

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12533-2023

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

ELIZABETH THOMSON

Respondent

Before:

Ms A Kellett (in the Chair)

Ms C Rigby

Dr S Bown

Date of Hearing: 23-24 September 2024

Appearances

Dr Charlotte Elves, barrister of Outer Temple Chambers, 222 Strand, London, WC2R 1BA,
for the Applicant.

The Respondent represented herself.

JUDGMENT

Allegations

1. The allegations against the Respondent, Elizabeth Thomson, made by the SRA are that:

1.1. On 5 November 2022, she drove a motor vehicle after consuming so much alcohol that the proportion of it in her blood exceeded the prescribed limit. In doing so, she breached either or both of Principles 2 and 5 of the SRA Principles 2019.

The SRA relies upon the Respondent's conviction for the offence, dated 5 November 2022, of driving a motor vehicle after consuming so much alcohol that the proportion of it in her breath, 100 microgrammes (mg) of alcohol in 100 millilitres (ml) of breath, exceeded the prescribed limit contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988, as evidence that the Respondent was guilty of that offence, and relies upon the findings of fact upon which that conviction was based as proof of those facts.

1.2. On 5 November 2022, she drove a motor vehicle without due care and attention, contrary to Section 3 of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988. In doing so, she breached either or both of Principles 2 and 5 of the SRA Principles 2019.

The SRA relied upon the Respondent's conviction for the offence, dated 17 April 2023 of driving a motor vehicle without due care and attention as evidence that the Respondent was guilty of that offence, and relies upon the findings of fact upon which that conviction was based as proof of those facts.

1.3. On 5 November 2022, she failed to stop after two separate collisions with other vehicles, contrary to Section 170(4) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.

1.3.1. She failed to stop after a collision between her car and a Hyundai vehicle, in Wingham, Kent and in doing so she breached either or both of Principles 2 and 5 of the SRA Principles 2019.

1.3.2. She failed to stop after a collision between her car and a Kia vehicle on the A527 between Ash and Canterbury, Kent and in doing so she breached either or both Principles 2 and 5 of the SRA Principles 2019.

The SRA relied upon the Respondent's convictions for these offences, dated 17 April 2023 of driving a motor vehicle without due care and attention and then failing to stop on two occasions after colliding, or nearly colliding with two other vehicles as evidence that the Respondent was guilty of those offences, and relies upon the findings of fact upon which the convictions were based as proof of those facts.

- 1.4. Between 18 April 2023 and 21 December 2023, the Respondent misled her employer Boys & Maughan LLP by failing to fully disclose her convictions and by failing to disclose the extent of her sentence and as a result breached any or all of the following:
 - 1.4.1. Principle 2 of the SRA Principles 2019;
 - 1.4.2. Principle 4 of the SRA Principles 2019;
 - 1.4.3. Principle 5 of the SRA Principles 2019;
 - 1.4.4. Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs.
 - 1.5. On 1 June 2023, the Respondent misled the SRA about the true position of her employer Boys & Maughan LLP, as she indicated they were happy to continue her employment when they did not know the extent of her convictions and sentence and as a result breached any or all of the following:
 - 1.5.1. Principle 2 of the SRA Principles 2019;
 - 1.5.2. Principle 4 of the SRA Principles 2019;
 - 1.5.3. Principle 5 of the SRA Principles 2019;
 - 1.5.4. Paragraph 7.6 (c) of the SRA Code of Conduct for Solicitors, RELs and RFLs.
2. The Respondent admitted Allegations 1.1, 1.2 and 1.3 in their entirety but denied Allegations 1.4 and 1.5.

Executive Summary

3. The Tribunal found Allegations 1.1-1.3 proved and was satisfied on the balance of probabilities that the Respondent's admissions were properly made. The Tribunal found that with respect to Allegations 1.1, 1.2 and 1.3, the Respondent had breached Principles 2 and 5 of the SRA's Principles 2019. However, the Tribunal found that Allegations 1.4 and 1.5 were not proved on the balance of probabilities and dismissed Allegations 1.4 and 1.5 in their entirety.

Sanction

4. The Respondent, Ms Elisabeth Thomson was ordered to pay a fine of £17,500.00 and pay £2,500 in costs.

Documents

5. The Tribunal considered all of the documents in the case which included but were not limited to:

- The Applicant's Rule 12 Statement, dated 20 December 2023 and Exhibit bundle
- Respondent's Answer to the Rule 12 Statement, dated 17 January 2024
- The Applicant's Rule 14 Statement, dated 27 June 2024 and Exhibit AHJW1
- The Respondent's Response to Rule 14 Statement, dated 9 September 2024 and Exhibits
- Witness Statement of Rebecca Mowatt, dated 29 January 2024
- Witness Statement of Andrew Baker, dated 12 February 2024
- Witness Statement of the Respondent, dated 7 August 2024
- Witness Statement of Richard Durrant, dated 5 August 2024
- Witness Statement of Stephanie Power, dated 5 August 2024
- Witness Statement of Kerry Curson, dated 7 August 2024
- Witness Statement of Victoria Simpson, dated 7 August 2024 (signed version dated 24 September 2024)
- Witness Statement of Simon Crooks, dated 7 August 2024 (signed version dated 24 September 2024)
- Witness Statement of Gideon Scott, dated 7 August 2024 (signed version dated 24 September 2024)
- Witness Statement of James Larkins, dated 7 August 2024 (signed version dated 24 September 2024)
- Applicant's Statement of Costs, dated 20 December 2023, 27 June 2024 (costs for Rule 14 Statement) and 16 September 2024
- The Respondent's Statement of means, dated 2 September 2024 together with appendices

Preliminary Matters

The Applicant's Rule 14 Statement

6. The Applicant had on 27 June 2024 applied for permission to file a Rule 14 statement to supplement its Rule 12 Statement. The Applicant was granted the permission to do so in a Case Management Hearing on 30 May 2024. Thereafter, the Applicant submitted its Rule 14 Statement on 27 June 2024 together with Exhibit AHJW1. A single solicitor member of the Tribunal certified the Rule 14 Statement on 1 July 2024. The Respondent submitted her response to the Rule 14 Statement on 22 July 2024.

Remote hearing of witnesses

7. On 18 September 2024, the Respondent applied for permission for her witnesses to appear remotely in the Substantive Hearing. The Applicant requested for permission that its witnesses could also attend the Substantive Hearing remotely if the Respondent's application was granted.
8. On 20 September 2024, the Tribunal granted the application for all the witnesses to attend the Substantive Hearing remotely.

Factual Background

9. The Respondent is a solicitor having been admitted to the Roll on 17 March 2003. At the relevant time she was employed as a partner in the residential conveyancing

department of Boys and Maughan LLP (the “Firm”), in Ramsgate, Kent. The Respondent has since left the Firm and is currently working as a freelance solicitor. The Respondent has a current practising certificate for the year 2023/24 that is free of conditions.

10. The Respondent’s employment in the Firm commenced in October 2013 and her role was to open and build a Canterbury office in Broad Street. The Canterbury office opened around April / May 2014 and initially consisted of the Respondent and two members of support staff.
11. In the Substantive Hearing, the Respondent described her struggles with coping with the level work and immense pressures at work as well as her personal circumstances leading up to and relating to the alleged misconduct, including a long battle with health related issues.
12. The conduct in this matter came to the attention of the SRA on 18 April 2023 following receipt of a report by the Respondent, confirming that she had been convicted of several motoring offences at Margate Magistrates’ Court on 17 April 2023 when driving her car, which is described as a Jaguar XS with the registration ‘E1 LLB’ in the MG05 Police report (the “Police Report”).
13. During the course of the Applicant’s investigation, it obtained a copy of the Police report, which records the events before and after the arrest and charging of the Respondent between the evening of 5 November and 6 November 2022 and provides a summary of the Respondent’s conviction.
14. The Police Report states among other things that on 5 November 2022, on the Ash Bypass, close to the junctions of Chequers Lane and Cop Street, in Kent, on the A527, Ms Thomson was stopped by PC Hathaway and PC Taylor. PC Taylor was an off-duty Police officer that day who was so alarmed by the Respondent’s driving that he had begun to follow her. PC Hathaway had responded separately to several 999 calls from the public reporting concerns about the Respondent’s erratic driving that evening and the danger it posed to other motorists.
15. After stopping the Respondent’s car which, by this stage, had a front wheel facing the wrong direction, with a shredded tyre resulting in the metal alloy wheel making direct contact with the road and emitting sparks, both Officers approached the Respondent’s car and, according to the Police report, remarked upon an intoxicating smell coming from the Respondent’s vehicle.
16. The Respondent was then removed from her vehicle and immediately arrested by PC Hathaway on suspicion of drink-driving. The Respondent was subsequently conveyed to Canterbury Police Station.
17. The Respondent was breathalysed at the Police Station and was found to have a level of alcohol of 100mg in her breath, the legal limit being 35mg of alcohol per 100ml of breath. On 6 November 2022, the Respondent was interviewed and instructed a duty solicitor. The Respondent gave a ‘No Comment’ interview.

18. The Respondent was subsequently charged with the offences described further below. The Respondent pleaded guilty to all charges and was convicted on 17 April 2023 of two offences of being the driver of a vehicle that failed to stop after a road accident which caused damage to another vehicle, driving a motor vehicle when the Respondent's alcohol level was above the legal limit and driving a mechanically propelled vehicle on a road/ in a public place without due care and attention.

19. **Facts in relation to Allegation 1.1**

19.1 On 17 April 2023, the Respondent was convicted of driving a vehicle on a road after consuming alcohol that a proportion in her breath, namely 100 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit. The legal limit being 35 microgrammes (mg) of alcohol in 100 millilitres (ml) in the breath, contrary to Section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988. The Respondent pleaded guilty to the offence.

19.2 As shown in the certificate of conviction from Margate Magistrates' Court, the Respondent received the following sentence for each charge to run concurrently:

- 12 weeks of imprisonment, suspended for a year.
- 80 hours of unpaid work to be carried out within the next twelve months from date of sentencing.
- Disqualified from holding or obtaining a driving licence for 26 months
- Victim surcharge of £145 and cost payable to the Crown Prosecution Service (CPS) of £80.

19.3 The Police Report details that when Officers Hathaway and Taylor approached the Respondent's vehicle after stopping the vehicle and found that the Respondent was the sole occupant of the vehicle and the driver of the vehicle. Both Officers commented on the '*intoxicating smell coming from within the vehicle*'. The Respondent was then removed from the vehicle and arrested on suspicion of drink-driving.

19.4 The Respondent was then transferred to custody at Canterbury Police station where detention was authorised. The Report states that an intoximeter procedure was carried out at 7.47pm that evening. The result of the procedure was a reading of 100 micrograms of alcohol in her breath, the legal limit being 35mg of alcohol.

20. **Facts relation to Allegation 1.2**

20.1 On 5 November 2022, the Respondent drove a mechanically propelled vehicle on a road / in a public place without due care and attention at Wingham, Kent in her vehicle on a road, namely the A527 without due care and attention. She pleaded guilty to this evidence and was convicted of the offence on 17 April 2023.

20.2 The certificate of conviction does not record a separate penalty for this offence but does record that the '*bad driving*' of the Respondent was an aggravating factor when considering sentencing and was a factor in the imposition of a custodial sentence. The

Respondent had embarked on this journey in the evening and whilst it was raining, which she had confirmed in her response of 26 April 2023 to the SRA.

- 20.3 The Police Report sets out the events that led to the Respondent being convicted of driving without due care and attention.
- 20.4 The Police Report notes that, on Saturday 5 November 2022, at around 5.15pm, the Respondent's Jaguar XS was driving along St Martin's Hill in Canterbury in the direction of Sandwich swerving from side to side and mounting the kerb. At approximately 5.20pm, further along the A527, Canterbury Road, just before entering Littlebourne, the Respondent's vehicle entered the opposing lane facing oncoming traffic and caused an oncoming vehicle to take evasive action to avoid a head on collision. The driver of the other vehicle was forced to partially leave the road and enter a hedge. Despite the actions of the other driver, the two vehicles still collided causing damage to both cars.
- 20.5 The passengers in the Hyundai IONIQ vehicle involved in the first collision included the driver's wife, son and two teenagers who were friends of the driver's family. The report notes that it was only the quick thinking and actions of the Hyundai driver that avoided a more serious collision. The Respondent did not stop, and continued to drive, failing to stop and exchange insurance details.
- 20.6 The Respondent continued her journey along the A527 through Littlebourne and Wingham, travelling along the 'Wingham Dip', outside Wingham Wildfire Park still on the A527. The vehicle was seen to be swerving from left to right, again entering the opposite lane, and travelling towards oncoming traffic.
- 20.7 A short distance after the Wildlife Park, the Respondent's vehicle then collided with another vehicle, a Kia VENGA, which had been travelling in the opposite direction. There were four passengers in this car including the driver, his wife and their two daughters. The Respondent collided with the front-off side wheel of the Kia vehicle. The Respondent again failed to stop to exchange insurance details after the collision.
- 20.8 The report then states that at 5.35pm, an off-duty Police officer, PC Taylor, was travelling along the A257 when he became aware of the Respondent's erratic driving. There was a pattern of swerving into oncoming traffic by entering the opposing lane by the Respondent. Officer Taylor was so alarmed by the Respondent's driving that he felt the need to follow and get behind the Respondent's vehicle to protect other road-users.
- 20.9 The report states that, as he was travelling behind the Respondent's vehicle, the Officer observed that the front off-side wheel of the vehicle was badly damaged, facing the wrong direction and the tyre was shredded, and the metal alloy wheel was scraping the road and emitting sparks. The Respondent continued to drive erratically, slowing down to 5mph then suddenly speeding up to 30mph despite the damage to the front wheel, which may have also caused the Respondent to fail to 'maintain her lane discipline'.
- 20.10 The Respondent's vehicle had reached the Ash Bypass section of the A527 and was eventually stopped by Officer Hathaway who had responded to the several 999 calls regarding the Respondent's poor driving. Officer Hathaway had to get in front of the Respondent's vehicle to finally bring her journey to an end.

20.11 After bringing her vehicle to a halt, the Respondent was arrested on suspicion of drink driving. She was subsequently charged with this offence of driving a motor vehicle without due care and attention. She pleaded guilty to the offence and was convicted on 17 April 2023.

21. **Facts relating to Allegation 1.3**

21.1 As described further above, on 5 November 2022, the Respondent failed to stop after a collision between her car and a Hyundai IONIQ vehicle, in Wingham, Kent, and failed to exchange insurance details with the other driver.

21.2 After the first collision, the Respondent then continued her journey and collided with another vehicle a short while later outside Wingham Wildlife Park on the A527 going towards Ash. This vehicle was a Kia, and had four passengers in it, including the driver. Two of the passengers were the young daughters of the driver and his wife. The Respondent collided with the Kia, causing damage to both cars, and again failed to stop at the scene, and exchange insurance details with the driver of the Kia vehicle.

21.3 The Respondent's journey only ended when she was forced to stop by PC Hathaway's car which was able to drive in front of her car and end the Respondent's journey at the Ash Bypass on the A527.

21.4 The Respondent was charged with two offences of failure to stop after a road accident, and was convicted of the offences on 17 April 2023, when she pleaded guilty to both charges.

22. **Facts relating to Allegation 1.4**

22.1 On 18 April 2023, the Respondent made a self-report to the Applicant that she had been convicted of drink-driving offences on 17 April 2023. On 26 April 2023, in further correspondence with the Applicant, the Respondent provided further details of her conviction including the offences of failure to stop at an accident and driving without due care and attention.

22.2 On 18 April 2023, the Respondent had informed the Firm's Compliance Officer for Legal Practice ("COLP"), Mr Andrew Baker, of the fact that she had been convicted of one drink driving offence and received a fine and sent Mr Baker her self-report email to the SRA on 20 April 2023. This email did not state that the Respondent had been convicted of additional offences and had also received a suspended custodial sentence.

22.3 The Applicant and the Respondent disagreed as to the contents of the discussion between the Respondent and Mr Baker on 18 April 2023 and in particular whether the Respondent had provided full details of her criminal convictions to the Firm.

22.4 According to the Applicant, Mr Baker had confirmed that the Respondent had expressed remorse when she reported her conviction to him. He had also asked for more details about the incident and whether other vehicles had been involved. The Respondent had stated to Mr Baker that there had been a minor collision, or collisions and there may have been minor injuries. The Respondent also stated that the conviction would likely result in a fine from the SRA. Mr Baker was satisfied at that time that the

Respondent had disclosed the details of her conviction as she had sent her self-report email of 18 April 2023 to him.

- 22.5 According to the Respondent, she had orally informed Mr Baker of all the relevant facts, while the Applicant alleged that the Respondent's email of 18 April 2023 forwarded to Mr Baker on 20 April 2023 lacked relevant information and important detail and was, thus, misleading as to the Respondent's convictions.
- 22.6 The Respondent's husband, Captain Larkins explained in his witness statement and orally in the Substantive hearing that he was present and witnessed the call that the Respondent had with Mr Baker on 18 April 2023. Captain Larkins had also been present in the trial, where the Respondent was convicted, and had also been present in a meeting after the trial with a probation officer.
- 22.7 When asked during his examination whether the Respondent had said "*drink drive offences*" in plural to Mr Baker during the call on 18 April 2023, Captain Larkins confirmed that the Respondent had clearly told Mr Baker that she was convicted of drink drive offences in plural. Captain Larkins added that the Respondent had described the charges exactly in the same terms that had been used by the Respondent's barrister and the probation officer. Captain Larkins recalled that the Respondent had also answered further questions from Mr Baker.
- 22.8 Thereafter, according to Captain Larkins, the Respondent and Mr Baker had discussed about other people being involved in the accidents and the fact that as far as the Respondent was aware the other people had not sustained any injuries. Captain Larkins recalled that to Mr Baker's question about the involvement of other people, the Respondent had responded: "*no Andrew, that's not quite true, there were other people involved.*" Captain Larkins also recalled that the Respondent had repeated to Mr Baker what her barrister had stated in the court, namely that the fair assumption was that there were no injuries because the Respondent herself had not suffered any injuries and no one had come forward about any injuries.
- 22.9 Captain Larkins further explained that to his knowledge Mr Baker had never asked or enquired into the Respondent's wellbeing.
- 22.10 Mr Baker explained in his witness statement that the Respondent had expressed remorse on their call on 18 April 2023 and that she had mentioned that there had been a minor collision or collisions and that there had been very minor injuries as a result. Following his call with the Respondent on 18 April 2023, Mr Baker had spoken with three other equity partners of the Firm and that they had agreed that the Respondent's conviction would not affect her employment at the Firm as she had expressed remorse, and it would be likely dealt with by a fine from the Applicant.
- 22.11 Following the Respondent's discussions with Mr Baker, the Firm had taken steps to prepare a press release (dated 20 April 2023) if the incident did appear in the public domain. This was not required at the time as the matter did not become public at this stage.
- 22.12 The Respondent's self-report was investigated by the Applicant's Investigation Officer ("IO"). During the investigation, the IO relied upon the information provided by the

Respondent on 1 June 2023 to confirm whether the extent of her conviction and sentence had been fully disclosed to the Firm.

- 22.13 During the investigation, the SRA kept the Firm up to date about the progress of the investigation. On 12 June 2023, the Respondent asked Mr Baker to provide details of her income because one of the sanctions she could receive was a fine from the Applicant.
- 22.14 Mr Baker stated in his witness statement that, in July 2023, he saw Facebook posts (he was not aware if he saw them any earlier than that) which did turn out eventually to be a quite close account of the incident, including a picture of the Respondent's car. However, Mr Baker did not regard this as good evidence, and he saw no reason to question Ms Thomson at the time about her conviction.
- 22.15 However, the Respondent explained that the Firm brought disciplinary proceedings against the Respondent in July 2023, where the Facebook post had been exhibited. The Respondent's witness, Mr Crook explained that Mr Ian Priston from the Firm's marketing department had seen the Facebook post in November 2022.
- 22.16 On 11 September 2023, Mr Baker received an email from the Respondent indicating that the SRA was considering referring the matter to the Solicitors Disciplinary Tribunal ('SDT'). The Respondent told Mr Baker that she had been informed that the case would not '*go that far*', she also asked whether Mr Baker would act as a character witness for her, and whether the Firm would give a statement providing '*confirmation that they are aware of the DD (drink-driving) conviction and SRA investigation*'. Mr Baker responded by stating, among other things, that he was concerned about the serious reputational damage for the Respondent and the Firm because of the conviction.
- 22.17 On 30 October 2023, the SRA contacted Mr Baker and informed him that the Respondent's case would be referred to the Tribunal due to the seriousness of the matter. At this stage Mr Baker questioned whether he knew the full extent of the circumstances surrounding the Respondent's conviction. Mr Baker had then proceeded to contact the Respondent by email on the same day requesting all correspondence between the Respondent and the SRA.
- 22.18 The Applicant alleged that the Respondent allegedly did not reply to Mr Baker's email. However, the Respondent asserted that she responded to Mr Baker's email on 20 November 2023 and that her response was in line with the legal advice that she had received from her solicitor that she had engaged to advise on the Applicant's investigation of allegations 1.1.-1.3.
- 22.19 The Applicant alleged that between 30 October 2023 and 14 December 2023, Mr Baker had requested information about the Respondent's convictions from the Respondent by email six times. However, the Respondent explained in the oral hearing that she was on sick leave for 4 weeks from 1 December 2023 onwards. The Respondent further explained that she did not recall receiving an email sent to her Gmail account on 1 December 2023. The Firm's HR had emailed to her yahoo account during this time but had not mentioned any requests for information.

- 22.20 On 14 December 2023, whilst the Respondent was still on sick leave, Mr Baker appeared to threaten the Respondent that if he did not receive the requested information within 7 days by 21 December 2023, he would need to consider a formal disciplinary action against the Respondent and would also need to advise the Applicant that the Respondent was not cooperating with the Firm.
- 22.21 On 21 December 2023, the Respondent replied to Mr Baker's request(s). The Respondent explained her health issues, of which Mr Baker should have been aware in the Respondent's view. The Respondent also advised Mr Baker that her Gmail account was dormant and as she had advised the Human Resources department, the personal email address to communicate with her was her yahoo account.
- 22.22 The Respondent further advised that her legal representatives had been on leave and she had been waiting for their confirmation as to what information and documents she could provide to the Firm. Their confirmation has just been received and the Respondent sent a bundle of documents she had exchanged with the Applicant.
- 22.23 The Respondent also queried why further questions were not asked by Mr Baker about the extent of her conviction when she first informed him about the conviction in April 2023. The Respondent confirmed that she had answered Mr Baker's questions honestly on their call on 18 April 2023.
- 22.24 Mr Baker stated in his witness statement that he had been surprised to learn that the Respondent's sentence was far more extensive than what he had allegedly been told by the Respondent. Mr Baker also explained that he had then also seen an email from the Respondent to the Applicant, dated 1 June 2023, stating among other things that the Firm was happy to continue the Respondent's employment regardless of her conviction. According to Mr Baker, the statement in the Respondent's email of 1 June 2023 to the Applicant was misleading as it suggested that he had been aware of the full nature of the Respondent's convictions when that had allegedly not been the case.
- 22.25 On 31 December 2024, the equity partners of the Firm decided to advise the Respondent that they would invoke the Firm's disciplinary procedure. A disciplinary meeting was then held on 4 January 2024, following which Respondent agreed to resign from the Firm with effect from 31 December 2023.
- 22.26 Whilst the Respondent initially self-reported to the Applicant on 18 April 2023 that she had been convicted of drink-driving offences on, the Respondent's alleged conduct in relation to Allegation 1.4 came to the attention of the Applicant when Mr Baker submitted a report to the Applicant about the information the Respondent had disclosed about the extent of her criminal convictions to the Firm. As a result, the Applicant also considered whether the information the Respondent had provided to the Applicant about what she had told her Firm had been correct. After assessment, the Applicant started an investigation to consider whether the Respondent had misled the Firm, and, as a result, the Applicant.

23. **Facts relating to Allegation 1.5**

- 23.1 On 1 June 2023, the Respondent sent an email to Ms Rebecca Mowatt, IO at the Applicant, which stated, amongst other things, that Mr Baker was happy to continue her employment regardless of her conviction.
- 23.2 However, when Mr Baker obtained this correspondence on 21 December 2023, which he had been requesting from the Respondent, Mr Baker advised the Applicant that, prior to this discovery, the Firm had only been aware of the Respondent having one conviction.
- 23.3 The Applicant alleged that the Respondent had misled the Applicant in her email of 1 June 2023 to Ms Mowatt because according to Mr Baker the information contained in it was false. The Respondent denied that she had misled the Applicant in her email of 1 June 2023. The Respondent believed that she had disclosed the convictions and offered documents when available if required and asserted that she had at the relevant time reasonably believed that her employment would continue despite the convictions.

Witnesses

24. The following witnesses gave oral evidence on behalf of the Applicant in the Hearing:
- Andrew Baker
 - Stephanie Power
 - Richard Durrant
 - Kerry Curson
25. The following witnesses gave oral evidence on behalf of the Respondent:
- The Respondent herself
 - Victoria Simpson
 - Simon Crooks
 - Gideon Scott
 - James Larkin
26. The Tribunal was grateful to the helpful assistance of all the above witnesses who made themselves available to give evidence in the Substantive Hearing.
27. The oral and written evidence of the Applicant's and the Respondent's respective witnesses is referred to or summarised in the Findings of Fact and Law below in so far as they are relevant to the findings of the Tribunal, and to facts or issues in dispute between the parties.
28. 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.

Findings of Fact and Law

29. 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.
30. **Allegation 1.1 - driving after consuming alcohol over the prescribed limit**
- 30.1 On 5 November 2022, the Respondent drove a motor vehicle after consuming so much alcohol that the proportion of it in her blood exceeded the prescribed limit. In doing so, she breached either or both of Principles 2 and 5 of the SRA Principles 2019.
- 30.2 The SRA relies upon the Respondent's conviction for the offence, dated 5 November 2022, of driving a motor vehicle after consuming so much alcohol that the proportion of it in her breath, 100 microgrammes (mg) of alcohol in 100 millilitres (ml) of breath, exceeded the prescribed limit contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988, as evidence that the Respondent was guilty of that offence, and relies upon the findings of fact upon which that conviction was based as proof of those facts.

The Applicant's Case – Allegation 1.1

Alleged failure to maintain public trust (Principle 2)

- 30.3 The Applicant alleged that the conviction of a solicitor for the drink driving offence of being over the prescribed limit for alcohol and driving whilst intoxicated would undermine the trust the public places in the solicitors and harms the reputation of the profession in breach of Principle 2.
- 30.4 The Applicant referred to its guidance on how this principle is applied. The guidance states when a solicitor has been convicted of a criminal offence, it follows that will also be found to lack integrity, and it is likely that a breach of this principle will also apply.
- 30.5 There is further guidance from the Applicant that applies in relation to driving with excess alcohol convictions which states that:
- “Where a regulated individual has a conviction for an offence of this nature, this demonstrates conduct that would tend to diminish public trust and confidence in the profession.”*
- 30.6 The Applicant pointed out that the Respondent is a solicitor who, at the time of the offence, had been admitted to the Roll for over 19 years and would have been familiar with the expectations of her as a member of the profession. The SRA Guidance on *'Driving with excess alcohol convictions'* was published on 25 November 2019 on its website and the Respondent should have been aware that, as solicitors play a role in the administration of justice and the importance of maintaining trust in the profession, they should not drive whilst over the prescribed limit of alcohol.

- 30.7 In this case, the Respondent produced a breath reading of 100mg, per 100ml of breath according to the Police Report. The national limit is 35mg per 100ml of breath, the Respondent was 185% over the national limit. Whilst the Respondent has stated that the reading was a result of drinking wine during an afternoon lunch, the Applicant noted that it was stated in the Police report that there was ‘*an intoxicating smell*’ coming from her car when she was arrested.
- 30.8 The Applicant asserted that the high level of alcohol was a significant aggravating factor that was noted in the sentencing remarks/reasoning during the hearing to sentence the Respondent. A high level of alcohol and being involved in an accident/s is also referred to as an aggravating factor in the Sentencing Council guidelines used by the Magistrates’ Court.
- 30.9 The Applicant further asserted that the sentence imposed by the Court, including a 12 week custodial sentence, showed that the Court determined that the offence was the most serious, and the public would not expect a solicitor to drive a car whilst over the prescribed limit for alcohol. Therefore, in the Applicant’s view, the Respondent’s actions would undermine the trust and confidence the public place in the legal profession.

Alleged lack of integrity (Principle 5)

- 30.10 The Applicant referred to its guidance on criminal convictions, which states that a solicitor who is convicted of a criminal offence will usually be found to be lacking integrity. The published guidance for acting with integrity, ‘*SRA / Acting with integrity Solicitors Regulation Authority*,’ makes specific reference to the fact that disciplinary action will be taken for a lack of integrity:

“Where there has been a wilful or reckless disregard of standards, rules, legal requirements or ethics, including an indifference to what the applicable provisions are or to the impacts or consequences of a breach.”

- 30.11 The Respondent has been convicted of a criminal offence of driving over the legal prescribed limit of alcohol in her breath, the legal limit is 35mg per 100ml of breath and she was convicted of having a level of 100mg/100ml of breath. The Applicant alleged that by consuming alcohol which resulted in her being over the prescribed limit, the Respondent has failed to meet the standards expected of her as a solicitor and has failed to act with integrity.
- 30.12 Whilst the offence has occurred outside of practice, in the Applicant’s view, the Respondent was expected to adhere to a steady moral code, even if her actions took place outside of practice. The Applicant referred to the standards expected of solicitors discussed by Lord Justice Jackson in the case of *Wingate & Evans v SRA v Malins* [2018] EWCA Civ 366, paragraph 97.
- 30.13 The Applicant asserted that a solicitor who has been found guilty of a criminal offence of driving over the prescribed limit, aggravated with a significantly high level of alcohol which is likely to have contributed to her dangerous driving, is a clear example of a solicitor acting without integrity. The SRA guidance on drink driving notes that a high level of alcohol is an aggravating factor.

- 30.14 The Applicant further referred to the sentencing remarks, which also show that this was considered when sentencing the Respondent. The guidance also states that, when these aggravating factors are present, a case will be referred to the Solicitors Disciplinary Tribunal, and where features of the offending demonstrate a lack of integrity.
- 30.15 According to the Applicant, the Respondent's conduct was aggravated further by causing two separate accidents both of which involved collisions, and then failing to stop at either scene. The Applicant asserted that this conduct was so serious that it demonstrated a lack of moral soundness, rectitude and steady adherence to an ethical code and the expected standard of the profession, and was lacking in integrity (Principle 5 of the SRA Principles 2019).
- 30.16 The Respondent was driving under the influence of excess alcohol and did not just put her own safety at risk, but also the members of the public who were using the roads on the evening of 5 November 2022. There has been harm caused to those involved in both accidents, both the damage to their cars, but also the fact that there is reference to injuries suffered by the passengers in the first car, and the damage caused to both cars. The Respondent's reckless and dangerous driving also resulted in several 999 calls from the public to the Police, and the requirement for an off-duty Police officer to intervene, along with another officer to bring the Respondent's journey to an end.
- 30.17 The significant harm caused by the Respondent's driving over the prescribed limit is reflected in the sentence the Respondent received, including a 12-week custodial sentence, 80 hours of community service and a 26-month disqualification from driving.

The Respondent's Case – Allegation 1.1

- 30.18 The Respondent admitted that by virtue of her conviction (by way of guilty plea) before Margate Magistrates Court for an offence of driving with excess alcohol contrary to s. 5(1)(a) of the Road Traffic Act 1988 dated 17 April 2023, she breached Principles 2 and 5 of the SRA Principles 2019 as described in Allegation 1.1.

Tribunal's Findings – Allegation 1.1

- 30.19 The Tribunal found that by virtue of the Respondent's conviction before Maidstone Magistrates Court for an offence of driving with excess alcohol contrary to S.5(1) (a) of the Road Traffic Act 1988 dated 17 April 2023 the facts in Allegation 1.1 were proved on the balance of probabilities and that the Respondent's admission was properly made.

Alleged failure to maintain public trust (Principle 2)

- 30.20 Applying the test set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366 for determining whether a solicitor has behaved in a way that maintains the trust the public places in solicitors and the provision of legal services and Applicant's Guidance on '*Public trust and confidence*' and '*Topic guide: Driving with excess alcohol convictions*', the Tribunal considered that the conviction of a solicitor for an offence of driving with excess alcohol contrary to s. 5(1)(a) of the Road Traffic Act 1988 dated 17 April 2023 would undermine the trust the public places in the solicitors and harms the reputation of the profession in breach of Principle 2.

30.21 Accordingly, the Tribunal found that the Applicant had proven on the balance of probabilities that the Respondent had failed to maintain public trust in breach of Principle 2 of the SRA Principles 2019 and that the Respondent's admission was properly made.

Alleged Lack of Integrity (Principle 5)

30.22 The relevant test for integrity applied by the Tribunal was that set out by Jackson J in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, where it was said that integrity connotes adherence to the ethical standards of one's own profession.

30.23 Applying the test set out in *Wingate and Evans* and having regard to the Applicant's Guidance on 'Acting with Integrity,' the Tribunal found that the public would consider that a solicitor that is convicted of for an offence of driving with excess alcohol contrary to s. 5(1)(a) of the Road Traffic Act 1988 dated 17 April 2023 has failed to act with integrity, namely with moral soundness, rectitude and steady adherence to an ethical code, even where the solicitor's conduct took place outside of the solicitor's practice.

30.24 Therefore, the Tribunal found that the Applicant had proved on the balance of probabilities that the Respondent had breached Principle 5 of the SRA Principles 2019, and that the Respondent's admission was properly made.

31. Allegation 1.2 - driving a motor vehicle without due care and attention, contrary to Section 3 of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988

32.1 On 5 November 2022, the Respondent drove a motor vehicle without due care and attention, contrary to Section 3 of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988. In doing so, the Respondent breached either or both of Principles 2 and 5 of the SRA Principles 2019.

32.2 The SRA relied upon the Respondent's conviction for the offence, dated 17 April 2023 of driving a motor vehicle without due care and attention as evidence that the Respondent was guilty of that offence, and relies upon the findings of fact upon which that conviction was based as proof of those facts.

The Applicant's Case – Allegation 1.2

Alleged failure to maintain public trust (Principle 2)

32.3 The Applicant asserted that the conviction of a solicitor for the offence to drive a mechanically propelled vehicle on a road / in a public place without due care and attention, would undermine the trust the public places in the solicitors' profession and harms the reputation of the profession, in breach of Principle 2.

32.4 According to the Applicant, the public would not expect a solicitor to drive in such a reckless and dangerous manner to be convicted of driving without due care and attention. The public would not expect a solicitor to drive in such a way, where the lack of care and attention whilst intoxicated leads to two accidents, both involving collisions with cars driven legally by other road users that evening.

- 32.5 The Applicant pointed out that the Respondent is responsible for these accidents and pleaded guilty to the offence of failing to drive with due care and attention when sentenced on 17 April 2023. The certificate of conviction, at page 203 the bundle, notes that one of the reasons for a custodial sentence was ‘bad driving’.
- 32.6 Although no separate penalty was recorded for this offence, the fact that the Respondent committed this offence, and was convicted after pleading guilty, in the Applicant’s view, demonstrates that she has failed to behave in way that upholds trust in the profession, and she has therefore breached Principle 2 of the SRA Principles 2019.

Alleged lack of integrity (Principle 5)

- 32.7 The Applicant referred to its guidance on criminal convictions, which states that a solicitor who is convicted of a criminal offence will usually be found to be lacking integrity.
- 32.8 The Applicant alleged that by virtue of the Respondent’s conviction for driving without due care and attention, she has failed to act with integrity and breached Principle 5, acting without moral soundness, rectitude and failing to demonstrate a steady adherence to an ethical code. In this respect, the Applicant referred to *Wingate v Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366, where it was said that integrity connotes adherence to the ethical standards of one’s own profession.
- 32.9 The Applicant asserted that a solicitor acting with integrity would not have driven a car after consuming such an excessive amount of alcohol, drive in a reckless and dangerous manner resulting in two collisions, and only ending their journey after being stopped by the Police.

The Respondent’s Case – Allegation 1.2

- 32.10 The Respondent admitted that by virtue of her conviction (by way of guilty plea) before Maidstone Magistrates Court for an offence of driving without due care and attention contrary to section 3 of the Road Traffic Act 1988 dated 17th April 2023, she breached Principles 2 and 5 as described at Allegation 1.2.

Tribunal’s Findings – Allegation 1.2

- 32.11 The Tribunal found that by virtue of the Respondent’s conviction before Maidstone Magistrates Court for an offence of driving without due care and attention contrary to section 3 of the Road Traffic Act 1988 dated 17th April 2023, the facts in Allegation 1.2 were proved on the balance of probabilities and the Respondent’s admission was properly made.

Alleged failure to maintain public trust (Principle 2)

- 32.12 Applying the test set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, the Tribunal found that the public would not expect a solicitor to drive a motor vehicle without due care and attention, contrary to Section 3 of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988 and by behaving in a such

way the Respondent had undermined the trust the public places in the solicitors' profession and harmed the reputation of the profession.

- 32.13 Therefore, the Tribunal was satisfied on the balance of probabilities that the Respondent's failure to maintain public trust in breach of Principle 2 of the SRA Principles 2019 was proved and the Respondent's admission had been properly made.

Alleged lack of integrity (Principle 5)

- 32.14 Applying the test set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366 and the Applicant's guidance on solicitors' criminal convictions, the Tribunal was satisfied on the balance of probabilities that the Applicant had proven that by driving a motor vehicle without due care and attention, contrary to Section 3 of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988 the Respondent had acted without integrity in breach of Principle 5 of the SRA Principles 2019 and that the Respondent's admission had been properly made.

33. Allegation 1.3 - failure to stop after two separate collisions with other motor vehicles, contrary to Section 170(4) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988

- 33.1 On 5 November 2022, the Respondent failed to stop after two separate collisions with other vehicles, contrary to Section 170(4) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.

1.3.1. She failed to stop after a collision between her car and a Hyundai vehicle, in Wingham, Kent and in doing so she breached either or both of Principles 2 and 5 of the SRA Principles 2019.

1.3.2. She failed to stop after a collision between her car and a Kia vehicle on the A527 between Ash and Canterbury, Kent and in doing so she breached either or both Principles 2 and 5 of the SRA Principles 2019.

- 33.2 The SRA relied upon the Respondent's convictions for these offences, dated 17 April 2023 of driving a motor vehicle without due care and attention and then failing to stop on two occasions after colliding, or nearly colliding with two other vehicles as evidence that the Respondent was guilty of those offences, and relies upon the findings of fact upon which the convictions were based as proof of those facts.

The Applicant's Case – Allegation 1.3

Alleged failure to maintain public trust (Principle 2)

- 33.3 The Applicant referred to the fact that the Respondent has been convicted of the two offences of failing to stop after a road accident. The SRA Guidance relating to the application of this principle states that, where there is a lack of integrity, it is likely that a breach of this principle will follow. It also states that, where a criminal offence has been committed, a breach of this principle is likely given the key role that solicitors play in the administration of justice and the high degree of trust placed in solicitors and law firms by the public.

- 33.4 On 17 April 2023, the Respondent was convicted of two offences of failing to stop after a road accident on 5 November 2022. The first offence concerned a collision with a Hyundai IONIQ and was aggravated by the fact the Respondent collided with the vehicle but failed to stop. A short time later the Respondent then collided with a Kia Venga vehicle and, again, failed to stop.
- 33.5 The Applicant alleged that the public would not expect a solicitor to conduct themselves in this manner, and fail to stop, not once but twice after road accidents, and the Respondent's failure to stop damages public trust and confidence in the profession.

Alleged lack of integrity (Principle 5)

- 33.6 The Applicant referred to the fact that the Respondent was convicted of two offences of failing to stop after an accident on 17 April 2023 and, by virtue of these convictions, she failed to act with integrity, and without moral soundness, rectitude and failing to demonstrate a steady adherence to an ethical code.
- 33.7 The Applicant relied on *Wingate v Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366, where it was said that integrity connotes adherence to the ethical standards of one's own profession. The Applicant alleged that a solicitor acting with integrity would have stopped after the first accident involving the Hyundai vehicle.
- 33.8 However, the Respondent did not stop after the first collision and drove on colliding with the Kia vehicle a short time later on the evening of 5 November 2022. In the Applicant's view, this was an aggravating feature of the Respondent's driving and was noted in the Magistrates' sentencing remarks.
- 33.9 The SRA Guidance states that 'fleeing the scene' will be treated most seriously in its Guidance on Driving with excess alcohol convictions. The Applicant alleged that a solicitor acting with integrity would have stopped after the first collision. By failing to do so, and then failing to stop after a further collision, the Respondent has clearly acted without integrity.

The Respondent's Case – Allegation 1.3

- 33.10 The Respondent admitted that by virtue of her conviction (by way of guilty plea) before Maidstone Magistrates Court for two offences of driving failing to stop following an accident where damage was caused contrary to section 170(4) of the Road Traffic Act 1988 dated 17 April 2023, she breached Principles 2 and 5 as described at Allegations 1.3.1 and 1.3.2.

Tribunal's Findings – Allegation 1.3

- 33.11 The Tribunal found that that by virtue of her conviction (by way of guilty plea) before Maidstone Magistrates Court for two offences of driving failing to stop following an accident where damage was caused contrary to section 170(4) of the Road Traffic Act 1988 dated 17 April 2023, the facts in Allegations 1.3.1 and 1.3.2 were proved on the balance of probabilities and the Respondent's admission was properly made.

Alleged failure to maintain public trust (Principle 2)

33.12 Applying the test set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, the Tribunal considered that the public would not expect a solicitor to fail to stop, less twice, after road accidents, and the Respondent's failure to stop had damaged public trust and confidence in the profession. Accordingly, the Tribunal found that the Applicant had proven on the balance of probabilities that the Respondent failed to maintain public trust and confidence in the profession in breach of Principle 2 of the SRA Principles 2019 and that the Respondent's admission had been properly made.

Alleged lack of integrity (Principle 5)

33.13 Applying the test set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, the Tribunal was satisfied that the Applicant had proven on the balance of probabilities that by failing to stop after the two road accidents, the Respondent had failed to act with integrity, and without moral soundness, rectitude and failing to demonstrate a steady adherence to an ethical code, in breach of Principles 5 of the SRA Principles 2019 and that the Respondent's admission was properly made.

34. **Allegation 1.4**

34.1 Between 18 April 2023 and 21 December 2023, the Respondent misled her employer Boys & Maughan LLP by failing to fully disclose her convictions and by failing to disclose the extent of her sentence and as a result breached any or all of the following:

- Principle 2 of the SRA Principles 2019;
- Principle 4 of the SRA Principles 2019;
- Principle 5 of the SRA Principles 2019;
- Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

The Applicant's Case – Allegation 1.4

Alleged failure to maintain public trust (Principle 2)

34.2 The Applicant alleged that by failing to inform her employer about the full details of her convictions, the Respondent acted in a way that is likely to undermine the trust and confidence in the legal profession. The public would expect a solicitor to inform their employer about a criminal conviction completely as a solicitor is an Officer of the Court and should know the risks of failing to disclose the complete details of a conviction, both for the public and for their employer.

34.3 The Applicant further alleged that the public would expect a solicitor who is convicted of criminal offences, in this case serious driving offences which merited a custodial sentence (suspended), to inform their employer of the details of the convictions immediately. The Applicant asserted that the Respondent failed to do so until months after the conviction and only after the SRA had written to her employer, the Firm, to confirm that her conduct had been referred to the SDT. Thus, the Applicant alleged that

by failing to inform the Firm until seven months after the conviction, the Respondent breached Principle 2 of the SRA Principles 2019.

Alleged dishonesty (Principle 4)

- 34.4 The Applicant relied upon the test for dishonesty stated by the Supreme Court in *Ivey v Genting Casinos* [2017] UKSC 67, which applies to all forms of legal proceedings, namely that the person has acted dishonestly by the ordinary standards of reasonable and honest people.
- 34.5 The Applicant alleged that by failing to disclose her convictions and sentence in full, the Respondent left the Firm with a false impression of her convictions and therefore knowingly misled the Firm. This meant the Firm proceeded based on only one conviction and this influenced the Firm's approach when informing the Applicant's Professional Ethics team.
- 34.6 The Applicant asserted that the Respondent had knowledge of her convictions and sentence as she attended Court and was present when sentenced. According to the Applicant, the Respondent informed the Firm that she had been convicted of a drink-driving offence, but only referred to one conviction, a driving ban and fine on 18 and 20 April 2023.
- 34.7 The Applicant asserted that an honest person would have disclosed the full extent of their convictions and sentence immediately to their employer, rather than leaving them with the impression that they had been convicted of one drink-driving offence and had received a fine/and been ordered to attend a drink-driving course.
- 34.8 According to the Applicant, the Respondent only informed the Firm of her convictions and sentence in complete detail when required to do so, after the SRA had informed the Firm that the Respondent had been referred to the SDT in October 2023.
- 34.9 In the Applicant's view, by failing to disclose the complete details of the convictions and sentence the Respondent acted dishonestly and therefore breached Principle 4 of the SRA Principles 2019.

Alleged lack of integrity (Principle 5)

- 34.10 The Applicant asserted that the Respondent had an obligation to inform the Firm of her convictions and sentence in full and by failing to do so the Respondent did not act with integrity, i.e. with moral soundness, rectitude and steady adherence to an ethical code.
- 34.11 The Applicant relied on *Wingate v Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366, where it was held that integrity connotes adherence to the ethical standards of one's own profession.
- 34.12 The Applicant asserted that acting with integrity would require the Respondent to inform her Firm of the complete details of her conviction and sentence at the earliest opportunity. The Applicant alleged that by failing to inform the Firm of the full conviction and sentence at the earliest opportunity the Respondent failed to act with

integrity and did not act with moral, soundness, rectitude and steady adherence to an ethical code.

- 34.13 In addition, the Applicant asserted that due to the Respondent's failure to inform the Firm of the full conviction and sentence, the Firm was unable to make an informed decision as to how to respond to the conviction, this included what information they could provide to the SRA Ethics Department, how they would respond to the conviction internally and also their own operations including renewal of their annual Law Society Conveyancing Quality Scheme (LSCQS) application. The Applicant further asserted that the Respondent would have been aware of the importance of the accreditation as she worked in the Firm's property department.
- 34.14 In the Applicant's view, a solicitor acting with integrity, connoting adherence to the ethical standards of one's own profession, would have disclosed the full details of their convictions and sentence to the Firm immediately, rather than acting in an evasive manner and not disclosing the full extent of the convictions and sentence until required to do so once the Applicant had informed the Firm of the fact of the Respondent's referral to the SDT. According to the Applicant, this had continued for a period from 18 April 2023 to 21 December 2023.
- 34.15 The Applicant alleged that by failing to do so, and by failing to comply with the ethical standards of the solicitors' profession, the Respondent acted without integrity and therefore breached Principle 5 of the SRA Principles 2019.

Alleged breach paragraph 1.4 of the Code of Conduct (misleading or attempting to mislead)

- 34.16 The Applicant alleged that by failing to disclose the full extent of her convictions and sentence at the earliest opportunity, the Respondent created a false impression and therefore misled the Firm into believing that she had only been convicted of one drink-driving offence and was likely to receive a fine from the Applicant.
- 34.17 According to the Applicant, this had continued from 18 April 2023 until December 2023, when the Respondent fully disclosed details of her convictions to the Firm, only when required to do so by the Firm who had been informed by the Applicant that the Respondent had been referred to the SDT.
- 34.18 The Applicant pointed out that Mr Baker confirmed in his report to the Applicant, that the omission by the Respondent to disclose all her convictions influenced his approach to his discussions with the Applicant's Professional Ethics team and whether he may have taken a different view to the Respondent's employment at the Firm at an earlier stage.
- 34.19 The Applicant explained that as a result of the Respondent withholding information, the Firm took internal disciplinary action against the Respondent for potentially bringing the Firm into disrepute which resulted in the Respondent resigning from the Firm on 31 December 2023. The Applicant alleged that by misleading the Firm about her convictions, the Respondent breached Paragraph 1.4 of the 2019 Code.

The Respondent's Case – Allegation 1.4

- 34.20 The Respondent denied that she had failed to disclose her convictions and sentence in full to the Firm and that she had left the Firm with a false impression of her convictions and that she had thus knowingly misled the Firm or been dishonest. Accordingly, the Respondent further denied having breached Principles 2, 4 and 5 of the SRA Principles 2019 ad/or paragraph 1.4 of the SRA Code of Conduct.
- 34.21 The Respondent asserted that on 18 April 2023 she had told Mr Baker everything that happened on 5 November 2022. However, the Respondent pointed out that as Mr Baker acknowledged during his cross-examination, there are no written notes of the discussion between the Respondent and Mr Baker. At that time, the Respondent had not yet received her conviction note.
- 34.22 The Respondent further asserted that a solicitor had advised her that she was not obligated to tell Mr Baker about her convictions unless the employment contract so required. However, the Respondent had nevertheless wanted to be open and honest and had decided to tell everything to Mr Baker.
- 34.23 The Respondent had told Mr Baker that she had been convicted of drink driving offences. The Respondent explained that her solicitor and barrister had described the offences of which she was convicted as '*drink driving offences*.' The Respondent had merely used the same term as her legal representatives had used when she described her offences to Mr Baker. The Respondent had also told Mr Baker that she had been very drunk at the time of the incident.
- 34.24 The Respondent recalled discussing her driving ban until December 2024, which was subject to the Respondent completing a driving course. The Respondent also recalled discussing the collisions, the involvement of third parties and the possibility of injuries to those third parties with Mr Baker. The Respondent advised Mr Baker that she did not know whether there were injuries but as she had been advised by her barrister, the assumption was that there were no serious injuries as no injuries had been reported by the victims and the Respondent's airbags had not been deployed and she herself had not been injured.
- 34.25 The Respondent had also asked Mr Baker what information was needed for him to make a decision as to how to proceed and she had offered to provide the full documents once they were available.
- 34.26 The Respondent did not recall the agreement on how they would notify the other partners, but she had herself spoken to Mr Durrant and Ms Power. According to the Respondent, Mr Baker had not shown that he was concerned about the Respondent's wellbeing or state of mind.
- 34.27 The Respondent had shortly thereafter also received a call from Ms Curson from the Firm's Human Resources department, who had, according to the Respondent, assured the Respondent that this would be OK as this had happened with one of the Firm's other partners a few years previously and he had been fined by the SRA and he had kept his position at the Firm until retirement.

- 34.28 Mr Baker had thereafter also called the Respondent to say that that he had discussed the matter with the other partners, and they were happy to continue the Respondent's employment. The Respondent had relied on this in her email of 1 June 2023 to the Applicant.
- 34.29 The Respondent further explained that she had sent Mr Baker an identical copy of her self-report to the Applicant. The Respondent had assumed that anything that she sent to the Applicant would be shared with the Firm.
- 34.30 In response to the Applicant's request for further information, the Respondent provided the Applicant with her conviction notice on 26 April 2023 (this was acknowledged by the Applicant on 11 May 2023). Thereafter, on 19 May 2023, the Applicant requested supplementary information, which the Respondent provided to the Applicant on 1 June 2023.
- 34.31 The Respondent further explained that the Firm had brought disciplinary proceedings against her in July 2023. In a disciplinary meeting, a Facebook post from November 2022 showing a picture of her significantly damaged car in the road had been discussed. The Respondent asserted that Mr Crook had told her that Mr Priston from the Firm's marketing department had seen the Facebook post in November 2022. The Respondent asserted that since Mr Priston had seen the Facebook post in November 2022, it was likely that others in the Firm had seen the post as well.
- 34.32 The Respondent further relied on the fact that she had undertaken the DBS checks at the Firm in August or September 2023. The Respondent asserted that if she had wished to conceal the full extent of her convictions, she would have avoided undertaking the DBS checks.
- 34.33 The Respondent asserted that it was not correct that the Firm did not know about the referral to the SDT. The Respondent relied on a letter from Ms Mowatt of the Applicant, where she had advised the Respondent that the Applicant would be in contact with the Firm by 24 August 2023 and provide details of their investigation.
- 34.34 The Respondent further explained that she had thought she had discussed her referral to the SDT either with Ms Power or Mr Baker after 29 August 2023, but in any event the Respondent emailed Mr Baker about the referral on 11 September 2023.
- 34.35 The Respondent recalled that the Firm's main concern at the time was the possible effect of the SDT proceedings on the reputation of the Firm. The Respondent referred to Mr Baker's email of 30 October 2023, where he requested copies of correspondence between the Applicant and the Respondent so that the Firm could know what the Respondent was facing as it could have a reputational and possibly operational effect on the Firm.
- 34.36 The Respondent asserted that she no longer had access to her work emails and could not check what emails she had received and sent to the Firm. In any event, the Respondent had responded to Mr Baker's email in an email of 20 November 2023, where she detailed the advice that she had received from her solicitor about the extent of the reputational risk to the Firm in relation to the Respondent's referral to the SDT.

The Respondent also advised that the SDT would consider the Respondent's conviction as alleged breaches of Rules 2 and 5 of the SRA Principles.

- 34.37 The Respondent further referred to the four-week sick leave from 1 December 2023 and the fact that Mr Baker had sent his information requests during this time to her Gmail account, although her file held by the Firm's Human Resources department provided that her yahoo address was her personal email address to be used for communicating with her during her sick leave. In fact, the Firm's Human Resources department had used the Respondent's yahoo account to communicate with the Respondent during her sick leave.
- 34.38 The Respondent explained that she had difficulties with accessing her Gmail account during this period and described the reasons and circumstances for her sick leave. During this time, the Respondent had received emails to her yahoo account from the Firm's Human Resources department, none of which had mentioned that Mr Baker had requested information from the Respondent.
- 34.39 The Respondent asserted that Mr Baker's emails to the Respondent, whom he knew was at the time on sick leave due to health-related issues, were very aggressive in nature.
- 34.40 The Respondent further referred to her email of 21 December 2023, where she confirmed that she had answered Mr Baker's questions honestly on their call on 18 April 2023, provided the requested information to Mr Baker and explained why she had not replied earlier. Her Gmail account was dormant, and her Human Resources files provided her yahoo account as her email address and the Respondent had been waiting for her legal representative's return from leave before sending the documents.
- 34.41 The Respondent further explained the events that took place between 31 December 2023 and 4 January 2024 which led her to resign from the Firm with the agreement of Mr Baker and the other equity partners. The Respondent asserted that the Firm was a toxic workplace and she had not had any intention of remaining in the Firm.
- 34.42 The Respondent further pointed out that she had had an unblemished career of 20 years. She emphasised that she deeply regretted the events of 5 November 2022 and was remorseful and apologised for the harm that was potentially caused by her actions on 5 November 2022.

Tribunal's Findings – Allegation 1.4

- 34.43 The Tribunal first noted that none of the three Partners of the Firm, Ms Power or Messrs Baker and Durrant had taken notes of the meetings or telephone calls with the Respondent when she had informed them about the events on 5 November 2022 and her subsequent trial and conviction(s). This was surprising, given the seriousness of the incident on 5 November 2022 and the Respondent's subsequent conviction(s).
- 34.44 As the COLP of the Firm, Mr Baker would have been, in particular, expected to have taken notes of the call with the Respondent on 18 April 2023, even if the Respondent had not disclosed the full extent of her convictions and sentences as Mr Baker claimed in his witness statement.

- 34.45 In addition, no minutes from the Partners' meetings have been produced in the present proceedings.
- 34.46 The Tribunal also found that the accounts of Messrs Baker and Durrant and Ms Power were inconsistent with each other as to whether a senior management meeting had been held and if so, when this took place and what was discussed between the Partners of the Firm and discussed about the Respondent's conviction(s).
- 34.47 In addition, given that Mr Baker admitted in his witness statement and during his examination in the Substantive Hearing that he was aware of the collisions involving third parties on 5 November 2022, it would have in any event been reasonable for him to make further enquiries about the Respondent's convictions and/or assume that there had been more than one conviction.
- 34.48 The Tribunal considered that the consistent response from the Firm's senior partners was that they did not treat the Respondent's convictions with the seriousness they deserved at the time. Instead, they had seemed to consider that this was nothing to worry about.
- 34.49 The Tribunal found the Respondent to be a wholly credible witness, who had been honest in her account of how events unfolded and what she had believed at the time, particular on the call with Mr Baker on 18 April 2023. The Tribunal further found that during her conversation with Mr Baker on 18 April 2023 and thereafter with him and others at the Firm, the Respondent had relied on the advice of her criminal barrister and solicitor and had described her offences by using the same terminology as her legal representatives had used when referring to the offences.
- 34.50 Having carefully considered all evidence and both Parties' submissions, the Tribunal found no evidence to suggest that the Respondent had sought to hide or mislead the Firm as her employer. On the contrary, the Tribunal considered that the Respondent had made immediate disclosure and self-reported both to the COLP of the Firm, Mr Baker and the Applicant. Knowing that the criminal conviction documents would be publicly available, there could not have been any motivation for the Respondent to seek to hide the extent of her convictions and sentences and mislead the Firm or the Applicant in any way.
- 34.51 The Tribunal was satisfied on the balance of probabilities that the Respondent had genuinely believed that she had given disclosure to the required extent and she had, from the outset, expressed a willingness to cooperate fully with the Firm and the Applicant. The Tribunal further found that the Respondent had showed real insight in admitting that with hindsight she may have done things differently when discussing her convictions on 18 April 2023 with Mr Baker, but she had been in shock at the time and had acted to the best of her abilities in her given circumstances.
- 34.52 The Tribunal also noted that the Respondent had fully acknowledged the seriousness of the offences she had been convicted of and had shown remorse for them and accepted full responsibility for the offences, as was shown by her prompt admissions of Allegations 1.1, 1.2 and 1.3.

- 34.53 Moreover, the Tribunal found the Respondent's other witnesses also to be credible and honest in their recollection of events. The Respondent's witnesses' accounts had supported the Respondent's account of her immediately reporting her conviction to her employer, using the words which the Respondent's legal representatives had used when referring to the offences. The Tribunal also heard evidence of the Respondent's good character and how the incident on 5 November 2022 had been a one-off incident, a stupid mistake in a long and other unblemished and well-established career.
- 34.54 The Tribunal concluded that the Applicant had failed to prove to the requisite standard, namely on the balance of probabilities, that the Respondent had misled her employer Boys & Maughan LLP by failing to fully disclose her convictions and by failing to disclose the extent of her sentence. Given that the Applicant had failed to prove the facts relating to Allegation 1.4, the Applicant's case against the Respondent failed on that basis alone.
- 34.55 In any event, the Tribunal found that the test for dishonesty set out in *Ivey v Genting Casinos* [2017] UKSC 67, namely that the person has acted dishonestly by the ordinary standards of reasonable and honest people, was not met in the present circumstances, because the Tribunal found that the Respondent had been honest when she made the disclosure and self-report to the Firm and the Respondent. Similarly, the Respondent had not failed to maintain the public trust in the profession, nor acted without integrity, nor misled the Firm because the Tribunal found on the balance of probability that the Respondent had disclosed her convictions and sentence to the Firm and the Applicant to the extent and in the manner that she genuinely believed was required.
- 34.56 Therefore, the Tribunal found that the Respondent had not breached Principles 2, 4 or 5 of the SRA Principles 2019 or paragraph 1.4 of the SRA Code of Conduct. Accordingly, the Tribunal dismissed Allegation 1.4 in its entirety.

35. **Allegation 1.5**

- 35.1 On 1 June 2023, the Respondent misled the SRA about the true position of her employer Boys & Maughan LLP, as she indicated they were happy to continue her employment when they did not know the extent of her convictions and sentence and as a result breached any or all of the following:
- Principle 2 of the SRA Principles 2019;
 - Principle 4 of the SRA Principles 2019;
 - Principle 5 of the SRA Principles 2019;
 - Paragraph 7.6 (c) of the SRA Code of Conduct for Solicitors, RELs and RFLs.

The Applicant's Case – Allegation 1.5

Alleged failure to maintain public trust (Principle 2)

- 35.2 The Applicant alleged that the Respondent's alleged conduct amounted to a breach by the Respondent of the requirement to behave in a way which maintains the trust placed by the public in her and in the provision of legal services.
- 35.3 According to the Applicant, the Respondent sent an email to the Applicant on 1 June 2023, which included misleading information about her convictions, sentence, and status at the Firm. The email stated that, after speaking with Mr Baker, Senior Partner and COLP, he had confirmed that '*they are happy to continue my employment regardless of the conviction*'.
- 35.4 The Applicant alleged that this statement was false and was discovered by Mr Baker in December 2023 when he reviewed the correspondence which had been sent to the SRA by the Respondent. The Respondent had not disclosed to the Firm the full extent of her convictions and sentence at this stage. Further, Mr Baker confirmed that he would have taken a different approach had he been fully informed of the convictions.
- 35.5 The Applicant asserted that the conduct of the Respondent has undermined the trust and confidence the public place in the solicitors' profession, as the public would expect a solicitor who had been convicted of these offences to be transparent with the information they provide to their regulator. In the Applicant's view, the Respondent made a misleading statement to her regulator as the Firm was left with the impression that the Respondent had been convicted of one offence. The Applicant alleged that by creating this misleading impression, the Respondent has misled the SRA and breached Principle 2 of the 2019 Principles.

Alleged dishonesty (Principle 4)

- 35.6 The Applicant relied upon the test for dishonesty stated by the Supreme Court in *Ivey v Genting Casinos* [2017] UKSC 67, which applies to all forms of legal proceedings, namely that the person has acted dishonestly by the ordinary standards of reasonable and honest people.
- 35.7 The Applicant referred to an email that the Respondent sent to the Applicant on 1 June 2023 after speaking with Mr Baker. The email stated that the Firm had confirmed that '*(they) are happy to continue my employment regardless of the conviction*'. According to the Applicant, this statement was not correct as Mr Baker was, at that time, under the impression that the Respondent had been convicted of one drink-driving offence. Mr Baker confirmed in his witness statement that he only became aware of the conviction in full on 21 December 2023.
- 35.8 According to the Applicant, the Respondent was aware of this, and the fact that she had not, at this time, disclosed that she had been convicted of four separate offences and had received a suspended custodial sentence. The Applicant asserted that the failure to disclose the convictions in full had created a misleading impression for the Firm.
- 35.9 The Applicant further asserted that an ordinary and decent person would consider the conduct of the Respondent to be dishonest as the Respondent failed to disclose her conviction in full, and then sent the e-mail of 1 June 2023 to the Applicant stating that the Firm was happy to continue her employment regardless of her conviction.

35.10 Moreover, the Applicant asserted that an ordinary and decent person would expect a solicitor to send the correct information to their regulator and not make misleading statements about their employer being happy to continue their employment regardless of a conviction, when the Firm did not, in fact, know the full details of the convictions at that time.

35.11 According to the Applicant, this statement was misleading as the Firm was not aware of the other three convictions. The Applicant asserted that the Respondent must have been aware of this fact, but still chose to write to the Applicant in the terms she did. The Applicant alleged that as a result, the Respondent knowingly made a dishonest statement to the SRA and breached Principle 4 of the 2019 Principles.

Allegation 1.5.3 - Alleged lack of integrity (Principle 5)

35.12 The Applicant asserted that the Respondent had not complied with her obligation to fully inform the Firm about her convictions and sentence in full. According to the Applicant, the Respondent had instead sent an e-mail on 1 June to the Applicant, which included a misleading statement.

35.13 The Applicant alleged that the Respondent did not act with integrity in that she did not act with moral soundness, rectitude and steady adherence to an ethical code. In this respect the Applicant relied on *Wingate v Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366, where it was said that integrity connotes adherence to the ethical standards of one's own profession.

35.14 In the Applicant's view, acting with integrity would require the Respondent to inform her Firm of the complete details of her convictions and sentence at the earliest opportunity and not making misleading statements to the Applicant about what she had told the Firm.

35.15 The Applicant alleged that by making a misleading statement to the Applicant in the email of 1 June 2023 about the fact the Firm were happy to continue her employment regardless of her conviction, the Respondent failed to act with integrity and therefore breached Principle 5 of the 2019 Principles.

(Paragraph 7.6 (c) of the SRA Code of Conduct)

35.16 Paragraph 7.6.(c) of the SRA Code of Conduct obligates a solicitor to:

"...notify the SRA promptly if

a) you are subject to any criminal charge, conviction or caution, subject to the Rehabilitation of Offenders Act 1974;

b) a relevant insolvency event occurs in relation to you; or

c) if you become aware:

- i. *of any material changes to information previously provided to the SRA, by you or on your behalf, about you or your practice, including any change to information recorded in the register; and*

- ii. *that information provided to the SRA, by you or on your behalf, about you or your practice is or may be false, misleading, incomplete or inaccurate.”*

- 35.17 The Applicant referred to the Respondent’s email of 1 June 2023, where she stated that the Firm was happy to carry on with her employment, regardless of her conviction. According to the Applicant, this statement was misleading as the Respondent must have known that the Firm did not, in fact, know at that time the extent of her convictions. The Applicant asserted that this was confirmed by Mr Baker in his email of 2 January 2024 reporting this matter to the SRA and in his witness statement.
- 35.18 The Applicant asserted that the Respondent was aware that her employer did not have the complete picture of her convictions when she sent the email of 1 June 2023 which included details of her employment status at the Firm. The Applicant alleged that by failing to provide this information she prevented the Firm making an informed decision about her employment.
- 35.19 Paragraph 7.6, c (ii) requires solicitors notify the SRA promptly if they provide information to the SRA about you or your practice which is, or may be false, misleading, incomplete or inaccurate. The Applicant alleged that the Respondent breached paragraph 7.6 (c) of the SRA Code of Conduct by sending the email to the Applicant, which she must have known was misleading as she was aware that she had not informed the Firm about all of her convictions.

The Respondent’s Case – Allegation 1.5

- 35.20 The Respondent denied having misled the Applicant about the true position of the Respondent’s employer, the Firm when she told the Applicant in her email of 1 June 2023 that the Firm was happy to continue her employment. Thus, the Respondent further denied having breached Principles 2, 4 and 5 of the SRA Principles 2019 and paragraph 7.6(c) of the SRA Code of Conduct.
- 35.21 As described further above, the Respondent asserted that she had not misled the Firm about the extent of her convictions and sentence.
- 35.22 According to the Respondent, the Firm had a culture of accepting drink driving offences. Ms Curson from the Firm’s Human Resources department had told the Respondent that a similar drink driving incident had previously happened to another partner of the Firm, who had been fined by the Applicant but who had nevertheless kept his position at the Firm until retirement. The Respondent further asserted that no internal procedure had been followed in the Firm with respect to the Respondent’s offences and the Firm generally lacked formal procedures to deal with serious issues.
- 35.23 Mr Baker had also called to the Respondent to say that he had discussed the matter with the other partners, and they were happy to continue the Respondent’s employment.
- 35.24 The above factors had led the Respondent genuinely to believe that her position at the Firm was not at risk. This belief had been reflected in the Respondent’s comments to the Applicant in her email of 1 June 2023.

- 35.25 The Respondent further asserted that the Firm was more interested in protecting the Firm from any potential reputational damage rather than being concerned about the Respondent's circumstances that had led to the incident on 5 November 2022 or her well-being before or after that.

Tribunal's Findings – Allegation 1.5

- 35.26 Given that the Tribunal found that the Applicant had failed to prove on the balance of probabilities that the Respondent had misled the Firm as her employer by failing to fully disclose her convictions and by failing to disclose the extent of her sentence, it followed that the Tribunal found that the Applicant had similarly failed to prove on the balance of probabilities that the Respondent had misled the Applicant about the true position of the Firm as her employer when she indicated that they were happy to continue her employment.
- 35.27 The Tribunal was satisfied on the balance of probabilities that the Firm had known about the extent of the Respondent's convictions and sentence as a result of the Respondent's immediate and honest disclosure and self-report to the Firm and the Applicant. The Tribunal's findings on Allegation 1.4 above, especially in relation to the Respondent's honest account of the events and genuine belief that she had given the required level of disclosure of her convictions and sentence to the Firm and the Applicant, are repeated here.
- 35.28 The Tribunal concluded on the balance of probabilities that the Respondent had not breached Principles 2, 4 and 5 of the SRA Principles 2019, or paragraph 7.6(c) of the SRA Code of Conduct. Accordingly, the Tribunal dismissed Allegation 1.5 in its entirety.

Previous Disciplinary Matters

- 36 There were no previous disciplinary matters against the Respondent.

Mitigation

37. As described above, the Tribunal found that the incident on 5 November 2022 was a one-off event in the Respondent's long and otherwise unblemished and successful career, as was supported by the good character evidence provided by the Respondent's witnesses.
38. The Tribunal further found that the Respondent had shown genuine insight by fully and promptly admitting Allegations 1.1, 1.2 and 1.3. The Respondent had also made open and frank admissions in her self-report to the Firm and the Applicant as her regulator. The Tribunal was further satisfied that the Respondent regretted the events on 5 November 2022, she had apologized for them and had accepted full responsibility for them.
39. In the Tribunal's view, these factors constituted mitigating factors in the Tribunal's determination of the appropriate sanction for the breaches of Principles 2 and 5 of the SRA Principles 2019, as is described further below.

Sanction

40. In determining a sanction for the Respondent, the Tribunal considered the Solicitors Disciplinary Tribunal's Guidance Note on Sanction (10th Edition /June 2022) (the "Sanctions Guidance").
41. The Tribunal's overriding objective, when considering sanction, was the need to maintain public confidence in the integrity of the profession. In determining sanction, the Tribunal's role was to assess the seriousness of the proven misconduct and to impose a sanction that was fair and proportionate in all the circumstances. In determining the seriousness of the misconduct, the Tribunal was to consider the Respondent's culpability and harm identified together with the aggravating and mitigating factors that existed.
42. In assessing the Respondent's culpability, the Tribunal found that the Respondent was highly culpable for the events of 5 November 2022, as the Respondent has fully admitted. The Respondent's actions were the result of a spontaneous and bad error of judgment, but she had been directly in control of her drinking and the actions that resulted from it. In addition, the Respondent was a highly experienced solicitor, who should have known better. However, the Respondent has shown deep remorse, apologized for her actions on 5 November 2022 and has promptly accepted the full responsibility for her actions.
43. The Tribunal then considered the issue of harm. The Tribunal found that by virtue of the Respondent's drink driving convictions described above the Respondent had caused serious harm to the reputation of the profession. The Respondent's actions on 5 November 2022 had also posed a serious risk to public safety. There was a risk that the Respondent could have potentially killed or seriously injured a third party or parties by her actions, although it appeared that, at least, no serious injuries had been caused to anyone. However, the Respondent had shown genuine insight by making open and frank disclosures of the events of 5 November 2023 and her convictions in her self-report to the Firm and the Applicant as well as fully cooperating with the Applicant and fully and promptly admitting Allegations 1.1, 1.2 and 1.3.
44. However, the Tribunal found that the fact that the Respondent's misconduct involved the commission of a criminal offence and the fact the misconduct was deliberate constituted aggravating factors in the Tribunal's assessment of the seriousness of the Respondent's misconduct. The Tribunal nevertheless noted that the Respondent's misconduct had not been calculated or repeated, nor had it continued over a period of time, nor were any other serious aggravating factors listed in the Sanctions Guidance present.
45. The Tribunal concluded that despite the presence of the above-mentioned mitigating factors, the Respondent's proven misconduct was very serious, and the Respondent was solely culpable for her actions. The Respondent's misconduct resulted from a grave error of judgment, which resulted in a serious criminal penalty. The Tribunal did not consider that the Respondent remains a risk to the public but recognised that the reputation of the profession has to be safeguarded by imposing an appropriate and proportionate sanction to reflect the very serious nature of the Respondent's misconduct.

46. Given the very serious nature of the Respondent's misconduct, involving acting without integrity and causing serious harm to the reputation of the legal profession, the Tribunal concluded that the appropriate and proportionate sanction was to order the Respondent, Ms Elizabeth Thomson to pay a level 4 fine amounting to £17,500.00.
47. The Tribunal considered, but rejected, the lesser sanctions within its sentencing powers such as no order, a reprimand, or restrictions because the Tribunal considered that such lesser sanctions would not have the appropriate effect on public confidence in the legal profession and would not adequately reflect the Respondent's very serious misconduct.
48. The Tribunal further considered, but rejected, the more serious sanction of suspension. Whilst the Tribunal recognised that misconduct involving criminal convictions can require a very serious sanction, the Respondent's misconduct in the present case, albeit reckless, resulted from a one-off grave error of judgment, for which the Respondent has demonstrated a real insight and remorse. As the Respondent no longer posed a risk to the public, the Tribunal considered that suspension would not serve any purpose and, thus, would not have been appropriate.

Costs

49. The Applicant's schedule of costs amounted to £ 11,131.33, which comprised the fees of three fee earners of different seniority from the Applicant's in-house legal team and the fees of an external Counsel. The fees included disbursements and VAT.
50. The Respondent had submitted a statement of means, dated 2 September 2024, together with evidence of her financial circumstances.
51. Having carefully reviewed and considered the Applicant's cost schedule, the Respondent's statement of means as well as the Parties' respective submissions on costs in the Substantive Hearing, the Tribunal concluded that the costs of and incidental to this application and enquiry should be fixed in the sum of £2,500.00.
52. Whilst the Tribunal considered that the Applicant had correctly referred the present case to the Tribunal, given the seriousness of the Respondent's criminal convictions, the Respondent had promptly and fully admitted Allegations 1.1, 1.2 and 1.3 in the Applicant's Rule 12 Statement. The Tribunal considered that awarding the costs of £2500 reflected both the proper prosecution by the Applicant of its Rule 12 Statement allegations and the Respondent's admissions of Allegations 1.1.-1.3 from the outset of these proceedings.
53. However, the Tribunal regarded that the Respondent had correctly opposed Allegations 1.4 and 1.5 contained in the Applicant's Rule 14 Statement. Given that the Tribunal has found that the evidence presented in the present case does not support Allegations 1.4 and 1.5, the pursuit of these allegations by the Applicant in the Rule 14 Statement was not, in the Tribunal's view, justified and, thus, considered that the Applicant should not be awarded any costs in relation to its Rule 14 Statement.

Statement of Full Order

54. The Tribunal ORDERED that the Respondent, ELIZABETH THOMSON solicitor, do pay a fine of £17,500.00, 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 £2,500.00.

Dated this 11th day of November 2024

On behalf of the Tribunal

A Kellett

A Kellett
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY
11 NOVEMBER 2024**