

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12462-2023

## BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

SUSAN LEBRETON-TOWELL

Respondent

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Before:

Ms A Kellett (in the chair)

Ms F Kyriacou

Dr A Richards

Date of Hearing: 25 August 2023

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## Appearances

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

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## JUDGMENT ON AN AGREED OUTCOME

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## Allegations

1. The allegations against Ms Lebreton-Towell made by the Solicitors Regulation Authority Limited (“SRA”) were that:
2. By making an application for probate for reward in December 2018, Ms Lebreton-Towell conducted reserved legal activity when not permitted to do so. In doing so the Respondent breached the following of the SRA Principles 2011:
  - 2.1 Principle 2, in that she did not act with integrity;
  - 2.2 Principle 4, in that she did not act in the best interests of each client;
  - 2.3 Principle 6, in that she did not behave in a way that maintains the public trust.
3. From an unknown date after 28 December 2016, the Respondent has been practising as a solicitor while not authorised to do so. In doing so she has breached the following:

SRA Principles 2011 (before 25 SRA Principles 2019)	SRA Principles 2019 (after 25 November 2019)	Summary
Principle 2	Principle 5	Act with integrity
Principle 4	Principle 7	Act in the best interests of each client
Principle 6	Principle 2	Behave in a way that maintains public trust

4. Ms Lebreton-Towell has also breached rule 10.1 of the SRA Practice Framework Rules 2011 and rule 10.1 and 10.2 of the SRA Authorisation of Individuals Regulations 2019 (together referred to as "the framework rules").
5. Failing to co-operate with the SRA was alleged. The parties’ application to withdraw that allegation was granted by the Tribunal.
6. From 5 July 2019, Ms Lebreton-Towell failed to pay client money promptly into an approved and authorised client account. In doing so, she breached the following:

SRA Principles 2011 (before 25 SRA Principles 2019)	SRA Principles 2019 (after 25 November 2019)	Summary
Principle 6	Principle 2	Behave in a way that maintains public trust
Principle 10	Principle 7	Protect client money / act in the best interests of each client

7. Ms Lebreton-Towell also breached rule 14.1 of the Solicitors Accounts Rules 2011 and rule 2.3 of the Solicitors Accounts Rules 2019 by not ensuring that client money was paid into a client account.

8. Manifest incompetence was alleged in relation to all matters. The parties' application to withdraw that aggravating feature was granted by the Tribunal.

### **Documents**

9. The Tribunal had before it the following documents:-
  - Rule 12 Statement and Exhibit dated 3 May 2023
  - Respondent's Answer dated 21 June 2023
  - Statement of Agreed Facts and Proposed Outcome dated 23 August 2023

### **Background**

10. Ms Lebreton-Towell was admitted to the Roll in October 1994. From January 1998 to December 2016, she was the sole principal of Lebreton Towell Solicitors. She held a practising certificate at all times. Her practising certificate for the year 2022/23 was subject to the following conditions:
  - Not to act as a manager or owner of an authorised body;
  - Not to hold or receive client money, or act as a signatory to any client or office account, or have the power to authorise transfers from any client or office account;
  - Not to act as a COLP or COFA for any authorised body;
  - Not to practice on her own account; and
  - To tell any employer (actual or prospective) of these conditions and the reasons for their imposition.

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

11. The parties invited the Tribunal to deal with the Allegations against Ms Lebreton-Towell in accordance with the Statement of Agreed Facts and Proposed 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**

12. 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 Lebreton-Towell's rights to a fair trial and to respect for her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
13. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that Ms Lebreton-Towell's admissions were properly made.

14. The Tribunal considered the Guidance Note on Sanction (10<sup>th</sup> 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 assessed the admitted misconduct as serious. She had practiced as a solicitor outside of the practise framework requirements. Her conduct was such that, as admitted, she had failed to act in her clients' best interests or protect their monies and assets and had also failed to act with integrity. The Tribunal determined that the seriousness of the misconduct was such that sanctions of a Reprimand or Financial penalty did not reflect the seriousness of the misconduct. The Tribunal determined there was a need to protect both the public and the reputation of the profession from future harm by Ms Lebreton-Towell, but that neither the protection of the public or the reputation of the profession justified striking her off the Roll of solicitors. The Tribunal considered that a short suspension from practice was an appropriate and proportionate sanction.
15. The Tribunal considered whether it was necessary for restrictions to be imposed on her ability to practice. The Tribunal determined that, in all the circumstances, it was not necessary for the Tribunal to impose restrictions. It was noted that Ms Lebreton-Towell had a conditional practising certificate. The Tribunal determined that the continuation of those conditions should, in the circumstances, remain a matter for the SRA to determine.
16. The parties had proposed a sanction of a suspension from practice for 3 months. The Tribunal determined that the proposed sanction was appropriate and proportionate to the admitted misconduct. Accordingly, the Tribunal approved the proposed sanction.

### **Costs**

17. The parties agreed costs in the sum of £16,000.00. the Tribunal considered the agreed costs to be reasonable and proportionate. Accordingly, the Tribunal ordered that Ms Lebreton-Towell pay costs in the agreed sum.

### **Statement of Full Order**

18. The Tribunal Ordered that the Respondent, SUSAN LEBRETON-TOWELL, solicitor, be suspended from practice as a solicitor for the period of 3 months to commence on the 25th day of August 2023 and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £16,000.00.

Dated this 22<sup>nd</sup> day of September 2023  
On behalf of the Tribunal

*A Kellett*

A Kellett  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**22 SEPT 2023**