

IN THE SOLICITORS DISCIPLINARY TRIBUNAL

Case no: 12731-2025

BETWEEN:-

THE SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

TIMOTHY EAGLE

Respondent

Respondent's Answer

1. This document sets out the Respondent's response to the allegations made against him in the Rule 12 statement.

Admissions

2. The Respondent admits the conduct referred to in paragraph 1 of the Rule 12 Statement relating to Persons A to D
3. The Respondent admits that his conduct breached Principle 2 (public confidence in the profession), Principle 6 (equality, diversity and inclusion) and Rule 1.5 of the Code for Solicitors (unfair treatment).

Background relating to Mr Eagle's mitigation

4. The following background events relate to Mr Eagle's mitigation:
 - 4.1. In early 2021 Mr Eagle, who was diabetic, was diagnosed with liver and bowel cancer, and in September 2021 part of his liver and a large part of his colon were removed.
 - 4.2. The operation did not go well. There were serious complications which resulted in the need for two further operations in September 2021 and October 2021, an induced coma, an ileostomy and renal failure.

- 4.3. In about August 2022 he began a phased return to work on a part time basis.
- 4.4. By December 2022 Mr Eagle thought (wrongly as it turns out) that he was well enough to attend the firm's Christmas party and celebrate Christmas in the same way as other staff. Throughout the day, from lunchtime onwards, alcohol was made freely available by the firm for all staff, including the partners.
- 4.5. Mr Eagle drank alcohol that day. He had about one and a half bottles of wine during the lunch and afternoon and some rum at the evening party. That was no more than he was accustomed to drink before his operations. If he had drunk that amount before his operations, over a period of seven hours or more and whilst eating a large lunch, he would have been in control of all of his senses (and the events referred to in the Rule 12 statement would not have occurred).
- 4.6. He realised during the early evening that he was reaching his limit as he was starting to feel tipsy. He treated that as a sign that he should "slow down", and drink less whilst he waited for the alcohol to pass through his body, and he did that. Before his operations he would have been able to control the effect of alcohol in that manner. Instead, he suddenly "blacked out" during the evening party, without any warning, and has no memory of the incidents referred to in the Rule 12 Statement, save for a conversation with a co-partner, Person F during which she told him he was behaving inappropriately (which confused him as he did not know what he had done).
- 4.7. He describes the black out as "sudden" and "without warning" because it was not preceded by warning signs of the type a person normally has if they have had too much to drink, such as loss of coordination. When using the phrase "black out" he means that he has no recollection of what happened (save for the conversation with Person F) and was not conscious of what he was doing at the time.
- 4.8. Mr Eagle consulted his GP, as he was so worried about what had happened. His GP advised him that his sudden and unexpected black out might be attributable to a condition known as Dumping Syndrome which could arise as a result of his bowel condition and the removal of part of his colon.

The mitigation

5. In mitigation, Mr Eagle will say:
 - 5.1. He was ill.
 - 5.2. He blacked out and did not know what he was doing.
 - 5.3. His conduct was not conscious, premeditated or deliberate.
 - 5.4. Character evidence from people who know him well shows that his behaviour was totally out of character.
 - 5.5. He deeply regrets what happened, and any distress which he caused.
 - 5.6. He readily accepts that what he did was wrong, and he has insight.
 - 5.7. As soon as he realised after the event what he had done, he went out of his way to apologise to the people who had been affected by what he did.
 - 5.8. He self reported his conduct to the SRA.
 - 5.9. He agreed to resign from the firm.
 - 5.10. He has cooperated fully with the SRA.

The allegation relating to Integrity

6. The SRA allege that Mr Eagle's conduct breached Principle 5 (lack of integrity)
7. In *Wingate and Evans v SRA* [2018] EWCA 366 the Court of Appeal stated that:
 - 7.1. The Tribunal has the specialist knowledge to decide whether conduct amounts to want of integrity, and
 - 7.2. The decision as to whether there has been lack of integrity involves having regard to the state of mind of the solicitor at the time of the misconduct.
8. As regards, the subjective element of the test – the state of mind – Jackson LJ said:

"The High Court judge in Wingate did not have the advantage of seeing the discussion of objective and subjective test in the more recent authorities, in particular Ivey.

We now know that the test for dishonesty is objective and that even an objective test involves having regard to the state of mind of the actor.

Although the judge did not have access to the most recent jurisprudence I think that his analysis of the integrity issue was sound. He said at [76]:

"Any solicitor who signs a sham contract of this magnitude and significance in relation to a loan of £900,000 must objectively lack integrity in that regard "

In reaching that conclusion the judge was not simply looking at what Mr Wingate did and said. He also expressly took into account the facts which Mr Wingate knew and his state of mind.

In my view, therefore the judge applied the right test"

(see *Wingate and Evans v SRA* [2018] EWCA 366 at [116] – [120])

- 9. The Tribunal is requested to decide whether Mr Eagle’s conduct lacked integrity having regard to Mr Eagle’s state of mind and his mitigation, including in particular the facts that Mr Eagle was ill, he was not aware of what he was doing at the time, and his conduct was not conscious, premeditated or deliberate and was totally out of character.

Concluding comment

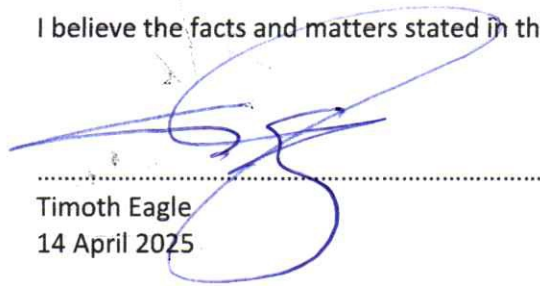
- 10. On a personal note Mr Eagle wishes to reiterate that he deeply regrets what happened and any distress he caused to any of the people affected by his action that evening.

Dated 14 April 2025

Weightmans LLP
Solicitors for the Respondent

Statement of truth

I believe the facts and matters stated in this statement are true



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Timoth Eagle
14 April 2025