

Michael Coghlan

Solicitor

184144

Sanction Date: 18 January 2023

Decision - Sanction

Outcome: Rebuke

Outcome date: 18 January 2023

Published date: 26 January 2023

Firm details

Firm or organisation at date of publication

Name: TJL Solicitors LLP

Address(es): Washbrook House, Lancastrian Office Centre, Talbot Road,
Manchester M32 0FP

Firm ID: 564906

Outcome details

This outcome was reached by SRA decision.

Decision details

Rebuke with £300 costs – 18 January 2023

Reasons/basis

1. Agreed outcome

1.1 Mr Michael Coghlan, a locum solicitor at TJL Solicitors LLP, 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 5 February 2020, Mr Coghlan was stopped by the Police after he drove a short distance from his home. He was breathalysed and

subsequently charged with driving whilst under the influence of excess alcohol.

2.2 This was contrary to section 5(1)a of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.

2.3 On 10 September 2020, Mr Coghlan pleaded guilty at Stockport Magistrates Guilty Anticipated Plea Court.

2.4 The sentence was:

- a. a 12-month driving ban, to be reduced by 25% to 9 months on completion of an approved Drink-Drive Offenders course; and
- b. a fine of £200.

2.5 Mr Coghlan was also ordered to pay:

- a. a victim surcharge of £32; and
- b. costs of £85

2.6 Mr Coghlan notified the SRA of his conviction on 28 September 2020.

3. Admissions

3.1 Mr Coghlan admits, and the SRA accepts, that by driving whilst under the influence of excess alcohol, 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 Coghlan and the following mitigation which he has put forward:

- a. it was an isolated incident;
- b. he promptly reported his conviction to the SRA and cooperated fully with our investigation;
- c. he has shown remorse for his conduct and insight into the ethical standards expected of him as a solicitor; and



- d. no harm was caused to property or persons as a result of the conduct.

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

- a. there was a clear disregard to the risk or potential risk of harm to others; and
- b. a public sanction is required to uphold public trust and confidence in the delivery of legal services by SRA authorised persons.

4.4 A rebuke is appropriate to sanction the regulated person for a breach of standards and/or requirements, but where the issues are only of moderate seriousness and do not require a higher level of response to maintain standards and/or uphold public confidence.

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 Coghlan and others.

4.6 A rebuke, therefore, satisfies the requirements of Rules 3.1(a), 10.1 and 10.2 of the SRA 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 Coghlan agrees to the publication of this agreement.

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

6.1 Mr Coghlan 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 Coghlan 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 Coghlan 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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