

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11377-2015

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

LOUISE THOMSON

Respondent

Before:

Mr A. N. Spooner (in the Chair)
Mr R. Hegarty
Mr S. Howe

Date of Hearing: 16 February 2016

Appearances

The parties were not required to attend as this application was dealt with on the papers.

**MEMORANDUM OF
APPLICATION TO WITHDRAW**

Background

1. The Tribunal had before it the Application and Rule 5 statement dated 7 April 2015, a psychiatric report prepared by Professor Femi Oyeboade dated 8 September 2015 (“the Report”) and a signed Regulatory Settlement Agreement (“RSA”) dated 15 February 2016.
2. The allegations contained in the Rule 5 statement were as follows;
 - a) The Respondent failed to perform her obligations as the Second Respondent’s training principal as contained in the Second Respondent’s training contract, in breach of all or any of Principles 2, 6 and 7 of the SRA Principles 2011 (“the Principles”).
 - b) The Respondent failed to inform the Solicitors Regulation Authority (“SRA”) of her absence from the office for approximately 15 months and of her consequent inability to supervise properly the Second Respondent’s training, in breach of any or all of Principles 2, 6 and 7. It was further alleged that she failed thereby to achieve Outcome 10.3 of the Solicitors Code of Conduct 2011 (“SCC 2011”).
 - c) The Respondent failed to inform the SRA she was ineligible to act as the Second Respondent’s training principal between the revocation of her practising certificate with effect from 16 August 2012 and its reinstatement on 7 February 2013 in breach of either or both of principles 6 and 7. It was further alleged that she thereby failed to achieve Outcome 10.3.
3. On 18 November 2015 the Tribunal had granted an application by the Applicant to withdraw the allegations against the Second Respondent.

Submissions of the Applicant

4. The Applicant requested permission from the Tribunal to withdraw the allegations against the Respondent on the basis of the RSA that had been agreed between the parties. The Applicant stated that, subsequent to these proceedings being commenced, the Respondent produced the Report which considered her mental health at the time of the events underlying the allegations. The Applicant accepted that the mental health difficulties referred to in the report affected the Respondent’s ability to consider and comply with her professional obligations. The Applicant had also taken into account the fact that the Respondent, who was admitted in 2006, had until now had an unblemished professional record. The Applicant had reviewed matters in light of the Report and had concluded that it would be appropriate to dispose of these proceedings by means of the RSA.
5. Under the terms of the RSA, the Respondent would admit the first allegation on the basis of breaching Principle 7 and the second and third allegations on the basis of breaching Principle 7 and failing to achieve Outcome 10.3. She would accept a rebuke and would be fined in the sum of £2,000. Additionally, the Respondent would pay a contribution towards the Applicant’s costs fixed in the sum of £7,685.70 by way of six monthly instalments of £1,280.95, such sum having been fixed to take account of her means. The first instalment was to be paid on or before 30 March 2016.

6. The Respondent agreed that she would not act in any way inconsistent with the RSA such as, for example, by publicly denying the misconduct set out in her admission. The Respondent understood that if she failed to comply with, or acted in any way inconsistent with, this agreement all issues may be referred for consideration or referral of her conduct to the Tribunal, or SRA internal decision, on the original facts and allegations and also on the basis that such failure to comply with this agreement may constitute a breach of Principles 2, 6 and 7 of the SRA principles.

Mitigation

7. The Respondent apologised for the breaches which had occurred. She had co-operated with the Applicant during the investigation, responding to all requests for information within the agreed deadlines. She self-reported to the Applicant her absence after her maternity leave period ended and enquired about any necessary extension to the Second Respondent's training contract. She continued to co-operate with the Applicant including returning to the Company to assist with an audit into the experience of the Second Respondent. She was transparent regarding the lack of supervision by her of the trainee during the period of maternity leave. The breaches were not intentional or wilful and had been admitted. The Applicant had accepted that she had not acted dishonestly or without integrity. The Respondent had provided medical evidence which the Applicant accepted had adversely affected her judgement and ability to comply with the regulatory obligations at the relevant times.

Decision of the Tribunal

8. The Tribunal carefully considered all the documentation placed before it. It took into account the submissions of the Applicant and the mitigation of the Respondent. In all the circumstances it would permit this matter to proceed by way of RSA for the reasons cited by the Applicant.
9. The Tribunal directed that the Applicant would be permitted to withdraw all the allegations against the Respondent provided that a copy of the RSA in the form signed by the Respondent and lodged with the Tribunal on 15 February 2016 is signed by both parties and filed at the Tribunal by **4.00pm on 23 February 2016**.

Dated this 17th day of February 2016
On behalf of the Tribunal


A. N. Spooner
Chairman

