BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL Case No 12904-2026

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

BETWEEN

SOLICITORS REGULATION AUTHORITY LTD Applicant

AND

NICHOLAS NIKOLA STOJANOVIC Respondent

Answer on behalf of the Respondent

Summary of the Respondent's Position

1. This is the Respondent's Answer to the Rule 12 Statement dated 6 February 2026.

2. The Respondent is, and was, at all material times a solicitor admitted to the Roll. He was admitted as a Solicitor on 1 July 2003.

3. The Respondent is 52 years of age.

4. Save, in so far as matters are expressly admitted below, the Respondent **denies** each and every allegation contained in the Rule 12 Statement.

5. Representations have been provided to the SRA during the course of its investigation dated 23 September 2024 (X54 – X57), and 26 September 2025, in response to the Notice recommending referral to the SDT. (X80 – X92, with the exhibits to the representations at X93 – X105).

6. The Respondent's position in summary is as follows:

   - he admits that the psychiatric report of Dr Hosker was received on 19 February 2024.

   - he admits that, on the occasions relied upon by the Applicant, he communicated with Client X in terms which conveyed, or were capable of conveying, that the report had not yet been received.

   - he admits that those communications were inaccurate and/or misleading.

- he admits that he delayed sending the psychiatric report to Client X.

7. The Applicant relies on three communications, namely:

- **20 March 2024** (telephone call), representing that the psychiatric report was awaited.
- **28 March 2024** (email), containing wording implying the report was still awaited.
- **19 April 2024** (email), in which there was reference to the psychiatric report as the only report still awaited.

8. The Respondent's consistent explanation is that:

- Client X was a vulnerable and challenging client, prone to anxiety, and anger.
- disclosure of the report, absent clarity about the next steps, would in the judgement of the Respondent, at the time, have caused deterioration in Client X's wellbeing and adverse consequences for his family.
- he exercised his professional judgement, at the time, and delayed disclosure until a managed context was available.
- the decision was motivated by a genuine, and honest, belief, at the time, that it was in Client X's best interest having witnessed patterns of his behaviour in the past.
- he did not conceal the report and the case reflects receipt of the report.
- on 20 May 2024. he told Client X the precise date of receipt.
- on 11 June 2024 he apologised to Client X, and his wife, in conference with Counsel, with the apology being accepting by Client X.
- he recorded contemporaneously on the file that which he did. Such is not the conduct of a dishonest solicitor, but of one who misjudged a difficult client care decision.
- he denies breach of Principles 2, 4, 5 and 7 of the SRA Principles 2019.
- he denies that his conduct was dishonest.
- he denies that his conduct demonstrated a lack of integrity.
- he recognises that Paragraph 1.4 of the Code of Conduct maybe engaged to the extent that inaccurate or misleading information was given to the client.

Introduction

9. The case concerns three communications made by the Respondent to Client X in March and April 2024 in the course of a complex, long-running, and difficult clinical negligence retainer.

10. The Respondent does not seek to avoid proper criticism. With hindsight, he accepts that he communicated badly, that he allowed Client X to remain under a false impression, and that he should have dealt with the matter more directly, and more promptly.

11. However, the Applicant's case does not stop at criticism of poor professional judgement. It advances the graver and more serious allegations of dishonesty and lack of integrity. Those allegations are denied.

12. Properly analysed, this is not a case of deceit for gain, concealment for personal advantage, misuse of client money, fabrication of documents, falsification of attendance notes, or cynical abuse of a client.

13. It is a case in which the Respondent, dealing with pressure and a challenging client, made the wrong decision in how to manage a sensitive psychiatric report, and compounded that error by maintain that position for too long. The Tribunal is respectfully invited to conclude that those shortcomings, taken in their wider context, do not amount to misconduct.

14. Whilst high standards are expected, solicitors are not paragons of virtue to be held to a counsel of perfection. Not every error, or misjudgement, constitutes professional misconduct. It does not follow that the conduct amounts to dishonesty, nor does it follow that it amounts to a want of integrity.

15. The distinction matters. Regulatory language must be applied with discipline and precision. Not every serious lapse in judgement is properly to be characterised as moral turpitude.

<u>Factual Background</u>

16. Client X instructed the firm in or around January 2019, in relation to a complex clinic negligence claim arising from a failed operation which caused serious physical complications.

17. The Respondent joined the firm in January 2022 and took over Client X's case.

18. Client X also suffered from impaired mental health.

19. That formed an important part of the context in which the retainer was conducted.

20. Over time, Client X became, in the Respondent's experience a challenging client to represent.

21. Client X was prone to anxiety, paranoia, anger and marked unpredictability of mood. Communications with him were often difficult.

22. On one occasion, Client X upset the Respondent's assistant to such a degree that it was agreed thereafter that Client X would no longer speak with her.

23. Following a conference in January 2023, the Respondent instructed several medical experts to provide reports in support of Client X's claim. Those included a psychiatrist, Dr Hosker.

24. Client X was anxious for progress and pressed the Respondent regularly for updates.

25. The Report of Dr Hosker was dated 5 February 2024 and was received by the Respondent on 19 February 2024.

26. On 19 February 2024, the Respondent spoke with Client X by telephone and stated in substance that he had two out of three new reports and was still awaiting the psychiatric report.

27. During that conversation Client X became frustrated and believed that the Respondent was attributing delay to him or matters associated with him. He threatened to instruct another solicitor.

28. On 20 March 2024, the Respondent communicated again, in terms which conveyed that the psychiatric report was still awaited.

29. On 28 March 2024, the Respondent emailed Client X stating, amongst other things *"no change at this end"*, which in context conveyed, or was capable of conveying, that the psychiatric report remained outstanding.

30. On 19 April 2024, the Respondent emailed Client X giving a brief overview of the status of the claim and summarising the medical reports received. In that email he stated that the only report awaited was that of the psychiatrist Dr Hosker and added that when the final report was in, he would offer all options open to Client X to move the claim forward.

31. On 14 May 2024, the Respondent sent out the report together with letter of advice.

32. On 16 May 2024, the Respondent sent out a further email setting out proposed next steps and correctly referring to the date of the report as 5 February 2024.

33. On 14 May 2024, Client X asked the Respondent to confirm the date on which the report had been received and requested details of the Respondent's overseeing partners.

34. The Respondent replied truthfully that he had received the report on 19 February 2024 and provided details of the Head of Personal Injury.

35. On 20 May 2024, the Respondent telephoned the Head of Personal Injury to indicate that he might receive a complaint. In that discussion he said in substance that he had received an expert report on the matter and, *"did not want to deal with it at the time"*.

36. On 23 May 2024, the Head of Personal Injury spoke with Client X by telephone.

37. An investigation followed.

38. On 11 June 2024, the Respondent attended a conference with counsel and Client X.

39. The Respondent explained the reason behind withholding the report and apologised to Client X, which was accepted.

40. On 12 June 2024, the Respondent told the Head of Personal Injury that he had apologised to Client X for not sending the report straight away. He explained that, at that point, this was the only report of that nature, that he had wanted to see and advise upon it before sending it, given that it was potentially the most sensitive opinion, and that it had taken longer than it

should have done to get to the point of giving that advice because a full file review of the evidence and reports was required.

41. In the written representations submitted on his behalf, the Respondent explained that client X was vulnerable and challenging, and that the disclosure of the psychiatric report without clarity about next steps would, in his professional judgement have risked deterioration in Client X's well being and adverse consequences for his family. He explained that his conduct was motivated by a genuine belief that delayed disclosure, in a managed context, was in the client's best interests.

The Respondent's Position in Overview

42. The Respondent accepts that he maintained an inaccurate position for a period of time.

43. He accepts that the reason the allegations arise is because he told Client X, expressly or by implication, that the report was awaited when, in fact, it had already been received.

44. He accepts that those communications were wrong.

45. However, the reason he acted as he did was not to cheat, exploit, enrich himself, or prejudice the client.

46. Rather, he had, rightly or wrongly, persuaded himself that he should not send a sensitive psychiatric report to a fragile and difficult client until he had reviewed the wider evidential picture and could advise in a controlled and managed way so as to manage Client X's expectations and reaction to the same.

47. That was, the Respondent accepts, a serious error of judgement.

48. It was not dishonesty.

49. Nor, properly characterised, was it a lack of integrity.

Response to the allegations

Allegation 1.1

50. The Respondent admits that on 20 March 2024 he gave information to Client X which was inaccurate and/or misleading in that it conveyed that he was awaiting the psychiatric report, when in fact, it had already been received on 19 February 2024.

51. To that extent, the factual context of the allegation is admitted.

52. In so far as allegation 1.1 alleges breach of Paragraph 1.4 of the Code of Conduct, the Respondent admits that Paragraph 1.4 maybe engaged.

53. However, in so far as the allegation alleges dishonesty, lack of integrity, or breach of Principles 2, 4, 5 and 7, the same is denied.

54. The Respondent's state of mind was not that of a solicitor seeking personal advantage or seeking to mislead for gain. Rather, it was that of a solicitor who had made the wrong decision

to deter disclosure of a sensitive report until such time as he considered he could advise upon it properly and in a way which would not destabilise an already fragile client relationship.

55. The communication was inaccurate and misleading.

56. It was not dishonest, nor lacking integrity.

Allegation 1.2

57. The Respondent admits that on 28 March 2024 he emailed Client X stating, amongst other things, *"no change at this end"*, which in context implied, or was capable of implying, that he remained in the position previously described, namely, that the psychiatric report had not yet been received.

58. The Respondent admits that the email was inaccurate and/or misleading.

59. To that extent, the factual context of the allegation is admitted and that Paragraph 1.4 maybe engaged.

60. However, in so far as the allegation alleges dishonesty, lack of integrity, or breach of Principles 2, 4, 5 and 7, the same is denied.

61. The wording was brief, elliptical and unsatisfactory. It formed part of the continuation of the same flawed course the Respondent had already adopted, namely maintaining the position that the report was still awaited while he delayed sending it and delayed advising upon it.

62. The Respondent accepts that this was poor judgement. He denies that it was dishonest or lacking in integrity.

Allegation 1.3

63. The Respondent admits that on 19 April 2024, he informed Client X that the only report awaited was the report of the psychiatrist, Dr Hosker when, in fact, that report had already been received on 19 February 2024.

64. The Respondent admits that this communication was inaccurate and/or misleading.

65. To that extent, the factual allegation is admitted and may engage Paragraph 1.4.

66. However, in so far as the allegation alleges dishonesty, lack of integrity, or breach of Principles 2, 4, 5 and 7, the same is denied.

67. By this stage, the Respondent still had not sent the report or provided his substantive advice upon it. The communication reflected the continuation of his flawed attempt to postpone disclosure until he could advise in what he regarded as a safer and more orderly context.

68. The Respondent accepts that this approach was wrong.

69. He denies that it was dishonest.

70. He denies that it was devoid of integrity.

Dishonesty

71. Dishonesty is alleged by the Applicant and is denied.

72. The Tribunal will be directed to the test for dishonesty set out in *Ivey -v- Genting Casinos*. The first stage is to ascertain the Respondent's actúal state of knowledge or belief as to the facts, **at the time,** relevant to each of the allegations.

73. The second stage is to determine whether, in light of that state of mind, his conduct was dishonest by the standards of ordinary decent people.

74. The Respondent accepts he knew that the psychiatric report had been received on 19 February 2024. However, the Applicant's case invites the Tribunal to move too readily from the proposition, *"he knew the report had been received"*, to the conclusion, *"therefore he was dishonest"*.

75. That elides the critical analysis of the genuinely held knowledge or belief of the Respondent, at the time.

76. The issue is not exhausted by factual knowledge alone. The Tribunal must assess and determine, the Respondent's actual state of knowledge or belief, at the time, and whether such belief was genuinely held. It is the genuinely held knowledge and belief of **this** Respondent that is of critical importance.

77. The relevant context includes:

- a vulnerable client with impaired mental health;
- a client who was prone to anxiety, suspicion, anger and unpredictability;
- a strained solicitor/client relationship;
- a psychiatric report which the Respondent regarded as sensitive in nature;
- the Respondent's genuinely held belief, at the time, however flawed, that unmanaged disclosure of that report without advice and without a coherent plan for next steps could be harmful to Client X.

78. The Respondent's evidence is that he wished to review the report within the wider evidential context and then advise in a managed way. Steps to be taken moving forward with the disclosure of the report also needed to be in place to again manage Client X.

79. He accepts that he adopted the wrong course by allowing Client X to remain under the impression that the report had not yet been received.

80. But the reason he did so was not to obtain money, preserve a personal benefit, gain a tactical advantage, or protect himself from financial exposure.

81. The Respondent neither falsified the file, nor altered the date of receipt, nor created false documents.

82. Nor, did he seek permanently to conceal the true position. When asked directly on 14 May 2024 by the client when the report had been received, he answered truthfully; 19 February 2024.

83. He also provided the details to the Head of Personal Injury, thereby, facilitating scrutiny of his handling of the matter.

84. The Applicant is likely to rely heavily upon the Respondent's statement to the Head of Personal Injury on 20 May 2024 that he had received an expert report and, *"did not want to deal with it at the time"*.

85. The Respondent does not seek to sidestep that unfortunate remark. It is unhelpful and he accepts that it reflects avoidance and poor judgement.

86. However, it does not determine the issue of dishonesty.

87. A solicitor may avoid dealing with something difficult out of stress, pressure, reluctance, or a misplaced belief that deferral is preferrable. Those matters do not automatically amount to dishonesty.

88. Properly read in context, the remark is entirely consistent with the Respondent's account that he did not want to send or engage with the report until he had the time and ability to deal with it in what he regarded, however mistakenly, as an appropriate and managed way.

89. That maybe a serious failing. It is not of itself proof of dishonesty.

90. The Tribunal is respectfully invited to distinguish between:

    - a knowingly inaccurate communication made in the course of misguided client management; and

    - conduct which ordinary decent people would characterise as dishonest.

91. The former may amount to poor professional judgement, even serious misconduct. It does not inevitably amount to the latter.

92. Ordinary decent people, knowing the full context, would be likely to regard the Respondent's conduct as ill-judged, evasive, and professionally improper.

93. They would not necessarily, and should not readily, conclude that it crossed the grave threshold of dishonesty.

94. The allegation of dishonesty should, therefore, be dismissed.

<u>Lack of integrity</u>

95. The allegation of lack of integrity is also denied.

96. The Respondent accepts that integrity is broader than simple honesty. He equally submits that integrity is not a harbour in to which all serious, but non-dishonest failings are swept.

97. The concept retains discipline and content. It is concerned with adherence to the ethical standards of the profession, not with mere imperfection, delay, error, negligence, poor communication, or even serious professional misjudgement.

98. The Applicant invites the Tribunal, in substance, to conclude not merely that the Respondent acted badly, but that he acted in a manner ethically so deficient as to justify one of the gravest possible condemnations short of dishonesty.

99. On the facts of this case, that conclusion would be unjust and disproportionate.

100. The relevant context includes those factors referred to earlier in this document.

101. The Respondent's consistent explanation has been that he believed delayed disclosure with advice was in the client's interests. The Tribunal may conclude that the Respondent exercised poor judgement. It may conclude that he mishandled a difficult retainer. It may conclude that he communicated in a manner he should not have done.

102. None of those conclusions compels a finding of lack of integrity.

103. This was not conduct characterised by exploitation, cynicism, selfishness, abuse of position for gain, or indifference to the client's welfare. On the contrary, the Respondent's case is that, however misguidedly, he was attempting to manage the position in what he believed to be the client's best interests.

104. Integrity is not a mere synonym for falling below proper standards.

105. The Tribunal is invited to distinguish between:

- conduct which is professionally poor, and
- conduct which demonstrates such ethical deficiency that it properly merits the distinction and serious label of lack of integrity.

106. The present case falls into the former category, not the latter.

107. The allegation of lack of integrity should, therefore, be dismissed.

<u>Matters supporting the Respondent's Case</u>

108. The Respondent relies upon the following matters as consistent with his explanation and inconsistent with a dishonest scheme:

- when Client X asked directly on 14 May 2024 when the report had been received, the Respondent gave the true date.
- he provided the details of the Head of Personal Injury, rather than obstructing escalation.
- he ultimately sent the report, together with advice.

- he later apologised for not sending the report straight away.

- he explained that he had wished to advise on the report before sending it, given its sensitivity.

- there is no allegation of financial impropriety, document fabrication, or personal gain.

109. Those matters do not exonerate the Respondent from criticism.

110. They do, however, materially undermine the Applicant's case that he acted dishonestly or without integrity.

111. The Applicant's case it is respectfully submitted, overstates both the gravity and the moral quality of the conduct.

112. This is not a paradigm dishonesty case.

113. It is not a case of mercenary deception or calculated exploitation.

114. It is a case in which the Respondent, dealing with a challenging and demanding client, made the wrong decision about how to manage a sensitive report and then persisted in that wrong decision.

115. That is properly open to criticism.

116. It is not properly to be elevated into a finding of dishonesty or lack of integrity.

Conclusion

117. The Respondent admits that the communications on the three occasions alleged were inaccurate and/or misleading.

118. He admits, if, and to the extent the Tribunal finds it established, a limited breach of Paragraph 1.4 of the Code of Conduct.

119. He denies dishonesty.

120. He denies lack of integrity.

121. He denies breach of Principles 2, 4, 5 and 7.

122. The Respondent invites the Tribunal to reject the aggravating allegations of dishonesty and lack of integrity.

123. The Tribunal is respectfully invited, if necessary, to find proved no more than a confined allegation that the Respondent gave inaccurate or misleading information to the client contrary to Paragraph 1.4 of the Code.

124. The Respondent relies by analogy upon the approach of the Tribunal in *SRA -v- David Mark Turner (Case No.12563-2024)* where allegations arising from misleading client

communications in a litigation context were dismissed. There, although the Tribunal found that certain communications were objectively misleading, it did not find the allegations proved and expressly concluded that the Respondent did not act dishonestly. In doing so, the Tribunal applied the orthodox Ivey analysis and stressed the importance of the Respondent's actual state of mind, including whether the belief said to undermine the communications was genuinely held. The Respondent relies on Turner not as a factually identical precedent, but as a useful illustration that the presence of misleading statements does not, without more, mandate a finding of dishonesty or want of integrity.

Character references

125. The Respondent relies upon the character references of Dan Foster, and Rachel Elisabeth Sharpe, attached to the representations dated 26 September 2025.

126. I believe the contents of this Answer are true.

Signed...............................

Nicholas Nikola Stojanovic

Dated 27 March 2026

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