clear that his conduct in driving with excess alcohol had the potential to cause that accident. That is likely to have a moderate impact, both on others involved in an accident and on the police who are required to attend and investigate an accident. The Guidance gives this level of impact a score of four.

5.4 The nature and impact scores add up to five. The Guidance indicates a broad penalty bracket of £1,001 to £5,000 is appropriate.

5.5 In deciding the level of fine within this bracket, the SRA has considered the mitigation at paragraph 4.2 above which Mr Somal has put forward. It has also considered the matters at paragraph 4.3 above.

5.6 The SRA considers a basic penalty of £2,500, which is towards the middle of the bracket, to be appropriate.

5.7 The SRA considers that the basic penalty should be reduced to £2,000. This reduction reflects the admissions which have been made by Mr Somal.

5.8 Mr Somal has not made any financial gain or received any other benefit as a result of his conduct. Therefore, no adjustment is necessary to remove this and the amount of the fine is £2,000.

6. Publication

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

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

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

7.2 If Mr Somal 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.

7.3 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 SRA Principles 2019 and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

8. Costs

8.1 Mr Somal agrees to pay the costs of the SRA's investigation in the sum of £600. Such costs are due on or before 28 February 2021.

The date of this Agreement is 08 February 2021

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