

Ntando Siswana

Solicitor

810091

Agreement Date: 6 December 2022

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 6 December 2022

Published date: 21 December 2022

Firm details

Firm or organisation at date of publication and at time of matters giving rise to outcome

Name: Paul Hastings (Europe) Ltd

Address(es): 100 Bishopsgate, London, EC2N 4AG

Firm ID: 398385

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Ntando Siswana, a solicitor of Paul Hastings (Europe) 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 4 September 2022, Mr Siswana was stopped by the police while driving on a motorway. He was breathalysed and charged as his alcohol level was above the prescribed limit.

2.2 On 6 September 2022, Mr Siswana notified the SRA that he had been charged.

2.3 On 20 September 2022, Mr Siswana pleaded guilty at Guildford Magistrates' Court to the offence of driving a motor vehicle when his alcohol level was above the prescribed limit.

2.4 Mr Siswana received the following sentence:

- a. He was disqualified from driving for a period of 12 months to be reduced by 3 months if he completed a drink driving awareness course.
- b. He was ordered to pay a £1,846 fine.
- c. He was ordered to pay a victim surcharge of £738 and prosecution costs of £85.

2.5 On 20 September 2022, Mr Siswana reported his conviction to the SRA.

3. *Admissions*

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

By virtue of his conduct and conviction for driving a motor vehicle when his level of alcohol was above the prescribed limit, he failed to act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, in breach of Principle 2 of the SRA Principles.

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 Siswana and the following mitigation which he has put forward:

- a. He has shown insight and remorse and pleaded guilty at the first opportunity.
- b. He promptly reported the matter to the SRA and co-operated fully with its investigation.
- c. No harm was caused to persons or property because of the offence.
- d. This was an isolated incident.

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

- a. Mr Siswana demonstrated a disregard for the potential risk of harm.
- b. Mr Siswana was directly responsible for his actions.

4.4 A rebuke is required to uphold public confidence in the delivery of legal services.

Any less serious sanction would not deter Mr Siswana and others from similar behaviour in future. A rebuke therefore 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 Siswana agrees to the publication of this agreement.

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

6.1 Mr Siswana 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 Siswana 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 Siswana 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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