Solicitors Regulation Authority

Case studies
Case studies
SRA Principle 2 - public trust and confidence

SRA Principle 2 - public trust and confidence

Published: 25 November 2019

Related guidance

This case study should be read in conjunction with the guidance on public trust and confidence [https://www.sra.org.uk/solicitors/guidance/public-trust-confidence/] .

Case study 1

Behaviour within or outside practice which undermines public confidence damages not only any individual involved but also the ability of the legal profession as whole to serve society.

These were the circumstances surrounding a solicitor sentenced to 33 months' imprisonment for harbouring an escaped prisoner and possessing a Class A controlled drug with intent to supply heroin.

The case is a reminder of your obligation to make sure you always exercise good judgement - in and outside of work- and make sure the standards of behaviour the public expect is maintained. Public confidence is key.

The trial judge had described the solicitor as being of positively good character prior to the events leading to her conviction. The case was characterised as a sad case. It was accepted the solicitor had become involved with a client of her former firm, a man who had manipulated her. However, the court had found she must have realised the client was on the "fringes of drug supply" and the "effects of heroin on society".

Following the conviction, we brought proceedings against the solicitor at the Solicitors Disciplinary Tribunal (SDT).

At the time of the SDT hearing, the Independent Police Complaints Commission (IPCC) was conducting an investigation into the circumstances surrounding the conviction. A letter from the IPCC confirmed it had not concluded its investigation.

The solicitor submitted that her case was unusual. Her own position wasn't finally determined yet on the basis that once the IPCC had completed its

work, the solicitor would consider lodging an appeal against her convictions. She argued that either the SDT hearing should be postponed or that the SDT should suspend her indefinitely from practice rather than strike her from the roll.

However, there was no ongoing appeal at the time of the SDT hearing. The convictions therefore stood at the time and the SDT made it clear it could not go behind them.

The SDT found it reasonable and appropriate to strike the solicitor from the roll taking the view that there was no other sanction it could reasonably impose. The solicitor had exercised poor judgement and the legal profession is required to act with unquestionable probity and integrity and make sure its conduct is beyond reproach.

Case study 2

In 1994 Lord Bingham, then Master of the Rolls, referred to the need to maintain public trust, which he said required a confidence that solicitors are people of "unquestionable integrity, probity and trustworthiness" and that, "membership of a profession brings many benefits, but that is part of the price".

These words, made in the case of Bolton v The Law Society some 17 years ago, remain good regulatory law.

A solicitor came before the Solicitors Disciplinary (SDT). She was alleged to have diminished the trust the public placed in her, or in the legal profession, by agreeing to be cautioned for two offences of dishonesty.

The offences related to the solicitor obtaining refunds on goods she had previously purchased on two occasions. The goods she brought back to the shop were not the original goods, but she had attached the original labels. However, when she appeared before the SDT, the solicitor denied committing the offences.

We did not consider it was in a position to prove the offences but based the allegation on the fact that the solicitor had agreed to accept the caution and asked the SDT to take account of the nature of the offences when imposing sanction. The solicitor said she had not committed the offences. But, having taken advice, had understood that by doing so neither her family nor the community she served would learn that she had "let them down" and professional consequences would not therefore follow.

The SDT considered that if a member of the public heard that a solicitor had accepted a caution for offences of dishonesty which they now said they had not committed, it would seriously question that solicitor's integrity, probity and trustworthiness. The SDT found that by admitting an offence to

make sure the situation remained quiet was "using the system for one's own ends".

Behaviour of this nature is both risky and dangerous and as such was an unacceptable position to take. It damaged public trust and the ability of the profession to serve the public. The solicitor's actions were wholly inconsistent with the legal profession's high standards of integrity and professionalism.

The SDT was clear that it did not have to decide whether the solicitor had been dishonest. By admitting dishonesty in order to secure an outcome the solicitor thought would help her, went to the heart of her own integrity and professionalism. Part of the SDT's analysis took into account that, after almost two months of research and taking specialist legal advice, she decided that by accepting the caution she would not face professional consequences.

The SDT considered carefully a period of fixed or indefinite suspension but concluded that suspension was not appropriate. The solicitor had seriously brought into question her fitness to practice and the only appropriate sanction was to strike her off the roll of solicitors with immediate effect.