

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11392-2015

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

MICHAEL ELWYN MORGAN,

First Respondent

ALEXANDRA LOUISE TARLING

Second Respondent

Before:

Mr A. N. Spooner (in the Chair)

Mr S. Tinkler

Mr M. Palayiwa

Date of Hearing: 9 February 2016

Appearances

Andrew Bullock, solicitor of Solicitors Regulation Authority of Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham, B1 1RN, for the Applicant.

Michelle Garlick, solicitor at Weightmans LLP, 3 Piccadilly Place, Manchester, M1 3BN for both Respondents.

MEMORANDUM OF CASE MANAGEMENT HEARING BY TELEPHONE

1. The Tribunal had before it the Rule 5 Statement, the First and Second Respondent's Answer and a Schedule of Costs dated 27 May 2015.
2. The matter had been listed for a Case Management Hearing on 3 November 2015. The Tribunal vacated this hearing on 26 October 2015 following a joint application for an adjournment. The parties had emailed the Tribunal indicating that there had been constructive discussions between the parties which were continuing which may resolve matters. The matter was then listed on 12 January 2016 and on 23 December 2015 the parties again requested an adjournment to enable "productive" discussions to continue. On 4 January 2016 the Tribunal agreed to vacate that hearing. The matter was then listed on 9 February 2016.
3. On 5 February 2016 the Applicant emailed the Tribunal indicating that agreement had been reached between the parties and that it was the Applicant's intention to withdraw the allegations and propose a Regulatory Settlement Agreement ("RSA"). The details were not yet finalised however and a further application was made to vacate the Case Management Hearing to allow the process to be completed. The Respondents confirmed this to be the position and agreed to the proposed adjournment. The Tribunal noted, however, that this process had been ongoing for some months and directed that the matter remain listed.
4. A few minutes before the hearing was due to begin, the Tribunal received a draft version of the proposed RSA. Mr Bullock told the Tribunal that the case against the Respondents had been reviewed in light of the Answer provided. The decision had been taken that it was no longer appropriate to proceed with the allegations. The breaches of the Accounts Rules, which had been admitted, could be dealt with by way of a RSA if the Respondents agreed.
5. Ms Garlick told the Tribunal that she had received the draft version of the proposed RSA the previous evening. The substance of it was agreed but there were some minor amendments that were required before it could be signed. In the course of discussing those amendments it became apparent that the draft version that Ms Garlick had was different to that being considered by Mr Bullock and by the Tribunal. The Tribunal found this to be an unsatisfactory basis on which to proceed with a Case Management Hearing. The hearing was put back until later in the day in order to give the parties the opportunity to agree a finalised draft and provide the Tribunal with the same.
6. When the hearing resumed the Tribunal had before it a proposed RSA submitted by Mr Bullock at 11.26am. Ms Garlick confirmed that she had taken instructions from the Respondents and they were both prepared to sign it. There was one further amendment proposed by Ms Garlick which was the removal of the word "monthly" from paragraph 13. Mr Bullock did not object to this amendment. The parties confirmed that the RSA would be signed by Friday 19 February 2016.
7. The Tribunal was satisfied that it was appropriate in all the circumstances to permit the Applicant to withdraw the allegations, on the basis that the RSA would be signed and filed at the Tribunal.

Direction

8. The Tribunal directed that the Applicant be permitted to withdraw all the allegations against the First and Second Respondent provided that a signed copy of the draft RSA in the form referred to in paragraph 6 was filed at the Tribunal by **4.00pm on Friday 19 February 2016**.

Dated this 10th day of February 2016
On behalf of the Tribunal

A.N Spooner
Chairman



