

CASE NO.

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)****AND IN THE MATTER OF:****SOLICITORS REGULATION AUTHORITY LIMITED**Applicant

- and -

JOSEPH ELLIOTT DAWSONRespondent

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

I, **JAMES DANKS**, am a Solicitor and Partner at Blake Morgan LLP of Apex Plaza, Forbury Road, Reading, RG1 1AX.

I make this statement on behalf of the Applicant, the Solicitors Regulation Authority Limited ("**the SRA**").

The Allegations

1. The allegation against the Respondent, Joseph Elliott Dawson, made by the SRA is that, whilst in practice as a Solicitor at Leigh Day Solicitors ("**the Firm**"):

1.1 On or around 20 and 21 June 2023, he:

1.1.1 created a letter falsely dated 26 May 2023, which stated that documents for inspection were enclosed;

1.1.2 sent, or caused to be sent, the letter falsely dated 26 May 2023 to the defendant's solicitor in a personal injury case under cover of correspondence dated 21 June 2023, which stated the 26 May 2023 letter had previously been sent.

In doing so, he breached any or all of:

- 1.2.1 Principle 2 of the SRA Principles 2019 (**'the Principles'**),
- 1.2.2 Principle 4 of the Principles;
- 1.2.3 Principle 5 of the Principles; and
- 1.2.4 Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs (**'the Code'**).

The facts and matters relied upon in support of this allegation are set out in paragraphs 14 to 47 below.

- 1.2 On or around 20 June 2023, provided misleading information to his employer in respect of when the documents for inspection were first disclosed to another party in litigation.

In doing so, he breached any or all of:

- 1.2.1 Principle 2 of the Principles;
- 1.2.2 Principle 4 of the Principles;
- 1.2.3 Principle 5 of the Principles; and
- 1.2.4 Paragraph 1.4 of the Code.

The facts and matters relied upon in support of this allegation are set out in paragraphs 14 to 47, and paragraph 64 below.

Appendices and Documents

- 2. The following appendices are attached to and relied upon in this Statement:

- 2.1. Appendix 1: Relevant rules and regulations.

3. I also attach to this statement a bundle of documents, marked **Exhibit JD1**, to which I refer in this statement. Unless otherwise stated, page references in this statement relate to that exhibit, using the format [JD1, X].
4. The bundle is divided into the following sections:
 - 4.1. Section A: Documentary evidence.
 - 4.2. Section B: Correspondence and SRA documentation.

Professional Details

5. The Respondent was born on [REDACTED] 1984 and was admitted as a solicitor on 4 May 2010.
6. The Respondent's 2023 to 2024 practising certificate had the following conditions imposed:
 - 6.1. He may act as a solicitor only as an employee and only where the employment has first been approved by the SRA;
 - 6.2. He shall not provide reserved or unreserved legal services on his own account under 10.2(a) or (b) of the SRA Authorisation of Individuals Regulations;
 - 6.3. He is not to be a compliance officer for legal practice (COLP) or compliance officer for finance and administration (COFA) for any authorised body.

The SRA's Authorisation team continued the same conditions for the Respondent's 2024 to 2025 practising certificate. At the time of the Rule 12 statement, the practising certificate has not been issued to the Respondent due to payment for the renewal of the certificate not having been made.

Background

7. The Respondent commenced his employment at Leigh Day Solicitors ("the Firm") in November 2016 within its personal injury department. At the time the concerns were raised, the Respondent held the position of Senior Associate.

8. The Firm was instructed by the claimant ('Client A') in respect of a personal injury case ('the Claim').
9. For all of the relevant time, the Respondent had conduct of the matter at the Firm. Gareth Thomas of Kennedys Solicitors ("Kennedys") was on record as acting on behalf of the Defendant.

April 2023 Directions

10. The Claim arose following an accident involving Client A on a cruise ship in September 2018.
11. On 17 April 2023, directions were issued by the High Court in respect of the Claim **[JD1, 253]**. The Directions Order ('the Order') included directions that parties:
 - 11.1. Disclose lists of disclosure by 28 April 2023;
 - 11.2. Parties to request inspection of documents by 5 May 2023;
 - 11.3. Parties were to provide the requested documents for inspection within 14 days of the request.
12. The Respondent provided the necessary disclosure list for Client A to Kennedys on 15 May 2023, nearly three weeks after the directed date.
13. Kennedys responded to the Respondent on the same day, requesting disclosure of a number of documents contained on the list **[JD1, 4]**. As per the Directions Order, these were requested to be provided within 14 days, i.e. by 29 May 2023.

Allegation 1: Creation of a falsely dated letter, and causing it to be sent

20 June 2023 and onwards

14. Paragraphs 7 to 13 are relied upon, in addition to the below.
15. On 20 June 2023 at 0856, Mr Thomas contacted the Respondent by email **[JD1, 15]**. Mr Thomas' email stated that he had not received the relevant documents requested in his correspondence of 15 May 2023.

16. The Respondent was on annual leave on the day that Mr Thomas sent the email.
17. Having received an out of office automated response confirming the Respondent was on annual leave **[JD1, 19]**, Mr Thomas forwarded the email to an email address provided with the automated response, which was seen by Respondent's line manager, Clare Campbell.
18. Ms Campbell reviewed Client A's matter on the Firm's Liberate Case Management System **[JD1, 36]**. She was automatically notified that at the time, despite being on leave, the Respondent was working on the file **[JD1, 36]**.
19. Ms Campbell emailed the Respondent asking for confirmation that inspection had been complied with as per the Order. The Respondent emailed her in response at 1203 **[JD1, 51]**, stating:
- "...Yea the inspection was done last month, im [sic] sure of it, but not sure why the letter is blank..."*
20. Ms Campbell reviewed Client A's matter at around 1130, and noted a letter on the system apparently saved as being created on 22 May 2023 (but actually being dated 26 May 2023 in the body of the letter) and titled "LET to Def Sol re Inspection" ('the Letter') **[JD1, 36]**.
21. Save for standard details of the Firm and that the correspondence stated it was sent "by email only", the body of the Letter was blank. Ms Campbell could not locate any email on Client A's matter that aligned with the date of the Letter.
22. The Firm's IT system stated that the letter was "open" and therefore being worked on **[JD1, 37 and CC3]**. Ms Campbell checked the Letter throughout the day and noted it was edited several times, with new additions to the saved version of the Letter being apparent.
23. Ms Campbell could not find any evidence that the letter had been sent by post (by recorded delivery as per Firm's policy) or any corresponding time entries on the day the letter was said to have been created and sent **[JD1, 37]**.
24. As part of an email exchange between the Respondent and Ms Campbell, he confirmed to her that the letter had been sent by post, and not by email **[JD1, 37 and 46]**.

25. The Respondent also stated to Ms Campbell, by email of 1648 on 20 June 2023 **[JD1, 55]** that:

"I'm not sure what has happened with the original content of the letter as I saw it was blank too and then I've started to copy back in the content, taken from the file note".

26. A file note dated 19 May 2023 **[JD1, 260]** was located on the Firm's file, and the content mirrors much of the content of the Letter.

27. Ms Campbell replied to Mr Thomas by e-mail of 1647 stating **[JD1, 26]**:

"I have picked up this e-mail in Joseph's absence. Would you please hold off making an application until I can review the file and see where we are up to re inspection? I hope to come back to you tomorrow."

28. Mr Thomas responded to Ms Campbell at 1657, confirming that he would not take any further action until the end of the next business day **[JD1, 26]**.

21 June 2023

29. By e-mail of 21 June 2023 at 1624, Merlin Matthews, a paralegal at the Firm, sent Mr Thomas an e-mail with an electronic link **[JD1, 31]**.

30. The link allowed the recipient access to two pieces of correspondence from the Respondent, as well as the inspection documents requested by Mr Thomas. The relevant part of the Firm's IT system ('the L:Drive'), which stored the inspection documents, states that the inspection document folder was created on 21 June 2023 **[JD1, 163]**.

31. The correspondence from the Respondent, accessible via the link, was dated 21 June 2023 **[JD1, 34]** and 26 May 2023 **[JD1, 32]**.

32. The 21 June 2023 correspondence stated:

"For clarity, we can confirm that the letter was originally sent by first class post to the above address with the documents contained on discs. We note, however, that you have confirmed that this has not to date being received. Having not heard further as to

Inspection following the due date in the emails exchange on other issues in the last 3 weeks, we had assumed that the same had been received”.

33. The correspondence referred to in the paragraph above is a reference to the Letter dated 26 May 2023.
34. Until Mr Thomas received Ms Matthews’ email of 21 June 2023, he had not received the Respondent’s Letter of 26 May 2023 **[JD1, 2]**.

The Firm’s Investigation

35. Due to Ms Campbell’s concerns in respect the changing versions of the Letter, the Firm’s IT team undertook an investigation of the metadata of the Letter, and the automatic overnight backups of the IT system, which crystallises what is in existence on the Firm’s systems.
36. The Firm’s IT inspection, which included a recreation of Client A’s matter and documents in existence and saved to the matter from 22 May to 26 May 2023, did not locate a version of the Letter **[JD1, 201]**.
37. The metadata for the Letter demonstrated it to be modified on 20 June 2023 at 1628 **[JD1, 201]**.
38. The inspection by the IT team included a review of documents printed by the Respondent. The Firm has no record of the Respondent printing a physical copy of the Letter, which would have been required to physically send the inspection documents **[JD1, 203]**.
39. In addition to the IT investigation, Ms Campbell reviewed the time-sheets for Client A’s matter and did not determine there to be a corresponding entry by the Respondent to suggest he had spent time drafting correspondence to Mr Thomas, nor producing a number of physical discs to provide the inspection documents.
40. Ms Campbell queried these inconsistencies with the Respondent who explained that the reference to the Letter being sent by e-mail was an error, and that whilst he had recorded his time for drafting the Letter and preparation of the discs, he had incorrectly charged it on 22 May 2023 as ‘client communications’ **[JD1, 37]**.

41. The Respondent also informed Ms Campbell that he created the discs at around 1900 on 25 May 2023. His timesheet for 25 May 2023 demonstrated that he worked on a separate claim matter from 1655 until 1853 and then subsequently left the building at 1858 **[JD1, 37 & 146]**.

The Disciplinary Hearing

42. A disciplinary hearing regarding the Respondent's conduct took place on 24 July 2023 **[JD1, 67]**.

43. During this hearing, the Respondent accepted asking **[JD1, 71]**:

"MM [Merlin Matthews] to send the sharefile to the Defendant which contained the files complied [sic] into the sharefile over the course of the day... it was a case of (to MM) 'here is the e-mail, please send'".

44. During the hearing, the Respondent explained that the inspection documents were saved onto a number of discs before being sent to Mr Thomas. He could not remember exactly how many but thought it was between 3 to 5 discs.
45. The Respondent accepted that he did not raise a 'ticket' with IT when he became aware that the letter to Kennedys was blank. He explained that this was due to the urgency of the situation.

The Respondent's Position

46. The Respondent accepts that he created the Letter of 26 May 2023 on 20 June 2023, but that he did so as the content of the Letter was no longer present. The creation was therefore a recreation of a piece of correspondence that had already been sent.

47. The Applicant does not accept the Respondent's position as:

- 47.1. The recreation of the Firm's IT system does not demonstrate the letter to be in existence during the relevant period of time, up to 0100 on 27 May 2023;
- 47.2. The Letter does not indicate that it is a recreation;
- 47.3. The Letter includes an incorrect statement as to how it was purportedly sent;
- 47.4. Previous correspondence as part of the Claim was not sent by post;

- 47.5. The Firm required such hard-copy correspondence to be sent in a manner to allow it to be tracked;
- 47.6. The Letter was not received by Mr Thomas until 21 June 2023, the day after the metadata states the Letter as being modified;
- 47.7. The Respondent was in email communication with Ms Campbell on 20 June 2023, but makes no reference to there being a possible IT issue until late on the day;
- 47.8. The Respondent made no attempt to ask the Firm's IT team to locate the purportedly missing content of the Letter;
- 47.9. The Firm has no record of there being IT issues at the relevant time;
- 47.10. The Respondent has not recorded any time on Client A's matter attributable to drafting the Letter, nor saving the inspection documents to discs.

Breaches of the Principles in relation to allegation 1

Principle 4 and Paragraph 1.4

48. 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."

49. When the Respondent created the Letter on or around 20 June 2023 and then asked Ms Matthews to send it to Mr Thomas, he was aware:

- 49.1. That the Order required the Respondent to provide the inspection documents within 14 days of the request, i.e. by 29 May 2023;

- 49.2. That he had not provided the inspection documents by the directed date;
- 49.3. That he had not drafted contemporaneous correspondence to Mr Thomas dated 26 May 2023;
- 49.4. That by dating the correspondence 26 May 2023, he was creating the untrue impression that the Letter had been sent on that date, and therefore compliance with the court's direction had been maintained;
- 49.5. That Mr Thomas could rely on the date on the Letter, and therefore purported compliance with directions in litigation, which could be to the detriment of Mr Thomas' client;
- 49.6. That the letter of 21 June 2023, which stated the 26 May 2023 Letter had been sent, would reinforce the incorrect impression to the recipient as to the Respondent's compliance with the Order.
50. Given this state of knowledge and belief, the Respondent acted dishonestly by the standards of ordinary decent people.
51. Ordinary decent people would consider it dishonest for a solicitor to create a document to give, or likely give, the impression that it had been created on an earlier date.
52. This conduct is aggravated by the repetition of the act, and attempted reinforcement of the misleading statement by the content of the second letter, which was sent as part of litigation and to purportedly comply with court directions.
53. By doing so, the Respondent failed to act with honesty and therefore breached Principle 4 of the SRA Principles, and Paragraph 1.4 of the Code.

Principle 5

54. The Respondent's actions amounted to a failure to act with integrity (i.e. with moral soundness, rectitude and steady adherence to an ethical code) in breach of Principle 5 of the SRA Principles. In *Wingate v SRA* [2018] EWCA Civ 366, the Court of Appeal held that integrity connotes adherence to the ethical standards of one's profession. Lord Justice Jackson held:

"Integrity is a broader concept than honesty. In professional codes of conduct the term "integrity" is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members".

55. Paragraphs 49 to 52 are repeated.

56. The Respondent was in a position of trust and responsibility as a solicitor. A solicitor acting with integrity would not have acted in a manner that could have created their colleagues, and other parties in litigation, to have a misleading impression as to when documents were purportedly served.

57. Further, a solicitor acting with integrity would not involve colleagues to be involved in such conduct, even unwittingly.

58. By the conduct stated in the preceding paragraphs, the Respondent therefore breached Principle 5 of the SRA Principles.

Principle 2

59. 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.

60. The Respondent was in a position of trust and responsibility as a solicitor and he was responsible for ensuring that the administration of justice is properly adhered to, even if it is to the individual solicitor's detriment.

61. Members of the public should also be able to place their trust in members of the profession, who are held in high regard. Any behaviour which undermines this trust damages not only the regulated person, but also the ability of the legal profession as a whole to serve society.

62. Members of the public would expect a solicitor to act in a straight-forward and transparent manner with colleagues, and other members of the profession. This clearly includes not providing information that they know to be inaccurate, and correcting any misleading impression that may have been caused by that information.

63. By his actions, the Respondent abused the trust placed in him by his colleagues and members of the public, and profession, and did not conduct himself in a manner that maintains public trust in him and the provision of legal services, and therefore breached Principle 2 of the SRA Principles.

Allegation 2: Misleading information to his employer

64. Paragraphs 14 to 47 are repeated.

Principle 4 and Paragraph 1.4

65. The Applicant relies upon the test for dishonesty stated by the Supreme Court in *Ivey v Genting Casinos* [2017] UKSC 67 as set out at paragraph 48 above.

66. When the Respondent was in correspondence with Ms Campbell on 20 June 2023, he was aware:

- 66.1. He had not drafted correspondence to Mr Thomas dated 26 May 2023;
- 66.2. As a result of not having drafted the relevant correspondence, he had not sent the requested inspection documents to Mr Thomas;
- 66.3. He had consequently not complied with the court order of 17 April 2023;
- 66.4. He had not printed off the Letter dated 26 May 2023;
- 66.5. He had not sent the correspondence dated 26 May 2023 by post;
- 66.6. The suggestion that he had undertaken the any of the above acts may lead to Ms Campbell, and others, being misled as to the true position in respect of compliance with the Order.

67. Given this state of knowledge and belief, the Respondent acted dishonestly by the standards of ordinary decent people.

68. Ordinary decent people would consider it dishonest for a solicitor, during a course of litigation, to put forward an account of a situation to a colleague when they know that account is not accurate, and the colleague may be misled by their reliance on the account.

69. By doing so, the Respondent failed to act with honesty and therefore breached Principle 4 of the SRA Principles, and Paragraph 1.4 of the Code.

Principle 5

70. The Applicant relies on *Wingate v SRA* as set out at paragraph 54.

71. The public and profession would expect a solicitor to act in a manner that was clear and transparent, even if acting in such a manner may demonstrate a mistake by the solicitor.
72. The Respondent, by not being open to his senior colleague as to the true position of compliance with the court order and correspondence to Kennedys, was not a solicitor acting with integrity. The Respondent therefore breached Principle 5.

Principle 2

73. 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.
74. The Respondent gave information to his colleague, whom he knew was in contact with another party in litigation and that it may therefore be disseminated further.
75. Members of the profession should be able to rely on what other members of the profession tell them to be accurate, or as accurate as is reasonably practicable in the circumstances. In the Respondent's communication to Ms Campbell, he did not act in such a manner and therefore breached Principle 2.

The SRA's investigation

76. The SRA issued a Notice Recommending Referral of Conduct to the Tribunal **[JD1, 268]** dated 14 November 2024 ('the Notice'). The Notice was provided to the Respondent for comment.
77. In the Respondent's representations **[JD1, 283]**, the Respondent denied the allegations made against him, for the reasons that he provided to the Firm.
78. On 11 February 2025, an Authorised Decision Officer of the SRA decided to refer the Respondent to the Tribunal **[JD1, 292]**.

Statement of Truth

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

Signed:

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a series of connected loops and a final horizontal stroke.

Dated:

4 June 2025

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BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)****AND IN THE MATTER OF:****SOLICITORS REGULATION AUTHORITY LIMITED**Applicant

- and -

JOSEPH ELLIOTT DAWSONRespondent

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

SRA Principles 2019

You act:

Principle 2 in a way that upholds public trust and confidence in the solicitors profession
 and in the legal services provided

Principle 4 with honesty

Principle 5 with integrity

SRA Code of Conduct for Solicitors, RELs and RFLs 2019

1.4 that solicitors must not mislead or attempt to mislead their clients, the court or
 others by their own acts or omissions or being complicit in the acts or omissions
 of others