

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12429-2023

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

LESLEY WILKINSON

Respondent

Before:

Ms A E Banks (in the chair)

Ms H Appleby

Mr P Hurley

Date of Hearing: 3 May 2023

Appearances

There were no appearances as the matter was dealt with on the papers.

JUDGMENT ON AN AGREED OUTCOME

Allegations

1. The allegations made against Ms Wilkinson by the Solicitors Regulation Authority Limited (“SRA”) were that, whilst in practice as a solicitor at Smith Jones (Solicitors) Ltd (“the Firm”):
 - 1.1 On or around 12 July 2017, Ms Wilkinson informed Mrs JH that her claim was ongoing when she knew or ought to have known that that was not the case.
 - 1.2 Between 19 July 2018 and 21 July 2020, Ms Wilkinson failed to inform Mrs LB that her case had been struck out and that an order for costs had been made against her.
 - 1.3 Ms Wilkinson’s conduct at 1.1 and/or 1.2 breached Principles 2, 4 and 6 of the SRA Principles 2011 (to the extent that such conduct occurred before 25 November 2019) and/or Principles 2, 4, 5 and 7 of the SRA Principles 2019 (to the extent that such conduct occurred on or after 25 November 2019).
2. In addition, allegations 1.1 and 1.2 were advanced on the basis that Mr Wilkinson’s conduct was dishonest in respect of each and any of them. Dishonesty was alleged as an aggravating feature of Ms Wilkinson’s conduct but was not an essential ingredient in proving the allegations (made pursuant to the SRA Principles 2011) or any of them.
3. Ms Wilkinson admitted the allegations, including that her conduct was dishonest.

Documents

4. The Tribunal had before it the following documents:-
 - Rule 12 Statement and Exhibit MLR1 dated 19 January 2023
 - Statement of Agreed Facts and Outcome dated 28 April 2023

Background

5. Ms Wilkinson was a solicitor having been admitted to the Roll in February 1990. She held a current practising certificate subject to a condition that she may act as a solicitor only as an employee and only where that employment had first been approved by the SRA.

Application for the matter to be resolved by way of Agreed Outcome

6. The parties invited the Tribunal to deal with the Allegations against Ms Wilkinson in accordance with the Statement of Agreed Facts and Outcome annexed to this Judgment. The parties submitted that the outcome proposed was consistent with the Tribunal’s Guidance Note on Sanctions.

Findings of Fact and Law

7. 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 Ms Wilkinson’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.

8. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that Ms Wilkinson's admissions were properly made.
9. The Tribunal considered the Guidance Note on Sanction (10th Edition/June 2022). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. The Tribunal noted that Ms Wilkinson had failed to provide her clients with proper information on more than one occasion. With regards to Mrs LB, this situation persisted for over 2 years. She had attempted to conceal from her clients the real status of their matters. Ms Wilkinson had knowingly misled her clients over a sustained period of time. Her conduct was aggravated by her proven and admitted dishonesty.
10. The Tribunal determined that the seriousness of the misconduct was such that a Reprimand, Fine or Suspension were not adequate sanctions. The Tribunal found that in light of Ms Wilkinson's dishonesty, the only appropriate and proportionate sanction was to strike Ms Wilkinson off the Roll. The Tribunal did not find, and indeed it was not submitted, that there were any exceptional circumstances such that a strike off would be inappropriate. The parties agreed that a strike off was the appropriate sanction in the circumstances. Accordingly, the Tribunal approved the sanction proposed.

Costs

11. The parties agreed costs in the sum of £5,000. The Tribunal found that the agreed sum was reasonable and proportionate. Accordingly, the Tribunal approved the agreed costs and ordered that Ms Wilkinson pay costs in the sum of £5,000.

Statement of Full Order

12. The Tribunal Ordered that the Respondent, LESLEY WILKINSON, 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 in the sum of £5,000.00.

Dated this 19th day of May 2023

On behalf of the Tribunal



A E Banks
Chair

JUDGMENT FILED WITH THE LAW SOCIETY

19 MAY 2023

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

LESLEY WILKINSON
(SRA ID: 145316)

Respondent

STATEMENT OF AGREED FACTS AND OUTCOME

Introduction

1. By a statement made by Mark Lloyd Rogers, on behalf of the Solicitors Regulation Authority Limited ("SRA") pursuant to Rule 12 of the Solicitors (Disciplinary Proceedings) Rules 2019 dated 19 January 2023, the SRA brings proceedings before the Tribunal making allegations of misconduct against the Mrs Lesley Wilkinson, ("the Respondent").
2. Definitions and abbreviations used herein are those set out in the Rule 12 Statement.

Admissions

3. The Respondent admits all Allegations made against her in the Rule 12 Statement, and the associated breaches of the Principles, namely that:

1. *Whilst in practice as a solicitor at Smith Jones (Solicitors) Ltd ("the Firm"):*

- 1.1 *On or around 12 July 2017, the Respondent informed Mrs JH that her claim was ongoing when she knew or ought to have known that that was not the case.*

- 1.2 *Between 19 July 2018 and 21 July 2020, the Respondent failed to inform Mrs LB that her claim had been struck out and that an order for costs had been made against her.*

The Respondent's conduct at 1.1 and/or 1.2 breached Principles 2, 4 and 6 of the SRA Principles 2011 (to the extent that such conduct occurred before 25 November 2019) and/or Principles 2, 4, 5 and 7 of the SRA Principles 2019 (to the extent that such conduct occurred on or after 25 November 2019)

2. *In addition, Allegations 1.1 and 1.2 are advanced on the basis that the Respondent's conduct was dishonest in respect of each or any of them¹. Dishonesty is alleged as an aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the allegations or any of them.*

Agreed Facts

The Respondent

4. The Respondent, who was born [REDACTED] August 1964, is a solicitor having been admitted to the Roll on 15 February 1990. The Respondent holds a practising certificate which is subject to one condition: she may act as a solicitor only as an employee and only where that employment has first been approved by the SRA. The Respondent is currently practising as a solicitor at the Firm. In 2009 the Respondent was adjudicated bankrupt and her practising certificate was suspended and once reinstated were subject to conditions. In 2010 the restrictions were removed.

Background

5. The Respondent joined the Firm on 3 August 2015. She was employed as an Assistant Solicitor and was responsible for the conduct of a caseload of claims for personal injury and holiday sickness. These matters involved court proceedings and those that settled outside of court.

¹ For conduct on or after 25 November 2019, dishonesty is alleged as a breach of Principle 4 of the SRA Principles 2019.

6. The Firm was instructed by Mrs JH and Mrs LB and the Respondent had conduct of their claims. Both Mrs JH and Mrs LB commenced separate but linked proceedings, arising from a car accident, against Tesco Underwriting Limited and Aviva Insurance. Both claims were formally struck out by court order on 22 March 2017 following a hearing on 16 March 2017 at Burnley County Court. The Respondent had instructed Counsel to attend the hearing. Enforceable orders for costs were made against Mrs JH and Mrs LB. A Notice of Appeal was lodged with the Court on 4 April 2017. The Notice was returned by the court unprocessed, due to the apparent failure to resolve a query raised by the court regarding the payment of the fee. The documents returned by the court were saved to the client file at the Firm on 27 May 2017.
7. Pursuant to the court order dated 16 March 2017 Ms JH and Ms LB were each ordered to pay the costs of the Second Defendant and 70% of the costs of the First Defendant. By orders dated 28 July 2017 the costs of the Second Defendant in Mrs JH's case was assessed at £8,276.96 and in Mrs LB's case at £8,082.08. On 17 August 2017 the Defendant's solicitors, DAC Beachcroft, wrote to the Firm seeking payment of the Defendant's costs. The Respondent had conduct of both matters throughout.
8. In or about July 2020, the Firm received complaints from both Mrs JH and Mrs LB regarding the conduct of their claims.
9. On 27 July 2020, the SRA received a report from Dermot Woodhead at the Firm. The report related to two matters which the Respondent had conduct of. The clients in question were Mrs JH and Mrs LB.
10. In or around 27 July 2020 the Firm commenced disciplinary proceedings against the Respondent. The outcome of the disciplinary proceedings was that the Respondent was issued with a final written warning on 16 September 2020. This warning was to stay on her personnel file for 24 months. The nature of her employment was also changed so that she was no longer permitted to manage and run files in her own right and her salary was reduced by £5,000 effective from 1 October 2020.
11. As a result of the conduct alleged significant expense was incurred on behalf of the Firm and its insurers including the payment of the costs previously referred to (together with accrued interest) and compensation to Mrs JH and Mrs LB in the sum of £3,500.

Allegations

Allegation 1.1 – Mrs JH

12. Mrs JH's claim was struck out on 22 March 2017 and an order for costs was made against her. As set out above this decision was not appealed. On or around 12 July 2017, Mrs JH contacted the Respondent via telephone. All telephone calls are routinely recorded by the Firm. The purpose of Mrs JH's call was to enquire as to the progress of her call. A transcript of the call records:

JH: *...quick call to see if there is anything going on or*

LW: *Nothing as of yet, no*

JH: *Nothing, no you are still waiting...*

13. At the time of this communication the Respondent as the fee earner with conduct of the file, and had instructed Counsel to attend the hearing on 16 March 20218 when the matter was struck out, knew or ought to have known that informing Mrs JH that there was "*nothing as of yet*" occurring on the file was not an accurate account. As is evident from the file, as of 12 July 2017, the claim had been struck and order for costs made against Ms JH – all of which the Respondent was aware of, but failed to inform her client of the court order.

14. The Respondent failed to update Mrs JH with information on her claim, and provided her with information that she knew or ought to know was not correct.

Allegation 1.2 – Mrs LB

15. Mrs LB's claim was struck out on 22 March 2017 and an order for costs was made against her. As set out above, this was not appealed. On 19 July 2018, Mrs LB contacted the Respondent via telephone to enquire as to the progress of her claim. A transcript of this call records:

LB: *...wondering what was happening was there anything moving*

LW: *Nothing moving at the moment I will I have not looked at it for a while but I will chase it up for you alright*

LB: *Alright ok*

LW: *...*

LB: *...*

LW: *Right ok I will get back to you tomorrow*

16. On 16 August 2018 Mrs LB again contacted the Respondent via telephone. Mrs LB during this telephone call informed the Respondent that she had *“actually opened the door to two Sheriff Officers and they handed a letter to me to pay the sum of £8,390.94 for Aviva Insurance”*. In informing the Respondent of this Ms LB also stated *“you said that you would call me back the following day well I haven’t heard nothing”*. Mrs LB was seeking information from the Respondent in so doing she asked:

LB: *Could you tell me why this would be happening*

LW: *I don’t know why this would be happening*

LB: *In an email*

LW: *Yes*

LB: *Did you have a look at the papers form the Courts or anything when I called you*

LW: *I have been away holiday sorry so I only got back yesterday so if you can email to me what you have got so that I can have a look at it and see what it is.*

LB: *So will you call me back honestly*

LW: *Yes as soon as I have a decision yes*

LB: *...*

LW: *...*

LB: *Right ok this is making me ill*

LW: *Please don’t worry about it I will sort it out*

17. On 16 August 2018, Mrs LB emailed the Respondent attaching the Certificate of Enforcement which the Sheriffs had produced when they attended. The Respondent acknowledged receipt of the email on the same day stating that she would *“look into this immediately”*.

18. On 21 August 2018, Mrs LB further contacted the Respondent. A transcript of this call records:

LB: *...do you know what all this about in connection with*

LW: *I am still waiting for the Sheriff to get back to me you can only catch them first thing in the mornings so*

LB: *Its not that they have only given me 14 days to pay it and this is to do with Birmingham so I don’t know*

LW: *Don't worry about it I am on to it and I will try them again in the morning just to catch them ok*

LB: *I don't know why they are trying to do this to me*

LW: *No no but if you*

LB: *What would your thoughts be on it*

LW: *I would say please don't worry about it and I will speak to the Sheriff and see what it is about.*

LB: *Right ok could you get that frozen or something*

LW: *Definitely please don't worry about it I know it is easier for me to say*

19. On 13 September 2018, Mrs LB further contacted the Respondent enquiring whether the Respondent had *"figured out what is going on"*. The Respondent replied stating that *"we have written to the Bailiffs and we are waiting for a response"*. Throughout the conversation Mrs LB sought information from the Respondent as to why matters were as they were. The Respondent did not proffer an explanation at any stage.

20. On 14 September 2018, Mrs LB emailed the Respondent: *"I was wondering if you had spoke [sic] to sheriff officers today..."* Mrs LB in the email explained the enormous impact that these matters were having on her personally.

21. On 18 June 2019, Mrs LB again contacted the Respondent. During the telephone call Mrs LB asked:

LB: *Hello can you tell me please what is going on*

LW: *Not off the top of my head no*

LB: *This has been going on for a long time it seems to be that we have just been ignored and just stuff you know.*

...

LW: *Ok I need to look into it and come back to you*

LB: *Because the last I heard was when I was very distraught and stressed out about Scott and Co coming to my door asking for thousands of pounds*

LW: *Right*

LB: *And you were waiting for word from them for which it was all legal and legit and why the insurance company was asking for the money I have no idea because I will tell you I need to get this sorted because I am still living like this and ever since last year we haven't heard Jan or I haven't heard a thing. Jan has never had Scott and Co at her door this is ongoing for me and for her we cannot put*

it to rest in any fit way and every time we contact they are still battling out at Court. I have never known a battle going on for this length of time.

LW: Right ok I will get back to you ok

LB: Well do you know roughly when that would be

LW: Hopefully later today or tomorrow

LB: Today or tomorrow right because I just feel that we are getting the brush over now for that I went through with Scott and Co for Aviva is a dammed disgrace...

...

LB: Its just been years and years now and it seems like what battle are they battling in Court because I would love to come down to Burnley Court and see

LW: Ok alright so let me look into it and I will come back to you

22. On 19 June 2019, Mrs LB again contacted the Respondent via telephone. The Respondent stated that she was just about to call Mrs LB. Mrs LB again sought clarification as to what was occurring:

LB: Do you know anything that has been going on

LW: Well not a lot has been going on so I say I need to speak to the Defendants to see what the position is as between the two sets of Solicitors

LB: I mean Aviva are sending people out to my door as well demanding that money off me

LW: Well I have never really got to the bottom of why that happened

23. On 21 June 2019, the Respondent emailed Mrs LB to thank her for her voicemail and to state that she still did not have a definitive answer.

24. On 16 July 2020, Mrs LB made further telephone contact with the Respondent. During the course of this telephone call Mrs LB again tried to ascertain the position:

LB: Hi I am just wondering why you have not been acknowledging anything to do with what's happened

LW: On what basis

LB: Well that you kept saying that they were thrashing it out in Court and you said that you were going to phone me back the following Monday and this was way back last June

LW: I am currently working remotely so I am not in the Office. The office is sort of closed due to covid.

LB: *But you should have some answers on that do you not.*

...

LB: *So is there a reasons why we haven't had a phonecall or anything before March*

LW: *Without looking at it I don't know*

LB: *I think you know the case Lesley*

...

LW: *Well I can't discuss in any detail without access to the file.*

25. On 21 July 2020, the Respondent contacted Mrs LB. During this call the Respondent stated "So I am back in the office as I said for the first time for several months so I am reviewing the file" and that following that review she will send her an email. In relation to whether the matter had concluded in court:

LB: *Right do you know if its been finished being thrashed out in Court or what*

LW: *It hasn't been concluded at the Court but I will chase it all up and I will report to you tomorrow.*

26. What is evident from the interactions set out above is that for a sustained period of time, the Respondent repeatedly failed to provide Mrs LB with the correct information as to the status of her claim, namely that it had been struck out and an order for costs had been made against her. Had this information been provided to Mrs LB, she would immediately have had an explanation as to why money was being sought from her. Instead of being open and frank with Mrs LB, the Respondent continued a façade of being unaware of what had occurred and that this arose due to a failure in others to respond to her communication and attempts to ascertain why Sheriffs were attending at Mrs LB's door.

27. At the time of these interactions, the Respondent was the fee earner with conduct of the file, and had instructed Counsel to attend court on 16 March 2017 when the matter was struck out and the costs order was made against Ms LB. At all stages, the Respondent knew or ought to have known the correct status of Mrs LB's claim and therefore the reason why the Sheriff was seeking to enforce an order in a sum of monies against her.

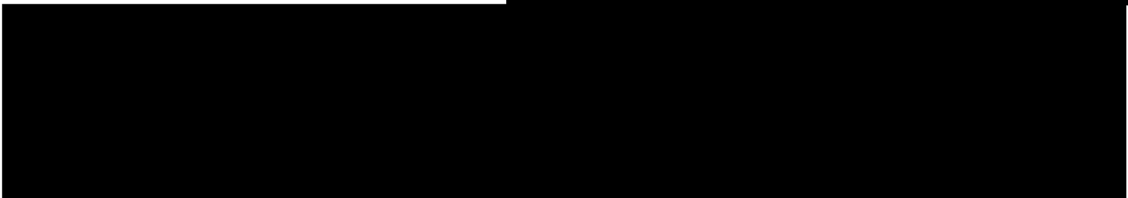
The Respondent's Responses with the IO

28. An investigating officer ("IO") with the SRA, contacted the Respondent on 25 February 2021. The Respondent provided her initial response on 19 March 2021. As part of this response, she stated:

“ This was an isolated incident in my career and one which I deeply regret.

It is difficult to fully recount events from 4 years go and I do not intend to convey the impression that this is not a serious matter or to offer excuses. 2017 was an extremely difficult time for me both in my personal and professional life. At work I was running a large litigation caseload of mainly gastric illness cases which were being hard fought to trial. It was reactive rather than proactive work. The cases in question were within my conduct but other matters were more pressing for my attention. Consequently, I fell behind in directions and was not as prepared as I ought to have been. My opponent alleged fraud on the part of the claimants which I did not agree with but it made conduct of the matter difficult and there was no cooperative relationship between the lawyers. An application was made to strike out the case and despite counsel being instructed to oppose, the Court agreed and dismissed the claim. A harsh decision in my opinion. An appeal was lodged. I was confident that the appeal would succeed. I accept I did not inform the clients as I ought to have done but tried to right the wrong.”

Thereafter the Respondent in her response sets out the personal circumstances that were impacting her during this period:



The Respondent sets out that “When contacted by LB I panicked and I tried to buy some time to try and sort matters out. I was not thinking straight or acting professionally due to the pressures I was dealing with. When no contact was made I began to think that maybe that was the end of.”

29. At paragraphs 45 to 75 of this response, the Respondent sets out matters of personal mitigation.

The Firm’s Response

30. By Letter dated 12 January 2021, the Firm provided further information requested by the SRA. The Firm described in detail the mechanism of supervision within the Firm and systems used. The Firm describes that supervision within the Firm takes a number of

different forms and that the level of supervision is dependent on the staff member in question and what is appropriate having regard to the individual in question. In noting this, the Firm states that the Respondent was a senior solicitor within the Firm and that her work was primarily supervised by DW and PS, one of the owners/directors of the Firm. The Firm states that it *“uses Proclaim case management system, and the work undertaken by Mrs Wilkinson was almost exclusively conducted on an electronic, paperless basis”*.

31. On 7 April 2022, the Firm provided the SRA with the Respondent’s Disciplinary Hearing notes. In providing the notes, the Firm asks that the SRA *“note that this was a particularly sad and difficult case which had to be handled with a degree of sensitivity and compassion...”*.

Dishonesty

32. The Respondent’s actions were dishonest in accordance with the test for dishonesty laid down in **Ivey (Appellant) v Genting Casinos (UK) Ltd t/a Crockfords (Respondent) [2017] UKSC 67** (“Ivey v Genting Casino”): The following paragraph from the authority is relevant to the assessment of whether the Respondent acted dishonesty
33. *“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 of 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 facts is established, the question whether his conduct was honest or dishonest is to be determined by the factfinder 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”*.

The Respondent accepts that she acted dishonestly according to the standards of ordinary decent people by [eg failing to keep her clients updated and specifically misleading them by advising that she had not received updates from the Court. She did this repeatedly over a period of at least three years. At the same time, she failed to advise her clients that the court had made cost orders against them and that this was the reason that the Court Sheriff had attended at their properties].

Non-Agreed Mitigation

34. The following points are advanced by way of mitigation on behalf of the Respondent but their inclusion in this document does not amount to adoption or endorsement of such points by the SRA:

35. The Respondent respectfully refers the Tribunal to the submissions made on her behalf in response to the SRA Notice of recommended referral. In particular:

35.1. 2017 was a particularly difficult year in both the Respondent's professional and personal life. [REDACTED]

35.2. [REDACTED]

35.3. The Respondent continued to work throughout this and the pandemic to support her family.

35.4. The Respondent sincerely regrets her conduct in relation to these two clients. The Respondent has sincerely apologised and she is remorseful.

35.5. The Respondent has continued to work throughout and she have been disciplined by her employers. There has been no repetition of the conduct or a pattern of misconduct.

35.6. The Respondent's employers continue to support her and she has continued to work in a supervised capacity since this incident occurred.

35.7. No restrictions were placed on the Respondent's practicing certificate until January 2023. The Respondent has been a solicitor for 33 years.

35.8. The Respondent has cooperated throughout the internal and external investigations and have made full disclosure.

35.9. The Respondent has been accepting of the consequences of her actions. The investigations have been ongoing for almost 3 years despite her admissions, and this has affected her emotionally and financially.

36. The Respondent asks the Tribunal to consider the comments provided by her character witnesses as well as her employers.

Agreed Outcome

37. The Respondent **admits all of Allegations 1.1, 1.2 and 2** above and agrees:

37.1. To be **struck off the Roll of Solicitors**; and

37.2. To pay costs to the SRA agreed in the sum of **£5,000**

38. The costs set out above include a reduction for the case having concluded by way of an Agreed Outcome and is an apportioned amount of overall SRA costs in total.

Explanation as to why such an order would be in accordance with the Tribunal's Sanction Guidance (10th edition)

39. The parties consider and submit that in light of the admissions set out above and taking due account of the mitigation put forward by the Respondent, the proposed outcome represents a proportionate resolution of the matter, consistent with the Tribunal's Guidance Note on Sanction (10th edition).

40. It is agreed that:

40.1. The seriousness of the misconduct is such that neither a reprimand, nor a fine, nor a suspension is sufficient for the protection of the public and for the protection of the reputation of the legal profession;

40.2. Considering the facts above and the aggravating and mitigating factors and the seriousness of the misconduct giving effect to the purpose of the sanction, this case falls in a bracket in which a strike-off is appropriate. Public confidence in the legal profession demands no lesser sanction.

41. In respect of the level of culpability and harm for the Respondent:

41.1. In relation to Allegation 1.1, the Respondent failed to keep Mrs JH as to their status of her claim and provided her with incorrect information. A solicitor acting with integrity would not have kept from a client that their claim had been struck out and an order for costs made against them. A solicitor with integrity would have also provided Mrs JH with correct information and acknowledged that there had been an oversight/error on their part as to how the claim had been progressed.

41.2. The Respondent failing to provide Mrs JH with correct information demonstrates she did not act in the best interest of her client nor did she uphold public trust in solicitors. Furthermore, to practise as the Respondent has in relation to these claims, undermines the trust the public places in the profession. Members of the public who engage the services of a solicitor must be able to trust them such they can rely on the accuracy of information provided and that the solicitor will always act in their best interests.

41.3. In relation to Allegation 1.2, the Respondent over a period of two years failed to provide Mrs LB with correct information about her claim when Mrs LB contacted her for updates. A solicitor acting with integrity would not have kept from a client that their claim had been struck out and an order for costs made against them. Furthermore, over a sustained period of time notwithstanding her repeated request for assistance and clarity as to what had occurred, the Respondent failed to act with integrity.

41.4. The Respondent's failure to keep Mrs LB updated and provide her with accurate information when requested demonstrates that the Respondent did not act in the best interests of her client nor did she uphold public trust in solicitors. The Respondent was aware that the matter had been struck out; that there was a cost order made against Mrs LB; and therefore the failure to pay the costs order resulted in the Sheriff calling at Mrs LB's home seeking payment of these monies. When Mrs LB requested for explanations for the Sheriff's attendance, the Respondent ought to

have provided Mrs LB with the accurate explanation and reasons. The failure of the Respondent in doing this demonstrates that she was not conducting herself in a manner which maintains public confidence in the profession.

42. In respect of aggravating features which aggravate the serious of the misconduct of the Respondent:

42.1. In relation to Allegation 1.1 and Allegation 1.2 the Respondent when asked failed to provide either Ms JH or Ms LB with correct information. With regards to Ms LB, she maintained for a sustained period of time that she was unaware as to why there would be Sheriffs at her door attempting to enforce a court order for monies.

42.2. The Respondent was the fee earner with conduct of the file, and had instructed Counsel to attend court on 16 March 2017 when the matter was struck out and the costs order was made against Ms LB. The fact that she informed Ms JH that the matter was ongoing and/or Ms LB that the matter was ongoing and that she was unaware why there would be Sheriffs at her door was done to conceal the actual status of the claims.

42.3. The Respondent is an experienced solicitor and would have understood the meaning of a matter being struck out and the implications of the cost order against the claimants. Ordinary, decent people would consider this behaviour dishonest.

42.4. This is a case of repeated dishonesty over a period of at least three years. She knowingly misled her clients. The Respondent's misconduct was deliberate, calculated and continued for a substantial amount of time. It was misconduct which she ought to have known was in material breach of her obligations to uphold the public trust and confidence in the solicitors' profession and in the provision of legal services.

43. In respect of mitigating features, the Respondent's mitigation is set out at paragraphs 34-36 above.

44. This case does not fall within the small residual category where striking off would be a disproportionate sentence. Accordingly, the fair and proportionate penalty in this case is for the Respondent to be struck off the Roll of Solicitors

45. The Respondent's misconduct is at the highest level. Protection of the public and public confidence in the provision of legal services requires the Respondent to be struck off the roll

46. The parties invite the SDT to impose the sanction proposed as it meets the seriousness of the admitted misconduct and is proportionate to the misconduct in all the circumstances

.....

Mark Rogers, Partner, Capsticks Solicitors LLP

On behalf of the Solicitors Regulation Authority Limited

Date:



Lesley Wilkinson (Respondent)

Date: