

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12347-2022

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

NICOLA HELEN NEILSON

Respondent

Before:

Ms A Kellett (in the chair)
Mr D Green
Dr S Bown

Date of Hearing:
11 October 2022

Appearances

Cameron Scott, barrister of Capsticks LLP, instructed by the Solicitors Regulation Authority Ltd, for the Applicant.

David Hopkins, barrister of 39 Essex Chambers, instructed by Irwin Mitchell Solicitors, for the Respondent.

JUDGMENT

Allegations

The Allegations, as amended, and which Ms Neilson admitted, were as follows:

- 1.1 Between October 2013 and 30 April 2019, in relation to the property transactions [involving client RB, clients SW and JL and clients DT and CT], the Respondent failed to register her clients' interests within the appropriate time.
- 1.2 In doing so the Respondent breached any or all of Principles 4, 5, 6 and 10 of the SRA Principles 2011.
- 2.1 In relation to client RB and clients SW & JL, the Respondent breached an undertaking given by her to her clients by failing to register transfers of property and charges within the appropriate time.
- 2.2 In doing so the Respondent breached Principle 6 of the SRA Principles 2011 and failed to achieve Outcome 11.2 of the SRA Code of Conduct 2011.
- 3.1 In relation to client RB, on or around 27 January 2016 the Respondent provided incomplete misleading and incorrect information to her client regarding the delayed registration of the property.
- 3.2 In doing so the Respondent breached Principles 2 and 6 of the SRA Principles 2011.
- 4.1 Between 2 May 2018 and 23 July 2018, in relation to clients DT and CT, the Respondent provided incomplete, misleading and incorrect information to her clients regarding the delayed registration of the property.
- 4.2 In doing so the Respondent breached Principles 2 and 6 of the SRA Principles 2011.

Executive Summary

5. On three conveyancing matters, Ms Neilson failed to register her clients interests within the appropriate time. In two of those matters she breached an undertaking and in two of the matters she provided incomplete, misleading and incorrect information relating to the delayed registrations. Ms Neilson admitted the Allegations in full.

Sanction

6. Ms Neilson was fined £10,000 and ordered to pay £16,500 in costs.

Documents

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

Preliminary Matters

8. Anonymity

8.1 Mr Scott applied for anonymity in respect of five individuals named in the Rule 12 Statement. Mr Scott submitted that the five individuals were clients and had an entitlement to confidentiality and rights to privacy under Article 8 of the European Convention on Human Rights. Mr Scott submitted that they fell into category of individuals for whom anonymity was appropriate. Mr Scott referred the Tribunal to Lu v SRA [2022] EWHC 1729 (Admin) at [4] where Kerr J stated:

“4. I am prepared, not without hesitation, to continue the anonymity of three relevant individuals within the two complainant firms. This is because they are likely, as against their employer, to have a contractual right to anonymity in respect of allegations made by or against them internally within the context of their employment; albeit that contractual right is far from conclusive, does not bind the court and might well have to yield to open justice.”

8.2 Mr Scott noted that Kerr J had maintained anonymity of those individuals, albeit reluctantly, and invited the Tribunal to grant anonymity in this case.

8.3 Mr Hopkins had no substantive submissions but agreed with Mr Scott.

The Tribunal’s Decision

8.4 The starting point was the principle of open justice, as emphasised in Lu at [138]:

“Courts and tribunals should not be squeamish about naming innocent people caught up in alleged wrongdoing of others. It is part of the price of open justice and there is no presumption that their privacy is more important than open justice.”

8.5 The Tribunal did not consider that it was necessary to name the five individuals for the issues in the case or the Tribunal’s reasoning to be followed. There was no loss of “clarity and a sense of purpose” as referred to in Lu at [6] in anonymising these five individuals. The Tribunal was therefore satisfied that open justice was not diminished by anonymising them and granted Mr Scott’s application.

9. Application to withdraw Allegations of dishonesty and recklessness (Allegation 4)

9.1 Allegation 4 had originally included an allegation that the conduct was aggravated by dishonesty or, in the alternative, recklessness.

9.2 On 10 October 2022, the day before the hearing, the parties submitted a statement of agreed facts. Mr Scott applied, on the morning of the hearing, to withdraw the allegations of dishonesty and recklessness, pursuant to Rule 24 of the Solicitors (Disciplinary Proceedings) Rules 2019 (SDPR 2019).

- 9.3 Mr Scott submitted that the SRA had kept the case under continuous review. Ms Neilson had denied the allegation of dishonesty in her Answer dated 25 July 2022. Mr Scott submitted that the denial was an assertion not supported by evidence at that stage. The SRA carried out further enquiries and obtained further evidence. In light of those further investigations and in light of the full admissions made on all other matters, the SRA's position was that it lent credence to Ms Neilson's position that at the time the relevant email was sent, she held an honest belief that the application had been made. It was therefore SRA's view that allegations of dishonesty and recklessness could properly be withdrawn.
- 9.4 The Chair noted that the Answer was provided on 25 July 2022 and the statement of Mr Wood, obtained as part of the further investigations was dated 24 August 2022, almost two months before the date of this hearing. Mr Scott explained that the statement of Mr Wood contributed to the decision and that the "additional factor" was the full admissions to the other Allegations, which was more recent. Mr Scott submitted this went to Ms Neilson's reliability and added to the likelihood that she held an honest belief. In respect of recklessness, as this was an alternative to dishonesty, this should also fall away.

The Tribunal's Decision

- 9.5 The Tribunal was dismayed at the timing of the application, coming as it did on the morning of what had been listed as a three-day hearing. Ms Neilson's position had been made perfectly clear on the allegation of dishonesty since 25 July 2022. It was not for her to produce evidence to support her denial, as the burden of proof lay on the SRA not on her. The SRA had undertaken further investigations in August and at that stage, had persisted with the allegations of dishonesty and recklessness. The only material factor that changed between August and October appeared to be the admission to unrelated Allegations by Ms Neilson. This troubled the Tribunal considerably, as it appeared to the Tribunal from what Mr Scott had submitted, that the dishonesty allegation was unlikely to be proved from the point at which Ms Neilson had served her Answer and certainly by the time the SRA had conducted its further investigations in August 2022. It therefore appeared to the Tribunal that the timing of the decision to apply to withdraw the dishonesty allegation was linked to Ms Neilson's admissions to other allegations.
- 9.6 The Tribunal granted the application to withdraw the allegations of dishonesty and recklessness on the grounds that there was no longer an evidential basis for them to be pursued, but made clear that it was concerned about the process that had been undertaken in this regard.

Agreed Facts

10. Ms Neilson was admitted to the Roll of Solicitors on 15 September 2003. At the time of the hearing she held a current Practising Certificate free from conditions.
11. Ms Neilson was, from 6 September 2000 until 30 April 2019, an employee of Latimer Hinks Solicitors ("the Firm"). On 29 August 2019, the Managing Director, COLP and COFA of the Firm made a report to the SRA.

12. It was reported that concerns regarding Ms Neilson's work on a few of her files had been discovered following her departure from the Firm.

Client RB

13. In April 2015, the Firm was instructed by the purchaser to deal with the purchase of Property H. On 2 September 2015 the Firm was instructed by the lender (to act on its behalf in relation to a mortgage of the property). The matter was handled by Ms Neilson.

14. On 11 September 2015, Ms Neilson provided the lender with a Report on Title. In that Report, amongst other things, she gave an undertaking to attend to post-completion formalities "in accordance with your instructions". The instructions included attending to the registration of the mortgage in accordance with the CML Lender's Handbook. The CML Lender's Handbook provides that:

"The application for Registration must be received by the Land Registry during the priority period afforded by the subsisting Land Registry or Land Charges search at the time of completion."

15. Completion of the purchase took place on 18 September 2015. However, following completion Ms Neilson failed promptly to attend to registration of the title and the mortgage over the property. Ms Neilson first sent the application for registration on 27 January 2016. This application was four months after completion and was outside the priority period. The application was unsuccessful. The SRA was unable to confirm why this was. Also the same date, Ms Neilson wrote to the lender stating:

"Just a quick note to let you know that we haven't yet had the registration back. Unfortunately, this is two separate registrations and you will appreciate there are significant delays at the current time in dealing with first registration applications".

16. This letter did not tell the lender that the application had only been submitted that day.

17. A second application for registration was made by Ms Neilson on 22 March 2017. A requisition was raised by the Land Registry on 30 June 2017. This required documents which the Respondent needed to request from the seller's solicitors. The Land Registry wrote to the Firm on 21 July 2017 warning that registration was due to be cancelled. On 24 July 2017 Ms Neilson obtained an extension of the cancellation period to 14 August 2017. The seller's solicitors provided the documents requested on 27 October 2017 but this was after the cancellation date.

18. A third application was made on 12 January 2018. A further requisition was raised on 15 March 2018 and a cancellation date of 17 April 2018 given. The SRA found no evidence to show any steps taken by Ms Neilson to deal with this. The Land Registry wrote to the Firm on 23 April 2018 stating

"As no reply has been received to the Land Registry's letters dated 15/3/2018 and 05/04/2018 your application was considered by a Land Registry lawyer".

19. The letter went on to confirm that part of the land would be registered but that further steps were needed to complete registration of the remaining land.
20. On 13 June 2018, the lender wrote to Ms Neilson enquiring about progress with the registration. Ms Neilson replied on 6 July 2018 stating:

“I have had part of the registration back... Because of the way the transaction was structured and the fact that part of the title was registered and part unregistered we submitted two applications, The second is still outstanding...”.
21. This letter did not fully or accurately explain the reasons for the delay in registration. The SRA had seen no evidence to show what steps if any were taken by the Respondent to complete registration. However, in May 2019 it was discovered that registration of the remainder of the land was still outstanding.

Clients SW & JL

22. On 13 September 2018, the Firm was instructed by SW and JL and their lender in the mortgage of a property. The matter was handled by Ms Neilson. The instructions from the lender required, amongst other things, the Firm to take all necessary steps after completion to protect the Lender’s interests and to deal with all registration and stamping formalities promptly and within the applicable priority period.
23. On 17 October 2018, Ms Neilson provided a Report on Title to the lender which included an undertaking to complete the transaction and carry out all post-completion tasks in accordance with the Lender’s instructions. Completion took place on 23 October 2018. An application for registration of the Lender’s charge was made on 14 November 2018. On 22 November 2018 the Land Registry raised two requisitions relating to the changes to the names of JW and SW. The Land Registry’s letter stated that the cancellation date would be 21 December 2018.
24. Ms Neilson failed to deal with the requisitions and failed to complete the registration of the charge prior to leaving the Firm on 30 April 2019.

Clients DT and CT

25. In July 2013, the firm was instructed by DT and CT in connection with the purchase of a property. Ms Neilson had conduct of the matter. Completion took place on 8 October 2013. This was confirmed in a letter from Ms Neilson to DT and CT in which she stated that she was making arrangements to deal with the post completion, stamping and registration formalities. An application for registration of the title was sent on or around 14 November 2013 but was rejected. A subsequent application was submitted on or around 14 January 2014. Requisitions were raised by the Land Registry on 14 January 2014. Ms Neilson replied to the Land Registry on 16 January 2014. Certain of the requisitions required information from the solicitors acting for the landlord of the property. Ms Neilson wrote to those solicitors on 16 January 2014 seeking this information. On 4 February 2014, the Land Registry wrote to Ms Neilson warning that the registration would be cancelled on 12 March 2014 unless they received a full reply to the requisitions of

14 January 2014. Ms Neilson contacted the Land Registry on 11 February 2014 and asked for a two-week extension as she was having difficulty obtaining the information needed. She also wrote to the Landlord's solicitors chasing the information she had sought. On 21 September 2015, the client DT wrote to Ms Neilson informing her that they were renewing the mortgage on the property and had discovered that the property did not appear to have been registered. Ms Neilson replied on 22 September 2015 stating:

“The cheque for the registration fee left our account in November 2013. Once I have the file I can confirm the title number.”

26. Ms Neilson also wrote to DT and CT's lender on 25 September 2015 stating:

“The lease is not showing as being registered at the Land Registry and we are making enquiries in this respect.”

27. Ms Neilson did not tell either DT or the Lender that the title had not, in fact, been registered.

28. On 14 February 2018, DT wrote to Ms Neilson. She replied on 8 March 2018 stating that she was waiting on information from the seller's solicitor. Ms Neilson said she expected to receive that any day and had a new application form ready to submit. On 30 April 2018, DT wrote to Ms Neilson enquiring as to progress regarding registering the lease of the flat. Ms Neilson replied on 2 May 2018 stating that:

“... the application has been sent. These types of application do take a few weeks to complete. I will let you know as soon as it has been registered and returned to me.”

29. This was incorrect and misleading as no application had been sent.

30. On 20 June 2018, DT wrote again to Ms Neilson asking for an update. Ms Neilson replied on 20 June 2018 advising that:

“I will have to make enquiries of the Land Registry as this type of application is taking some time”.

31. This was incorrect and misleading as, in fact, the application for registration had not been made.

32. On 23 July 2018 Ms Neilson wrote to DT to confirm that she had established that the Land Registry were currently dealing with applications which were submitted a few weeks before this one. On 26 February 2019, DT wrote to Ms Neilson complaining about the fact that title to the property had still not been registered and demanding that the application be sent by the end of the week. On 27 February 2019, Ms Neilson confirmed that:

“I have this afternoon checked through the application and submitted it to the Land Registry. She apologised for the time it had taken.”

33. Ms Neilson did not submit the application for registration of the property until 27 February 2019. This was subsequently confirmed in an email from Jonathan Sturgeon, a solicitor at the Firm, to DT on 16 May 2019.

SRA investigation and interview

34. Following receipt of the report from the Firm on 29 August 2019, the SRA commenced an investigation. Stephen Cassini, the FIO, conducted the investigation and issued his report on 20 August 2020. He reviewed five client files, and conducted a recorded telephone interview with Ms Neilson on 4 August 2020.
35. In that interview, Ms Neilson confirmed that in relation to client RB she agreed that she had provided an undertaking to the Lender to deal with post completion formalities promptly and within the priority period and that she did not deal with the post completion formalities in accordance with that undertaking. Ms Neilson had explained that she did not remember the events around the time of the email to the Lender of 27 January 2016 or sending the email but admitted that the email would, on the face of it, have been disingenuous. She did not know what her intention was. Ms Neilson could not recall the circumstances around the email of 6 October 2017 or why she had not told the Lender that the previous application to register the property had been cancelled. However, she thought she was mistakenly under the belief that the applications for registration were pending at that time. Ms Neilson could not explain why the registration forms were not submitted to the Land Registry until 12 November 2017. She did not deal with registration of the remaining part of the property before she left the Firm and she had not kept RB advised of the problems with registration. She had presumed she was waiting on some positive news to update him with. Ms Neilson had accepted this was not the standards clients should expect.
36. In relation to clients SW and JL, Ms Neilson accepted she did not deal with registration of the title promptly and within the priority period post-completion. Ms Neilson also accepted that she had provided the Lender with an undertaking to comply with all post-completion tasks in accordance with their instructions and promptly within the priority period post-completion. Ms Neilson accepted that she did not comply with that undertaking. The Firm submitted the application for registration within the priority window but did not take any further steps to protect the clients' interests post-completion. Ms Neilson did not have any recollection of the application for registration expiring.
37. In relation to clients DT and CT, Ms Neilson stated that initially she wasn't aware that there was an issue with registration of the property or that it hadn't been done. She could not remember what happened five or six years ago so could not give an explanation as to what happened. Ms Neilson stated that she understood an application for registration had been sent following completion. Once the delay in registration came to her attention she had asked for it to be dealt with and erroneously believed that it had been submitted. It turned out later when she spoke with DT that this was not the case. When Ms Neilson had been asked why the client was told in May 2018 that an application had been submitted, she said that she was not the one physically submitting or posting and often she would think she had done something then would find out it was still on a secretary's desk. Ms Neilson agreed that the delay in registration was unacceptable. Ms Neilson knew the registration had not been

done when her client phoned her in February 2019 and that was what had prompted the application to be made then. Ms Neilson had accepted that she had not acted in the clients' best interests and the clients did not receive the standard they should have expected. In general, throughout the whole period Ms Neilson was possibly too busy a lot of the time and the support she had was not the best.

38. Ms Neilson admitted all the Allegations in full. Mr Hopkins submitted that the first email which was the subject of an Allegation of lack of integrity was the result of a genuine mistake. The following two emails had "piggy backed" off erroneous basis of the first one. Had Ms Neilson not made the first error she would not have continued to make the subsequent errors.

Findings of Fact and Law

39. The Applicant was required by Rule 5 of The Solicitors (Disciplinary Proceedings) Rules 2019 to prove the allegations to the standard applicable in civil proceedings (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 Ms Neilson's rights 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.
40. Ms Neilson had admitted all the Allegations in full. The Tribunal had read the evidence in detail and was satisfied that the admissions were properly made. The Tribunal found all the Allegations proved on the balance of probabilities.

Previous Disciplinary Matters

41. There were no previous findings at the Tribunal.

Mitigation

42. Mr Hopkins submitted that the harm caused to reputation of the profession was minor. By way of context, he submitted that an example of moderate harm would be a solicitor who made improper payments from a client account and serious harm would involve from a client. Mr Hopkins told the Tribunal that there had been no financial loss to clients, but he accepted that there had been a risk of that.
43. Mr Hopkins submitted that the only aggravating factor was that the misconduct occurred over a period of time. However, he submitted that it was an integral part of the Allegations that it took place over a period of time.
44. Mr Hopkins submitted that there were three mitigating factors. He submitted that Ms Neilson had shown genuine insight and had taken actions to avoid a repeat of these mistakes, set out as follows in Ms Neilson's witness statement:

"15. The following remedial action has been put into place so that I can be sure that the administrative errors made as set out by the SRA are never repeated in the future. These measures include:

- a. Having a dedicated secretary who is organised and places reminders in the calendar for deadlines.
 - b. Using an efficient and functioning case management system. This ensures that key dates are highlighted and repeat themselves regularly or at set intervals until the matter is complete. c. Registrations for title are dealt with by secretaries but they are all aware to forward any relevant post or emails to a fee earner who can review and approve the correspondence.
 - d. The Land Registry portal is much better organised and managed at the new firm to ensure that all incoming correspondence is checked daily and relevant communications and correspondence is sent to the relevant fee earner
 - e. I do not have any HR duties at the new firm. This means that I can focus completely on my fee earning work and on acting in the best interests of my clients without having to juggle my time effectively between 2 separate roles (as I was required to do at the Firm).
 - f. I print out my matter listings monthly and gives careful consideration to each matter on her list and whether there is money on client account or office account that may require analysis, review and action.
 - g. There is structured and organised system of file reviews in place at the new firm which means fellow partners are reviewing my files to ensure all actions have been completed and deadlines are not missed.
 - h. Matter listings are followed up through the quality procedures and file reviews. File reviews are also conducted by supervisors with reports recorded centrally so that any issues are highlighted to all fee earners and rectified with action.
 - i. In addition, file reviews are supplemented by quarterly reviews of matter lists with supervisors to ensure balances are cleared or explanations gives as to why balances still held on account.
 - j. I have a supervisor who oversees my work and several colleague partners who I can approach for help or assistance.
 - k. I have attended courses and undertaken further training to address and remediate my actions. In November 2019 I attended a seminar on the SRA Standards and Regulations and SRA Principles and Code of Conduct. In February 2020 I also attended in house training.”
45. Mr Hopkins submitted that the second mitigating factor was co-operation with the SRA and her early admissions. Mr Hopkins noted that Ms Neilson had made admissions as early as her interview on 4 August 2020.

46. Mr Hopkins submitted that the appropriate sanction was a fine. He submitted that a suspension was not necessary and that no reasonably informed member of the public would think that Ms Neilson needed to be suspended. This would be excessive, disproportionate and unnecessary. Her ability to practice was not in question.
47. Mr Hopkins referred the Tribunal to the testimonials from Ms Neilson's current colleagues, where she was Head of Department at her current firm.
48. Mr Hopkins submitted that the appropriate level of fine was at the upper end of Level 2 or the lower end of Level 3, in the region of £6,000-£8,000.

Applicant's Submissions on Sanction

49. Mr Scott made brief submissions on sanction. He told the Tribunal that these were serious matters, such that it went beyond a fine having regard to the Guidance Note on Sanction and that a suspension was a more appropriate sanction.
50. Mr Scott told the Tribunal that he accepted that Ms Neilson had "demonstrated some degree of insight". The Tribunal sought clarification from Mr Scott as to the extent to which he sought to argue that Ms Neilson had not demonstrated full insight. Mr Scott revised his submission and accepted that Ms Neilson had shown insight and he did not suggest that she should have demonstrated further insight.
51. Mr Scott invited the Tribunal to impose conditions on Ms Neilson that would prevent her acting as manager or owner of authorised body, from acting as COLP or COFA and from practising as a sole practitioner. Mr Scott noted that Ms Neilson had imposed some restrictions on herself, by reference to her witness statement and submitted it "may be appropriate" to formalise those for a period of time.

Sanction

52. The Tribunal referred to its Guidance Note on Sanctions (10th Edition - June 2022) when considering sanction. The Tribunal assessed the seriousness of the misconduct by considering the Respondent's culpability, the level of harm caused together with any aggravating or mitigating factors. The Tribunal had listened carefully to the mitigation advanced by Mr Hopkins and the submissions on sanction advanced by Mr Scott.
53. In assessing culpability, the Tribunal noted that Ms Neilson was the sole fee earner for these files. She had not managed her professional obligations, but there was no evidence of ill-motive. The misconduct was not planned – indeed her conduct was precisely the opposite. Ms Neilson had made an initial error which then got compounded. The Tribunal accepted that she was overworked and had not checked as she ought to have done. The Tribunal noted that Ms Neilson was experienced and had direct control over these matters.
54. In assessing harm, the public expected high standards from solicitors and these matters damaged the reputation of the profession and the trust the public placed in it. It was fortunate that in this case there had been no loss to clients, but the potential for

loss and serious complications was significant. Other people could have obtained priority on registrations, which would have been a complex matter to try to rectify.

55. Taking all these factors into account, the Tribunal assessed both culpability and harm as moderate.
56. The misconduct was aggravated by the fact that it continued over a period of time, albeit triggered by one mistake. It was not a one-off as it occurred on three separate transactions. The misconduct was mitigated by the admissions. The Tribunal was satisfied that Ms Neilson had shown genuine insight and remorse, demonstrated by the significant steps she had taken to prevent any repeat. The Tribunal noted Ms Neilson's previously unblemished career.
57. The Tribunal found that making 'no order' or imposing a Reprimand was insufficient to reflect the seriousness of the misconduct. The level of culpability, the potential for significant harm, the fact that these were not simply minor breaches of regulation and the protection of the public and the reputation of the legal profession required a greater sanction.
58. The Tribunal determined that the seriousness of the misconduct was such that the appropriate sanction was a financial penalty. The Tribunal considered the level of the fine with reference to the Indicative Fine Bands. The misconduct was 'more serious' having regard to the admission to lack of integrity, and as such required a significant fine be imposed. The Tribunal determined that the appropriate level was level 3, with a fine in the sum of £10,000.00.
59. The Tribunal did not consider that it was necessary to impose restrictions for the protection of the public. Ms Neilson had taken a number of concrete steps to prevent a repeat and there had been no repeat since these matters.

Costs

60. Mr Scott initially applied for costs in the sum of £32,085.20. This was subsequently reduced by £5,140.00 to reflect the shorter hearing, making a total of £26,945.20. This included a fixed fee for Capsticks of £18,500 plus VAT, which worked out at a notional hourly rate of £103. Mr Scott told the Tribunal that the matter had not been self-reported but accepted that not all the matters investigated resulted in Allegations, though this had no significant effect on the overall costs. Mr Scott acknowledged the criticism made of the application to withdraw the dishonesty and recklessness allegations on the day of the hearing. Mr Scott submitted that Ms Neilson had previously denied breaches of Principles 2 and 6 and it had therefore been appropriate to continue until matters were agreed the day before the hearing. Mr Scott told the Tribunal that he rejected Mr Hopkins' submission that it was improper to bring the dishonesty allegation. He submitted that just because her explanation had been later accepted by SRA, did not mean it was improperly brought. In any event, there would have been a hearing as there would have been no Agreed Outcome due to disagreement over sanction.

61. Mr Hopkins submitted that while the SRA was entitled to costs, the sum claimed was excessive. Mr Hopkins described the SRA's conduct of the matter as dilatory having regard to Ms Neilson's co-operation and frank admissions in her interview. The facts were formally admitted in her Answer in July and she had made admissions to many of the breaches of the SRA Principles at that time. The dishonesty and recklessness allegations should never have been brought and ought not have been dropped long before the hearing.
62. Mr Hopkins noted that 190 hours had been spent on a case that was not complex, particularly in light of the admissions.
63. Mr Hopkins referred the Tribunal to Ms Neilson's statement of means and invited the Tribunal to assess her surplus income at £927 per month. Taking all matters into account Mr Hopkins invited the Tribunal to reduce the costs claimed by the SRA by two-thirds.

The Tribunal's Decision

64. The Tribunal did not consider it acceptable for the application to withdraw allegations to have been made so late in the proceedings. The Tribunal did not find that the allegation should never have been brought. However, once further enquiry had undermined the basis of the SRA's case, it did not appear that the SRA had taken stock and examined the evidence in a timely fashion. If the application had been made earlier then this would very likely have saved costs.
65. The Tribunal also considered that the time spent investigating and pursuing the case was excessive. This was a straightforward case based on contemporaneous, documentary evidence. The Tribunal could not understand the justification for Mr Cassini spending 78 hours – the equivalent of approximately 11 full working days – on report preparation. The report itself was 30 pages with approximately 200 pages of appendices.
66. Taking those matters into account, the Tribunal determined that the appropriate level of costs in this matter was £16,500.
67. The Tribunal reviewed Ms Neilson's statement of means. Ms Neilson had disposable income and equity in her jointly-owned property. There was no basis set out in that statement to reduce the costs further. The Tribunal therefore ordered that she pay the SRA's cost fixed in the sum of £16,500.

Statement of Full Order

68. The Tribunal Ordered that the Respondent, NICOLA HELEN NEILSON solicitor, do pay a fine of £10,000.00, such penalty to be forfeit to His Majesty the King, and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £16,500.00.

Dated this 25th day of November 2022
On behalf of the Tribunal

A handwritten signature in black ink, appearing to read 'A Kellett', is written over a light grey rectangular background.

A Kellett
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
25 NOV 2022