

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12562-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

JESSICA KATE HARRIS

Respondent

Before:

Mr P Housego (in the Chair)

Mrs L Boyce

Ms E Keen

Date of Hearing: 28 August 2024

Appearances

Mr Delme Griffiths, solicitor of Blake Morgan LLP, New Kings Court, Tollgate, Chandler's Ford, Eastleigh, Hampshire, SO53 3LG, for the Applicant.

The Respondent represented herself.

JUDGMENT

Allegations

1. The allegations against the Respondent, Jessica Kate Harris, made by the SRA, are as follows.

Allegation 1

2. Between 19 and 21 May 2021, the Respondent, whilst in practice as a solicitor at Weightmans LLP (“Weightmans”):
 - (a) Represented that she was awaiting signed statements from witnesses, which was untrue in that she had not sent any draft statements; and/or
 - (b) Falsified emails in order to show that she had sent statements to witnesses on 15 and 20 April, when she had not.

In doing so, the Respondent has breached any or all of Principles 2, 4 and 5 of the SRA’s Principles 2019 (“the Principles”) and paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code”).

Allegation 2

3. Between 3 June 2021 and 5 October 2021, the Respondent:
 - (a) Falsely represented the reason for her departure from Weightmans; and/or
 - (b) Failed to inform Capsticks LLP (“Capsticks”) of the true reason for her dismissal from Weightmans.

In doing so, the Respondent has breached any or all of Principles 2, 4 and 5 of the Principles and paragraph 1.4 of the Code.

4. The Respondent admitted both Allegations 1 and 2.

Executive Summary

5. The Respondent admitted all allegations. The Tribunal found all allegations proved and was satisfied on the balance of probabilities that the Respondent’s admissions were properly made. Accordingly, the Tribunal found that the Respondent had breached Principles 2, 4 and 5 of the SRA’s Principles 2019 and paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

Sanction

6. The Respondent, Ms Jessica Kate Harris was struck off the Roll of solicitors and ordered to pay £5,000 in costs.

Documents

7. The Tribunal considered all of the documents in the case which included but were not limited to:
 - Rule 12 Statement, dated 21 February 2024 and Exhibit DG1
 - Respondent's Answer, dated 25 March 2024
 - Witness Statement of Jude Cragg, dated 6 February 2024
 - Witness Statement of Mo Ojelade, dated 15 February 2024
 - Witness Statement of Kate Wright, dated 15 February 2024
 - Witness Statement of Lee Manser, dated 20 July 2023
 - Witness Statement of Kiran Telhat, dated 20 July 2023
 - Respondent's Witness Statement, dated 5 April 2024 regarding the Respondent's finances
 - Agreed Statement of Facts, dated 31 July 2024
 - Applicant's Statement of Costs, dated 21 February 2024 and 14 August 2024

Preliminary Matters

The Parties' Agreed Statement of Facts

8. The Parties had on 22 July 2024 jointly applied for an Agreed Outcome pursuant to the Statement of Agreed Facts and Proposed Outcome. The Parties' joint application was heard in the Case Management Hearing on 24 July 2024.
9. The Tribunal sitting in the CMH rejected the Parties' application for an Agreed Outcome because the Tribunal was not satisfied that the proposed sanction was proportionate and reasonable in the circumstances of the case. The Tribunal was not satisfied that the Parties had properly given thought to the question whether the circumstances in the present case were exceptional under the test set out in *SRA v James & Others* (2018) EWHC 3058.
10. Thereafter on 31 July 2024, the Parties concluded and signed a further Agreed Statement of Facts. The Applicant invited the present Tribunal to accept the Respondent's admissions. The Respondent confirmed that she admits the facts set out in the Agreed Statement of Facts and admits all the allegations.

Anonymisation

11. References to certain individuals and entities had been anonymised in the Applicant's Rule 12 Statement and in the Statement of Agreed Facts. The Tribunal accepted that the anonymisation was appropriate.

Factual Background

12. The Respondent and the Applicant have in their joint Statement of Agreed Facts, dated 31 July 2024, agreed on the following facts.

13. Factual Background Relating to Allegation 1

- 13.1 At the relevant time, Weightmans was instructed by Client A in relation to two claims which Person A and Person B had issued against it.
- 13.2 In March and April 2021, the Respondent's supervisor, Ms Kate Wright, asked the Respondent to draft witness statements in relation to both matters on behalf of the Client A.
- 13.3 On 19 May 2021, Ms Wright emailed the Respondent to enquire as to her progress with the statements.
- 13.4 The Respondent replied by return and confirmed that she had spoken to both witnesses on the Person B matter, one of whom was also a witness on the Person A matter, and was awaiting signed statements.
- 13.5 On 20 May 2021, Ms Wright asked the Respondent to email her the statements and/or to upload them to Weightmans' document management system, Mattersphere.
- 13.6 On 21 May 2021, the Respondent emailed Ms Wright and attached copies of witness statements for Person D and Person C respectively. The Respondent also uploaded to Mattersphere the following, purported emails from the Respondent:
- An email to Person D on 15 April at 15:21 (the "**First Email**");
 - 11.2. An email to Person C on 20 April at 17:37 (the "**Second Email**"); and
 - 11.3. An email to Person C on 20 April at 17:41 (the "**Third Email**").
- 13.7 The Respondent accepts that none of the First Email, the Second Email or the Third Email (together, the "**Falsified Emails**") were sent to Person D or Person C and they were not, therefore, genuine.
- 13.8 Consequently, when the Respondent represented to Ms Wright, between 19 and 21 May 2021, verbally and by email, that she was waiting for signed statements from Person D and Person C, she accepts this was false and misleading in that she had not sent (or arranged to send) any draft statements such that her actions were dishonest.

13.9 Specifically:

- The First Email was not sent to Person D on 15 April 2021. The ‘to’ and ‘sent’ details within it were not genuine, whereby the Respondent accepts that she altered them to make it appear as though she had sent the First Email, when she had not. The draft witness statement attached to the First Email was created on 20 May 2021 and was never sent to Person D.
- The Second Email was not sent to Person C on 20 April 2021. The ‘to’ and ‘sent’ details within it were not genuine, whereby the Respondent accepts that she altered them to make it appear as though she had sent the Second Email, when she had not. The draft witness statement attached to the Second Email was created on 8 April 2021 and was never sent to Person C.
- The Third Email was not sent to Person C on 20 April 2021. The ‘to’ and ‘sent’ details within it were not genuine, whereby the Respondent accepts that she altered them to make it appear as though she had sent the Third Email, when she had not. The draft witness statement attached to the Third Email was created on 20 May 2021 and was never sent to Person C.

13.10 The Respondent therefore accepts that:

- She falsely represented that work had been completed and created a false record on the electronic matter files.
- When she communicated with Ms Wright on 19 May 2021, the Respondent knew that she had not completed the witness statements and therefore what she told Ms Wright was false and misleading.
- She did not email Person C or Person D on 15 April 2021 or 20 April 2021, but she created emails to suggest that she had done so.
- She did not prepare or finalise the draft statements until 20 May 2021, after the date of the Falsified Emails.
- When she presented the Falsified Emails as genuine in May 2021, she knew that the purported dates and sender information were false and misleading.
- By her conduct, the Respondent therefore breached Principles 2, 4 and 5 of the principles and paragraph 1.4 of the Code.

14. **Factual Background Relating to Allegation 2**

14.1 On 3 June 2021, Weightmans terminated the Respondent’s employment. That same day, the Respondent applied for a position at Capsticks.

14.2 The Respondent submitted an application on 3 June 2021 via an online portal (the “**Application**”).

- 14.3 Within the Application, the Respondent confirmed that her current/most recent employer was Weightmans.
- 14.4 In response to a question, within the Application, seeking the reason for her leaving that role, the Respondent answered:
- “Pushed into area of law that I do not wish to pursue.”*
- 14.5 The Respondent accepts that this was false given that Weightmans had dismissed her at a meeting on 3 June 2021, which she attended, because of her actions in relation to the Falsified Emails.
- 14.6 Consequently, when the Respondent specified the reason for her departure from Weightmans in the Application, she accepts that she knew the information she provided was false and misleading such that her actions were dishonest.
- 14.7 The Respondent further accepts that she acted in this manner as she knew that, had she disclosed the nature of her departure from Weightmans and the reasons for it, it would probably mean she would not get the role at Capsticks she was applying for.
- 14.8 The Respondent subsequently attended interviews with Capsticks on 10 June 2021 and 16 June 2021, when she accepts she did not disclose the true reason for her departure from Weightmans.
- 14.9 From the submission of the Application on 3 June 2021 through to 5 October 2021, the Respondent therefore failed to inform Capsticks of her dismissal and the reason for her dismissal from Weightmans.
- 14.10 By her conduct, the Respondent admits that she breached Principles 2, 4 and 5 of the Principles and paragraph 1.4 of the Code.

Witnesses

15. No witnesses were heard in the Substantive Hearing as the facts were agreed between the Respondent and the Applicant and the Respondent admitted all allegations.

Findings of Fact and Law

16. The Applicant was required to prove the allegations beyond 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 her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Allegation 1

17. Between 19 and 21 May 2021, the Respondent, whilst in practice as a solicitor at Weightmans LLP (“Weightmans”):

- (a) Represented that she was awaiting signed statements from witnesses, which was untrue in that she had not sent any draft statements; and/or
- (b) Falsified emails in order to show that she had sent statements to witnesses on 15 and 20 April, when she had not.

17.1 In doing so, the Respondent has breached any or all of Principles 2, 4 and 5 of the SRA's Principles 2019 ("the Principles") and paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs ("the Code").

The Applicant's Case – Allegation 1

Alleged failure to maintain public trust (Principle 2)

- 17.2 The Applicant alleged that the Respondent's 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 them and in the provision of legal services.
- 17.3 The Applicant asserted that public confidence in the Respondent, in solicitors and in the provision of legal services is likely to be undermined by solicitors falsely representing that work had been completed and creating a false record on files. The Applicant submitted that the Respondent had therefore breached Principle 2 of the SRA Principles.

Alleged Lack of Dishonesty (Principle 4)

- 17.4 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:

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

- 17.5 The Applicant alleged that the Respondent's actions were conscious and deliberate. In this respect, the Applicant relied upon the following matters:
- When the Respondent communicated with Ms Wright on 19 May 2021, the Respondent knew that she had not completed the witness statements and therefore what she told Ms Wright was false and misleading.

- The Respondent did not email Person C or Person D on 15 April 2021 or 20 April 2021, but she created emails to suggest that she had done so.
- The Respondent did not prepare or finalise the draft statements until 20 May 2021, after the date of the Falsified Emails.
- When the Respondent presented the Falsified Emails as genuine in May 2021, she knew that the purported dates and sender information were false and misleading.

- 17.6 The Applicant asserted that any bystander looking at the file would assume that the Respondent had sent emails which the Respondent had not in fact sent, and would get a wrong impression of the file. Further, any bystander who knew the background facts would consider such conduct dishonest.
- 17.7 The Applicant further submitted that ordinary decent people would consider it dishonest to falsely misrepresent that tasks had been completed and to falsify emails, such that the Respondent has acted contrary to Principle 4.

Alleged lack of integrity (Principle 5)

- 17.8 The Applicant alleged that by falsely representing that the Respondent had complied with tasks and by falsifying emails to make it look like she had contacted witnesses and sent draft witness statements, when she had not, the Respondent failed to act with integrity, i.e. with moral soundness, rectitude and steady adherence to an ethical code.
- 17.9 The Applicant relied on the test set out in *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.
- 17.10 The Applicant asserted that a solicitor acting with integrity would not have created a false record as set out above and the Respondent therefore breached Principle 5 of the SRA Principles 2019.

Alleged failure to achieve Outcome 1.4 of the Code (not to misled or attempt to mislead)

- 17.11 The Applicant alleged that the Respondent's conduct in misleading and/or attempting to mislead her colleagues and Weightmans therefore represented a breach of the requirement of in Paragraph 1.4 of the Code not to mislead or attempt to mislead clients, the court, or others.

The Respondent's Case – Allegation 1

- 17.12 The Respondent confirmed that she fully admitted Allegation 1 as had been recorded in the Parties' signed Statement of Agreed Facts.
- 17.13 The Respondent stressed that there no excuse for her conduct, but she wished to explain the background relating to her conduct.
- 17.14 At the relevant time, the Respondent had been a newly qualified solicitor who had recently completed her training contract at another firm, and she had not been able to

qualify into the area of law in which she was interested. The Respondent's father had also died shortly before her qualification and her previous employer had not handled the situation particularly well. The Respondent had been told on the date of her father's funeral that she would not be offered a job upon qualification.

- 17.15 The Respondent also explained that at Weightmans she was being pushed to work in an area of law that she was not interested in.
- 17.16 The Respondent further explained that her misconduct had taken place when she was working from home during the Covid pandemic. The Respondent could not explain or comprehend her conduct, but she believed that it had been the result of panic and naivety.
- 17.17 The Respondent added that her conduct was not representative of her character, and she had otherwise received positive feedback on her work. She had been praised to be a good junior solicitor, capable, efficient and hard working.
- 17.18 At the relevant time, the Respondent had not appreciated the seriousness of her conduct and that she would be referred to the Applicant as her regulator.

Tribunal's Findings – Allegation 1

Alleged dishonesty (Principle 4)

- 17.19 The test for dishonesty applied by the Tribunal was that laid down by the Supreme Court in *Ivey v Genting Casinos* [2017] UKSC 67, namely that the person has acted dishonestly by the ordinary standards of reasonable and honest people. The Tribunal considered that ordinary decent people would regard a solicitor that falsifies emails as dishonest within the meaning of in *Ivey v Genting Casinos*. Therefore, the Tribunal found that the Respondent had properly admitted the allegation of dishonesty.
- 17.20 The Tribunal noted that the Respondent had at the time of her misconduct shown symptoms of grief following her father's earlier death. The Tribunal further noted that the Respondent's other personal circumstances, including remote work during the Covid pandemic and her status as a newly qualified solicitor, were distressing and would have justified the Respondent explaining why she had not done the work. However, the circumstances did not account for the Respondent's initial untruthfulness about the requested work and the actions that the Respondent took after that. Instead of falsifying the emails, the Respondent could have told her colleague or her employer that she had made mistake or had forgotten about the task.
- 17.21 There was no suggestion that the working conditions at Weightmans were such that the Respondent had felt that she could not have told the truth. In fact, the Respondent admitted that she had been supported during the Covid Pandemic.
- 17.22 Accordingly, the Tribunal found that the Respondent's dishonesty and breach of Principle 4 of the SRA Principles 2019 was proved, and the Respondent's admission was properly made.

Alleged Lack of Integrity (Principle 5)

- 17.23 Applying the test set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, the Tribunal noted that public would expect a solicitor to adhere to their ethical standards of profession and would regard a solicitor that falsifies emails in an attempt to mislead her employer that she has done the work that she has not in fact done to be acting without integrity.
- 17.24 Therefore, the Tribunal was satisfied on the balance of probabilities that the Respondent's lack of integrity was proved, and the Respondent's admission had been properly made. Accordingly, the Tribunal found that the Respondent had breached Principle 5 of the SRA Principles 2019.

Alleged failure to maintain public trust (Principle 2)

- 17.25 Applying the test for determining whether a solicitor has behaved in a way that maintains the trust the public places in a solicitor in question and the provision of legal services as was set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, the Tribunal found that the Respondent's alleged failure to maintain public trust was proved on the balance of probabilities and the Respondent's admission had been properly made.
- 17.26 The Tribunal considered that by falsifying emails in an attempt to mislead her employer that she had done the requested work, although she had not done the work, the Respondent had damaged the reputation of the profession, and public confidence in the legal profession. Therefore, the Tribunal found that the Respondent had breached Principle 2 of the SRA Principles 2019.

Alleged failure to achieve Outcome 1.4 of the Code (not to misled or attempt to mislead)

- 17.27 The Tribunal was satisfied on the balance of probabilities that the allegation that the Respondent had misled her colleagues and former employer Weightmans by falsifying emails was proved and the Respondent's admission had been properly made. Therefore, the Tribunal found that the Respondent had failed to achieve Outcome 1.4 of the SRA Code of Conduct.

Allegation 2

- 18 Between 3 June 2021 and 5 October 2021, the Respondent:
- (a) Falsely represented the reason for her departure from Weightmans; and/or
 - (b) Failed to inform Capsticks LLP ("Capsticks") of the true reason for her dismissal from Weightmans.
- 18.1 In doing so, the Respondent has breached any or all of Principles 2, 4 and 5 of the Principles and paragraph 1.4 of the Code.

The Applicant's Case – Allegation 2

Alleged dishonesty (Principle 4)

- 18.2 Relying on the test set out by the Supreme Court in *Ivey v Genting Casinos* [2017] UKSC 67, as described above, the Applicant alleged that the Respondent consciously and deliberately chose to provide information in the Application that she knew to be false for reasons of “*self-preservation*”, and because she knew that if she had been honest she would not have been offered the position. According to the Applicant, this was dishonest by the standards of ordinary decent people and contrary to Principle 4.

Alleged lack of integrity (Principle 5)

- 18.3 The Applicant asserted that it was incumbent on the Respondent to be open and honest when completing the Application. She had a duty not to mislead a potential future employer in relation to a direct question relating to her departure from Weightmans. In the Applicant's view, a solicitor acting with integrity would have disclosed the nature of that departure and the reasons for it, which the Respondent did not do.
- 18.4 The Applicant further asserted that the Respondent had admitted that disclosing the nature and the reasons for her departure would have probably meant that she would not have been offered the role, which in the Applicant's view demonstrated that she knew what she was doing.

Alleged failure to maintain public trust (Principle 2)

- 18.5 The Applicant asserted that the members of the public would not expect a solicitor to provide false information in an application for employment and fail to disclose the real reason for leaving a previous role.
- 18.6 The Applicant alleged that by her actions, the Respondent did not conduct herself in a manner that maintains public trust in her and the provision of legal services.

Alleged failure to achieve outcome 1.4 of the Code (not to mislead)

- 18.7 The Applicant alleged that by her conduct, the Respondent misled Capsticks in relation to her departure from Weightmans in the course of applying for a new position.

The Respondent's Case – Allegation 2

- 18.8 The Respondent fully admitted allegation 2, as is recorded in the Parties' Statement of Agreed Facts. The Respondent nevertheless wished to explain that her statement to Capsticks had not been entirely false as it was true that she was not happy with the fact that at Weightmans she was working in an area of law that did not interest her and she was going to be moved to a team that handled claims by water companies. She had not wanted to work in that area of law. Therefore, the statement in the Application that she was pushed into area of law that she did not wish to pursue was not a lie.

- 18.9 The Respondent further explained that if she had appreciated at the time that she was going to be referred to the Applicant with respect to her conduct that is subject to allegation 1, she would not have applied for another legal role.

Tribunal's Findings – Allegation 2

Alleged dishonesty (Principle 4)

- 18.10 Applying the test 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, the Tribunal considered that ordinary decent people would regard that the Respondent had been dishonest in her Application to Capsticks.
- 18.11 The Tribunal noted that whilst the Respondent's statement in the Application that she had been pushed to an area of law that she was not interested in seemed to have been the truth, it was not the whole truth behind her departure from Weightmans. In the Tribunal's view, the Respondent's failure to disclose the nature of her departure from Weightmans and the full reasons behind it was equivalent to falsifying a CV.
- 18.12 Accordingly, the Tribunal was satisfied on the balance of probabilities that the Respondent's dishonesty was proved, and the Respondent's admission had been properly made. Therefore, the Tribunal found that the Respondent had breached Principle 4 of the SRA Principles 2019 also in relation to Allegation 2.

Alleged lack of integrity (Principle 5)

- 18.13 Applying the test set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, the Tribunal agreed with the Applicant that a solicitor acting with integrity would have disclosed the nature of her departure from Weightmans and the full reasons for it. The Tribunal noted that the Respondent had conceded that if she had been truthful about the full reasons for her departure from Weightmans she probably would not have been offered the role. This showed that the Respondent must have known what she was doing.
- 18.14 Therefore, the Tribunal was satisfied on the balance of probabilities that the allegation of lack integrity was proved and the Respondent's admission was properly made. The Tribunal found that the Respondent had thus breached Principle 5 of the SRA Principles 2019 also in respect of allegation 2.

Alleged failure to maintain public trust (Principle 2)

- 18.15 As described further above, the Tribunal applied the test for maintaining public trust and confidence in the legal professions set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, where it was said that a solicitor acting carelessly but with integrity would undermine public confidence in the legal profession if the careless conduct goes beyond mere professional negligence.
- 18.16 The Tribunal agreed with the Applicant that the members of the public would not expect a solicitor to provide false information in an application for employment and fail to disclose the real reason for leaving a previous role. Therefore, the Tribunal was satisfied

on the balance of probabilities that the allegation of failure to maintain public trust was proved and the Respondent's admission was properly made. The Tribunal found that the Respondent had breached Principle 2 of the SRA Principles 2019 also with respect to allegation 2.

Alleged failure to achieve outcome 1.4 of the Code (not to mislead)

- 18.17 The Tribunal was satisfied on the balance of probabilities that it was proved that the Respondent misled Capsticks when she failed to disclose the nature of her departure from Weightmans and the full reasons for it in the course of applying for a new position and that the Respondent's admission was thus properly made. Accordingly, the Tribunal found that the Respondent had failed to achieve Outcome 1.4 of the SRA Code of Conduct also in relation to allegation 2.

Previous Disciplinary Matters

19. There were no previous disciplinary matters against the Respondent.

Mitigation

20. As described further above, the Respondent referred to her distressing personal circumstances at the time of her misconduct, including her father's death before the misconduct took place, the remote working during the Covid pandemic and the fact that she was a newly qualified solicitor. The Respondent had also been pushed to work in an area of law that she was not interested in. The Respondent also explained that she had not appreciated the seriousness of her conduct and the fact that she would be referred to the Applicant as her regulator. If she had appreciated that she would be referred to the Applicant, the Respondent would not have applied for a new legal role.
21. The Respondent explained that she had initially agreed to the Statement of Agreed Facts and Outcome as a result of financial considerations, but she also confirmed that she was happy to fully admit all the allegations. She also stated that with hindsight she now considered her actions as embarrassing and shameful. The Respondent further advised that she was currently very happy working in her current role in the third sector.

Sanction

22. 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").
23. 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.

24. In assessing the Respondent's culpability, the Tribunal found that the Respondent's motivation in relation to falsifying the emails had been an attempt to cover up the fact that she had not done the requested work. Whilst the Respondent's dishonesty about the status of her work had been spontaneous, she had then intentionally falsified emails to cover up her lack of work. In doing so, the Respondent has been completely in control of her actions and there was no one else to blame for her actions.
25. The Tribunal further found that the Respondent's misconduct in relation to her application to Capsticks was a continuation of her previous misconduct in falsifying the emails, which continued over time but for a relatively short period of time. The Respondent had been motivated by her attempt to secure a new legal role. The Respondent had admitted that probably she would not have been offered the job at Capsticks had she told them of the full reasons for her departure from Weightmans.
26. Whilst the Respondent had not taken advantage of anyone, the Respondent's misconduct in relation to her application to Capsticks had been deliberate and the Respondent had been fully in control of her actions and had not been influenced by anyone.
27. The Tribunal then considered the issue of harm. the Tribunal found that the Respondent's dishonesty had caused harm to the reputation of the profession as per Coulson J in *Solicitors Regulation Authority v Sharma* [2010] EWHC 2022 Admin:

"34. There is harm to the public every time that a solicitor behaves dishonestly. It is in the public interest to ensure that, as it was put in Bolton, a solicitor can be "trusted to the ends of the earth"."
28. The Tribunal considered that by falsifying the emails whilst working at Weightmans, the Respondent had caused harm to the reputation of the profession and may have also caused harm to the reputation of Weightmans. The Tribunal noted that Weightmans had had to inform their clients that work had not been progressed on their cases as a result of the Respondent's misconduct. The reputation of the profession was harmed because the public would not instruct a solicitor who falsifies emails. The Tribunal nevertheless noted that there had not been any tangible gain for the Respondent herself as a result of falsifying emails.
29. The Tribunal further found that by being dishonest in her application to Capsticks, the Respondent had gained a job that she would not have otherwise been offered. The Respondent had caused at least some harm to Capsticks as they had hired a person who they would not have otherwise hired. By being dishonest in her application to Capsticks, the Respondent had further caused harm to the reputation of the profession in line with the test set out in *Sharma*.
30. The Tribunal considered that the Respondent's inexperience was a mitigating factor, but there was nothing to suggest that the Respondent had not been properly supervised whilst at Weightmans, or been subjected to undue pressure. The fact that the Respondent's misconduct did not cause harm to a third party was another mitigating factor, although harm to the reputation of the profession had been caused and reputational damage to Wightmans may have also been caused. Another mitigating

factor was that the Respondent had not gained anything by falsifying the emails, save that she had gained the job at Capsticks.

31. The Respondent had also shown some level of genuine insight by promptly admitting the allegations once the Rule 12 Statement had been submitted and she had also thereafter fully cooperated with the Applicant. The Respondent had explained that she was shamed and embarrassed about her misconduct, but at the time of her misconduct the Respondent had not appreciated the seriousness of her misconduct and the harm it had caused to the reputation of the profession.
32. Whilst the Tribunal appreciated that the Respondent's personal circumstances were distressing, the Tribunal considered that the Respondent could have and should have been honest about her omission in not obtaining the draft witness statements and could have asked for help if she was struggling to complete her work due to personal circumstances.
33. The Respondent also confirmed that her employer had been supportive during the Covid pandemic. The Respondent had not shown, nor even asserted, that she had faced a particular pressure at work and/or that her workplace was overbearing in some way. In fact, the Respondent could not explain why she had panicked and why she had not told the truth.
34. The Tribunal concluded that the Respondent's proven misconduct, which included dishonesty, was serious and the Respondent was solely culpable for her actions. Whilst there were some mitigating factors, these were minor in nature and did not in any event count for the Respondent's misconduct.
35. The Tribunal then had regard to *Sharma* [2010] EWHC 2022 (Admin) at [13], where Coulson J summarised the consequences of a finding of dishonesty by the Tribunal against a solicitor as follows:
 - (a) *Save in exceptional circumstances, a finding of dishonesty will lead to the solicitor being struck off the Roll ... That is the normal and necessary penalty in cases of dishonesty...*
 - (b) *There will be a small residual category where striking off will be a disproportionate sentence in all the circumstances ...*
 - (c) *In deciding whether or not a particular case falls into that category, relevant factors will include the nature, scope and extent of the dishonesty itself, whether it was momentary ... or over a lengthy period of time ... whether it was a benefit to the solicitor ... and whether it had an adverse effect on others...*
36. In addition, the Tribunal had regard to the case of *Bolton v Law Society* [1994] 2 All ER 486 in which Sir Thomas Bingham stated:

".... Lapses from the required standard (of complete integrity, probity, and trustworthiness) may....be of varying degrees. The most serious involves proven dishonesty.... In such cases the tribunal has almost invariably, no matter

how strong the mitigation advanced by the solicitor, ordered that he be struck off the roll of solicitors.”

37. Applying the test set out in by Flaux LJ in *Solicitors Regulation Authority v James* [2018] EWHC 3058 (Admin) at [101], the Tribunal did not find that there were any exceptional circumstances such that striking the Respondent’s striking off the Roll would be disproportionate. As described further above, the Tribunal found that while there were some mitigating factors, these did not amount to exceptional circumstances.
38. Given the serious nature of the allegation of dishonesty, the Tribunal concluded that, in line with *Sharma* [2010] EWHC 2022 (Admin) and *Bolton* [1994] 2 All ER 486, the only appropriate and proportionate sanction was to strike the Respondent, Ms Jessica Kate Harris off the Roll of Solicitors. The Tribunal considered but rejected the lesser sanctions within its sentencing powers, such as no order, a reprimand or restrictions, because the Tribunal found 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 serious misconduct.

Costs

39. The Applicant’s schedule of costs amounted to £ 29,880, which comprised the fees of two fee earners of different seniority from Blake Morgan LLP. The fees included disbursements and VAT.
40. The Respondent had submitted her Witness Statement, dated 5 April 2024, regarding her financial circumstances as well as a statement of means, dated 22 April 2024.
41. Having carefully reviewed and considered the Applicant’s cost schedule, the Respondent’s Witness Statement and Statement of Means as well as the Parties’ respective submissions on costs in the oral hearing, the Tribunal concluded that the costs of and incidental to this application and enquiry should be fixed in the sum of £5,000.00.
42. The Tribunal noted that Weightmans and Capsticks had provided all the relevant information and documents to the Applicant, which meant that there was no need for any extensive investigation into the Respondent’s alleged misconduct. The Respondent had also fully admitted the allegations at the start of these proceedings. Therefore, the Tribunal was of the view that the amount of the Applicant’s costs that could be regarded as reasonably and properly incurred was very low.
43. In light of the Respondent’s current and future financial circumstances, the Tribunal determined that costs fixed in the sum of £5,000.00 constituted appropriate compensation of the costs that the Applicant had reasonably and properly incurred.

Statement of Full Order

44. The Tribunal ORDERED that the Respondent, JESSICA KATE HARRIS solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £5,000.00

Dated this 23rd day of October 2024
On behalf of the Tribunal

P. Housego

P. Housego
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
23 OCTOBER 2024