BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL **Case No 12783-2025**

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

B E T W E E N

SOLICITORS REGULATION AUTHORITY LTD **Applicant**

AND

RICHARD ALEXANDER DOBSON

Respondent

Answer on behalf of the Respondent

Introduction

1. The Respondent has provided representations to the SRA during the course of the investigation, and in response to the SRA Notice recommending referral of his conduct to the Solicitors Disciplinary Tribunal ("SDT") dated 8 September 2024, as follows:

    - email dated 1 March 2024 (X228 – X238).
    - representations dated 10 December 2024 (X44 – X60).

2. The Respondent denies each and every allegation set out in the Rule 12 Statement and puts the SRA to strict proof.

3. For the avoidance of doubt, the Respondent denies that his conduct amounts to professional misconduct, breaches of the SRA Principles/Code

of Conduct, manifest incompetence (allegation 1.4), dishonesty (allegation 1.2), or recklessness (allegation 1.2).

Background

4. The Respondent is 72 years of age having been born on [redacted]

5. The Respondent was admitted as a solicitor on 1 December 1977 and is an honourable, hardworking, and highly regarded solicitor of over 47 years qualification and, as such, should be afforded the appropriate credit when he gives his very full explanation for that which occurred, the subject of the allegations.

6. Paragraph 8 of the Rule 12 Statement confirms the Respondent holds an unconditional Practising Certificate ("PC").

Allegation 1.1

Response to 1.1.1 – 1.1.3

7. The Respondent denies the allegations.

8. The Respondent accepts there were procedural failings in the conduct of Client A's matter, including delays in responding to correspondence, and in progressing steps following the entry of default judgement. However, such failings, if established, amount, at most, to negligence and do not cross the high threshold required for a finding of professional misconduct. (see judgement in SRA -v- Leigh Day & other [2018] EWHC – 2726 (Admin) referred to in paragraph 19 of the representations dated 10 December 2024) (X46).

9. The test is whether the conduct is such as to demonstrate a serious departure from acceptable professional standards, and/or, whether the conduct is 'manifestly incompetent'.

10. The Respondent has, to his credit, in the representations dated 1 March 2024 accepted that various steps in the proceedings could have been dealt with more effectively, and that any identified failings may amount to negligent conduct, but not professional misconduct.

Response to 1.1.4

11. The Respondent denies the allegation. The Respondent used his best endeavours to keep Client A informed of the proceedings.

12. In respect of allegation 1.1, the conduct alleged, even if established amounts at most to negligence and not 'manifest incompetence'. It falls short of misconduct and does not justify a finding of a breach of the SRA Principles or Code of Conduct.

Allegation 1.2

13. The allegation is denied. The Respondent denies dishonesty and/or recklessness.

14. Whilst concerns were raised with the Legal Ombudsman about the service provided by the Respondent, the Ombudsman rejected the complaint (X62 – X65).

15. The period covered by the allegations took place when conditions were extremely difficult as a consequence of the world wide COVID-19 Pandemic.

16. On 23 March 2020 the then British Prime Minister, Boris Johnson, announced the first national lockdown. Whilst there were various phases of the restrictions being relaxed, a second national lockdown was imposed in November 2020, and by December 2020 a new, transmissible COVID-19 variant was identified, which resulted in a third national lockdown in January 2021, with a road map for the easing of the lockdown restrictions being announced in March 2021, with the lifting of most restrictions in July 2021.

17. The SRA has, itself, issued guidance during the COVID-19 Pandemic emphasising a pragmatic approach to enforcement during the Pandemic, recognising the difficulties faced by solicitors and firms. It has previously been acknowledged, and accepted, by the Respondent in the representations dated 1 March 2024 that any failings identified in the conduct of the litigation involving Client A may amount to negligence, but not professional misconduct.

Dishonesty

18. Dishonesty is alleged in relation to allegation 1.2, and in the alternative, allegation 1.2 is advanced on the basis the Respondent's conduct was reckless.

19. Allegation 2 relies upon two letters sent by the Respondent to the Court dated 19 March and 25 March 2021.

20. The letter dated 19 March 2021 stated, amongst other things *"We have received the enclosed Default Judgement today but a defence was served and filed within time and no communication has been received by us which indicates otherwise"*. (X167)

21. The SRA accept, and concede, that a defence was filed and served on 17 November 2020 (paragraph 14 of the Rule 12 Statement and the defence at X120 – X121 dated 17 November 2020).

22. The Respondent had a genuine, and belief, at the time, that the contents of the letter were true and accurate.

23. The Representation that, *".... No communication has been received by us which indicates otherwise"* related to, and referenced, the defence served on 17 November 2020, and that no correspondence had been received to suggest that the defence had not been received.

24. The Applicant relies upon an email sent by the Respondent to client A dated 1 December 2020, which says, amongst other things, *"We are required shortly to complete a Directions Questionnaire (copy attached) and deal with other procedural issues necessary in handling the case"*.

25. The email written by the Respondent to the Court dated 19 March 2021 was approximately 3 months after the email to client A dated 1 December 2020. The email dated 19 March 2021, was not an attempt to mislead the Court, as alleged, or at all. The court would have had its own record of the position relating to the proceedings, and the Respondent was entitled to query and/or challenge with the Court, in the genuine, and honest belief as to that which had occurred. Whilst there is reference to an 'unless order' issued by the Court on 25 January 2021, such was not received by the Respondent, and which explains why he could not understand how a default judgement had been obtained.

26. It is acknowledged that there is reference in the papers to an email from Rotheras to the Respondent dated 18 March 2021, the Respondent cannot recall that email, and which may not have been in his knowledge or belief, at the time, he wrote to the Court on 19 March 2021.

27. Paragraph 45 of the Rule 12 Statement criticises the Respondent for failing to mention or acknowledge, in either his letter to the Court or his file note, both dated 19 March 2021, that his not filing the DQ had been the reason for the judgement being entered because he had confirmed to Client A on 1 December 2020 that the DQ would need to be filed shortly, and Rotheras had sent correspondence to the Respondent the day before.

28. However, such infers or speculates that those two matters were in the knowledge or belief of the Respondent at the time he wrote the file note dated 19 March 2021 and/or to the Court on 19 March 2021.

29. Allegation 1.2 also seeks to rely upon a letter sent to the Court by the Respondent dated 25 March 2021 a copy of which is at X172. The letter says, amongst other things, *"We wrote to you on 19 March, but there appears to be uncertainty whether you received this as the Claimant's Solicitors have responded to us upon a letter of similar content but not a copy forward by you. We look forward to hearing from you urgently on the points raised"*.

30. The Respondent genuinely believed that the contents of that letter were true and accurate, at the time, he prepared and sent it to the Court.

31. Paragraph 48 of the Rule 12 Statement criticises the Respondent for making no mention or acknowledgement of the fact that his failure to comply with the directions led to judgement being entered.

32. The Respondent denies that any of his file notes or correspondence to the Court amounted to a dishonest act.

33. The Tribunal is invited to distinguish between (i) an omission, being a failure to say something or a lack of detail, and (ii) a commission, being a positive misrepresentation which the Respondent knew to be untrue. The two letters to the Court relied upon by the Applicant dated 19 and 25 March 2021, referred to in paragraphs 40 – 48 of the Rule 12 Statement, amount, at most, to omissions or imprecise drafting; they do not contain a positive statement which was factually false and known by the Respondent to be untrue.

34. Dishonesty requires proof of commission, not mere omission, and no such evidence exists here to support that which is alleged.

35. Internal file notes are relied upon by the SRA as follows:

19 March 2021.

36. Paragraph 99.1 of the Rule 12 Statement contains an error in asserting that the Respondent had received the directions requiring the filing of the DQ by 22 December 2022, when, in fact, it should be 2020.

37. The case as advanced by the Applicant seeks to speculate, and infer, that the Respondent had in mind receipt of the DQ from the Court, when he prepared the file note dated 19 March 2021. He did not.

24 March 2021.

38. Contrary to that alleged, the note was not misleading and/or erroneous. The SRA seeks to speculate and infer that the Respondent had in mind receipt of the allocation directions sent by the Court on 21 November 2020, and the unless order dated 21 January 2021, when he prepared the note dated 24 March 2021. He did not.

39. In any event, as previously explained by, and on behalf of, the Respondent, he reasonably believed a number of the file notes would have been prepared not by him, but by his Assistant.

16 April 2021

40. The file note dated 16 April 2021 was prepared following receipt of the letter from the Court dated 10 April 2021 (but received on 16 April 2021), which references the failure to file the DQ, but which is subsequent to the letter dated 19 March 2021 and, in any event, reflected the Respondents genuine knowledge or belief at the position, at the time, he prepared the file note dated 16 April 2021.

41. If the Respondent genuinely forgot and/or unintentionally overlooked receipt of earlier correspondence and/or information relevant to the litigation, the failure to make reference to relevant facts in correspondence to the Court and/or the file notes stemmed from an honest mistake and/or lack of awareness, rather than a deliberate attempt to mislead the Court and/or anyone else.

Email 30 April 2021 to CESL

42. The Applicant seeks to draw adverse inferences from an alleged omission to refer to relevant information, rather than a positive representation that was inaccurate, misleading and untrue.

14 May 2021 to Rotheras

43. The Respondent was of the genuine, and honest, belief that the content of the communication was true and accurate. The Respondent was explaining the consistent explanation that he had not received the order made on 25 January 2021, or any other communication before the judgement of 14 March 2021.

44. Such supports the Respondent's genuinely held knowledge or belief that he had not received the 'unless order' dated 25 January 2021, prior to reference to same in the letter from the Court dated 10 April 2021.

24 May 2021

45. The Respondent had a genuine belief that the content of the document was true and accurate.

46. The criticism is that the Respondent had, at the time, of the email dated 24 May 2021, not applied to the Court, and there was no specific comment that the attached copy application was a draft and/or omitted mention or acknowledgement that the judgement had been entered because the Respondent had not complied with the Court directions. The same observations as set out above relating to other correspondence apply, and are relied upon as if set out here.

Response to complaint of client A.

47. The Applicant seeks to rely upon the response prepared by the Respondent to the COLP on or around 3 September 2021 (X207 – 208).

48. Paragraph 74 of the Rule 12 Statement criticises the respondent for omitting reference to certain facts. The Applicant relies upon a statement of Dr Nawaz dated 16 April 2024 which appears to be duplicated in the bundle attached to the Rule 12 Statement. (X239 – X244 and X248 – X253).

49. The statement confirms that on 8 August 2021 Client A made a formal complaint.

50. Paragraph 27 of the statement says, amongst other things, *"...prompting to seek his accounts of events. Mr Dobson insisted that the issue was due to his non-receipt of court correspondence, leading to the dismissal of the complaint"*. (X252).

51. Such is entirely consistent with the Respondent's knowledge and belief as to that which occurred.

52. Paragraph 17 of Dr Nawaz's statement says, *"Mr Dobson denied receiving such directions in his first written response when the first formal complaint was lodged by Ms Spowage"*. (X250)

53. Paragraph 28 of the statement concedes that there was no verbal communication with the Respondent regarding the complaint, and there is no reference to the date on which Dr Nawaz received the written response from the Respondent. (X252)

54. Paragraph 28 says, amongst other things, *"I did not have a verbal communication with Mr Dobson regarding this complaint. When I receive a complaint, the process at the time was to pass the complaint directly to the fee earner and ask for their detailed response. I did this with Mr Dobson. Mr Dobson responded stating that he had not received the Allocation. I trusted what Mr Dobson said when considering the complaint"* (X252).

55. Dr Nawaz confirms he did not have a verbal communication with the Respondent regarding the complaint.

56. The Respondent was provided with a copy of the letter sent by Dr Nawaz to Client A dated 8 September 2021, only by way of information, and not for comment, particularly, because the letter had already been sent to Client A and did not afford the Respondent the opportunity to review and/or remedy any errors that may have been contained within it.

57. The Respondent confirms that Dr Nawaz did not conduct an investigation and, indeed, conceded it was somewhat later that the file was, in fact, considered. It is of relevance that Dr Nawaz makes no reference in his witness statement to the letter dated 8 September 2021.

58. Dr Nawaz failed to provide the Respondent with a copy of the letter in draft form for comment prior to it being sent to Client A on 8 September 2021.

59. The Respondent repeats the concerns raised in the representations dated 10 December 2024 in relation to Dr Nawaz's report to the SRA dated 15 September 2023, in which Dr Nawaz misrepresented that the Respondent had, *"....lied to the court, ASN and the ombudsman by falsely claiming non-receipt of the allocation despite evidence to the contrary"*.

60. There is no evidence to support that the Respondent lied to the ombudsman, because there was no engagement between the legal ombudsman and the Respondent, as to the SRA accepts.

61. Regrettably, and of concern to the Respondent, is that Dr Nawaz repeated the inaccurate, misleading, and untrue representation in paragraph 33 of his witness statement dated 16 April 2024 signed with a statement of truth.

62. Dr Nawaz says, in paragraph 33, *"During this process, it was discovered that Mr Dobson had lied to the court, me and the legal ombudsman by falsely claiming that he did not receive any correspondence from the court asking him to file the DQ"*. (X252)

63. The Respondent was not provided with correspondence between the firm and the legal ombudsman and was unaware at the time of that contact. The Investigation Officer at the SRA by email dated 15 February 2024 disclosed to those representing the Respondent, amongst other things, the ombudsman's letter to the firm dated 5 July 2023 and following a consideration of that letter, the IO confirmed very fairly and properly, that reference to the legal ombudsman in the original allegation had been removed, because after receiving and reviewing the ombudsman decision, it became evident that the LeO investigation focused on a discrete issue.

64. The Investigation Officer at the SRA said, *"They never reached out to Mr Dobson as was suggested when the case first came in"*. (X61) The reference to *"they"* is understood to be reference to be reference to the legal ombudsman.

Recklessness

65. The Respondent relies upon paragraphs 101 – 110 of the Representations dated 10 December 2024, as if repeated herein.

66. The Respondent denies that his conduct was dishonest and/or reckless, as alleged or at all.

I believe the contents of this answer are true.

Signed.....

Richard Dobson

Date ....12/09/2025.....