

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12195/2021

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

ELIZABETH NEDIN

Respondent

Before:

Mr D Green (in the chair)

Mr R Nicholas

Dr P Iyer

Date of Hearing: 8 – 9 February 2022

Appearances

Michael Collis, counsel, of Capsticks LLP, 1 St George's Road, London, SW19 4DR, for the Applicant.

The Respondent did not attend and was not represented.

JUDGMENT

Allegations

1. The allegations made by the Applicant against the Respondent were that:
 - 1.1 Between 21 May 2019 and 13 June 2019 the Respondent sought to conceal a complaint made by Person A, a client, in that she:
 - 1.1.1 failed to inform the Firm's COLP of the complaint made by Person A;
 - 1.1.2 inappropriately sent emails to Person A purporting to be from the Firm's COLP about the complaint;
 - 1.1.3 inappropriately deleted emails received from and sent to Person A;

and in doing so breached any or all of Principles 2, 4 and 6 of the SRA Principles 2011 and failed to achieve Outcomes 1.1 and 1.11 of the SRA Code of Conduct 2011.
 - 1.2 The Respondent sent emails to Person A which included the following false statements:
 - 1.2.1 On 3 June 2019, the Respondent sent an email including the following statement *"We will be reviewing the file together today and will send you a response by email by 4pm on Tuesday 4 June 2019 which will cover all points raised in your letter."* when the Respondent had failed to notify the COLP of the complaint, no arrangements for reviewing the file had been or were made and the complaints process had not been commenced.
 - 1.2.2 On 13 June 2019, the Respondent sent an email to Person A including the following statement *"Apologies that you have not received a response as the file has indeed been reviewed."* when the file had not been reviewed, the Respondent had failed to notify the COLP of the complaint and the complaints process had not been commenced;

and in doing so breached any or all of Principles 2, 4 and 6 of the SRA Principles 2011 and failed to achieve Outcomes 1.1 and 11.1 of the SRA Code of Conduct 2011.
2. In relation to any or all of Allegations 1.1 and 1.2 above the Respondent acted dishonestly. However, proof of dishonesty is not a requirement for any of the allegations of misconduct.

Executive Summary

3. The Tribunal found all of the allegations proved in full including the aggravating feature of dishonesty in relation to each. The Tribunal's reasoning in having found that Ms Nedin concealed the complaint of Person A in relation to her conduct of his matter, and the manner in which she did so, is set out below and can be accessed as follows:
 - The Tribunal's Decision on Allegation 1.1
 - The Tribunal's Decision on Allegation 1.1.1
 - The Tribunal's Decision on Allegation 1.1.2
 - The Tribunal's Decision on Allegation 1.1.3

- The Tribunal’s Decision on Allegation 1.2.1
- The Tribunal’s Decision on Allegation 1.2.2
- The Tribunal’s Decision on Allegation 2 (dishonesty)

Sanction

4. Given the finding of dishonesty and the multiple findings of conduct lacking integrity, the Tribunal determined that the Respondent should be struck off the Roll of Solicitors. The Tribunal’s reasoning on sanction is set out below and can be accessed as follows:

- The Tribunal’s Decision on Sanction

Documents

5. The Tribunal considered all of the documents in the case, which were contained within an agreed electronic hearing bundle.

Preliminary Matters

6. *Application to proceed in absence*

Applicant’s Submissions

- 6.1 Mr Collis applied for the hearing to proceed in Ms Nedin’s absence. He referred the Tribunal to the efforts made by the Applicant to engage Ms Nedin in the proceedings as set out below:

Date	Occurrence
17 June 2019	Ms Nedin reported to the Applicant
25 June 2019	Ms Nedin responded to the report and raised health issues
26 March 2020	Ms Nedin provided further information regarding her health
5 November 2020	Notice recommending referral to the Tribunal sent to Ms Nedin
18 November 2020	Ms Nedin responded to the Notice making further reference health issues
17 February 2021	Capsticks advised Ms Nedin by email of the Tribunal’s health policy
3 March 2021	Capsticks chased up Ms Nedin by email given her lack of response
9 March 2021	Ms Nedin replied via email seeking assistance which Capsticks responded to
16 March 2021	Capsticks chased up Ms Nedin by email given her lack of response
23 March 2021	Capsticks chased up Ms Nedin by email given her lack of response which she responded to
13 April 2021	Tribunal proceedings issued
15 April 2021	Proceedings served on Ms Nedin which she responded to
12 May 2021	Ms Nedin filed her Answer to the Rule 12 Statement in which she raised health issues
17 May 2021	Capsticks sent a letter to Ms Nedin by post and email acknowledging the health issues raised, directing her to relevant Tribunal policies and offering assistance

Date	Occurrence
20 May 2021	Applicant's Reply to Ms Nedin's Answer sent to her by email which sought her consent to undergo an independent medical assessment at the expense of and to be arranged by the Applicant Ms Nedin acknowledged receipt of the email
4 June 2021	Capsticks emailed Ms Nedin encouraging her to make contact
14 June 2021	Email sent to Ms Nedin encouraging her to make contact and enclosing a consent form for disclosure of her medical records
21 June 2021	Capsticks emailed Ms Nedin which sought acknowledgment of previous communications
15 July 2021	Capsticks emailed Ms Nedin encouraging her to make contact and reiterating the Applicant's offer of assistance regarding medical evidence
27 July 2021	Capsticks sent a letter to Ms Nedin by post and email which enclosed further copies of the Tribunal's Health Guidance
10 August 2021	Capsticks emailed Ms Nedin encouraging her to make contact
23 August 2021	Capsticks emailed Ms Nedin regarding the hearing bundle
31 August 2021	Email from Ms Nedin in which she asserted that (a) she was well enough to participate in the proceedings, (b) referred to her health issues, (c) consented to undergo medical assessment and (d) consented to disclosure of her medical records
3 September 2021	Telephone call between Capsticks and Ms Nedin regarding her deterioration in health Ms Nedin filed an application to adjourn the substantive hearing listed to commence on 7 September 2021 which the Applicant consented to
6 September 2021	Ms Nedin emailed Capsticks regarding her health and enclosing a letter from her GP
7 September 2021	Ms Nedin attended the substantive hearing which was adjourned upon her uncontested application
21 September 2021	Capsticks notified Ms Nedin that a medical expert had been instructed and her availability for an assessment was required
23 September 2021	Re-listed substantive hearing date provided to the parties
29 September 2021	Capsticks emailed Ms Nedin chasing her availability
5 October 2021	Capsticks left a voicemail for Ms Nedin asking her to make contact
6 October 2021	Capsticks emailed Ms Nedin chasing her availability
11 October 2021	Capsticks emailed and left a voicemail for Ms Nedin asking her to make contact
15 October 2021	Capsticks left a voicemail for Ms Nedin advising that the medical expert could assess her on 20 October 2021
21 October 2021	Capsticks emailed Ms Nedin chasing her availability in November
22 November 2021	Capsticks emailed Ms Nedin inviting her to make contact and reminding her of re-listed substantive hearing dates
2 December 2021	Capsticks sent a letter to Ms Nedin by post and email encouraging her to make contact
14 December 2021	Case Management Hearing proceeded in Ms Nedin's absence when further directions were issued

Date	Occurrence
15 December 2021	Capsticks sent a text message to Ms Nedin inviting her to confirm her contact details
17 December 2021	Memorandum of the Case Management Hearing (“CMH”) emailed to the parties by the Tribunal
21 December 2021	Capsticks sent Ms Nedin a summary of the directions and a further copy of the Memorandum by email and letter
4 January 2022	Capsticks emailed Ms Nedin reminding her of the directions
18 January 2022	Capsticks emailed Ms Nedin encouraging her to make contact and seeking permission to speak to a friend or family member as well as reminding her of the re-listed substantive hearing dates
20 January 2022	Capsticks sent a letter to Ms Nedin by post and email enquiring whether she sought to adjourn the re-listed substantive hearing dates
21 January 2022	Letter referred to above delivered and signed for by “Nedin”
26 January 2022	Capsticks emailed and sent a text message to Ms Nedin reminding her of the imminent CMH and seeking confirmation of her contact details
27 January 2022	<p>Efforts made by Capsticks to contact Ms Nedin by phone, text message and email prior to the commencement of the CMH</p> <p>CMH proceeded in Ms Nedin’s absence</p> <p>Capsticks left a voicemail for Ms Nedin advising that the re-listed substantive hearing dates remained</p>
28 January 2022	<p>Tribunal emailed the Memorandum of the CMH to the parties</p> <p>Capsticks sent the Memorandum of the CMH to Ms Nedin by email and letter</p>
1 February 2022	<p>“Zoom” remote hearing login details sent to Ms Nedin by the Tribunal</p> <p>Letter referred to above delivered and signed for by “Squires”</p>
4 February 2022	<p>Capsticks sent a letter to Ms Nedin by post and email enclosing the substantive hearing bundle and the Applicant’s costs schedule</p> <p>Capsticks left a voicemail for Ms Nedin encouraging her to make contact</p>
7 February 2022	<p>Tribunal emailed the parties enclosing the cause list for the re-listed substantive hearing</p> <p>Capsticks left a voicemail for Ms Nedin reminding her of the re-listed substantive hearing and warning her that the Tribunal could proceed in her absence</p>

- 6.2 Mr Collis submitted that every effort had been made by the Applicant to engage Ms Nedin in the proceedings. Every opportunity had been given to assist her and the Tribunal with regards to obtaining medical evidence. It was regrettable that the last engagement with Ms Nedin was when she attended the adjourned substantive hearing on 7 September 2021 some five months earlier.

- 6.3 Mr Collis submitted that it would not be appropriate to allow matters to “drag on without any guarantee” that Ms Nedin would participate in a medical assessment in the future or indeed engage in the proceedings.
- 6.4 Mr Collis further submitted that the Applicant had “exhausted all avenues” and that it was in the public interest to proceed in Ms Nedin’s absence.

The Tribunal’s Decision

- 6.5 The Tribunal considered the representations made by the Applicant in conjunction with its powers pursuant to Rule 36 of the Solicitors (Disciplinary Proceedings) Rules 2019 which provides:

“...If a party fails to attend and is not represented at the hearing and the Tribunal is satisfied that notice of the hearing was served on the party in accordance with these Rules, the Tribunal may hear and determine any application and make findings, hand down sanctions, order the payment of costs and make orders as it considers appropriate notwithstanding that the party failed to attend and is not represented at the hearing...”

- 6.6 The Tribunal applied the principles set out in the seminal authority of GMC v Adeogba and GMC v Visvardis [2016] EWCA Civ 162, in which Leveson P made plain that, with regards to regulatory proceedings, there was a need for fairness to the regulator as well as a Respondent. At §19 he stated:

“... It would run entirely counter to the protection, promotion and maintenance of the health and safety of the public if a practitioner could effectively frustrate the process and challenge a refusal to adjourn when the practitioner had deliberately failed to engage with the process. The consequential cost and delay to other cases is real. Where there is good reason not to proceed, the case should be adjourned; where there is not, however, it is only right that it should proceed...”

- 6.7 Leveson P went on to state at §23 that discretion must be exercised:

“...having regard to all the circumstances of which the Panel is aware with fairness to the practitioner being a prime consideration but fairness to the GMC and the interest of the public also taken into account...”

- 6.8 The Tribunal noted that (a) Ms Nedin initially engaged with the Firm’s investigation and the Applicant’s investigation, (b) her engagement became intermittent in May 2021 and (c) the last engagement was on 7 September 2021. The Tribunal noted the commendable efforts made by the Applicant to engage Ms Nedin which unfortunately was to no avail. The Tribunal concurred with the submission made that the Applicant could not have done any more.
- 6.9 It was concerning to the Tribunal that there appeared to be underlying health issues faced by Ms Nedin. However, given the lack of medical evidence filed, cognisant of its “Guidance on Health” (which the Applicant had referred Ms Nedin to and sent to her on three occasions) the Tribunal were limited in assessing the extent to which her health

had contributed to her non-attendance. The only medical evidence filed was a letter from her GP dated 6 September 2021 which did not comply with the Tribunal's Health Guidance, appeared to simply reiterate that which Ms Nedin had relayed to her GP, advanced opinions that was not supported by medical rationale. In short it was of limited, if any, assistance and did not comply with the Tribunal's Health Guidance.

- 6.10 The Tribunal's Memorandum of the 7 September 2021 CMH directed Ms Nedin to:
- Guidance Note: Health Issues dated 23 July 2021;
 - SDT Guidance Note on Applications for Special Measures for Vulnerable Witnesses, Parties or Litigants in Person dated 18 August 2017;
 - SDT Guidance Note on Applications for Special Measures dated 20 November 2020; and
 - Guidance: Person assisting a Party dated 6 November 2019.
- 6.11 Ms Nedin had not availed herself of any of the above.
- 6.12 The Tribunal determined that Ms Nedin had been notified of the re-listed substantive hearing date on 23 September 2021, 22 November 2021, 17 December 2021, 21 December 2021, 4 January 2022, 18 January 2022, 20 January 2022, 27 January 2022, 28 January 2022, 1 February 2022, 4 February 2022 and 7 February 2022. The Tribunal was satisfied that Ms Nedin was aware of the re-listed substantive hearing dates.
- 6.13 Weighing all of the attendant circumstances in the balance the Tribunal determined that the Ms Nedin had deliberately chosen not to exercise her right to be present or to give adequate instructions to enable lawyers to represent her without any good reason. The overarching public interest in the expeditious consideration of allegations and fairness to the Applicant required the matter to proceed in Ms Nedin's absence as there was nothing to suggest that she would attend a substantive hearing at a later date if the matter was adjourned.
- 6.14 The Tribunal therefore granted the application to proceed in Ms Nedin's absence.

Factual Background

7. Ms Nedin was admitted to the Roll in November 2013. At all relevant times she was employed by SDMC Law Limited trading as Donoghues Solicitors ("the Firm"). As at the time of the substantive hearing she was employed by Phillip Avery & Co. Limited and held a current practising certificate.
8. The Firm's concerns arose on 14 June 2019 and related to Ms Nedin having intercepted and responded to emails from Person A. Person A was the sole Executor of Person B's estate and joint executor of Person C's estate. Ms Nedin was instructed in relation to the administration of both estates and Person A initially complained to the Firm and subsequently reported her to the Applicant about her conduct in relation to her conduct in relation to that matter.

Witnesses

9. The written and oral evidence of witnesses is quoted or summarised in the Findings of Fact and Law below. The evidence referred to will be that which was relevant to the findings of the Tribunal, and to facts or issues in dispute between the parties. For the avoidance of doubt, the Tribunal read all of the documents in the case and made notes of the oral evidence of all witnesses. The absence of any reference to particular evidence should not be taken as an indication that the Tribunal did not read, hear or consider that evidence.
10. For the avoidance of doubt, the Tribunal did not receive any oral evidence and considered the allegations on the basis of the Applicant's submissions and Ms Nedin's written representations submitted during the course of the investigation and in the Tribunal proceedings.

Findings of Fact and Law

11. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent's right to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
12. **Allegation 1.1 - Sought to conceal Person A's complaint**

The Applicant's Case

The Firm's email system

- 12.1 Emails to the Firm were stored on a central computer which each fee earner had access to. The central computer had one inbox, one sent box and one deleted folder. Each fee earner had an individual email address which was based upon their name. The fee earner would be required to access the central computer, in which they would see all emails sent to the Firm, in order to discern emails sent to them and respond to the same. When responding to an email from the central computer, the IT set up marked the "sender" as the person to whom the original email was addressed unless the fee earner changed that setting to reflect their own email address. In short, it was possible for fee earners to send emails in another person's name.

Material Events

Date	Occurrence
May 2019	Person A was advised by the Firm those complaints should be addressed to the Firm's Director and Compliance Officer for Legal Practice ("COLP"), Mr SJ.
21 May 2019	Person A sent an email (to the Firm's general address) and hard copy complaint to the Firm both of which were marked for the attention of Mr SJ. The subject matter was "Urgent – letter of complaint"

Date	Occurrence
	The email was acknowledged within 49 minutes of receipt from the Firm's general email address.
31 May 2019	Person A sent an email to the Respondent relating to the progression of the sale of Person B's property.
3 June 2019	An email was sent from Mr SJ's email address to Person A which stated: "...We will be reviewing the file together today and will send you a response by email by 4pm on Tuesday 4 June 2019..."
13 June 2019	An email was sent from Mr SJ's email address to Person A which stated: "...Apologies that you have not received a response as the file has indeed been reviewed. I will look into this and forward you the response by midday tomorrow..."
14 June 2019	Mr SJ's secretary checked the central computer and in so doing noticed in the deleted folder an email from Mr SJ's address to Person A with the subject matter "Letter of Complaint". The secretary was not aware of Person A's complaint and had not sent any of the emails set out above on behalf of Mr SJ. Mr SJ met with Ms Nedin to discuss the emails. An attendance note of that meeting recorded; "[Ms Nedin], as per the telephone conversation earlier in the day, indicated that she was purely motivated to correct any perceived errors in her conduct without troubling [Mr SJ] with the formal complaint that was made by [Person A]."
17 June 2019	A further meeting took place between Mr SJ and Ms Nedin. An attendance note of that meeting recorded: "... [Ms Nedin's] response was that she did not want anybody knowing that [Person A] was unhappy with her conduct on the case. She felt she was slow in the handling of the case. She felt that she could have satisfactorily resolved the issue without troubling [Mr SJ] ..."
19 June 2019	Ms Nedin's employment at the Firm was suspended.
27 June 2019	Ms Nedin's employment at the Firm was terminated.

12.2 Mr Collis submitted that the IT framework in existence at the material time and the chronology of events set out above demonstrably showed the efforts made by Ms Nedin to conceal Person A's complaint from Mr SJ.

The Respondent's Position

12.3 In a response to the Applicant dated 26 March 2020, Ms Nedin stated that:

"...The firm's e-mails would come into one bulk Inbox on the computer in reception. I would occasionally work as a receptionist either to cover for

someone on holiday or ill or during a short period of time when we did not have a receptionist to work afternoons. I would also check the e-mails at lunchtime in case there were e-mails that needed to be brought to someone's attention.

[SJ] used the e-mail address that started [S]@ which was actually the old e-mail address of [SJ]. Whilst the firm also had an enquiries@ and info@ e-mail addresses, due to the length of time she worked there, most e-mails even about new matters from other professionals including estate agents would be sent straight to the office manager at her [A]@ e-mail address. Other employees would also reply to e-mails received into that bulk Inbox. I don't believe anyone would change the e-mail address from which we would then reply (e.g. an e-mail to enquiries@ being replied to by [SJ] from the [S]@ e-mail address) as I don't think anyone other than me and the office manager knew this could be done through a drop-down menu. I think we only realised this was possible after at least a year working there; none of us were particularly good with technology. For whatever reason it was that I was reading e-mails in the bulk Inbox, the procedure should have been me printing the e-mailed complaint and bringing it to [SJ]'s attention by putting it in his in tray as per the Office Manual, contacting him directly to let him know, and I would likely have also put a reminder in his diary to make sure it was dealt with in good time..."

- 12.4 Ms Nedin submitted representations to the Applicant on 18 November 2020 regarding the "Notice of Referral to the Tribunal" in which she stated:

"... I accept that my behaviour constituted a breach of principles 2 and 6 of the SRA Principles 2011 and meant that I failed to achieve outcome 1.11 of the SRA Code of Conduct 2011 ... I accept that I put my own interests before those of the client when I first intercepted his complaint. Whilst likely of little significance in terms of this matter as a whole, I would not wish for it to be assumed that my subsequent actions were completely self-centred as to only protect myself from any potential disciplinary action. I very much cared for the interests of the firm and was concerned about its reputation. The way I was feeling at that time, I actually cared more about the firm than myself..."

- 12.5 In her Answer to the Rule 12 Statement dated 12 May 2021, Ms Nedin stated:

"... the allegations are clear. My acceptance of the same is clear..."

The Tribunal's Findings

- 12.6 The Tribunal firstly considered whether Ms Nedin's admission, to having sought to conceal Person A's complaint, was properly made.
- 12.7 The Tribunal was cognisant of the fact she admitted to this failure when it was first discovered by the Firm, during her meetings with SJ at the material time, in correspondence with the Applicant during the investigation and in her Answer to the Rule 12 Statement in the Tribunal proceedings in which she also admitted the breach of Principles 2, 4 and 6 as well having failed to meet Outcomes 1.1 and 11.1 by virtue

of her conduct. Given her consistent acceptance of wrongdoing the Tribunal determined that Ms Nedin's admission was properly made and accepted the same.

12.8 The Tribunal therefore found on the evidence before it and the admission made, Allegation 1.1 proved on a balance of probabilities in its entirety.

13. **Allegation 1.1.1 - Failure to inform the COLP of Person A's complaint**

The Applicant's Case

13.1 Mr Collis submitted that Mr SJ confirmed that the Ms Nedin was aware of the Firm's complaints policy and she herself acknowledged that fact in her letter to the Applicant dated 18 November 2020. Ms Nedin therefore accepted that, (a) all complaints should have been sent to Mr SJ (b) Mr SJ would then investigate the complaint, (c) SJ would then convene a meeting with the individual against whom the complaint was made and (d) SJ would provide a detailed response to the complainant. Ms Nedin deviated from that policy by preventing the complaint being drawn to SJ's attention and acknowledging receipt of it directly with Person A firstly from the Firm's generic email address and subsequently from Mr SJ's email address.

13.2 Principle 2 required Ms Nedin to act with integrity namely moral soundness, rectitude and adherence to an ethical code. Mr Collis submitted that a solicitor acting with integrity would not have chosen to conceal a complaint from the Firm's COLP and in so doing, Ms Nedin breached Principle 2.

13.3 Principle 4 required Ms Nedin to act in the best interests of Person A. Mr Collis contended that it would have been in Person A's best interests if his complaint had been reviewed and investigated swiftly by SJ in accordance with the Firm's complaint policy. Ms Nedin's prevention of that proper course of action was not in Person A's best interests and her conduct was therefore contrary to Principle 4.

13.4 Principle 6 required Ms Nedin to act in a manner that maintained public trust in her and in the provision of legal services. Mr Collis averred that the steps taken by Ms Nedin to prevent SJ from considering Person A's complaint regarding her conduct plainly undermined public trust in her and in the provision of legal services contrary to Principle 6.

13.5 Outcome 1.1 of the SRA Code of Conduct ("the Code") required Ms Nedin to treat Person A fairly. Mr Collis submitted that she failed to do so by her non-compliance with the Firm's complaints policy by preventing the complaint being brought to the attention of SJ.

13.6 Outcome 11.1 of the Code required Ms Nedin to ensure that Person A's complaint was dealt with promptly, fairly, openly and effectively. Mr Collis submitted that she failed to meet that outcome for the reasons set out above at paragraph 13.5 above.

The Respondent's Position

13.7 In a response to the Applicant dated 26 March 2020, Ms Nedin stated that:

“...When I first saw the complaint, I panicked. I wanted to read it before [SJ] could, so I was aware of what was being said. I then could not bring myself to read it as I knew that I had been unjustifiably slow in dealing with the file and the complaint was likely going to be a summing-up of how poor the quality of my work was and I would be confronted, in black and white, with the truth that I was trying my best to ignore. I knew the Firm’s complaints process as I had read the office manual before the SQM audit visit in February. I e-mailed (*sic*) [Person A] to say that the file was to be reviewed and the firm would Respond to the complaint. Every day, I hoped that I would have the strength or courage to deal with it the next day and speak to [SJ] but I did not. Thinking about the complaint, the Estate file, the conveyancing file or even hearing [Person A’s] name would make me so very anxious and fearful, I would block it out and before I knew it, weeks had passed. I hid the complaint from [SJ] knowing that this was of course the worst thing I could have done as obviously the complaint was not going to go away and he was the only person that could have helped me and the only person that needed to know the complaint existed...”

13.8 Ms Nedin submitted representations to the Applicant on 18 November 2020 regarding the “Notice of Referral to the Tribunal” in which she stated:

“... I accept that my behaviour constituted a breach of principles 2 and 6 of the SRA Principles 2011 and meant that I failed to achieve outcome 1.11 of the SRA Code of Conduct 2011...”

13.9 In her Answer to the Rule 12 Statement dated 12 May 2021, Ms Nedin stated:

“... the allegations are clear. My acceptance of the same is clear...”

The Tribunal’s Findings

13.10 The Tribunal firstly considered whether Ms Nedin’s admission, to having failed to inform the Firm’s COLP [SJ] of Person A’s complaint, was properly made.

13.11 The Tribunal was cognisant of the fact she admitted to this failure when it was first discovered by the Firm, during her meetings with SJ at the material time, in correspondence with the Applicant during the investigation and in her Answer to the Rule 12 Statement in the Tribunal proceedings in which she also admitted the breach of Principles 2, 4 and 6 as well having failed to meet Outcomes 1.1 and 11.1 by virtue of her conduct. Given her consistent acceptance of wrongdoing the Tribunal determined that Ms Nedin’s admission was properly made and accepted the same.

13.12 The Tribunal therefore found on the evidence before it and the admission made, Allegation 1.1.1 proved on a balance of probabilities in its entirety.

14. **Allegation 1.1.2 - Sent emails purportedly from Mr SJ**

The Applicant’s Case

14.1 Mr Collis submitted that, given the IT framework in place at the material time within the Firm, Ms Nedin was able to access the central computer and intercept Person A’s

complaint. She then proceeded to respond to Person A from Mr SJ's email address on 21 May, 3 June and 13 June 2019.

- 14.2 The last two emails sent by the Respondent from Mr SJ's email address were:
- In response to Person A's complaint which was addressed to Mr SJ in his capacity as director and COLP of the Firm.
 - Sent to Mr SJ's work email address as opposed to the Firm's general email address.
 - Implied that Mr SJ and the Firm were looking into Person A's complaint by deploying the term "we" in relation to steps being taken to review the matter file.
- 14.3 Mr Collis submitted that a solicitor acting with integrity would not have sent emails from a colleague's email address to give the impression that they emanated from that third person. In so doing, Ms Nedin breached Principle 2.
- 14.4 Mr Collis contended that the effect of sending emails purportedly from Mr SJ was that Person A believed his complaint was being reviewed and investigated when it was not. That was not in Person A's best interests and Ms Nedin's conduct was therefore contrary to Principle 4.
- 14.5 Mr Collis averred that public trust in Ms Nedin and in the provision of legal services was undermined by her self-serving conduct which misled Person A which plainly breached Principle 6.
- 14.6 Mr Collis submitted that by failing to comply with the Firm's complaints policy in sending emails that appeared to be from Mr SJ, Ms Nedin did not treat Person A fairly and therefore failed to achieve Outcome 1.1.
- 14.7 Mr Collis further submitted that by misleading Person A as to the status and investigation of his complaint, Ms Nedin failed to ensure that it was dealt with promptly, fairly, openly and effectively such that she failed to achieve Outcome 11.1.

The Respondent's Position

- 14.8 Ms Nedin submitted representations to the Applicant on 18 November 2020 regarding the "Notice of Referral to the Tribunal" in which she stated:

"... I accept that my behaviour constituted a breach of principles 2 and 6 of the SRA Principles 2011 and meant that I failed to achieve outcome 1.11 of the SRA Code of Conduct 2011... the e-mails sent on 3rd June 2019 and 13th June 2019 were sent by me in order to effectively back myself into a corner and force me to tell Mr. John. Of course, I accept I did not tell Mr. John; but I would want it to be known that there was a struggle between knowing what I needed to do and actually doing it. I knew how to permanently delete e-mails from the deleted section of the bulk Inbox but did not do so, leaving an opportunity to be found out as I at least had a little insight to know that I could not fully trust myself to tell Mr. John. I think the point I am trying to make here is that my actions were panicked and spontaneous, not calculated..."

14.9 In her Answer to the Rule 12 Statement dated 12 May 2021, Ms Nedin stated:

“... the allegations are clear. My acceptance of the same is clear...”

The Tribunal’s Findings

14.10 The Tribunal firstly considered whether Ms Nedin’s admission, to having sent emails purportedly from SJ, was properly made.

14.11 The Tribunal was cognisant of the fact she admitted to this failure when it was first discovered by the Firm, during her meetings with SJ at the material time, in correspondence with the Applicant during the investigation and in her Answer to the Rule 12 Statement in the Tribunal proceedings in which she also admitted the breach of Principles 2, 4 and 6 as well having failed to meet Outcomes 1.1 and 11.1 by virtue of her conduct. Given her consistent acceptance of wrongdoing the Tribunal determined that Ms Nedin’s admission was properly made and accepted the same.

14.12 The Tribunal therefore found on the evidence before it and the admission made, Allegation 1.1.2 proved on a balance of probabilities in its entirety.

15. **Allegation 1.1.3 - Inappropriate deletion of emails from and to Person A**

The Applicant’s Case

15.1 Mr Collis submitted that Ms Nedin deleted (a) the emails of 21 May 2019, (b) the letter of complaint attached to the initial email of Person A, (c) the emails she sent to Person A on 3 June 2019, (d) the email she sent to Person A on 13 June 2019 and (e) the email received from Person A on 13 June 2019.

15.2 Mr Collis further submitted that the deletion of those emails was inappropriate in that it was done with the intention of preventing Mr SJ as COLP of the Firm from dealing with the complaint expeditiously or at all. The consequence of her actions was that Person A’s complaint was not addressed until 14 June 2019.

15.3 Mr Collis submitted that a solicitor acting with integrity would not have deleted emails from and to Person A in order to conceal the fact that a complaint had been made regarding their conduct. In so doing, Ms Nedin breached Principle 2.

15.4 Mr Collis contended that the effect of deleting the emails from and to Person A was that he believed his complaint was being reviewed and investigated when it was not. That was not in Person A’s best interests and Ms Nedin’s conduct was therefore contrary to Principle 4.

15.5 Mr Collis averred that public trust in Ms Nedin and in the provision of legal services was undermined by her self-serving conduct which misled Person A which plainly breached Principle 6.

15.6 Mr Collis submitted that by deleting the emails from and to Person A, Ms Nedin did not treat him fairly as she prevented his complaint from being dealt with in accordance with the Firm’s complaints process. She therefore failed to achieve Outcome 1.1.

- 15.7 Mr Collis further submitted that, for the reasons set out above at paragraph 15.6, Ms Nedin failed to ensure that Person A's complaint was dealt with promptly, fairly, openly and effectively such that she failed to achieve Outcome 11.1.

The Respondent's Position

- 15.8 In a response to the Applicant dated 26 March 2020, Ms Nedin stated that:

“... I admitted this to [SJ] so I cannot deny this. Now, I genuinely cannot remember doing it, or indeed sending the e-mail of 13th June, but of course it makes complete sense that I did this as part of my actions in trying to ensure [SJ] did not find out about it. The e-mails in the attachment were absolutely written by me, though. The wording is in my style in each of them...”

- 15.9 Ms Nedin submitted representations to the Applicant on 18 November 2020 regarding the “Notice of Referral to the Tribunal” in which she stated:

“... I accept that my behaviour constituted a breach of principles 2 and 6 of the SRA Principles 2011 and meant that I failed to achieve outcome 1.11 of the SRA Code of Conduct 2011...”

- 15.10 In her Answer to the Rule 12 Statement dated 12 May 2021, Ms Nedin stated:

“... the allegations are clear. My acceptance of the same is clear...”

The Tribunal's Findings

- 15.11 The Tribunal firstly considered whether Ms Nedin's admission, to having deleted emails received from and to Person A, was properly made.

- 15.12 The Tribunal was cognisant of the fact she admitted to this failure when it was first discovered by the Firm, during her meetings with SJ at the material time, in correspondence with the Applicant during the investigation and in her Answer to the Rule 12 Statement in the Tribunal proceedings in which she also admitted the breach of Principles 2, 4 and 6 as well having failed to meet Outcomes 1.1 and 11.1 by virtue of her conduct. Given her consistent acceptance of wrongdoing the Tribunal determined that Ms Nedin's admission was properly made and accepted the same.

- 15.13 The Tribunal therefore found on the evidence before it and the admission made, Allegation 1.1.3 proved on a balance of probabilities in its entirety.

16. Allegation 1.2 - False statements to Person A

- 16.1 Mr Collis referred the Tribunal to Ms Nedin's emails to Person A on 3 and 13 June 2019 which, he submitted, contained false and misleading statements as set out below.

Allegation 1.2.1 (3 June 2019)

“... We will be reviewing the file together today and will send you a response by 4pm on Tuesday the 4 June 2019 which will cover all points raised in your letter...”

- 16.2 That email was sent in circumstances whereby Ms Nedin had (a) failed to notify Mr SJ (COLP) of the complaint, (b) made no arrangements to review the file and (c) had not followed the complaints process as set out in the Firm’s policy.

Allegation 1.2.2 (13 June 2019)

“...Apologies you have not received a response as the files has (*sic*) indeed been reviewed...”

- 16.3 That email was sent in circumstances whereby Ms Nedin had (a) failed to notify Mr SJ (COLP) of the complaint, (b) was aware that the file had not been reviewed and (c) had not followed the complaints process as set out in the Firm’s policy.
- 16.4 Mr Collis submitted that Ms Nedin lacked integrity by misleading Person A and in so doing breached Principle 2.
- 16.5 Mr Collis contended that it was not in Person A’s best interests for him to be misled by Ms Nedin and as such her conduct was contrary to Principle 4.
- 16.6 Mr Collis averred that the misleading information given by Ms Nedin to Person A undermined public trust in her and in the provision of legal services. The public was entitled to expect solicitors not to mislead clients and my doing so, Ms Nedin breached Principle 6.
- 16.7 Mr Collis submitted that by sending false and misleading emails to Person A, Ms Nedin did not treat him fairly as she prevented his complaint from being dealt with in accordance with the Firm’s complaints process. She therefore failed to achieve Outcome 1.1.
- 16.8 Mr Collis further submitted that by giving Person A the false impression that his complaint was being investigated, Ms Nedin prevented the prompt, fair, open and effective dealing with his complaint such that she failed to achieve Outcome 11.1.

The Respondent’s Position

- 16.9 Ms Nedin submitted representations to the Applicant on 18 November 2020 regarding the “Notice of Referral to the Tribunal” in which she stated:

“... I accept that my behaviour constituted a breach of principles 2 and 6 of the SRA Principles 2011 and meant that I failed to achieve outcome 1.11 of the SRA Code of Conduct 2011...”

- 16.10 In her Answer to the Rule 12 Statement dated 12 May 2021, Ms Nedin stated:

“... the allegations are clear. My acceptance of the same is clear...”

The Tribunal’s Findings

- 16.11 The Tribunal firstly considered whether Ms Nedin’s admissions, to having sent two emails on 3 and 13 June 2019 which contained false information, were properly made.
- 16.12 The Tribunal was cognisant of the fact she admitted to this failure when it was first discovered by the Firm, during her meetings with SJ at the material time, in correspondence with the Applicant during the investigation and in her Answer to the Rule 12 Statement in the Tribunal proceedings in which she also admitted the breach of Principles 2, 4 and 6 as well having failed to meet Outcomes 1.1 and 11.1 by virtue of her conduct. Given her consistent acceptance of wrongdoing the Tribunal determined that Ms Nedin’s admission was properly made and accepted the same.
- 16.13 The Tribunal therefore found on the evidence before it and the admission made, Allegation 1.2.1 and 1.2.2 proved on a balance of probabilities in its entirety.

17. **Allegation 2 - Dishonesty**

- 17.1 Mr Collis relied upon the test for dishonesty promulgated in Ivey v Genting Casinos [2017] UKSC 67 namely:

“... When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise in his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to the facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest...”

- 17.2 Mr Collis submitted that Ms Nedin’s conduct in respect of both allegations was demonstrably dishonest in that:

Allegation 1.1 - Concealment of the complaint

- 17.3 Mr Collis submitted that Ms Nedin concealed the complaint from receipt, on 21 May 2019, until this was discovered by Mr SJ’s secretary on 14 June 2019. During that period, Ms Nedin (a) was aware of the complaint, (b) was aware that the Firm’s complaints policy required it to be dealt with by Mr SJ as COLP and (c) made a conscious decision to hide the complaint from Mr SJ. Ms Nedin’s explanation for so doing in her meeting with Mr SJ on 14 June 2019 was twofold in that she had not wished to “trouble [Mr SJ] with the fact that she had fucked up” and “did not want anybody knowing that [Person A] was unhappy with her conduct of the case”. Mr Collis averred that Ms Nedin knew how the complaint should have been addressed by the Firm but made a deliberate decision to circumnavigate that process in order to avoid criticism of

her work. Her conduct therefore was dishonest by the standards of ordinary decent people.

- 17.4 With regards to the emails sent by Ms Nedin to Person A on 3 and 13 June 2019, Mr Collis submitted that both (a) were drafted by Ms Nedin, (b) emanated from Mr SJ's email address, (c) gave the impression that Mr SJ was aware of the complaint when in fact he was not. Mr Collis averred that Ms Nedin dishonestly used Mr SJ's email address in the manner described above without his authority or consent in her continued concealment of the complaint. Her conduct therefore was dishonest by the standards of ordinary decent people.
- 17.5 Mr Collis submitted that Ms Nedin continued to conceal the complaint by deleting the emails from and to Person A which was dishonest by the standards of ordinary decent people.

Allegation 1.2 - False statements

- 17.6 Mr Collis submitted that the emails sent by Ms Nedin to Person A on 3 and 13 June 2019 included statements which she knew to be false.
- 17.7 In the email dated 3 June 2019 Ms Nedin stated; "...We will be reviewing the file together today and will send you a response by 4pm on Tuesday the 4 June 2019 which will cover all points raised in your letter..." in circumstances where, (a) Mr SJ was not aware of the complaint as she had concealed it from him, (b) no arrangements had been made to review the file, (c) Ms Nedin was endeavouring to conceal the complaint without Mr SJ's knowledge and (d) the complaints process had not been engaged due to the concealment and as such, Mr SJ would not be responding to the complaint in his capacity as COLP.
- 17.8 In the email dated 13 June 2019 Ms Nedin stated; "...Apologies that you have not received a response as the file has indeed been reviewed..." in circumstances where, (a) the file had not been reviewed by or with Mr SJ, (b) the file had not been reviewed in accordance with the complaints process, (c) Ms Nedin had concealed the complaint, (d) Ms Nedin had failed to notify Mr SJ of the complaint and (e) the complaints process had not commenced.
- 17.9 Person A made plain in his witness statement dated 16 March 2021 that he had been misled by both emails in that he understood that they emanated from Mr SJ who had embarked on the complaints process.
- 17.10 Mr Collis submitted therefore that Ms Nedin's conduct in respect of both emails was dishonest by the standards of ordinary decent people.

The Respondent's Position

- 17.11 Ms Nedin submitted representations to the Applicant on 18 November 2020 regarding the "Notice of Referral to the Tribunal" in which she stated:

"...I submit that this indeed was an isolated incident stemming from the trigger of the client's first complaint and my actions subsequent to this form one

incident of misconduct. I hope this incident will be viewed in the context of my deteriorated mental health at that time and also in the context of having an unblemished regulatory record whilst having suffered from these mental health difficulties throughout my career and, more recently, needing to safeguard my mental health during the period of this investigation and the Covid-19 lockdown.

During my career, I know I am not alone in having occasionally complained about how the job also has additional aspects which involve at times being somewhat of a social worker or life coach with clients, particularly when it comes to clients in the areas of family law or criminal law, predominantly those eligible for or in receipt of legal aid. But this is something that actually came naturally to me, the desire to help and use both my knowledge as a solicitor in order to best deal with their particular cases as well as use the information or skills I learn so as to benefit or help my clients in other ways, especially if this involved offending behaviour and contributory reasons for the commission of criminal offences. I have always done my utmost to act in the best interests of all my clients and be a credit to the profession, and this matter is a terrible exception. I would like to give a few examples of who I really am when it comes to my clients - I have bought food and female hygiene products for clients of low-incomes; given (*sic*) lifts to their G.P. to make sure they met (*sic*) appointments; taken food and supplies to a young client on her first day in a refuge to which I had earlier driven her; promoted and encouraged clients to seek mental health and addiction support with their G.P. or MIND; signposted clients to bodies that deal with addictions or domestic violence; I spent an entire evening and night in the waiting area of a mental health facility with a client who was then detained in hospital following assessment as I was the only person he trusted; and I once purchased a cheap mobile phone for a client who was a young mother as I was concerned about her being unable to call the Police if needed, due to her particular personal circumstances. I submit that I am actually of more mental and moral fortitude than this matter suggests.

Whilst I was fully aware of what I was doing and agree with the statement ... that this means that I had "direct control over my actions, again I would wish for this to be seen in the context of my mental health and the effects this had on my decision-making.

I have cooperated in providing answers and explanations as to my behaviour as best as I have been able to from the moment [SJ] told me he was aware of the complaint. I took advantage of a situation in which I was presented with what should have been a great opportunity in my career; trusted by the firm's director and entrusted with responsibilities that I took seriously. The allegations, which I accept, do not reflect me as a solicitor or as a person. I apologise to you, the client, my colleagues and peers, and Donoghues Solicitors for my behaviour and how it would have negatively impacted on how our profession is viewed and trusted..."

- 17.12 In a response to the Applicant dated 26 March 2020, Ms Nedin stated that she had seen her GP approximately a week after Mr SJ became aware of the complaint and received treatment which has been long term. Ms Nedin understood that her underlying condition played a part in how she dealt with Person A's complaint. She additionally stated that:

“...I had been struggling with my workload - working in every department and then adding on top of that becoming a duty solicitor (Magistrates' Court Qualification). I should have asked [SJ] for help, but I did not. He was a very open and understanding boss - I was not scared of bringing this to his attention, I suppose I was more embarrassed and ashamed and I think as time when on it would have become more and more difficult for me to then tell him the truth...”

17.13 In her Answer to the Rule 12 Statement dated 12 May 2021, Ms Nedin stated that she was “happy” to provide the Tribunal with details of her medical treatment and answer questions in that regard if required. She explained that the pandemic and attendant lockdowns had detrimentally impacted on her access to treatment as one would expect. Ms Nedin further stated;

“... though it would be far easier for me to simply leave this profession and refuse to cooperate or engage with this case. But I love my job ... The allegations are clear. My acceptance of the same is clear...”

The Tribunal’s Findings

17.14 The Tribunal firstly considered whether Ms Nedin’s admissions, to having acted dishonestly with regards to the Person A complaint, was properly made.

17.15 The Tribunal noted that Ms Nedin had made the following statements:

- 25 June 2019 (Response to the SJ during the Firm’s investigation)

“... I hid the complaint from [SJ] knowing that this was of course the worst thing I could have done as obviously the complaint was not going to go away and he was the only person that could have helped me and the only person that needed to know the complaint existed...”

- 26 March 2020 (Response to the Applicant during its investigation)

“... I did this as part of my actions in trying to ensure Mr. John did not find out about it...”

I did have moments when I felt that I could bring the complaint to [SJ’s] attention - the e-mails I wrote show me putting pressure on myself to do it by telling [Person A] the file was being reviewed. Of course, despite this, this never happened, I did not tell [SJ] ...”

- 18 November 2020 (Response to the Applicant’s “Notice recommending referral to the Tribunal”)

“...Of course, I accept I did not tell [SJ]; but I would want it to be known that there was a struggle between knowing what I needed to do and actually doing it...”

- 12 May 2021 (Answer to the Rule 12 Statement)

“...The allegations are clear. My acceptance of the same is clear...”

- 17.16 In addition to the statements set out above, Ms Nedin alluded to, in some detail, matters of health and other extraneous issues which may have impacted on her conduct at the material time. Given the absence of medical evidence and Ms Nedin’s non-attendance at the substantive hearing, the Tribunal determined that her admissions with regards were equivocal and as such found that they were not properly made.
- 17.17 The Tribunal therefore considered dishonesty based solely on the evidence before it in documentary form.

Allegation 1.1.1 - Failure to notify the COLP [SJ] of Person A’s complaint

- 17.18 The Tribunal applied the test promulgated in Ivey and firstly considered what Ms Nedin’s state of mind was at the material time. In so doing it determined that (a) she was well aware of the Firm’s complaints procedure, (b) she therefore knew what actions she should have undertaken, (c) she chose to not to, (d) she appeared, on the position advanced by her, to have been motivated by a desire to hide her self-recognised shortcomings on the Person A matter and (e) her overarching intention was to conceal Person A’s complaint.
- 17.19 Given those findings, the Tribunal determined that ordinary decent people would consider such conduct as dishonest.

Allegation 1.1.2 - Sent emails purportedly from the COLP [SJ]

- 17.20 The Tribunal found that (a) the Firm had an unusual email system, (b) Ms Nedin took advantage of that unusual system, (c) Ms Nedin used the unusual email system as an instrument of deceit in order to conceal Person A’s complaint and (d) Ms Nedin intended and succeeded in giving Person A the impression that his complaint was being dealt with in accordance with the Firm’s complaints procedure when in fact it was not.
- 17.21 Given those findings, the Tribunal determined that ordinary decent people would consider such conduct as dishonest.

Allegation 1.1.3 - Deletion of emails from and sent to Person A

- 17.22 The Tribunal found that Ms Nedin (a) knew that she should not delete the emails, (b) chose to do so in any event and (c) did so in order to maintain the initial concealment.
- 17.23 Given those findings, the Tribunal determined that ordinary decent people would consider such conduct as dishonest.

Allegation 1.2.1

- 17.24 The Tribunal found that the use of the word “we” gave a false impression to Person A that his complaint was being dealt with in accordance with the Firm’s complaints

procedure when in fact (a) it was not and (b) she was the only individual aware of the complaint.

- 17.25 Given those findings, the Tribunal determined that ordinary decent people would consider such conduct as dishonest.

Allegation 1.2.2

- 17.26 The Tribunal found that Ms Nedin was well aware that the file had not been reviewed yet she stated to Person A that it had.

- 17.27 Given those findings, the Tribunal determined that ordinary decent people would consider such conduct as dishonest.

- 17.28 The Tribunal therefore found the aggravating feature of dishonesty as alleged in Allegation 2 proved on a balance of probabilities.

Previous Disciplinary Matters

18. None.

Mitigation

19. None.

Sanction

20. The Tribunal referred to its Guidance Note on Sanctions (Ninth Edition: December 2021) when considering sanction.
21. With regards to culpability, the Tribunal determined that Ms Nedin was motivated by self-preservation and the reputation of the Firm as opposed to Person A's best interests. Whilst her initial acknowledgment of the complaint (within 45 minutes of receipt and from the Firm's generic email address) may well have been spontaneous and a panicked reaction, her subsequent misconduct in perpetuating the concealment represented a series of repeated dishonest steps planned over a period of 23 days which served to hide the true position. Ms Nedin's misconduct breached the trust placed in her by Person A to act in his best interests, she was directly in control and had sole responsibility for the same. Ms Nedin was reasonably experienced as a solicitor at the material time and ought to have known better. The Tribunal therefore considered that she was highly culpable for her misconduct.
22. Direct harm was plainly caused to Person A with regards to the administration of his uncle's estate. Serious harm was caused to the reputation of the profession by Ms Nedin's dishonest misconduct.
23. The Tribunal found that the misconduct was aggravated by the fact that it was (a) dishonest, (b) calculated, (c) repeated, (d) deliberate, (e) constituted a number of individual acts over a protracted period of 23 days and (f) Ms Nedin knew that what

she was doing amounted to a material breach of the duty incumbent on her to protect the public and the reputation of the legal profession.

24. The Tribunal considered that there were a number of mitigating features to Ms Nedin's misconduct in that she (a) was of previous good character, (b) demonstrated genuine insight, (c) made open and frank admissions to the Firm, the Applicant and the Tribunal and (d) cooperated fully with all concerned once her misconduct came to light. Her reasons for disengaging with the Applicant for the facilitation of a medical assessment from September 2021 were not known and the Tribunal did not speculate as to what they may be.
25. Weighing all of the factors alluded to above in the balance, the Tribunal determined that the misconduct found was at the highest level. In the absence of exceptional circumstances having been advanced and found, the overarching public interest required the Tribunal to strike Ms Nedin from the Roll of Solicitors; any lesser sanction failed to meet the gravamen of the allegations found proved.

Costs

26. Mr Collis referred the Tribunal to the schedule of costs dated 4 February 2022 in which the sum of £22,800.00 was claimed. Mr Collis accepted that the quantum appeared high for a case of this nature but reminded the Tribunal of the numerous efforts made to engage Ms Nedin in the proceedings. In those circumstances, Mr Collis contended that the costs claimed were reasonable and proportionate.
27. Mr Collis further referred the Tribunal to Ms Nedin's Personal Financial Statement dated 12 May 2021. Mr Collis accepted that it set out Ms Nedin's limited means but reminded the Tribunal that any order for costs made by it was an "Order in principle" and that enforcement of the same fell to the Applicant taking into account all material matters.

The Tribunal's Decision

28. The Tribunal carefully considered the submissions made and scrutinised the costs schedule and the financial statement. The costs claimed were high for a case of this nature but, given the consistent, repeated and multifaceted attempts made by the Applicant to encourage Ms Nedin to engage in a medical assessment, the were reasonable and proportionate in all of the circumstances.
29. The Tribunal noted the submission made that any Order for costs was an "Order in principle" and acknowledged that it was a matter for the Applicant to exercise its discretion and own policies with regards to enforcement of the same. However, it was incumbent on the Tribunal to pay due regard to Ms Nedin's Personal Financial Statement which revealed that she was plainly impecunious. Her financial position was unlikely to improve dramatically given the sanction imposed. The Tribunal therefore determined that the costs claimed be reduced by 50% to reflect Ms Nedin's financial position.

Statement of Full Order

30. The Tribunal Ordered that the Respondent, ELIZABETH CATHERINE NEDIN, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £11,400.00.

Dated this 23rd day of February 2022
On behalf of the Tribunal

JUDGMENT FILED WITH THE LAW SOCIETY
23 FEB 2022



D Green
Chair