

# Sundeep Kang

## Solicitor

### 428881

*Agreement Date: 3 January 2024*

#### *Decision - Agreement*

Outcome: Regulatory settlement agreement

Outcome date: 3 January 2024

Published date: 8 January 2024

#### *Firm details*

##### **Firm or organisation at time of matters giving rise to outcome**

Name: Squire Patton Boggs UK (LLP)

Address(es): 60 London Wall, London EC2M 5TQ

Firm ID: 485150

#### *Outcome details*

This outcome was reached by agreement.

#### *Decision details*

##### *1. Agreed outcome and undertakings*

1.1 Sundeep Kang (ID:428881) ('Ms Kang'), a solicitor and former employee of Squire Patton Boggs ('the Firm'), agrees to the following outcomes of the investigation of her conduct by the Solicitors Regulation Authority Limited ('SRA') under reference number RGC-000077811:

- i. that she is fined £10,000.00;
- ii. that she pays costs to the SRA in the sum of £4,213.80; and
- iii. to the publication of this Agreement.

##### *2. Summary of Facts*

2.1 From March 2019 to 31 May 2021, Ms Kang was employed as a Solicitor at Squire Patton Boggs ('the Firm'). In this time period, Ms Kang did not run her own practice and was not authorised by the SRA to act as a recognised sole practitioner or freelance practitioner.



2.2 On 27 February 2020, Person A commenced civil proceedings ('the Proceedings') within Coventry County Court. The details of these proceedings are not pertinent to this agreement. Person A was not a client of the Firm but Ms Kang had agreed to assist Person A with the Proceedings. Ms Kang had consented for her details to be included within an application submitted to lodge the Proceedings. Ms Kang specifically requested that Person A referred to her as a sole practitioner when preparing the application form.

2.3 Section 14 of the application form headed 'Solicitors details' included the following questions and answers:

Is a solicitor Acting for you Yes

Solicitor's name Sundeep Kaur Kang

Name of firm Representing as a sole practitioner

Address

Telephone number Email address

Solicitor's reference N/A

2.4 Section 16 of the application form head 'Statement of truth' included the following electronic statement of truth:

The applicant believes that the facts stated in this application are true.  
Sundeep Kaur Kang (solicitor) has been given the authority to make this declaration.

2.5 Person A then submitted the application form through the Government Gateway online portal. Ms Kang provided her Government Gateway details to Person A in order for them to submit the application form.

2.6 At the time that the application form was submitted, Ms Kang was only authorised to provide reserved legal services through the Firm; she was not authorised by the SRA to practise as a sole practitioner, as was referred to in Section 14 of the application form.

2.7 Ms Kang explains that Person A prepared the application form but she provided him with some assistance. Ms Kang states that she did not assist Person A with Section 16 of the application form, and advised Person A to submit and sign the application form in their own name. It was only after the application form had been submitted, that Ms Kang became aware that Section 16 had been declared in her name by Person A.

2.8 On 24 April 2020, Ms Kang sent a letter to Person B enclosing a Notice of Acting in relation to the Proceedings. The enclosed Notice of Acting was dated 21 April 2020 and stated:



'TAKE NOTICE that I, Sundeep Kaur Kang, have been appointed to act as the solicitor for the above named [Person A]'

2.9 On 13 May 2020, District Judge Bowen ordered that Ms Kang file and serve a revised Notice of Acting by 16:00 on 26 May 2020, due to the original notice containing Ms Kang's personal contact details, rather than any associated with a regulated law firm.

2.10 Ms Kang asserts that she did not receive notice of District Judge Bowen's Order at the relevant time. In the absence of a response from Ms Kang by the deadline, the Court relisted Person A as a litigant in person for the Proceedings. The Court has since confirmed that email correspondence relating to the Order was not sent to Ms Kang and sent only to the parties. Person A wrote to the Court on 2 June 2020 stating that Ms Kang 'is acting on my behalf in her personal capacity...The Law Firm which she is employed with is not involved'. Ms Kang asserts that she asked Person A to send this letter.

2.11 On 2 June 2020, Person A wrote a letter to the Court stating 'I can confirm that Ms Sundeep Kaur Kang is acting on my behalf (the Applicant) in her personal capacity as a qualified solicitor (SRA no. 428881) and McKenzie Friend. The Law Firm which she is employed with is not involved with these set of proceedings.'

2.12 On 2 September 2020, Person A then instructed Counsel for the remainder of the proceedings and Ms Kang had no further involvement.

### 3. *Admissions*

#### 3.1 Ms Kang admits that:

- i. she made a misleading statement to the Coventry County Court by stating on an application form dated 27 February 2020 that she was a sole practitioner when she could only practise as an employee of a recognised body. Ms Kang admits that she referred to herself as a sole practitioner when assisting Person A in drafting the application form and did not take adequate steps to ensure that it was appropriate to refer to herself as a sole practitioner before the application form was submitted. This had the effect of giving the court the incorrect impression that she was authorised to act on Person A's behalf as a sole practitioner.
- ii. she made a misleading statement to the Coventry Family Court in stating in a Notice of Acting dated 21 April 2020 that she had been appointed to act as a solicitor for Person A, when Ms Kang could only practise as an employee of a recognised body, and Person A was not her client.

3.2 In making the admissions above, Ms Kang therefore admits, in respect of both allegations, that she was in breach of:

- I. paragraphs 1.4 and 7.1 of the SRA Code of Conduct 2019 for Solicitors, RELs and RFLs;
- II. breached principles 2 and 5 of the SRA Principles 2019; and
- III. was reckless.

#### *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.

4.2 The SRA considers that the failing by Ms Kang to be serious, particularly given:

1. Ms Kang's conduct was reckless and demonstrated a disregard of her regulatory obligations.
2. Ms Kang was directly responsible for her conduct.
3. The conduct had the potential to mislead the Court and prejudice Person B's position in proceedings.

4.3 When considering the appropriate sanction in this matter, the SRA has taken into account:

- i. Ms Kang was not acting for personal or financial gain, nor out of malice for Person B. Ms Kang has explained that her conduct was motivated from compassion for Person A.
- ii. In relation to the application form, Ms Kang has explained that she had no knowledge that her details were included within the statement of truth, and had advised Person A to include his own details.
- iii. Ms Kang's conduct caused a limited level of disruption to the County Court proceedings and did not fundamentally prejudice Person B's position in the proceedings.
- iv. No harm was caused to the Firm or its client as a result of Ms Kang's conduct.
- v. Ms Kang fully engaged with the SRA's investigation and demonstrated sincere remorse and insight to her conduct. Ms Kang made early admissions to the SRA and has understood the additional steps she should have taken to establish whether she was able to act in the capacity of a Sole Practitioner.

4.4 The SRA considers that a fine is the appropriate outcome because the admitted conduct was serious but a referral to the Solicitors Disciplinary Tribunal is not necessary in order to maintain the public's trust in the profession or maintain the professional standards. A proportionate sanction can be provided with the SRA's internal powers.

*5. Acting in a way which is inconsistent with this agreement*

5.1 Ms Kang agrees that she will not deny the admissions made in this agreement or act in any way that is inconsistent with it.

5.2 If Ms Kang denies the admissions or acts in a way which is inconsistent with this agreement, the conduct which gave rise 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, concerns and allegations arising from the Notice dated 28 April 2023.

5.3 Denying the admissions made or acting in a way that is inconsistent with this Agreement may also constitute a separate breach of principles 1, 2 and 5 of the Principles contained within the SRA Standards and Regulations 2019 and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

*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. Ms Kang agrees to the publication of this agreement.

*7. Referral to Tribunal*

7.1 By entering into this Agreement, the SRA confirms that the decision to refer Ms Kang's conduct to the Solicitors Disciplinary Tribunal dated 30 June 2023 is overturned.

The date of this Agreement is 3 January 2024.

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