

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

Case No:

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

ALEXANDER DAVID EDMUND HAYES GALLAGHER

Respondent

**STATEMENT PURSUANT TO RULE 12 (2) OF THE SOLICITORS (DISCIPLINARY
PROCEEDINGS RULES) 2019**

I, Jennifer Hughes, am a Solicitor employed by the Solicitors Regulation Authority Limited of The Cube, 199 Wharfside Street, Birmingham, B1 1RN. I make this Statement on behalf of the Applicant, the Solicitors Regulation Authority Limited ("SRA").

The allegations

1. The allegations against the Respondent, Mr Alexander David Edmund Hayes Gallagher, made by the SRA are that, while in practice as a self-employed advocate instructed by LPC Law ("the Firm"):
 - 1.1. On 8 August 2023, he created an attendance note which he knew or ought to have known was misleading as it contained an inaccurate account of his attendance at a court hearing on 7 August 2023. In doing so, he and thereby breached any or all of:
 - 1.1.1. Principles 2, 4 and 5 of the SRA Principles 2019 ("the Principles"); and

- 1.1.2. Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs¹ (“the Code for Solicitors”).

The facts and matters relied upon in support of this allegation are set out in paragraphs 5 to 41 below.

Appendices and Documents

2. I attach to this Statement the following appendices:

Appendix 1: Relevant Rules and Regulations

Appendix 2: Anonymisation Schedule

3. I attach to this statement a bundle of documents, marked “JH1” to which I refer in this statement. Unless otherwise stated, the page references (“page 1 - 429 of JH1”) in this statement relate to documents contained in that bundle.

4. The bundle is divided into the following sections:

Section A: Firm’s Report and appendices

Section B: Witness Statements

Section C: Notice and Appendices

Professional Details

5. The Respondent, who was born on [REDACTED], is a solicitor having been admitted to the Roll on 1 December 2016. The Firm instructed the Respondent on a self-employed basis as an advocate. At the time of the misconduct, the Respondent was also employed as a consultant for Critchlow and Associates Limited between 29 April 2021 and 1 March 2024, but his work for the Firm sat separately from this.

6. The Respondent does not hold a current Practising Certificate.

The facts and matters relied upon in support of the allegations

Background

¹ Now the SRA Code of Conduct for Solicitors, RELs and RFLs and RSLs

7. The conduct in this matter came to the attention of the SRA when the COLP of the Firm submitted a report (**pages 1-8 of Exhibit JH1**) to the SRA on 14 September 2023 regarding the conduct of the Respondent. The Report stated that the Respondent had admitted to creating an attendance note that was not an accurate representation of a hearing he attended, in that it was untrue that he was told by Counsel they did not have a document before the hearing, and it was untrue that he had requested an adjournment.
8. Full details of the Firm's report are set out in Witness DL's witness statement dated 30 January 2024 at **pages 9-55 of Exhibit JH1**. Full details of the Client's complaint are set out in the Client witness statement dated 5 January 2024 at **pages 56-71 of Exhibit JH1**. A statement was also taken from Witness DPN, a Delivery Manager at Wandsworth County Court, and this can be found at **pages 72-74 of Exhibit JH1**.
9. In summary, on 7 August 2023, the Respondent was instructed to attend a disposal hearing on behalf of a client, who was the Claimant in the proceedings, at Wandsworth County Court.
10. The hearing was listed for 2.00pm. The Judge heard Counsel for the Defendant at 2:10pm. The Respondent was not in attendance. The Judge spoke with the Defendant's Counsel and indicated to them that the Court would make a judgement in favour of the Claimant (the Respondent's Client) for the sum of £7,210.00, plus costs of £504.00, with credit for sums already paid (**page 31 of Exhibit JH1**).
11. At 2:40pm, the Respondent arrived at Court late, with opposing Counsel having already left the building. The Court Order states:

"The hearing finished at about 2:25pm. Ten minutes later, the Judge was informed that the Claimant's Counsel had arrived and that the Defendant's Counsel had left the building. By this time, the order had not yet been drawn up and so was not final."
12. The Judge heard from the Respondent during a second hearing after the Defendant's Counsel had left. The Court Order states *"this was an unfortunate situation in which, according to the Claimant's Counsel, he believed that the hearing was at 3pm (despite notice of the hearing saying 2:00pm)."*

13. Following the second hearing the Judge Ordered that the hearing be adjourned. It was also stated in the Order, that *“the Court heard the Claimant’s Counsel and decided that it was in the interests of fairness and justice to not make the order that had been envisaged at the 2:10pm hearing, and instead to adjourn”*
14. On 8 August 2023, the Respondent created an attendance note (**page 15 of Exhibit JH1**) which contained a summary of the hearing on 7 August 2023 (“the attendance note”). In the attendance note, the Respondent stated he requested an adjournment due to lack of instructions as he was mindful of the claim not beating its offer as the treatment claim was unevidenced, save for £430 worth of receipts. The Respondent stated that the Judge considered his request and reluctantly granted the adjournment with an order that costs be reserved. The Respondent also stated that the Defendant’s Counsel told him they did not have a document, but Defendant’s Counsel had already left by the time the Respondent had arrived late to Court. The Respondent did not tell the Firm that he was late to Court, or that he did not request an adjournment, and had therefore misrepresented events on his attendance note.
15. The Firm discovered that the attendance note was not an accurate account of the hearing. The Client had received a copy of the Court Order (**page 31 of Exhibit JH1**) including the Judge’s recital and contacted the Firm on 23 August 2023. The Firm stated in its report that the Client explained the Court Order did not accord with the Respondent’s attendance note. Witness DPW, who is the Delivery Manager at Wandsworth County Court, confirms that the recitals in the Court Order would have been an accurate representation of proceedings (**page 73 of Exhibit JH1**). The Client became concerned by the comments containing within the Court Order as they directly contradicted the Respondent’s attendance note and prejudiced their position. The Firm asked the Respondent about this and on 24 August 2023, the Respondent accepted that he *“dressed up his mistake”* and admitted that the statement he made in his attendance note that he spoke with Defendant’s Counsel was not true. He agreed to prepare another attendance note with an accurate summary of what happened (**page 32-38 of Exhibit JH1**).

16. On 7 December 2023, the Respondent responded to the SRA in an email (**page 155-156 of Exhibit JH1**), where he accepted that the attendance note was incorrect and that he had made a mistake, stating it was out of character.

Allegation 1.1 – On 8 August 2023, he created an attendance note which he knew or ought to have known was misleading as it contained an inaccurate account of his attendance at a court hearing on 7 August 2023.

17. The SRA relies upon paragraphs 5 to 16 above. Additionally, the SRA relies upon the following facts and matters.

18. The Firm specialises in civil litigation. One part of its business involves attending hearings on behalf of other firms to act as their agents. The Client had instructed the Firm to attend a Stage 3 Disposal hearing. The Firm instructed the Respondent to attend the hearing, which took place on 7 August 2023 at Wandsworth County Court (“the hearing”). The Respondent had attended approximately 650 hearings for the Firm between September 2021 and August 2023 without incident.

19. The service level agreement between the Firm and the Respondent required the Respondent to submit an attendance note of what happened at the hearing on the same day. The Firm tried to contact the Respondent on 8 August 2023 and left two voicemails chasing the attendance note (**pages 17-20 of Exhibit JH1**). The Firm received the attendance note from the Respondent later that day, on 8 August 2023, at 15:02 and left another voicemail asking him to explain the delay (**page 10 of Exhibit JH1**).

Attendance note containing inaccurate and/or misleading information

20. The following are extracts from the attendance note created by the Respondent giving an account of what happened at the hearing (**page 15-16 of Exhibit JH1**):

Conference

“I spoke with those instructing as the claim for treatment was unevicenced from the documents I had received save for two receipts. [Redacted] later emails me the receipts but was unable to say if they had been filed and served. I was told that the file handler will be in touch to speak about that. Before the hearing, I called the Client but was unable to receive an answer.”

“At court, [redacted – opposing counsel] said that she had not received those documents. I called the Client again but there was nobody available to take the call. I did not have instructions and the hearing commenced.”

Hearing

“In the hearing, I requested an adjournment due to lack of instructions as I was mindful of the claim not beating its offer as the treatment claim was unevidenced save for £430 worth of receipts. I also considered that the PSLA claim in the CPP was very optimistic, at £10,000 and was some distance from what the Claimant may receive. The judge considered the request and reluctantly granted it with an order that costs be reserved.”

21. The Firm sent the attendance note to the Client at around 09:08 on 9 August 2023. Witness ■■■, a Team Leader within the Dispute Resolution Department for the Client and the point of contact for the Firm, called the Firm on 11 August 2023 expressing concerns about the hearing being adjourned and asked why the Respondent had not been prepared. Witness ■■■ asked the Firm to investigate. The Client was unhappy that this resulted in an additional bill for them (**page 18 of Exhibit JH1**).

22. On 21 August 2023, the Client received a copy of the Court Order (**page 31 of Exhibit JH1**). The Court Order directly contradicted the Respondents attendance note above and states:

“the Judge heard at 2.10pm counsel for the Defendant, the Claimant not attending, but then at 2:40 (the Claimants Counsel’s having arrived and the Defendant’s Counsel having left), the Judge heard the Claimant’s Counsel alone. This was an unfortunate situation in which, according to the Claimant’s Counsel, he believed that the hearing was at 3pm (despite the notice of hearing saying 2pm).

At the hearing starting at 2.10pm, the Court had indicated to the Defendant’s Counsel that it would make a judgement in favour of the Claimant in the total sum of £7,210, plus costs (expert’s fee) of £504, with credit for sums already paid. The hearing finished at about 2.25pm. Ten minutes later, the Judge was informed that the Claimant’s Counsel had arrived and that the Defendant’s Counsel had left the building. By this time, the order had not yet been drawn up and so was not final. The Court heard the Claimant’s Counsel and decided that it was in the interests of fairness and justice not to make the order that had been envisaged at the 2.10pm hearing, and instead to adjourn”.

23. The Court Order clearly stated that the Respondent was late for the hearing, and the case was heard before the Judge alone at 2.10pm. The Respondent arrived at 2.40pm and the Judge agreed to hear him alone. The Judge decided that it was in the interests of fairness and justice to adjourn and relist the hearing. The Respondent’s attendance note was inaccurate and therefore misleading.

24. The Client called the Firm on 23 August 2023 at 13:00. The Firm's telephone attendance note recorded that the Client had received the Order in which the recitals showed that the Respondent "*arrived at court at 14.40 by which time the Defendant's counsel had already left, precipitating the adjournment.*" The telephone attendance note also recorded that the Client felt that they had "*been told a half-story*" about what transpired at the hearing (**page 19 of Exhibit JH1**).
25. The Witness DL telephoned the Respondent on 24 August 2023 at 16.44 who questioned him about the 7 August hearing and any prior contact he had with the Client beforehand (**page 34 of Exhibit JH1**). During their conversation, the Respondent said that he had an admission to make and admitted that he was late to court because he thought it was listed at 3:00pm, not 2:00pm. He continued that when he arrived, the hearing had taken place in his absence and the opposition had left. The Respondent explained to Witness DL that he was embarrassed as he had no explanation for getting the time wrong. He stated that he went before the Judge, who told him they had no option but to adjourn (**page 36 of Exhibit JH1**).
26. Witness DL asked the Respondent about his attendance note, where he wrote: '*At court, [redacted] said that she had not received those documents. I called the Client again but there was nobody available to take the call. I did not have instructions and the hearing commenced.*' Witness DL asked the Respondent how he was able to speak to the Defendant's Counsel to confirm that she had not received the documents when the Defendant's Counsel had already left by the time he arrived at Court. The Respondent confirmed that this statement in the attendance note was not true, and he had made it up. When asked by Witness DL where the name of the Defendant's Counsel came from, the Respondent confirmed that it was mentioned by the Judge. The Respondent also confirmed that he did not request the adjournment as stated and that the Judge ordered it (**page 36-37 of Exhibit JH1**).
27. On 25 August 2023, the Respondent sent an email to Witness DL at 8.21 (**page 40-41 of Exhibit JH1**) in which he stated making the following admissions:

'I thought that the hearing was at 3pm and not 2pm. I do not know how or why I made this mistake...I have no explanation for it.'

"I called the Client on my way over to Putney which must have been about 1:30 – 2pm but did not get through to anybody, I think it being lunch I then called again at about 2:20pm...When I called DLG at around 2.20pm, I was asked for the claim number and I checked the papers again and saw the hearing was at 2pm

...

...I was taken into court before the judge at about 2:50pm. The judge said that [redacted] had appeared for the defendant and that they had the hearing in my absence, and he made an award to the claimant. I apologised and said that I thought the hearing was at 2pm [sic]. He asked me if that is what I was told the time was by those instructing and I said yes. He asked me what I wanted to do. I said I was not sure and he said that the only option was to adjourn. He mentioned that the claim had an unfortunate long history having been adjourned before due to the parties not receiving notice of the hearing ...

I came out of court at about 3pm and was unsure what to do. I was embarrassed and I could not explain why this had happened. I went outside and considered what to do. At about 3.30pm, I decided that I should speak to the judge and explain what had happened and I thought that there might be a possibility that the judgment he gave before could stand...I asked the usher if I could speak to the judge. He went up to him and said the judge refused.

I thought about what to do but could not think straight. As more time passed, I felt deeper in the mess. I had not called Advocacy as I did not know what to do initially and then I thought that I would try and clear it up with the Judge. After that failed, I thought that I needed more time to work out what to do. I delayed the attendance note as a result. .The next day I thought that it was too late and even though I was aware of the recital to the order I made up the attendance note, saying that I had requested an adjournment and that the court granted it...I accept that the deception is the worst part of it and I merely explain how this rather strange situation came about...I have made myself look silly and also, even more regrettably, LPC.”

28. The Firm was financially impacted by the Respondent's conduct as it waived the cost of the Respondent's attendance at the 7 August hearing, as set out in Witness DL's witness statement (**page 13 Exhibit JH1**). The Firm also suffered reputational damage with a valued client and spent considerable time and resource investigating the matter.
29. The Client was impacted as the case was delayed, as set out in the witness statement of [REDACTED]. The subsequent hearing on 4 September 2023 was settled in the client's favour and no costs issues were raised.

Admissions and representations made by Respondent in SRA Investigation

30. During the SRA investigation, the Respondent accepted that he had not been truthful in his attendance note submitted to the Firm. On 7 December 2023, he responded to the SRA by email (**page 155 of Exhibit JH1**) stating:

“...It is true that the attendance note is incorrect in that I said that I had requested an adjournment due to lack of instructions and being mindful of the client not beating her offer. That was not entirely true as, in fact, I was late for the hearing and though I did indeed acquiesce to the judge’s suggestion for an adjournment on account of my lateness. That I stress was not done with the intention of deceiving LPC or indeed anyone though I appreciate that it might look like that. That was not strictly correct, as I was late for the hearing and it was more a case of my taking up the DJ’s offer of an adjournment. I knew he was recording what had happened, but at the time I was very flustered.

...I still could not understand how I had been late when I had checked the hearing time so many times and was loitering outside the court at the hearing time. I then put in my attendance note later that I had requested an adjournment. I could not understand what had happened and so I think this is the reason why I put that. I did not understand it myself or how I could explain it.

...I have never misled a client or the court before. It was a momentary lapse and one which I thought would be rectified.”

Breach of Principles

Principle 4 (dishonesty)

31. The Applicant relies upon the test for dishonesty stated by the Supreme Court in *Ivey v Genting Casinos [2017] UKSC 67*, which applies to all forms of legal proceedings, namely that the person has acted dishonestly by the ordinary standards of reasonable and honest people:

“When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.”

32. At the time that the Respondent created the attendance note he knew or believed the following matters:

- 32.1. When stating in his attendance note: “*At Court, [Redacted – Defendant’s counsel] said that she had not received those documents*” the Respondent must have known, or ought to have known that this was untrue because he did not speak to the Defendant’s Counsel at the hearing, as she had already left by the time he arrived.
- 32.2. The Respondent did not speak to the Defendant’s Counsel at any time after the hearing. He was only able to include Counsel’s name in the attendance note because the Judge had mentioned it to the Respondent. Further, the Respondent in adding Counsel’s name to the attendance note was attempting to add credence to a note which contained a false narrative of events.
- 32.3. When stating in his attendance note: “*In the hearing, I requested an adjournment due to lack of instructions as I was mindful of the claim not beating its offer as the treatment claim was unevicenced save for £430 worth of receipts...*”, the Respondent must have known, or ought to have known, that this statement was untrue because he did not request the adjournment. The Respondent confirmed that the Judge had asked him what he wanted to do. He said that he was not sure, and it was the Judge who had said the only option was to adjourn.
- 32.4. The Respondent must have known that the account which he provided in his attendance note was inaccurate and untrue because the events that he described did not happen. The Respondent also admits that he “*made up the attendance note*”. The content of the note was therefore misleading. The Respondent knew that the case had a long history of having been adjourned before, as the Judge had told him at the hearing. A reasonable inference can be drawn from the circumstances, that the Respondent would have known that if he disclosed to the firm and the Client that the reason for the adjournment was due to his late arrival at Court, there was a real risk that he was likely to come under censure by the Firm, especially as the Court decided not to make the order that had been envisaged, and which had been in the Client’s favour.

33. In those circumstances, the Respondent was dishonest by the standards of ordinary decent people and has breached Principle 4. Making untrue statements in an attendance note to put forward a more favourable position to cover a mistake, would be viewed as dishonest by the standards of good decent people.

Principle 5 SRA Principles (integrity)

34. In *Wingate v Solicitors Regulation Authority v Malins [2018] EWCA Civ 366*, it was said that integrity (i.e. moral soundness, rectitude and steady adherence to an

Sensitivity: General

ethical code) connotes adherence to the ethical standards of one's own profession. The Respondent's actions amounted to a failure to act with integrity in that the attendance note was deliberately created to put forward an inaccurate version of events to cover up the fact that by the time the Respondent attended the Court, the hearing had already taken place and the Order that had been envisaged by the Court (which was in the Client's favour) could no longer stand. The Respondent must have known, or ought to have known that the attendance note was likely to mislead. A solicitor acting with integrity would have recorded an accurate account of events in the attendance note and apologised for the error in missing the hearing (dealing with the consequences of any service complaint that may follow). A solicitor who deliberately deceives those instructing him) is clearly in breach of those ethical principles. In creating an attendance note, which was inaccurate and presenting it to the Firm, the Respondent failed to act with integrity in breach of Principle 5 of the SRA Principles.

Principle 2 SRA Principles (maintaining trust)

35. The conduct alleged also amounted to a breach by the Respondent of the requirement to behave in a way which maintains the trust placed by the public in them and in the provision of legal services. Creating an attendance note which contains inaccurate and misleading information is fundamentally damaging to the solicitor's reputation and that of the profession especially where that note is provided to a client in circumstances where the Firm had no reason to believe that the note was not an accurate record of the hearing. The trust that the public places in solicitors, and in the provision of legal services, depends upon the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. Solicitors are required to discharge their professional duties with integrity, probity and trustworthiness. The public places considerable trust and confidence in the solicitors' profession and legal services provided by authorised persons. A solicitor who creates an attendance note which contains an inaccurate and misleading account to avoid personal embarrassment because they attended a hearing late, fundamentally undermines that trust and confidence. The Respondent has therefore breached Principle 2 of the SRA Principles.

Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs ("the Code for Solicitors").

36. Paragraph 1.4 of the Code provides that you do not mislead or attempt to mislead your clients, the court or others, either by your own acts or omissions or allowing or being complicit in the acts or omissions of others (including your client).

37. The Respondent created an attendance note which contained an inaccurate account of his attendance at the court hearing. The Respondent arrived late at court when the hearing had already taken place and the Defendant's Counsel had left the Court building. The Judge heard from the Respondent and ordered an adjournment in the interests of fairness and justice after initially envisaging an order in the client's favour. Rather than being open and honest about his error, the Respondent created an attendance note which contained an inaccurate account of events. The Respondent attempted to conceal the true version of events at the hearing on 7 August 2023. The Respondent must have known that the attendance note was liable to mislead the Firm and the client because the events as described in the note did not occur. The Respondent only admitted that he had made up the attendance note, after the client received the Order and noted the discrepancies.

The SRA's investigation

38. The SRA has taken the following steps to investigate the allegations which it makes against the Respondent.

39. A Notice recommending referral of conduct to the Tribunal ("the Notice") was sent to the Respondent on 24 July 2024 (**page 79-92 of Exhibit JH1**).

40. No representations were made by the Respondent to the Notice (**page 272-274 of Exhibit JH1**). However, the Respondent emailed the Investigation Officer during the investigation on 7 December 2023, as set above at paragraph 30, admitting that his attendance note was incorrect (**page 155 of Exhibit JH1**).

41. On 24 December 2024 an Authorised Officer of the SRA decided to refer the conduct the Respondent to the Tribunal.

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



.....
Jennifer Hughes
Legal Adviser

Dated this 20th May 2025

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

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Applicant

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ALEXANDER DAVID EDMUND HAYES GALLAGHER

Respondent

**APPENDIX 1 TO STATEMENT PURSUANT TO RULE 12 (2) SOLICITORS
(DISCIPLINARY PROCEEDINGS RULES) 2019**

Relevant Rules and Regulations

Allegation 1.1 – On 8 August 2023, he created an attendance note which he knew or ought to have known was misleading as it contained an inaccurate account of his attendance at a court hearing on 7 August 2023.

SRA Principles 2019

Principles 2 You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

Principle 4 You act with honesty

Principle 5 You act with integrity

SRA Code of Conduct for Solicitors, RELs and RFLs

Paragraph 1.4 You do not mislead or attempt to mislead your clients, the court, or others, either by your own acts or omissions or allowing or being complicit in the acts or omissions of others (including your client)