

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12630-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

SIMON JONATHAN TAGER

Respondent

Before:

Mr G Sydenham (Chair)

Mrs A Sprawson

Mr A Pygram

Date of Hearing: 14 February 2025

Appearances

Mr Andrew Bullock counsel of the Solicitors Regulation Authority Ltd, The Cube, 199 Wharfside Street, Birmingham, B1 1RN for the Applicant.

Mr Greg Treverton-Jones K.C., counsel of 39 Essex Chambers, 81 Chancery Lane, London WC2A 1DD for the Respondent.

JUDGMENT

Allegations

1. The allegation against the Respondent, Simon Jonathan Tager, made by the SRA is that, while in practice as a Solicitor/Partner at Addleshaw Goddard LLP (“the Firm”):

Irregular Transfers of Time

- 1.1 Between in or around January 2017 and April 2019, he caused or allowed billed time worth up to £1,241,790.51 to be transferred to different unconnected client matters or to different matters in a client group and in doing so caused at least one client to be overcharged. He therefore breached any or all of Principles 2, 4 and 6 of the SRA Principles 2011 (“the Principles”).

In addition, it was alleged that the Respondent’s conduct was reckless. Recklessness was alleged as an aggravating feature of the Respondent’s misconduct but is not an essential ingredient in proving the allegations.

PROVED

Admissions

2. The Respondent admitted the allegation in full.

Executive Summary

3. The Applicant alleged that, while at the Firm, the Respondent made irregular transfers of billed client time, totalling over £1 million, resulting in at least one client being significantly overcharged. It was alleged that he had also acted recklessly in doing so.
4. The Respondent admitted to the transfers, describing them as a misguided attempt at internal “housekeeping.” The Respondent mitigated on the basis that, amongst other things, the breaches had been unintended, he had made full and frank admissions, and there was substantial evidence as to his character and his remorse.

Sanction

5. The Respondent was ordered to pay a fine of £8,500.00. The Tribunal’s sanction can be found [\[here\]](#)

Documents

6. The Tribunal considered all the documents in the case which were contained in the electronic bundle.

Factual Background

7. The Respondent is a solicitor having been admitted to the Roll on 3 September 2007. He was at the relevant time a Partner in the Firm and had been so from 18 January 2017 to 31 May 2019. He worked in the Firm’s Real Estate department.

8. He holds an unconditional current Practising Certificate for the practising year 2023/2024.

Findings of Fact and Law

9. 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.
10. The Tribunal had due regard to the following and applied the various tests in its fact-finding exercise:

Integrity

The matters set at paragraphs 97 to 107 of [Wingate v SRA \[2018\] EWCA Civ 366](#),

Recklessness

Matters set out at paragraph 78 of [Brett v SRA \[2014\] EWHC 1974](#).

NOTE: While all the evidence was carefully considered the Tribunal does not refer to each and every piece of the evidence or submissions in its judgment and findings.

Allegation 1.1 [proved in full]

11. Breaches of Principles 2, 4 and 6 of the SRA Principles 2011 (respectively lack of integrity, acting in the best interests of each client and maintaining public trust and confidence) and recklessness.

The Applicant's Case

- 11.1 Rule 12 – [Click Here](#)

The Respondent's Case

- 11.2 The Respondent admitted the allegations including all the pleaded breaches of the SRA Principles 2011 and recklessness.

The Tribunal's Findings

- 11.3 The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent's admissions were properly made.
- 11.4 In conclusion, the Tribunal found the following proved on the balance of probabilities:

Allegation 1.1 [proved in full]

Breaches of Principles 2, 4 and 6 of the SRA Principles 2011 (respectively lack of integrity, acting in the best interests of each client and maintaining public trust and confidence) and recklessness.

Previous Disciplinary Matters

12. None.

Mitigation

13. Mr Treverton-Jones apologised on the Respondent's behalf to the Tribunal and to the SRA for his conduct, which had been wholly out of character, isolated and not been repeated in the years following the reported conduct.
14. As to the matters which had given rise to the misconduct, none of the requests for reallocation of time had been covert, all were made in emails which could be easily accessed if necessary. The Respondent had not hidden his actions.
15. There had been no intention on the Respondent's part to gain either directly or indirectly from his actions in instructing finance staff to reallocate time from one file to another, and nor did he in fact gain. The misconduct had been unintended and, very unusually, it had arisen from the Respondent's own character traits which included meticulous attention to detail which had resulted in his zeal to have the hours balanced on his fixed fee files. To this end the reallocation of time between files was intended only as a "housekeeping" exercise, and the Respondent did not intend that any client should be over-charged because of his actions.
16. However, he made an error and accepted that, regretfully, one corporate client (not on a fixed arrangement) was over-charged. This had been inadvertent and unintended on the part of the Respondent. Whilst the Respondent did not dispute that the Firm paid £472,079 + VAT to the client, the actual amount of the over-charge was far less than this. The overcharge figure was calculated by the Respondent as being a potential maximum of around £130,129, though he accepted that this figure was substantial.
17. The Respondent self-reported and made clear and frank admissions from the start and had been open, co-operative, responsive and willing to engage throughout the investigation process. The Respondent was of impeccable and exemplary character as attested by the wealth of character references from lifelong friends, colleagues and his present employer, all of whom spoke highly of his personal and professional qualities.
18. At the time of the conduct giving rise to the allegation the Respondent had been under significant pressure, and he had perhaps taken on too much. The Respondent's mental state at the relevant time (as set out in various medical reports before the Tribunal) indicated that at the time the Respondent had been anxious and somewhat depressed. There was some evidence to suggest that stress was the cause of the Respondent's psychological symptoms, and that a 'Mild to Moderate Adjustment Disorder' was probably present when the Respondent made the inappropriate time transfers, and that this provided a possible explanation for his conduct.

19. He was very remorseful and had showed appropriate insight. He had now made positive changes to his lifestyle and approach to work since leaving the Firm, and by doing so he had reduced the risk of relapse significantly and indeed there had been no repeat.
20. Mr Treverton -Jones submitted that the delay of the SRA in prosecuting this case (some 6 years) was extraordinary, unacceptable and unfair, and resulted in this matter hanging over the Respondent's head for years longer than should have been the case. There was an argument that the delay represented a punishment in itself for the Respondent and Mr Treverton- Jones submitted that the matter should be concluded, finally, by way of a financial penalty.

Sanction

21. The Tribunal considered the Guidance Note on Sanction (10th Edition June 2022) ("the Sanctions Guidance") and the proper approach to sanctions as set out in Fuglers and others v SRA [2014] EWHC 179. In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
22. The facts were highly unusual, and the Tribunal accepted the proposition that the Respondent's conduct had been an aberration, perhaps brought about by a combination of the Respondent's character traits and the pressure he had placed himself under at the time. Certainly, there had been no personal gain and no client had lost out. There had been no repetition in the years following. His remorse was taken to be genuine and his full and frank admissions were noted.
23. The character references from his friends, peers and clients demonstrated that the Respondent was extremely well thought of, not only for his professional capabilities, but as a person. It was likely that the Respondent had learned a hard but valuable lesson and that he had made lifestyle changes, affording him insight into the factors which had brought him before the Tribunal. This matter had been hanging over the Respondent far longer than it should have been, and the Tribunal understood the added stress this had placed upon him and his family.
24. Weighing up the factors set out in the guidance, the Tribunal found the Respondent's culpability to be total and the level of harm to be high, given admissions to lack of integrity and to recklessness: this had not been a minor breach of a minor nature and one which had impacted upon the Firm's billing processes and, potentially, its relationship with its clients.
25. As to sanction, the Tribunal adopted a '*bottom up*' approach. The misconduct was too serious for no order or a reprimand. The fairest and most proportion sanction, when considering the unique facts of the case, the evidence relating to the Respondent's character and his level of remorse and insight was a fine set at the mid-point of the range in Level 3 of the Indicative Fine Bands, (*conduct assessed as more serious*) and the Tribunal imposed a fine of £8,500 upon the Respondent.
26. The Tribunal considered that conditions on the Respondent's practice were neither appropriate nor necessary.

Costs

27. The parties agreed costs in the sum of £25,000. The agreement was approved by the Tribunal and set out in its order.

Statement of Full Order

28. The Tribunal ORDERED that the Respondent, SIMON JONATHAN TAGER solicitor, do pay a fine of £8,500.00, such penalty to be forfeit to His Majesty the King, and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £25,000.00.

Dated this 26th day of February 2025
On behalf of the Tribunal

G. Sydenham

Mr G Sydenham
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
26 FEBRUARY 2025