SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No. 12635-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD Applicant

and

KATHRYN POOLE Respondent

Before:

Ms A Horne (in the chair)
Mr U Sheikh
Ms E Keen

Date of Hearing: 10 July 2025

Appearances

Tom Walker, Counsel employed by Blake Morgan LLP of New Kings Court, Chandlers Ford, Eastleigh, SO53 3LG for the Applicant

Ms Poole did not attend the hearing and was not represented

JUDGMENT

Allegations

1. The allegations against the Respondent, Kathryn Poole, made by the SRA are that, whilst in practice as a consultant solicitor at Vingoe Family Law Limited ("the Firm") she:

1.1 Between June to August 2021, informed Client A and others, that relevant pension information was awaited from Client A's pension company, when she had not requested the information. In doing so, she breached any or all of:

1.1.1 Principle 1 of the SRA Principles 2019
1.1.2 Principle 2 of the SRA Principles 2019
1.1.3 Principle 4 of the SRA Principles 2019
1.1.4 Principle 5 of the SRA Principles 2019
1.1.5 Principle 7 of the SRA Principles 2019; and
1.1.6 Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs

1.2 Following a court hearing on 28 July 2021, did not promptly inform Client A that a Penal Notice had been made against Client A, and that she had been ordered to pay costs of £250. In doing so, she breached any or all of:

1.2.1 Principle 2 of the SRA Principles 2019
1.2.2 Principle 4 of the SRA Principles 2019
1.2.3 Principle 5 of the SRA Principles 2019
1.2.4 Principle 7 of the SRA Principles 2019
1.2.5 Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs;
1.2.6 Paragraph 3.2 of the Code of Conduct for Solicitors, RELs and RFLs;

1.3 Following a court hearing on 28 July 2021, did not promptly inform her Firm that a Penal Notice had been made against Client A, and that Client A had been ordered to pay costs of £250. In doing so, she breached any or all of:

1.3.1 Principle 5 of the SRA Principles 2019; and
1.3.2 Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs.

Executive Summary

2. The Respondent was admitted as a solicitor on 3 September 2007.

3. She was engaged as a consultant solicitor at the Firm pursuant to a consultancy agreement dated 20 January 2021, which was terminated on 12 August 2021.

4. The Respondent acted for Client A in matrimonial proceedings and was required to file full details of Client A's property and income with the court ahead of a hearing listed for 11 June 2021. As part of this process, the Respondent was to obtain information from Client A's pension provider. The Respondent failed to file the required information by the deadline and subsequently misrepresented to both Client A and the Firm that the delay was attributable to the pension provider.

5. Following a further hearing on 28 July 221, a Penal Notice and an adverse costs order of £250 were made against Client A. The Respondent failed to inform either Client A or the Firm of these developments.

6. A subsequent internal review by the Firm identified serious professional failings, and the matter was referred to the Solicitors Regulation Authority (SRA).

7. Following an SRA investigation, allegations were advanced against the Respondent, including that she had informed Client A and others that pension information was awaited from the pension company when no such request had been made to the pension company, and that she had failed to promptly inform the Firm that a Penal Notice had been issued against Client A and that an adverse costs order had been made her.

8. Allegations 1.1 (which included dishonesty) and 1.3 were found proved, and the Tribunal ordered that the Respondent be struck off the Roll of Solicitors.

Sanction

9. The Tribunal ordered that the Respondent be STRUCK OFF the Roll of Solicitors.

10. The Tribunal's sanction and its reasoning on sanction can be found [here]

Documents

11. The Tribunal reviewed all the documents submitted by the parties, which included (but was not limited to):

- Rule 12 Statement and Exhibit JD1 dated 2 July 2024.
- First Witness Statement of James Danks dated 7 October 2024
- Second Witness Statement of James Danks dated 30 June 2025
- Applicant's Schedule of Costs dated 2 July 2025

Preliminary Matters

12. The Respondent did not attend the hearing and was not represented. The Respondent had not applied in advance of the hearing to adjourn or vacate the hearing. It was noted that the Respondent had not filed and served an Answer and had not engaged in the proceedings generally.

13. Service of Proceedings

13.1 The Tribunal was concerned to ensure that the Respondent had been correctly served and was aware of the hearing date.

13.2 Mr Walker, for the Applicant, submitted that the Respondent had been correctly served with the proceedings under Rule 13(5) the Solicitors Disciplinary Procedure Rules 2019 ("SDPR") and referred to documentary evidence which indicated that the Respondent was on notice of the listed hearing.

13.3 The Tribunal was satisfied that the Respondent had been correctly served with the proceedings under Rule 13(5) SDPR, and was also satisfied that there was sufficient evidence to demonstrate that the Respondent was aware that the substantive hearing was due to take place on 10 July 2025.

14 Application to proceed in Respondent's Absence

14.1 Mr Walker submitted that the Respondent had been correctly served with the proceedings under Rule 13(5) SDPR and there was evidence that the Respondent was on notice of the listed hearing. Mr Walker referred the Tribunal to Rule 36 SDPR which stated:

> *"If a party fails to attend and is not represented at the hearing and the Tribunal is satisfied that notice of the hearing was served on the party in accordance with these Rules, the Tribunal may hear and determine any application and make findings, hand down sanctions, order the payment of costs and make orders as it considers appropriate notwithstanding that the party failed to attend and is not represented at the hearing."*

14.2 The Rule 12 Statement was dated 2 July 2024. Under the standard directions issued by the Tribunal, an Answer to the Rule 12 statement was due to be served by the Respondent on 2 August 2024. The Respondent failed to file an Answer by that date and a non-compliance hearing was listed on 22 August 2024. At the non-compliance hearing, the Respondent did not attend but was afforded further time, until 4.30pm 12 September 2024 to provide an Answer to the allegations. The Respondent failed to file an Answer by that date and did not engage with the proceedings pursuant to the timetable specified in the standard directions.

14.3 The Applicant obtained a report from a tracing agent dated 3 September 2024, which confirmed that the postal address known to the Applicant remained the Respondent's residential address.

14.4 The Applicant filed evidence from Mr James Danks[1] detailing significant efforts made to communicate with the Respondent. In addition to a series of emails and letters updating the Respondent about the progression of the case (to which the Respondent did not respond), Mr Danks referenced a telephone call held on 21 February 2025 which was the first and only time that the Respondent contacted the Applicant's legal representatives after the proceedings had been issued. The Respondent confirmed the postal address held for her was accurate, and she was informed of the substantive hearing date. Neither the Applicant nor their legal representatives received any further contact from the Respondent after that date, despite the latter regularly sending correspondence to her.

14.5 The Respondent was made aware that an Application for the matter to be heard in her absence would likely be forthcoming should she not attend the substantive hearing. Further, by e-mails from the Tribunal and the Applicant's legal representatives, the Respondent was notified that the hearing would be held remotely, and was sent

[1] Partner and Solicitor of Blake Morgan LLP, instructed by the Applicant in relation to the proceedings.

information as to how to access the remote hearing. There was no response from the Respondent to that e-mail correspondence.

14.6 Mr Walker applied for the substantive hearing to proceed in the Respondent's absence and relied upon the decisions in General Medical Council v Adeogba; General Medical Council v Visvardis [2016] EWCA Civ 16231 which in turn approved the principles set out in R v Hayward, R v Jones, R v Purvis QB 862 [2001], EWCA Crim 168 [2001], namely that proceeding in the absence of the Respondent was a discretion which a Tribunal should exercise with the upmost care and caution, bearing in mind the following factors:

- The nature and circumstances of the Respondent's behaviour in absenting herself from the hearing;
- Whether an adjournment would resolve the Respondent's absence;
- The likely length of any such adjournment;
- Whether the Respondent had voluntarily absented herself from the proceedings, and the disadvantage to the Respondent in not being able to present her case.

14.7 It was held in Adeogba that in determining whether to continue with regulatory proceedings in the absence of the accused, the following factors should be borne in mind by a disciplinary tribunal:-

- the Tribunal's decision must be guided by the context provided by the main statutory objective of the regulatory body, namely the protection of the public;
- the fair, economical, expeditious and efficient disposal of allegations was of very real importance;
- it would run entirely counter to the protection of the public if a respondent could effectively frustrate the process and challenge a refusal to adjourn when that practitioner had deliberately failed to engage in the process; and
- there was a burden on all professionals subject to a regulatory regime, to engage with the regulator, both in relation to the investigation and ultimate resolution of allegations made against them. That is part of the responsibility to which they sign up when being admitted to the profession.

14.8 Mr Walker submitted that the Tribunal had evidence that the Respondent had been correctly served, and that she was aware of the hearing date but had voluntarily absented herself.

The Tribunal's Decision

14.9 The Tribunal was mindful that it should only decide to proceed in the Respondent's absence having exercised the utmost care and caution.

14.10 The Tribunal considered the factors set out in Jones and Adeogba as to what should be considered when deciding whether or not to exercise the discretion to proceed in the absence of the Respondent. The Tribunal noted that the Respondent had been served with Notice of the hearing under Rule 13(5) SDPR, and the Tribunal had the power under Rule 36 SDPR, if satisfied service had been effected, to hear and determine the application in the Respondent's absence.

14.11 The Tribunal concluded the Respondent had been correctly served and was aware of the date of the proceedings, and determined that there was nothing to suggest that an adjournment would resolve her absence. The Respondent had a duty to engage, but had not done so, and there was nothing to suggest that this would change in relation to a future hearing date. There was no evidence that she had medical issues preventing her from attending, and the Tribunal concluded that the Respondent had voluntarily absented herself.

14.12 The Tribunal also considered the serious nature of the allegations which had been made against the Respondent. These involved allegations of dishonesty and misleading her client. It was in the public interest that this case be concluded expeditiously and without further delay.

14.13 Taking all these matters into account, the Tribunal was satisfied that it was appropriate and in the public interest for the hearing to proceed in the Respondent's absence, and the Tribunal decided that it should exercise its power under Rule 36 SDPR to hear and determine the Application in the Respondent's absence.

Factual Background

15. The Respondent was admitted as a solicitor on 3 September 2007. At the relevant time, the Respondent was a consultant solicitor at the Firm, having entered into a consultancy agreement dated 20 January 2021, and undertook work in relation to matrimonial matters. The consultancy agreement was terminated by the Firm on 12 August 2021.

16. Prior to the Respondent becoming a consultant solicitor at the Firm, she was an employed solicitor at Taggart Legal Services (TLS). Whilst at TLS, the Respondent had conduct of divorce proceedings for Client A, including responding to Client A's husband's financial requests.

17. Upon the Respondent moving to the Firm, Client A transferred her matter to the Firm, and continued to instruct the Respondent to act for her in her divorce proceedings. By a Notice of First Appointment dated 3 March 2021, in addition to other documents, Client A, and therefore the Respondent, was put on notice that Client A had to file full details of her property and income with the Court, using the standard Form. The Notice of First Appointment states the standard form to be Form E, E1 or E2, and that it was to be filed at the Court by 7 May 2021, in readiness for a First Appointment at the Court on 11 June 2021.

18. On 26 March 2021, the Respondent emailed Client A to ask her to complete a financial questionnaire. Client A responded with the requested information on 27 March 2021, and stated: *"…I have found another pension so maybe able to buy 2 hot chocolates a year now."*

19. In response, the Respondent emailed Client A stating: *"Dear* [Client A], *Two hot chocolates!! That would be going crazy! Thank you for sending this information to me. I will now start going through it and putting it into the court form. I will have some further questions but would* [sic] *have been through it properly I will give you a call and talk it through further…."*

20. On 7 April 2021, the Respondent emailed Client A in respect of Client A's pensions: *"Dear* [Client A] *Further to our conversation today please find attached to* [sic] *authority forms for your pension funds to allow information to be disclosed to me. Please print, sign and return them to me as discussed…"*

21. Client A replied to the Respondent on 12 April 2021 stating: *"Kate, Please find attached the information required don't think I've missed anything but I was rushing".*

22. On 23 May 2021, having heard nothing further from the Respondent, Client A emailed to ask if the Respondent could speak to her, stating: *"I'm very aware now that there is a court date set for the 1st and this hasn't really been discussed. There's only 5 full working days to sort this now.".*

23. On 11 June 2021, a hearing regarding Client A's financial proceedings took place at the Family Court in the absence of the parties. By an Order dated 11 June 2021, the Court ordered the following:

> "*Upon considering the documents filed by the Applicant's solicitors and there being no documents filed by* [Client A]
>
> *IT IS ORDERED that:*
>
> *1. The time for* [Client A] *to file and for the parties to exchange Forms E is extended until 4pm 25.6.2021…"*

24. Following the hearing on 11 June 2021, the Respondent did not provide Client A with full details as to what had occurred, nor inform her as to the new deadline for the Form E to be filed and served.

25. During a telephone call with Client A, on an unknown date following the 11 June 2021 hearing, the Respondent informed her that the hearing on 11 June 2021 could not proceed as her pension provider had not provided the necessary information. This followed Client A having provided the Respondent with the necessary authority to contact the pension provider.

26. On 29 June 2021, Mr Vingoe[2] carried out a file review of Client A's matter. His file review stated that there was no evidence on the file that Form E had been filed by the 7 May 2021 deadline, as ordered by the Notice of First Appointment, nor whether the hearing on 11 June 2021 had taken place and, if so, what the outcome was.

27. Client A was aware from her telephone call with the Respondent, following the 11 June 2021 hearing, that *"…my pension details information had been causing a hold up and*

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[2] Sole Owner of the Firm

so I wanted to know if my pension details had come through yet or if the court had put an order in place to hurry these along".

28. During this telephone call, the Respondent told Client A that her pension information had been requested but the pension provider had not yet provided it.

29. Following this telephone call, on 11 July 2021, Client A emailed the Respondent as follows: *"I've tried phoning a few times. Can you tell me if my pension details have come through yet, or if the court has put an order in place to hurry it along…"*

30. In the absence of a response from the Respondent, Client A emailed Mr Vingoe on 21 July 2021, saying that she had: *"…been trying to get hold of Kate since the 7th when I received a court hearing and despite numerous emails and calls even once managing to speak to who I can only assume was a receptionist. I have been unsuccessful. I believe I have a hearing on the 28th which clashes with my son's* [medical appointment] *but until I know this is definitely happening haven't been able to make other arrangements. I am unsure if my pension details that were the holdup have arrived; these were requested in February so I hope so but haven't been able to get hold of Kate. All these things are things I would like to discuss with Kate. Unless there is a problem can you ask her to give me a call ASAP"*

31. Mr Vingoe responded to Client A on 23 July 2021, asking if she had heard from the Respondent and whether *"…everything is progressing satisfactorily".*

32. The Respondent attended, by telephone, the Family Court on 28 July 2021 to represent Client A . Following that hearing, a Court Order of the same date was issued, and included the following statement: *"WARNING. IF YOU DO NOT COMPLY WITH THIS ORDER, YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON, BE FINED OR HAVE YOUR ASSETS SEIZED"*

33. Within the Court Order, Client A was Ordered that she *"…must send to the court file and serve on the Applicant her Form E by 4:00pm 11 August 2021 and a Penal Notice is attached to this provision".* Client A was also ordered to pay her husband's legal costs for the 28 July 2021 hearing, which were summarily assessed by the Court in the sum of £250.00.

34. It was alleged by the Applicant that, following the hearing on 28 July 2021, the Respondent did not inform Client A that a Penal Notice had been issued against her, nor that Client A had been ordered to pay her husband's legal costs for the hearing.

35. On Saturday 7 August 2021, Mr Vingoe emailed Client A and stated:

> *"I have reviewed your case and spoken with Kate and understand that the court has made a Costs Order against you as result of you failing to provide your financial information. It is very unusual for the court to do this and I am therefore checking that you are fully aware of the situation. Could you give me a call when you read this email so that I can be assured that you know what is happening…."*

36. On 9 August 2021, Client A telephoned Mr Vingoe. During this call, the client stated that she was aware that she had to file a Form E, but this was not done as the Respondent was still *"…waiting for the pension details."*

37. On 11 August 2021, the Respondent emailed the Court, copying in Client A's husband's legal representatives. The email stated the following:

> *"Dear Sirs, We attach herewith by way of service our client's form E. We have yet to receive confirmation of our client's pension provision from the pension company as stated in the form. We are filing the Form E to ensure compliance with the penal notice attached to the order of 28th July 2021. An amended Form E and attachments will be filed as a matter of urgency."*

38. Within the Form E attached to the Respondent's email, at Part 4 and in answer to the question asking for the 'Number of pension arrangement or reference number or PPF compensation reference number', the answer stated is: *"awaiting confirmation – believed to be less than £500"*. The form was not signed, but the Firm's address was given as the appropriate service address.

39. On 11 August 2021, at 20:22, Mr Vingoe emailed Client A, copying the Respondent into the email. Whilst the email was predominantly addressed to Client A, having reviewed the client file, Mr Vingoe posed a number of questions to the Respondent. Amongst other content, the email stated the following:

- *"The documents [including Form E] have not been prepared as your financial information has not been provided. The First Appointment took place on 11th June at* [X] *Family Court. I have not seen any note of the hearing nor the order which was made. Kate – please confirm whether you attended the hearing and let me have the Order."*

- *"I can see that the First Appointment was postponed to 28th July but there is no note of what happened on that day nor any court order. Kate – please confirm whether you attended and let me have the order."*

- *"I am told by Kate that your Form E has not been filed sooner as she has been waiting for your financial paperwork and letters from your pension companies. However, your Form E which has been sent to the court contains a lot of the information so I am confused whether you have supplied information and why things have not been done sooner? I am also confused by the fact there are no letters to the pension companies."*

40. Mr Vingoe and Client A met on 12 August 2021. Since the previous day, Client A had contacted the pension company herself, and obtained the necessary quotation to allow completion of her Form E. Client A was told by the pension company that they had received no previous request for this information. A fully completed Form E was filed at Court that day.

41. On 12 August 2021, the Respondent and Mr Vingoe also met, which led to the Firm terminating the Respondent's consultancy agreement. This decision, and a summary of what was discussed between them on 12 August 2021, was confirmed in

correspondence from the Firm to the Respondent dated 15 August 2021. This correspondence stated the following:

> *"Client A – this client has been told that you were waiting for her pension information which has resulted in you being unable to file her Form E. I know that she is being straight with me as you have told me the same thing. However, the pension company has not received any request for information. The situation has since got much worse as the court imposed a Penal Order meaning that, if she failed to comply with the 11th August deadline, an application could be made for her committal to prison. You contacted me about this with only 21 minutes to the 4pm deadline. You also failed to inform me, or the client of the Costs Order imposed against her. This lady has said that you have lied to her and that she has been misled and is reporting it to the SRA which will put my practice on their radar."*

Witnesses

42. No oral evidence was received, and the Tribunal considered all of the written evidence and submissions made by the parties. The evidence is quoted or summarised in the Findings of Fact and Law below. The evidence referred to will be that which was relevant to the findings of the Tribunal, and to facts or issues in dispute between the parties. For the avoidance of doubt, the Tribunal read all the documents in the case. 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

43. The Applicant was required by Rule 5 of The Solicitors (Disciplinary Proceedings) Rules 2019 to prove the allegations to the standard applicable in civil proceedings (on the balance of probabilities). The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent's rights to a fair trial and to respect for her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

44. **Allegation 1.1: Between June to August 2021, informed Client A and others, that relevant pension information was awaited from Client A's pension company, when she had not requested the information.**

<u>The Applicant's Case</u>

The Rule 12 Statement – **[Click Here]**

44.1 The Tribunal reviewed all the material before it with great care, along with the submissions made by Mr Walker. All findings were made on the balance of probabilities. The burden of proof lay entirely with the Applicant.

44.2 The Tribunal found on the balance of probabilities that:

44.3 In the course of acting for Client A, the Respondent had assumed responsibility for obtaining the necessary pension information. This was evident from the communications between the Respondent and Client A, in particular in the Form of Authority the Respondent sent to Client A on 7 April 2021, which was to enable the Respondent to correspond directly with Client A's pension providers. This indicated that the Respondent would be obtaining the information, rather than Client A or any other party.

44.4 It was clear from Mr Vingoe's review of Client A's file, and from Client A's contact with her pension provider on 12 August 2021, that the Respondent failed to request the pension information.

44.5 Mr Vingoe indicated, having reviewed Client A's file, that the file was sparse, and the Respondent had been routinely failing to file documents.

44.6 The Tribunal considered whether there were alternative explanations arising from the evidence, other than the case advanced by the Applicant. If the Respondent had material which contradicted Client A's complaint regarding her inactivity in obtaining the pension information and/or Mr Vingoe's criticism of her failure to take the necessary steps to progress the matter, which material had not been saved to the Firm's system, but was instead, perhaps, saved locally on her own device, it had been open to the Respondent to provide this evidence.

44.7 The Respondent did not provide any such evidence to the Firm, to the SRA or to the Tribunal following the issue of the proceedings. Given the consequences of the Court issuing a Penal Notice against Client A, the prospect of being dismissed from her position by the Firm, and the subsequent regulatory investigation and Tribunal proceedings, it was extraordinary that such contradictory evidence had not been adduced, if it existed. The inference could therefore be drawn that the Respondent had not requested the pension information, and her communications with her client, the Court, the Firm and associated 3rd parties should be considered in that context.

44.8 The Tribunal found that the Respondent did not request the pension information. Following the Court hearing on 11 June 2021, the Respondent informed Client A that she had requested the information from Client A's pension company but it had not been received. On 11 August 2021, the Respondent emailed both the Court and Client A's husband's representative stating that she was "*…yet to receive confirmation of our client's pension provision from the pension company as stated in the form*". The Tribunal therefore found proved the allegation that between June to August 2021, the Respondent informed Client A and others, that relevant pension information was awaited from Client A's pension company, when she had not requested that information.

44.9 Having found the factual matrix of Allegation 1.1 proved, the Tribunal went on to consider the alleged breaches of the SRA Principles 2019 and the Code of Conduct for Solicitors, RELs and RFLs.

<u>Principle Breaches 1.1.1: Principle 1 of the SRA Principles 2019</u>

44.10 Principle 1 of the SRA Principles 2019 required the Respondent to act in a way that upheld the constitutional principle of the rule of law, and the proper administration of justice. The Tribunal considered whether, by informing Client A and others that relevant pension information was awaited from Client A's pension company, when she had not requested the information, the Respondent had breached this principle.

44.11 In order for a breach of Principle 1 of the SRA Principles 2019 to be substantiated both elements were required i.e. upholding the constitutional principle of the rule of law <u>and</u> the proper administration of justice. The Respondent's conduct may have engaged the second of these elements but the Tribunal could not identify how a failure to uphold the constitutional principle of the rule of law was engaged by her actions in representing that she had asked for information when she had not done so.

44.12 The Tribunal accordingly found on the balance of probabilities that the Respondent did not breach Principle 1 of the SRA Principles 2019 and therefore Allegation 1.1.1 was not proved.

<u>Principle Breaches 1.1.2: Principle 2 of the SRA Principles 2019</u>

44.13 Principle 2 of the SRA Principles 2019 required the Respondent to act in a way that upheld public trust and confidence in the solicitors profession and in legal services provided by authorised persons.

44.14 By informing Client A, the Court, and Mr Vingoe that she was awaiting information which she had not in fact requested, the Respondent diminished public trust and confidence in the solicitors' profession and in the provision of legal services.

44.15 The Tribunal found on the balance of probabilities that the Respondent breached Principle 2 of the SRA Principles 2019, and therefore Allegation 1.1.2 was found proved.

<u>Principle Breaches 1.1.3: Principle 4 of the SRA Principles 2019; (and 1.1.6 Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs)</u>

44.16 Principle 4 of the SRA Principles 2019 required the Respondent to act with honesty. Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs required the Respondent not to mislead or attempt to mislead clients, the Court or others.

44.17 The Tribunal applied the test for dishonesty set out by the Supreme Court in *<u>Ivey v Genting Casinos</u>* [2017] UKSC 67 ("<u>Ivey</u>") as follows:

> *"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."*

44.18 At the time the Respondent stated to Client A, Mr Vingoe, the Court and Client A's husband's legal representatives, that she was awaiting information from Client A's pension provider, the Respondent understood that information in respect of Client A's pension was necessary for Form E to be completed. The Respondent knew that she had not made any efforts to contact the pension provider in order to obtain the necessary information, and that when she stated to Client A that the information had been requested but not received, that was not the true position.

44.19 The Tribunal considered whether the Respondent might have been under the impression that Client A had contacted, or would be contacting, the pension provider to obtain the required information, and that there might therefore be an honest explanation for her untrue statements. If the Respondent had believed that Client A (and not she) was responsible for obtaining the missing information, and/or that delay was due to inaction by Client A's pension provider, there would undoubtedly have been correspondence and/or documentation on the file to that effect. The Respondent knew that the information was due, that deadlines were at risk of being missed, and ultimately that her client faced a Penal Notice if the information was not filed in time. And yet there was no suggestion that the Respondent had chased her client, or anyone else she believed was responsible for the delay in furnishing the information. On the contrary, the Respondent's responses to Client A's requests for a progress report did not ask Client A whether she had yet asked for or received the required information. They instead told Client A that the information was awaited. This was inconsistent with the Respondent believing that responsibility for obtaining the pension information lay with Client A and not herself. Therefore, when the Respondent stated to others the information from the pension provider was yet to be received, the Respondent created a misleading impression that she had made the appropriate enquiries, but the information requested had yet to be provided by the pension provider.

44.20 Given this state of knowledge and belief, the Respondent acted dishonestly by the standards of ordinary decent people. Ordinary decent people would consider it dishonest for a solicitor to knowingly give information that would likely create a false impression. By doing so, the Respondent failed to act with honesty and therefore breached Principle 4 of the SRA Principles, and Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs.

44.21 The Tribunal found on the balance of probabilities that the Respondent did breach Principle 4 of the SRA Principles 2019 and Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs. Therefore Allegations 1.1.3 and 1.1.6 were found proved.

Principle Breaches 1.1.4: Principle 5 of the SRA Principles 2019

44.22 Principle 5 of the SRA Principles 2019 required the Respondent to act with integrity. In assessing the issue of integrity, the Tribunal considered the comments of Jackson LJ in *Wingate v SRA* [2018] EWCA Civ 366 ("Wingate"), where he stated:

> "[97] ... *the term "integrity" is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members ... The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards ... [100] Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty*."

44.23 The Tribunal found on the balance of probabilities that by misrepresenting that relevant pension information was awaited from Client A's pension company, when she had not requested the information, the Respondent failed to act with moral soundness, and failed to demonstrate adherence to the ethical code of her profession.

44.24 The Tribunal found on the balance of probabilities that the Respondent breached Principle 5 of the SRA Principles 2019, and therefore Allegation 1.1.4 was found proved.

Principle Breaches 1.1.5: Principle 7 of the SRA Principles 2019;

44.25 Principle 7 of the SRA Principles 2019 required the Respondent to act in the best interests of each client.

44.26 The Respondent did not ask for information needed to support to her client's case in a timely manner. She then compounded this failing by misrepresenting the true position to her client, the Court, her opponent and her employer. It was not in Client A's interests for her position in the Family proceedings to be compromised by missing deadlines for the provision of necessary information. The Tribunal found that that the Respondent's conduct was to the detriment of her client, as amply demonstrated by Client A having a Penal Notice issued against her and being ordered to pay her opponent's costs of £250.00. It was not in the interests of Client A to be kept in the dark as to the true reason for the failure to obtain the required information.

44.27 The Tribunal found on the balance of probabilities that the Respondent breached Principle 7 of the SRA Principles 2019 and therefore Allegation 1.1.5 was found proved.

45. **Allegation 1.2: Following a court hearing on 28 July 2021, did not promptly inform Client A that a Penal Notice had been made against Client A, and that she had been ordered to pay costs of £250.**

45.1 The Tribunal considered this allegation and determined whether the evidence indicated that, following the Court hearing on 28 July 2021, the Respondent had: firstly, failed to promptly inform Client A that a Penal Notice had been made against her; and secondly, failed to inform Client A that she had been ordered to pay costs of £250. Findings in respect of each of these factual limbs were required for this allegation to be substantiated.

45.2 The Tribunal noted that Client A's evidence was that the imposition of the Penal Notice was mentioned during discussions with the Respondent, but that she was given the impression it had been imposed against her pension provider, rather than against Client

A herself. This is consistent with the wider evidence, which indicated that the Respondent represented to Client A that the delay in obtaining the information lay with her pension provider.

45.3 An attendance note dated 9 August 2021, prepared by Mr Vingoe following a phone call with Client A, reflects that Client A understood a costs order had been made against her (albeit the Respondent had reassured her that the Firm would pay the amount ordered). It therefore follows that the Respondent must have had those discussions, mentioning the existence of both the Penal Notice and the Costs Order, with Client A between 28 July 2021 and 9 August 2021.

45.4 Whilst the evidence indicated that the Respondent did not tell Client A that a Penal Notice had been made against her (because the only evidence on this point was that the Respondent told Client A that the Penal Notice was directed to her pension provider), the Tribunal was unable to find that the Respondent had failed promptly to inform Client A that she had been ordered to pay costs of £250 following the court hearing on 28 July 2021, as was alleged. The available evidence indicated that Client A was told this (albeit that she was also told that she would not have to pay it herself). Accordingly, the Tribunal did not find that the factual matrix of Allegation 1.2 was proved and therefore did not find that the Respondent breached the various provisions of the SRA Principles 2019 or the Code of Conduct for Solicitors, RELs and RFLs, as alleged by the Applicant.

45.5 The Tribunal found, on the balance of probabilities, that Allegation 1.2 was not proved.

46. **Allegation 1.3: Following a court hearing on 28 July 2021, did not promptly inform her Firm that a Penal Notice had been made against Client A, and that Client A had been ordered to pay costs of £250.**

46.1 The evidence was that Mr Vingoe was unaware of the imposition of the Penal Notice until immediately before the deadline for filing Client A's Form E expired at 4pm on 11 August 2021the Respondent. His email to the Respondent dated 12 August 2021 said just that. Indeed, the evidence is that Mr Vingoe's file review, prompted by his speaking to Client A on 9 August following her complaint about lack of contact from the Respondent (and possibly also a conversation he had with the Respondent on about 7 August), identified the existence of the adverse costs order. The Tribunal was therefore satisfied and found that the Respondent did not promptly inform her Firm either that a Penal Notice had been made against Client A, or that Client A had been ordered to pay costs of £250, following the making of those Orders on 28 July 2021. Mr Vingoe was completely in the dark as to the consequences of the 28 July hearing until his contact with Client A caused him to start making enquiries.

46.2 Having found the factual matrix of Allegation 1.3 proved, the Tribunal went on to consider the alleged breaches of the SRA Principles 2019 and the Code of Conduct for Solicitors, RELs and RFLs.

<u>Principle Breaches 1.3.1: Principle 5 of the SRA Principles 2019</u>

46.3 In relation to the alleged breach of Principle 5 of the SRA Principles 2019, the Tribunal considered the Respondent's conduct in light of the guidance set out in the case of

Wingate. A Penal Notice and an Order requiring a client to pay costs as a result of their default in complying with a Court Order, are matters of the utmost seriousness, and this would be apparent to any solicitor. Such circumstances give rise to a risk of a professional negligence claim and/or a complaint being made against the Firm. The need to notify the Firm immediately these orders were made was obvious, particularly given that the circumstances leading to the imposition of the Penal Notice, and costs order, had been caused by the Respondent's action (or inaction).

46.4 The Tribunal found, on the balance of probabilities, that the Respondent's failure to be candid with the Firm represented an attempt to conceal the position and her own culpability. It will also have reduced the opportunity for the Firm to take remedial action to mitigate the harm to Client A. The Respondent's lack of candour therefore amounted to a failure to act with moral soundness and rectitude, and failed to demonstrate adherence to the ethical code of the profession.

46.5 The Tribunal accordingly found, on the balance of probabilities, that the Respondent breached Principle 5 of the SRA Principles 2019, and accordingly Allegation 1.3.1 was proved.

Principle Breaches 1.3.2: Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs.

46.6 Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs requires that a solicitor must not mislead or attempt to mislead clients, the Court, or others. The Respondent was aware that Mr Vingoe had concerns about the progression of Client A's matter. Despite this, the Respondent did not inform Mr Vingoe, immediately following the 28 July 2021 hearing, that a Penal Notice and Costs Order had been made against Client A. Her failure to report this important information to a senior partner, who remained unaware of the imposition of the Penal Notice until immediately before the deadline for its imposition, was misleading.

46.7 The Tribunal therefore found, on the balance of probabilities, that the Respondent breached Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs, and accordingly Allegation 1.3.2 was found proved.

Previous Disciplinary Matters

47. The Respondent had no previous disciplinary findings recorded against her.

Mitigation

48. None.

Sanction

49. The Tribunal considered the Guidance Note on Sanction (11th Edition February 2025) ("the Sanctions Guidance") and the proper approach to sanctions as set out in *Fuglers and others v SRA* [2014] EWHC 179. The Tribunal's overriding objective when considering sanction, was the need to maintain public confidence in the integrity of the profession.

50. 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 Respondents' culpability and the resulting harm, together with any aggravating and mitigating factors.

51. The Tribunal found that the Respondent was directly responsible for her actions in misleading her client, the Court and others as to the true position. It was open to the Respondent to obtain the information required on behalf of Client A and submit it to the Court. The Tribunal found that the Respondent's motivation in misleading her client and the Firm was concealing her failure to have taken the appropriate action.

52. The Respondent's ongoing failure to be candid as to the true position with regard to the missing pension information was exacerbated by her misrepresenting that the fault for the delay and her failure to provide the information to the Court lay elsewhere. Her misconduct arose from actions which were planned as opposed to spontaneous. The Tribunal found that the Respondent's culpability was high.

53. The Tribunal had regard to the impact of the Respondent's misconduct upon those directly and indirectly affected, upon the public, and the reputation of the legal profession. The imposition of a Penal Notice against Client A, and the prospect of her imprisonment, allied to an adverse Costs Order represented significant harm to Client A, who later explained that her trust in the legal profession had been broken by the Respondent's actions. Moreover, the Firm was exposed to a potential negligence claim by the Respondent's misconduct, and Court resources were wasted as a consequence of the Respondent's misrepresentations.

54. The Tribunal considered the extent of the harm that was intended or might reasonably have been foreseen to be caused by the respondent's misconduct. The harm arising from the Respondent's misconduct was clearly foreseeable. The Respondent must have known that by misleading her client and the Firm this could lead to significant negative consequences for them both, and prejudice the client's and the public's confidence in the legal profession. The level of harm was high.

55. In view of the Respondent's culpability and the level of harm caused, the Tribunal concluded that the seriousness of the proved misconduct was high.

56. The main aggravating feature of the Respondent's conduct was the finding of dishonesty. By communicating to Client A and others, that relevant pension information was awaited from Client A's pension company, when she knew that it had not been requested, the Respondent must have realised that such conduct was a material breach of her professional obligations.

57. In relation to factors of mitigation, the Tribunal noted that the Respondent had a previously unblemished career.

58. The Tribunal had regard to the Sanctions Guidance, and assessed the appropriate sanction by first considering whether No Order was appropriate and working up in terms of seriousness until a fair and proportionate sanction was arrived at.

59. The Tribunal determined that No Order, a Reprimand or a Fine were inadequate sanctions. None of these options were commensurate with the seriousness of the misconduct or the risk to the public and the reputation of the profession.

60. The Tribunal noted the purpose for which sanctions are imposed which included maintaining the reputation of the solicitor's profession (*Bolton v The Law Society* [1994] 1 WLR 512). The Tribunal further determined that the reputation of the profession was undermined in the circumstances detailed at Allegations 1.1 and 1.3 above.

61. The Tribunal having determined that the Respondent's conduct was dishonest, observed that a finding of dishonesty would, absent exceptional circumstances, require an order striking the solicitor from the Roll.

62. Having considered the authorities, in particular: *Solicitors Regulation Authority v Sharma* [2010] EWHC 2022 (Admin) and *SRA -v James* [2018] EWHC 2058 (Admin), the Tribunal could not find any exceptional circumstances justifying any lesser sanction other than a striking off.

63. The Tribunal concluded, given the finding of dishonesty against the Respondent, that the only appropriate and proportionate sanction was to strike the Respondent off the Roll of solicitors.

Costs

64. Mr Walker applied for the Applicant's costs in the sum of £33,845.00 as particularised in the Statement of Costs dated 2 July 2025. Mr Walker submitted that the costs claimed were reasonable and proportionate, representing the true economic cost to the regulator.

65. The Applicant had succeeded in respect of the substance of its case with Allegations 1.1 and 1.3 being found proved. Mr Walker submitted that although Allegation 1.2 was not proved, the allegation was nevertheless properly brought and the costs should not be reduced in light of that finding.

66. The Respondent had not filed any evidence or information regarding her means. There was nothing to indicate that the Respondent would be unable to pay a costs order,

Tribunal's Decision on Costs

67. The Tribunal assessed the Applicant's Statement of Costs in detail, guided by reference to Rule 43 of the Solicitors (Disciplinary Proceedings) Rules 2019, and had regard to the conduct of the parties (including the extent to which the Tribunal's directions and time limits imposed had been complied with), whether the amount of time spent on the matter was proportionate and reasonable, and whether any or all of the allegations were pursued or defended reasonably.

68. The factual matrix underlying the allegations was established, and the substance of the Applicant's case had succeeded. Although Allegation 1.2 was not proved it was an allegation that was properly brought, given the conflict of evidence arising from Client A's evidence, and which required determination. The Tribunal considered that the costs

claimed by the Applicant were reasonable and proportionate and the Respondent had provided no information pursuant to Rule 43(5) of The Solicitors (Disciplinary Proceedings) Rules 2019 regarding her means or an inability to meet an Order in that amount.

69. The Tribunal therefore ordered that the Respondent do pay the costs of and incidental to this application and enquiry fixed in the sum of £33,845.00.

Statement of Full Order

70. The Tribunal ORDERED that the Respondent, KATHRYN POOLE, 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 £33,845.00.

Dated this 22nd day of September 2025
On behalf of the Tribunal

A. Horne

A. Horne
Chair