

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11227-2014

## **BETWEEN:**

SOLICITORS REGULATION AUTHORITY

Applicant

and

ANNA-LOUISE BUTCHER

Respondent

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Before:

Mr I. R. Woolfe (in the chair)

Mr R. Hegarty

Mr M. C. Baughan

Date of Hearing: 11 June 2014

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## **Appearances**

Andrew Bullock, Counsel employed by the Solicitors Regulation Authority of The Cube, 199 Wharfside Street, Birmingham B1 1RN for the Applicant

Emma Brooks, Solicitor of Richard Nelson LLP, Priory Court, 1 Derby Road, Nottingham NG9 2TA for the Respondent who was present.

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## **JUDGMENT**

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## **Allegations**

1. The allegations against the Respondent, Anna-Louise Butcher, upon behalf of the Solicitors Regulation Authority (“SRA”) were that:
  - 1.1 She stole a pair of sunglasses from the duty-free shop at Stansted Airport and thereby failed to:
    - 1.1.1 Uphold the rule of law in breach of Principle 1.1 of the SRA Principles 2011; and
    - 1.1.2 Act with integrity in breach of Principle 1.2 of the SRA Principles 2011.
  - 1.2 She accepted a caution for the offence of theft and thereby behaved in a way which diminished the trust the public placed in her and in the provision of legal services in breach of Principle 1.6 of the SRA Principles 2011.
  - 1.3 She failed to disclose the existence of that caution to the SRA and thereby failed to:
    - 1.3.1 Act with integrity in breach of Principle 1.2 of the SRA Principles 2011;
    - 1.3.2 Comply with her legal and regulatory obligations and deal with her regulator in an open and timely manner in breach of Principle 1.7 of the SRA Principles 2011
    - 1.3.3 Failed to achieve Outcome O(10.3) of the SRA Code of Conduct 2011.

Allegations 1.1 and 1.3 were made on the basis that the Respondent acted dishonestly but it would be open for the Tribunal to find allegation 1.3 proved without finding dishonesty. Dishonesty was, however, an essential ingredient of allegation 1.1.

## **Documents**

2. The Tribunal reviewed all the documents, including:

### **Applicant**

- Rule 5 Statement dated 4 March 2014 with exhibit AJB 1
- Applicant’s statement of costs dated 4 June 2014

### **Respondent**

- Letter dated 1 May 2014 from Ms Brooks to Mr Bullock constituting the Respondent’s response to the Rule 5 Statement
- Letter from Dr Biljani, consultant psychiatrist dated 27 March 2013 [2014] to the Respondent’s GP
- Reference for the Respondent dated 10 June 2014 additional to those in the trial bundle

## Preliminary Issue

3. The Chairman of the division of the Tribunal hearing the application, Mr Woolfe informed the parties that one of the Respondent's referees was known to him both socially and professionally and invited Mr Bullock to state whether he had any concerns about Mr Woolfe participating in the hearing. Mr Bullock informed the Tribunal that he had no such concerns and the hearing proceeded.

## Factual Background

4. The Respondent was born in 1985 and admitted in 2011 and her name remained on the Roll of solicitors. At the time of the events giving rise to the allegations against her, the Respondent was employed by DAC Beachcroft LLP ("the firm") working from their offices in central London.
5. On 16 October 2012, the Applicant was notified by Mr AC, the Head of Practice Standards and Risk at the firm that the Respondent, prior to completing an internal compliance questionnaire in connection with the renewal of her practising certificate, had disclosed that:

"On 6th June 2012 she accepted a caution from police in respect of an offence of stealing a pair of sunglasses from the airside shop at Stansted airport on 1st June 2012..."

That report attached the written statement, dated 15 October 2012, by the Respondent which detailed the circumstances in which the caution had come to be given.

6. The simple caution administered to the Respondent on 6 July 2012 and signed by her set out the details of the events which was administered as follows:

**"Theft from shop**

On 01/06/2012 at Stansted Airport in the County of Essex, stole Prada sunglasses to the value of £154.00 belonging to World Duty Free  
CONTRARY TO SECTION 1 (1) AND 7 THEFT ACT 1968"

7. On 20 November 2012, a Relationship Manager in the employment of the Applicant wrote to the Respondent seeking her explanation for the matters notified and also for her failure to report the caution to the Applicant prior to being asked by the firm in connection with her practising certificate renewal to which she responded through solicitors on 19 December 2012. In that response she stated that she accepted "that she had committed the offence for which she was cautioned..." and attributed her failure to report to the fact that she had been reassured by both the police and the Professional Ethics Department of Applicant that the Applicant would be unlikely to find out about the caution if she did not disclose it voluntarily. The Respondent subsequently made further representations to the Applicant prior to her conduct being considered by an Adjudicator.
8. On 9 October 2013, an Adjudicator to the Applicant decided to refer the Respondent's conduct to the Tribunal.

## Witnesses

9. None

## Findings of Fact and Law

10. The Applicant was required to prove the allegations beyond reasonable doubt. The Tribunal had due regard to the Respondent's rights to a fair trial and to respect for her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

11. **Allegation 1 - The allegations against the Respondent, Anna-Louise Butcher, upon behalf of the Solicitors Regulation Authority ("SRA") were that:**

**Allegation 1.1 - She stole a pair of sunglasses from the duty-free shop at Stansted Airport and thereby failed to:**

**1.1.1 Uphold the rule of law in breach of Principle 1.1 of the SRA Principles 2011; and**

**1.1.2 Act with integrity in breach of Principle 1.2 of the SRA Principles 2011.**

- 11.1 For the Applicant, Mr Bullock told the Tribunal that the Respondent admitted all the allegations save for the allegation of dishonesty in respect of allegation 1.3. He submitted that at the time the allegations arose, the Respondent was aged 26 and had a little less than one year's post qualification experience. He referred the Tribunal to the facts as set out in the Rule 5 Statement and accompanying documents.
- 11.2 In the letter of response sent by Ms Brooks dated 1 May 2014 on behalf of the Respondent it was stated: "[The Respondent] accepts paragraphs 1.1 – 1.3. In regard to the theft of sunglasses, she accepts that this was dishonest."
- 11.3 The Tribunal had regard to the submissions for the Applicant, the evidence and the admissions made by the Respondent. Principle 1.1 of the SRA Principles 2011 required that a solicitor must "uphold the rule of law and the proper administration of justice" Principle 1.2 required that a solicitor must "act with integrity". The Tribunal found the facts giving rise to allegation 1.1 proved on the evidence to the required standard and that by her admitted misconduct the Respondent had breached Principles 1.1 and 1.2, indeed she had admitted the allegation.
- 11.4 In considering whether the conduct in issue constituted dishonesty, the Tribunal applied the test set out in the case of Twinsectra Ltd v Yardley [2002] UKHL 12

"... there is a standard which combines an objective and a subjective test, and which requires that before there can be a finding of dishonesty it must be established that the defendant's conduct was dishonest by the ordinary standards of reasonable and honest people and that he himself realised that by those standards his conduct was dishonest."

The Tribunal was satisfied that the objective test in *Twinsectra* was satisfied and the Respondent admitted that she had been dishonest and the Tribunal therefore found that the subjective test was also satisfied. Accordingly the Tribunal found allegation 1.1 including dishonesty proved to the required standard.

12. **Allegation 1.2 - She [the Respondent] accepted a caution for the offence of theft and thereby behaved in a way which diminished the trust the public placed in her and in the provision of legal services in breach of Principle 1.6 of the SRA Principles 2011.**

12.1 For the Applicant, it was set out in the Rule 5 Statement that a caution is a form of out of Court disposal used by the police to enable them to deal quickly and proportionately with low-level offending which does not merit prosecution in Court. Under the Home Office guidance which was in force at the relevant time (set out within Home Office Circular 16/2008) an admission of guilt was required before a person could be invited to accept a caution and that admission could not be sought as part of a caution process. The method of obtaining and recording the admission was also required to be compliant with the Police and Criminal Evidence Act. The administration of a caution was a consensual procedure. The Respondent signed the caution, which included:

“I have read/have had read to me the contents of this form and understand that my signature confirms that I understand the consequences of the simple caution being administered to me. I agree to accept a simple caution for the offence(s) shown above...”

The trust that the public placed in solicitors and the provision of legal services (Principle 1.6) depended upon the reputation of the solicitor’s profession as one in which every member might be trusted to the ends of the earth. A solicitor, who accepted a caution for the offence of theft, thereby admitting that they had been dishonest, undermined that reputation.

12.2 The Tribunal had regard to the submissions for the Applicant, the evidence and the admissions made by the Respondent. The Tribunal found proved to the required standard that the Respondent had been in breach of Principle 1.6 by accepting the caution as alleged, indeed allegation 1.2 was admitted.

13. **Allegation 1.3 - She [the Respondent] failed to disclose the existence of that caution to the SRA and thereby failed to:**

**1.3.1 Act with integrity in breach of Principle 1.2 of the SRA Principles 2011;**

**1.3.2 Comply with her legal and regulatory obligations and deal with her regulator in an open and timely manner in breach of Principle 1.7 of the SRA Principles 2011**

**1.3.3 Failed to achieve Outcome O(10.3) of the SRA Code of Conduct 2011.**

- 13.1 For the Applicant, Mr Bullock referred to the Respondent's report of her misconduct internally within the firm in respect of her practising certificate application and to the answers she gave to correspondence during the Applicant's investigation. Mr Bullock reminded the Tribunal of the chronology of this matter. The Respondent was arrested during the evening of 5 June 2012 and cautioned in the early hours of the following day 6 June at around 2 am. On 7 June 2012 she telephoned the Professional Ethics helpline of the Applicant to establish whether or not she needed to report the caution. She stated in the memorandum of her statement given to her firm dated 15 October 2012;

"I was told that I had a duty to report my caution [to the Applicant] but that unless I reported it myself to the [Applicant] they were unlikely to find out especially as when renewing my practising certificate I would only be asked about convictions and not cautions."

The Respondent stated that after receiving that advice she contacted an independent solicitor. The purpose of that contact was not set out in the statement but she said that she was told that:

"the police had a duty to disclose my caution to the [Applicant] so the [Applicant] would find out eventually."

There was then a gap of four days until 11 June 2012 when the Respondent contacted the police:

"to see whether they had reported me or not. They told me that my offence was so minor that they did not feel they should disclose it to anyone."

The Respondent then had further discussions with her solicitor. Her statement continued:

"I relayed this to my solicitor who said that given the police's stance, it was very unlikely that anybody would ever find out about the caution."

At that stage the Respondent said:

"I decided to keep it to myself."

- 13.2 Mr Bullock submitted that the Respondent had known since 7 June 2012 that she was under a professional duty to report to the Applicant irrespective of whether anyone was likely to find out or not. She then took a conscious decision not to report; this was not a case of someone knowing that they should make a report and never quite getting round to it so that the matter slipped. This was someone who had taken advice on the prospect of being found out and when told that the prospects were slight, decided not to tell the Applicant what had happened. Mr Bullock also submitted that it was not clear what was the purpose of consulting the solicitor, having spoken to the Professional Ethics department, other than to confirm the position regarding the prospects of discovery, because, he submitted, the guidance from the Applicant about the reporting obligation should have been regarded as definitive. If this was not the case, why had Respondent made a call to Professional Ethics in the first place if she

was in any event going to the solicitor? Mr Bullock presented a picture of a person who had made a conscious decision not to report when she knew that she should, and who did not report because she found out the prospects of being discovered were slight.

- 13.3 Mr Bullock also drew the Tribunal's attention to the final paragraph of the Respondent's statement of 15 October 2012. At first blush it sounded like mitigation rather than dishonesty. She stated that she had "been very ill over the last few months going over the events." The statement was made before any report had been made to the Applicant and so the question that arose was what exactly was it that was worrying the Respondent to make her feel ill and the answer was to be found in the representations made on her behalf regarding the Applicant's investigation for the adjudication. The Respondent's solicitors wrote on 19 December 2012 in response to the Applicant's letter of 20 November 2012:

"[The Respondent] sincerely regrets that at this point she made the decision not to report the caution to [the Respondent]. Her decision not to report the matter weighed heavily on her mind and exacerbated the depression she was already suffering from. She had been reassured, albeit mistakenly, by the police decision not to report her themselves, and was terrified at the prospect of losing her job and her career. Her depression meant that she was not thinking as rationally as she should have been and not dealing with matters in the way she normally would have."

The point which Mr Bullock took from these representations was that the failure to report weighed on the Respondent's mind not the theft because she recognised what she had done was wrong. She had not done the honest thing, which she was recommended to do by Professional Ethics; she had kept the matter secret. There was a similar statement in the representations to the Adjudicator:

"As has been stated previously, her decision not to report the matter weighed heavily on her mind. She regrets that she was reassured, albeit mistakenly, by the police decision not to report the matter."

This was almost the same wording as previously and showed that the Respondent recognised what she had done was wrong and dishonest. The difficulty the Tribunal faced in any case where dishonesty alleged was in considering the subjective element of the test and having to look into the mind of a fellow solicitor and human being. There were some cases where one could draw inferences from what people had done but Mr Bullock submitted that the evidence here went beyond that as the Tribunal had the Respondent's own words about what was going through her mind from 7 to 11 June 2012. He asked the Tribunal to accept on the basis of those words that it could be satisfied that the Respondent appreciated that her failure to report to the Applicant, as she had been advised to do, was dishonest.

- 13.4 The Tribunal suggested to Mr Bullock that there were a large number of obligations on the profession to report themselves to the Applicant, even for minor breaches of the accounts rules at the end of the year along when submitting an application for a practising certificate, and asked whether Mr Bullock was suggesting that, if a solicitor knew that they should report and did not do so, then the solicitor was being dishonest.

Mr Bullock submitted that the position in this case went some way beyond that; cases were inevitably fact specific and in this case the individual had been told by Professional Ethics that there was a duty to report, and did not do so because she was told by her solicitor apparently and by the police that the chances of the Applicant finding out were small. Mr Bullock submitted that he could distinguish the Tribunal's example on a number of grounds; the Respondent's course of conduct leading up to the decision not to report the Applicant; the question asked of the police and legal advisers whether it was likely that she would be found out. Secondly the Tribunal knew that this weighed on her mind. Objectively a solicitor who decided not to report a minor infraction to the Applicant at the end of the year might be dishonest but subjectively if he took the view that it was a purely regulatory matter that did not affect anyone and which no one would be concerned about and had a quiet night sleep after he made his report, he could not be said to be subjectively dishonest according to the Twinsectra test. That was not what happened here. The Respondent tested the water first and made a conscious decision on an informed basis and then worried about it afterwards: her words were significant.

- 13.5 For the Respondent, Ms Brooks submitted that the Respondent had not been dishonest. The sequence of events leading up to her decision not to make disclosure to the Applicant had been reviewed in some detail a number of times in the documents. The next morning after she received the caution, the Respondent telephoned the Applicant and was told of her duty to report but she was also told that unless she did it herself, the Applicant would not find out and that when seeking a practising certificate she would only have to reveal convictions. It was debatable if this was definitive advice; the Professional Ethics department did not tell a solicitor what to do; it provided advice and different scenarios. It was quite usual to have to seek advice from an independent solicitor. The Respondent was conscientious and was concerned about what happened to her. She was told that the police should report to the Applicant and that she should do so as well. She contacted the police who said that the offence was so minor that they would not report it to the Applicant and so she went back to her solicitor who said that the Applicant was unlikely to find out. Ms Brooks submitted that the Respondent was confused by the advice she received and decided not to report the caution. As soon as she was asked the question by her firm, she immediately was honest with them; she was asked about cautions and convictions and immediately revealed the caution. The Respondent now accepted that she should have revealed the caution at the time. She did not realise that she was wrong at the time; it was a grey area and weighed on her mind because of the conflicting advice. The Respondent had never been in trouble before; she admitted immediately to the police what she had done and accepted the caution.
- 13.6 The Respondent was already at that point suffering from depression. Her decision not to report to the Applicant and her fear about that was not attributable to depression, but she realised that she had got to the stage where she had done something that she sincerely regretted. It had an impact on her personal relationships and she had to admit what had happened to her family. She was given advice by the police and an independent solicitor, and Miss Brooks submitted that the first limb of the test dishonesty in Twinsectra was not made out; reasonable and honest people, given what the police had said, would not find what the Respondent had done to be objectively dishonest in failing to report. If the Tribunal was against the Respondent on the first limb of the test for dishonesty, Ms Brooks submitted that the second, the subjective

test was not made out because at the material time the Respondent was not aware that she was being dishonest. It was important to remember that as soon as she was asked a direct question she made full and honest disclosure. She did so in her statement to the firm without legal advice when she was writing down exactly what had happened. She was being punished additionally regarding her honesty in that regard. Quite rightly she admitted her original misconduct and had done throughout the investigation. It was not accepted that her decision not to report was dishonest.

- 13.7 The Tribunal had regard to the submissions for the Applicant, the evidence and the admissions made by the Respondent. The Respondent had admitted that she had failed to behave with integrity in failing to disclose the existence of the caution to the Applicant and was thereby in breach of Principle 1.2. She also admitted that she had failed to comply with her legal and regulatory obligations and deal with her regulator in an open and timely manner in breach of Principle 1.7 and that she had failed to achieve an outcome O(10.3) which required that a solicitor should “notify the *SRA* promptly of any material changes to relevant information about you including ... serious failure to comply with or achieve the *Principles*, rules, outcomes and other requirements of the Handbook”. The Tribunal found on the evidence that allegation 1.3 was proved to the required standard, indeed it had been admitted.
- 13.8 The Respondent denied dishonesty in connection with allegations 1.3. The Tribunal found that the acceptance of the caution was a material change to relevant information about the Respondent that she should have reported immediately to the Applicant. It was a fact that she had stated through her solicitors that she “was terrified at the prospect of losing her job and career”. The Tribunal considered that this constituted a lack of integrity however she had been told by the police that the offence was not serious enough for them to report to the Applicant and talked to Professional Ethics and her lawyer who said that she should report it. The Tribunal considered that in arriving at its determination about the objective limb of the Twinsectra test, the Respondent’s motivation was not relevant. It considered that if a reasonable and honest person was asked about the failure to report the fact of the caution, they would not necessarily consider objectively that the failure was dishonest. The Tribunal could not therefore be satisfied to the required standard, being sure beyond reasonable doubt, that the objective test was satisfied. It was not therefore necessary for the Tribunal to consider whether the subjective test was proved to the required standard. The Tribunal did not find dishonesty proved to the required standard in connection with allegations 1.3.

### **Previous Disciplinary Matters**

14. None

### **Mitigation**

15. Ms Brooks submitted that the Respondent deeply regretted that her actions had led her to appear before the Tribunal. She was deeply ashamed of what had happened and she had never previously done anything which one could class as wrong. Her first mistake was so serious that it caused her to appear before her regulator. It was to the Respondent’s credit that she admitted taking the sunglasses as soon as she was questioned by this police. She did not seek to make excuses but admitted the offence

and accepted the caution. She did not seek to play the system or drag matters out. She always accepted she was wrong and cooperated fully with the Applicant while the investigation was ongoing. The Tribunal had heard about the Respondent's circumstances regarding her and her firm reporting the issue. She did not seek to go behind the caution; she did not say that she did not know what she was doing, and she accepted that the medical evidence did not relate to dishonesty but to mitigation. Ms Brooks submitted that it was important for the Tribunal, when looking at sanction, to consider the circumstances that had led the Respondent to do what she did. There were a number of exemplary testimonials provided for her, including from her mother, who gave a very detailed reference. She was always a high achiever, the top of her class and gained a distinction in the baccalaureate. Ms Brooks referred to her other achievements. The standard she set for herself and those that were set for her by other people were high. The reality was that on qualifying, the career she had worked so hard towards did not turn out as expected. She struggled to cope when her working environment changed, following the merger of her firm with another firm; her colleagues left and there was the impact of the recession. She was only 26 years old. She was under pressure to work long hours and knew that was expected in a large practice but the lack of support and the fact that her family was abroad led to her becoming depressed. She had been depressed for some time prior to the incident and was receiving treatment. At that stage she had not yet acceded to the suggestion that she should accept counselling and further help.

16. What the Respondent had done was a moment of madness when she was earning a good salary for someone her age and qualification and did not need to steal sunglasses which she could have afforded to buy. She had to try to work out why she had done this – it was a cry for help because she was not coping for the reasons outlined. She did something which she now deeply regretted, but knew that that did not make it acceptable. She had done all she could to address the issues that had caused her to behave out of character. The incident had been a catalyst. Her general practitioner suggested that she take a month off work, which she did. She had been open and honest for the first time about how she was struggling to cope. Adjustments had been made to her work load and supervision to assist with her recovery. There were several testimonials before the Tribunal from partners in the firm including her supervising partner Mr AD who was at the hearing to support her. The Tribunal had read about the support mechanisms to assist her and how over the last 18 months she had made a good recovery and continued a very successful career at the firm. Since the incident the Respondent had made other changes; she had sought the additional help her doctor suggested and seen a psychiatrist and a psychologist. There was a letter in the bundle from a consultant psychiatrist from March 2014. The Respondent was no longer actively a patient with her psychologist.
17. The incident had occurred two years ago and the Respondent had remained at the firm until very recently. A number of weeks ago she had taken the difficult decision to leave the firm and taken up a new role as a legal recruitment consultant, the reason being that she had been realistic about the outcome of these proceedings and felt that the inevitable consequences would be some kind of break in her ability to practise. She had found her first two years in practice rather a rollercoaster of emotions; the initial disclosure to the firm had been traumatic but she had been supported by the firm. There was then the inevitable investigation by the Applicant. At one point she had been told that the recommendation to be made to the Adjudicator was that she

would receive a written rebuke and financial penalty, but that was not the decision of the Adjudicator. This had been a blow to her. A combination of things had led her to look at an alternative career where she was happy and doing well but ideally she would like the opportunity to be able to come back to practise law in future.

18. The Respondent was well aware of the usual penalty but it was submitted that there were exceptional circumstances which would allow the Tribunal to order a sanction other than strike off. The Respondent had made a mistake two years ago when she was suffering from depression and Ms Brooks submitted that it was not necessary to protect the reputation of the profession to strike her off. A fair-minded and informed observer would think that when someone of 26 years made one mistake and accepted it, she should be given the opportunity of a second chance. Ms Brooks referred to the case of Solicitors Regulation Authority v Sharma [2010] EWHC 2022 (Admin) and suggested that the Tribunal could find that this was part of the small residual category where strike off would be disproportionate given the circumstances. This had been a momentary lapse of extremely short duration conferring a temporary and small benefit on the Respondent; she accepted that she did derive a benefit but the sunglasses had been returned to the shop as part of her accepting a caution. Ms Brooks asked the Tribunal to consider a period of suspension which she suggested would send out a clear signal that what had happened and the way she behaved were not acceptable, would protect the reputation of the profession and would be proportionate in the exceptional circumstances.

### Sanction

19. The Tribunal had regard to its Guidance Note on Sanctions, to the testimonials for the Respondent and to the mitigation made for the Respondent including the reference to the case of Sharma where the Court said:

“(a) Save in exceptional circumstances, a finding of dishonesty will lead to the solicitor being struck off the roll, see Bolton and Sainsbury. That is the normal and necessary penalty in cases of dishonesty, see Bultitude. (b) There will be a small residual category where striking off will be a disproportionate sentence in all the circumstances, see Salisbury. In deciding whether or not a particular case falls into that category, relevant factors will include the nature, scope and extent of the dishonesty itself; whether it was momentary, such as Burrowes, or other [over] a lengthy period of time, such as Bultitude; whether it was a benefit to the solicitor (Burrowes), and whether it had an adverse effect on others.”

The Tribunal also had regard to the case of SRA v Rahman [2012] EWHC 1037 (Admin) where the Court had substituted strike off for suspension on appeal. The Court said at paragraph 37 of its judgment:

“It is of some interest to read the judgment of Moore-Bick LJ in Dennison in which he said that the only example of the “residual theory” of cases of dishonesty for which striking off is not an appropriate penalty that leading counsel on behalf of the appellant in Dennison had been able to draw to the attention of the court was an authority of Solicitors Regulation Authority v Block. In that case, the solicitor had been found to have misinformed the

Legal Complaints Service about a date. Although the Tribunal had found that the solicitor had acted dishonestly, it had accepted that he had done so “for altruistic motives without any prospect of gain and without any intention of influencing any investigation by the regulator” Accordingly in the case of Block, the Tribunal had “considered his dishonesty to be ‘very much at the bottom end of the scale’...”

The Tribunal was faced with an admitted act of dishonesty by way of theft. Dishonesty was an extremely serious matter, more serious than what had happened in Block. The Tribunal had been provided with medical evidence but there was no evidence nor was it asserted that the Respondent’s depression caused her to commit the act. The Tribunal noted that the act was a single episode and that once confronted with it the Respondent admitted it to the police. The Tribunal was concerned about the damage to the reputation of the profession by a solicitor committing an act of theft. It had particular regard to the case of Bolton v The Law Society [1994] 1 WLR 512 where it was said regarding the purposes of the imposition of sanctions by the Tribunal:

“... the most fundamental of all: to maintain the reputation of the solicitors’ profession as one in which every member, of whatever standing, may be trusted to the ends of the earth ... a member of the public ... is ordinarily entitled to expect that the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question. Otherwise, the whole profession, and the public as a whole, is injured. A profession’s most valuable asset is its collective reputation and the confidence which that inspires.” (Sir Thomas Bingham, then Master of the Rolls)

and

“Because orders made by the tribunal are not primarily punitive, it follows that considerations which would ordinarily weigh in mitigation of punishment have less effect on the exercise of this jurisdiction than on the ordinary run of sentences imposed in criminal cases. It often happens that a solicitor appearing before the tribunal can adduce a wealth of glowing tributes from his professional brethren. He can often show that for him and his family the consequences of striking off or suspension would be little short of tragic. Often he will say, convincingly, that he has learned his lesson and will not offend again.

All these matters are relevant and should be considered. But none of them touches the essential issue, which is the need to maintain among members of the public a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness.”

The Tribunal considered that this was a very sad case and had considered most carefully all the submissions, testimonials and the authorities but it could not find that the conduct in question was such as to fit into the small residual category where striking off would be a disproportionate sentence.

## **Costs**

20. For the Applicant, Mr Bullock informed the Tribunal that the Applicant's cost schedule totalled £3,250. However preparation time had been estimated and had been less than expected, and so he applied for the reduced amount of £2,990. Ms Brooks for the Respondent confirmed that the reduced amount was agreed and that she had no submissions to make regarding costs. The Tribunal awarded costs to the Applicant in the amount sought.

## **Statement of Full Order**

- 21 The Tribunal Orders that the Respondent, Anna-Louise Butcher, solicitor, be struck off the Roll of Solicitors and it further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the agreed sum of £2,990.00.

Dated this 27<sup>th</sup> day of June 2014

On behalf of the Tribunal

I.R. Woolfe  
Chairman