

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No.12677-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

ANTHONY BURNS

Respondent

Before:

Mr M N Millin (in the chair)

Mrs A Sprawson

Mr C Childs

Date of Hearing: 8 April 2026

Appearances

Tom Walker, counsel in the employ of Blake Morgan LLP, One Central Square, Cardiff, CF10 1FS for the Applicant.

The Respondent did not attend and was not represented.

JUDGMENT

Allegations

1. The allegation made against Mr Burns by the Solicitors Regulation Authority Limited (“SRA”) were that while in practice as the recognised sole practitioner, owner, manager, COLP, COFA, MLRO and MLCO at Mawdsleys Solicitors (“the Firm”):
 - 1.1 The Respondent failed to comply with the final decision of the Legal Ombudsman dated 13 October 2017, requiring the Legal Ombudsman to obtain a court order to enforce its decision. In particular, the Respondent failed to do any, or all of the following:
 - 1.1.1 Pay the compensation ordered by the Legal Ombudsman until August 2022.
 - 1.1.2 Confirm in writing the final balance of any investments forming the relevant trust funds or confirm a date on which these will be released until 26 April 2023; and
 - 1.1.3 Release the funds until 26 April 2023.
 - 1.1.4 Insofar as such conduct occurred prior to and including 25 November 2019, the Respondent acted in breach of Principles 2, 6 and 7 of the SRA Principles 2011 (“the 2011 Principles”) and failed to achieve Outcome 10.6 of the SRA’s Code of Conduct 2011 (“the 2011 Code”).
 - 1.1.5 Insofar as such conduct occurred on or after 25 November 2019, the Respondent acted in breach of Principles 2 and 5 of the SRA Principles 2019 (“the 2019 Principles”) and Paragraph 7.3 of the SRA’s Code of Conduct for Solicitors, RELS and RFLs (“the 2019 Code”).
 - 1.2 The Respondent failed to comply with the court order obtained by the Legal Ombudsman from Liverpool County Court dated 4 January 2023 in a timely manner. In particular, the Respondent failed to do any, or all of the following:
 - 1.2.1 Confirm in writing the final balance of any investments forming the relevant trust funds or confirm a date on which these will be released until 26 April 2023; and
 - 1.2.2 Release the funds until 26 April 2023.
 - 1.2.3 By doing so, the Respondent breached Principles 2 and 5 of the 2019 Principles and Paragraph 2.5 of the 2019 Code.
 - 1.3 When completing two Solicitors Professional Indemnity Proposal Forms dated 15 September 2021 and 25 September 2023, the Respondent caused or allowed inaccurate and/or misleading information to be provided to the Firm’s prospective insurers.

In doing so the Respondent breached any or all of paragraph 1.4 of the 2019 Code and Principles 2, 4 and 5 of the 2019 Principles.

In the alternative to the alleged breach of Principle 4, it is alleged that the Respondent's conduct was reckless. Recklessness was alleged as an aggravating feature of the Respondent's conduct as described in allegation 1.3 but was not an essential ingredient in proving the allegation.

- 1.4 Between 9 March 2023 and 14 December 2023, the Respondent failed to comply with the court orders of Master McQuail dated 9 March 2023 and 2 May 2023; the latter of which imposed a penal notice, in a timely manner or at all, requiring Firm A to issue an application for contempt of court proceedings.

In doing so the Respondent breached any or all of paragraph 2.5 of the Code and Principles 1, 2 and 5 of the Principles.

In addition, allegation 1.4 is advanced on the basis that the Respondent's conduct was reckless. Recklessness was alleged as an aggravating feature of the Respondent's conduct but was not an essential ingredient in proving the allegation.

Executive Summary

2. The Tribunal found all the allegations proved on the unchallenged evidence. The Tribunal's findings can be accessed here:

- [Allegations 1.1 and 1.2](#)
- [Allegation 1.3](#)
- [Allegation 1.4](#)

3. The Tribunal determined that the only appropriate and proportionate sanction was to strike Mr Burns off the Roll of solicitors. The Tribunal's reasoning can be accessed here:

- [Sanction](#)

Preliminary Matters

4. [Application to proceed in the Respondent's absence](#)

- 4.1 Mr Walker applied to proceed in the absence of Mr Burns. There had been no contact from Mr Burns since the case was referred to the Tribunal. Multiple attempts had been made by the Applicant to contact Mr Burns without success. The proceedings papers had been served on him at his last known address in accordance with the Solicitors (Disciplinary Proceedings) Rules 2019 ("SDPR"). Mr Walker submitted that Mr Burns was aware of the hearing and the proceedings and had chosen not to attend. There would be no useful purpose in adjourning the matter; Mr Burns had not attended any of the previous hearings in the matter. It was in the interests of justice and the public interest to proceed in his absence.

- 4.2 The Tribunal noted that Mr Burns had not attended hearings on 3 October 2024, 23 January, and 23 October 2025. He had not provided an Answer to either the Rule 12 or Rule 14 Statements. Mr Burns had not engaged in the proceedings throughout. The Tribunal was satisfied that he had been served in accordance with Rule 44 of the

SDPR. The Tribunal therefore concluded that Mr Burns was aware of the date of the hearing and Rule 36 of the SDPR was engaged.

Rule 36 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.”

4.3 Mr Burns had not made any contact with the Applicant or the Tribunal concerning this matter. The Tribunal had regard to the principles in *R v Hayward, Jones and Purvis [2001] QB, CA*, and *GMC v Adeogba [2016] EWCA Civ 162*. The Tribunal was satisfied that in this instance Mr Burns had chosen voluntarily to absent himself from the hearing. It was in the public interest and in the interests of justice that this case should be heard and determined as promptly as possible. There was nothing to indicate that Mr Burns would attend or engage with the proceedings if the case were adjourned. In the light of these circumstances, it was just to proceed with the case, notwithstanding Mr Burns’ absence.

5. Application to amend the Rule 14 Statement.

5.1 Mr Walker applied to remove an erroneous “information” that had been repeated in allegation 1.3. This was a typographical error and did not alter the meaning of the allegation in any way.

5.2 The Tribunal noted that this was a typographical error. The Tribunal agreed there was no prejudice to Mr Burns in granting the application. The nature of the allegation was not altered by the correction of the error. Accordingly, the application was granted.

Documents

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

- Rule 12 Statement [[here](#)]
- Exhibit
- Rule 14 Statement and Exhibit
- Applicant’s Schedule of Costs

Professional Details

7. Mr Burns, who was born in 1961, was a solicitor, having been admitted to the Roll in December 1989. At the time of the alleged misconduct, he was the recognised sole practitioner, owner, manager, COLP, COFA, MLRO and MLCO at the Firm, which is SRA regulated.

8. The Firm was authorised as a recognised sole practice on 1 November 2015. The SRA took a decision to intervene in the Firm on 8 August 2024. Mr Burns’ Practising Certificate was suspended on the same day.

Witnesses

9. None.

Findings of Fact and Law

10. 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** rights to a fair trial and to respect for **his/her/their** private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Dishonesty

11. The test for dishonesty was that set out in Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67 at [74] 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 factfinder 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”.

12. When considering dishonesty, the Tribunal firstly established the actual state of Mr Burns’ knowledge or belief as to the facts, noting that the belief did not have to be reasonable, merely that it had to be genuinely held. It then considered whether that conduct was honest or dishonest by the standards of ordinary decent people.

Integrity

13. The test for integrity was that set out in Wingate and Evans v SRA and SRA v Malins [2018] EWCA Civ 366, as per Jackson LJ:

“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 [Professionals] are required to live up to their own professional standards ... Integrity connotes adherence to the ethical standards of one’s own profession”.

Recklessness

14. The test applied by the Tribunal was that set out in R v G [2003] UKHL 50 where Lord Bingham adopted the following definition.

“A person acts recklessly...with respect to (i) a circumstance when he is aware of a risk that it exists or will exist; (ii) a result when he is aware of a risk that it will occur and it is, in the circumstances known to him, unreasonable to take that risk”.

15. This was adopted in the context of regulatory proceedings in Brett v SRA [2014] EWHC 2974 (Admin).

16. **Allegation 1.1 - The Respondent failed to comply with the final decision of the Legal Ombudsman dated 13 October 2017, requiring the Legal Ombudsman to obtain a court order to enforce its decision. In particular, the Respondent failed to do any, or all of the following: (1.1.1) Pay the compensation ordered by the Legal Ombudsman until August 2022; (1.1.2) Confirm in writing the final balance of any investments forming the relevant trust funds or confirm a date on which these will be released until 26 April 2023; and (1.1.3) Release the funds until 26 April 2023. Insofar as such conduct occurred prior to and including 25 November 2019, the Respondent acted in breach of Principles 2, 6 and 7 of the 2011 Principles and failed to achieve Outcome 10.6 of the 2011 Code. Insofar as such conduct occurred on or after 25 November 2019, the Respondent acted in breach of Principles 2 and 5 of the 2019 Principles 2019 and Paragraph 7.3 of the 2019 Code.**

Allegation 1.2 - The Respondent failed to comply with the court order obtained by the Legal Ombudsman from Liverpool County Court dated 4 January 2023 in a timely manner. In particular, the Respondent failed to do any, or all of the following: (1.2.1) Confirm in writing the final balance of any investments forming the relevant trust funds or confirm a date on which these will be released until 26 April 2023; and (1.2.2) Release the funds until 26 April 2023. By doing so, the Respondent breached Principles 2 and 5 of the 2019 Principles and Paragraph 2.5 of the 2019 Code.

Factual Background

- 16.1 In 2007, the Firm was instructed to manage the estate of CM and hold and invest sums on behalf of Person A until she was 18. Mr Burns was a trustee.
- 16.2 On 29 March 2016, Person A’s mother, Mrs R, informed the Firm that Person A would turn 18 in July 2016 and requested the withdrawal of the trust funds. Following email correspondence, on 7 July 2016 Mrs R emailed Mr Burns expressing serious dissatisfaction, stating it was *“again apparent that you have failed to act in a professional way... You have not kept us informed or communicated in a timely and effective manner which has caused considerable distress to my family throughout the last 18 months”*, and warning that she would complain to the Legal Ombudsman (“LeO”) and the SRA unless her complaint was resolved immediately. On 26 August

2016, Mrs R advised Mr Burns that she intended to submit a complaint to LeO on 31 August 2016.

- 16.3 LeO first contacted Mr Burns in relation to the complaint on 20 September 2016. On 6 October 2016 Mr Burns informed LeO that the Firm had experienced “*significant problems with its email system*” and stated that he would “*endeavour to [sic] respond in within [sic] 7 days if this is agreeable*”.
- 16.4 A substantive response was provided on 14 October 2016. Mr Burns confirmed the appointment of the Firm as executors and trustees of the estate and that funds had been invested. He referred to potential early closure penalties and issues with the “*identity of the executors since the signatures of both trustees have changed over the years*”. He asserted that neither Person A nor her parents were clients of the Firm and indicated that he hoped to “*resolve matters within 14 days*”.
- 16.5 In October 2016, LeO confirmed that it would investigate the complaint and requested that Mr Burns provide information by 2 November 2016. Further reminders and requests for information were sent in November and December 2016, with Mr Burns being reminded of his “*professional obligation to deal with the Legal Ombudsman in an open, prompt and cooperative way*” and warning that failure to respond by 16 December 2016 would result in a referral to the SRA and determination of the case.
- 16.6 On 16 December 2016, Mr Burns resent the letter of 14 October 2016 and stated that he would endeavour to resolve the situation as soon as possible.
- 16.7 A further update was requested by LeO in January 2017. Mr Burns was informed that in the absence of any update, LeO would issue a preliminary decision and that, based on the information available, LeO would be unable to conclude that the service provided had been reasonable. Mr Burns provided an update by phone the following month. He was asked to provide copies of all correspondence by 22 February 2017.
- 16.8 On 30 March 2017 LeO contacted Mr Burns noting that “*today is the last day for [Person A’s] trust fund and the date of payout*” and that, despite reassurances, nothing had progressed. Mr Burns was informed that compensatory payment would need to be discussed.
- 16.9 On 24 July 2017, LeO issued its Preliminary Decision, concluding that the service provided was below the required standard. The Firm had failed to release the trust fund, provided no explanation for the delay, and failed to respond adequately to the complaint. The Preliminary Decision required Mr Burns to confirm, within 14 days, the closing balances of the investments and the date of payment, and to pay £400 in compensation to acknowledge distress.
- 16.10 Two reminders were sent to Mr Burns in August 2017, LeO having received no response.
- 16.11 On 13 October 2017, LeO issued its Final Decision, finding that the Firm had failed to release the trust funds, failed to engage substantively with the investigation, and failed to respond properly to the complaint. The Ombudsman directed that the Firm

pay £400 compensation and confirm in writing both the closing balance of the investments and the date on which the funds would be released.

- 16.12 On 17 October 2017, Mr Burns was informed that the Final Decision had been accepted and was required to comply by 31 October 2017. He was warned that the decision was enforceable through the courts. On 24 November 2017, LeO advised Mr Burns that he had failed to comply by the deadline. He was granted a final extension to 1 December 2017 and warned that the matter would be passed to the Enforcement Team if non-compliance continued. Mr Burns failed to comply, and the matter was referred to LeO's Enforcement Team on 12 December 2017.
- 16.13 From July 2018 onwards, LeO made repeated and escalating attempts to secure Mr Burns' compliance with its Final Decision of October 2017. An initial Letter of Claim under the Pre-Action Protocol for Debt Claims was sent on 13 July 2018, which reminded Mr Burns that LeO had the power to seek a court order to compel compliance with the Final Decision and that if court action was necessary, costs would be claimed. It also referred to Mr Burns' responsibility to co-operate with LeO and the risk of a referral to the SRA. He was asked to respond by 13 August 2018. He failed to do so.
- 16.14 LeO took no further action until April 2021, when it again sought an update and was informed that the remedy remained outstanding. Despite further reminders, a second Letter of Claim in October 2021, and multiple follow-up communications throughout 2022, Mr Burns failed to provide substantive compliance. Although he promised imminent compliance and eventually paid the £400 compensation in August 2022, the trust funds remained unpaid. Continued delays and unfulfilled assurances led LeO, in November 2022, to notify Mr Burns that legal proceedings would be commenced due to his ongoing non-compliance.
- 16.15 On 22 November 2022, LeO applied to the County Court to enforce the Final Decision of 13 October 2017, supported by written submissions and a statement from the Deputy Ombudsman.
- 16.16 On 4 January 2023, Deputy District Judge Waring sitting in Liverpool County Court made the Order in the matter of *Office of Legal Complaints v Mawdsleys*:

"The Respondent must:

Confirm in writing, within 14 days of service of this order the closing balance of any investments forming the trust funds and confirm a date on which these will be released being no more than 30 days after service of this order. Within 7 days after the release of the trust funds, the Respondent must confirm the same to the Legal Ombudsman.

The Respondent pay the Applicant's costs of the application summarily assessed in the sum of £88.00".

- 16.17 LeO emailed Mr Burns a copy of the Order on 12 January 2023 and informed the SRA of the Order on 6 February 2023. The Order was also personally served on Mr Burns by a process server on 9 February 2023.

- 16.18 On 15 February 2023, Mr Burns confirmed the current investment amount and stated that he was endeavouring to trace one of the trustees. On the same day, LeO stated: *“as the Order was personally served upon you on 9 February 2023, we are expecting compliance with the outstanding remedy by 23 February 2023 and payment of our costs...”*. Those costs were paid by Mr Burns on 27 February 2023. He advised that a closure form had been requested and that *“we will notify you once we have received the closure instruction and again when this has been remitted”*.
- 16.19 LeO requested updates on 2, 20 and 27 March 2023. On 29 March 2023 Mr Burns indicated that he had asked his former partner and fellow Trustee (CL) to call in and see him. Further, his cashier had had a stroke.
- 16.20 Further requests for updates were sent by LeO to Mr Burns on 4 and 17 April 2023.
- 16.21 On 11 April 2023, Mr Burns advised the SRA that he was hoping to see CL to sign off the investment. He supplied the SRA with a copy of an email from CL dated 9 March 2023 which stated that CL *“was surprised to receive correspondence regarding this as I believed...that I would have been replaced as trustee given, I left over 11 years ago. I would be happy to sign a retirement and indemnity form so you can appoint another trustee so that the funds can be released...”*.
- 16.22 Mr Burns paid the outstanding sums on 26 April 2023.
- 16.23 In a letter to the SRA dated 24 April 2023, Mr Burns explained that on 6 November 2017, enquiries were made seeking confirmation that the investment was closed. Due to a lack of response and the provision of a statement dated 26 October 2017 showing a closing balance, *“the presumption was that the investment had been realised. In good faith, we had confirmed the balances known to us at that time and settled the compensatory payment in favour of [Person A]”*.
- 16.24 Mr Burns accepted that there had been a failure to track changes to the account references to *“securely identify the outstanding balance and thereafter, with expedition, close the investment”*. Only recently had an annual report letter from the investment company come to light. The encashment form had been sent and funds were awaited.
- 16.25 In mitigation, Mr Burns referred to:
- *“the previous few years have been the most testing and challenging the majority of the profession have witnessed”*.
 - *“national postal problems, delays in the realm of probate and Land Registry office processes”*.
 - *“issues within private practices which are unique in character and design, not least for sole practitioners”*.
 - *“our longstanding cashier suffered a stroke recently”; and*
 - *“we had a problem with email and domain service” in March 2023.*

The Applicant's Case

Allegation 1.1

16.26 Mr Walker submitted that Mr Burns was in a position of trust and responsibility as an experienced solicitor and COLP. He was aware of his obligations as a solicitor to co-operate with investigations by LeO and to comply with the Final Decision within the timescales set.

16.27 A solicitor acting with integrity would not have:

- Failed to acknowledge the Final Decision issued on 13 October 2017.
- Failed to make any contact with LeO regarding the Final Decision for a period of 4 years and 9 months, despite repeated reminders and warnings from LeO.
- Failed to make the compensation payment of £400 ordered by LeO for a period of 4 years and 10 months.
- Required LeO to obtain a county court order to enforce compliance.
- Failed, at any time, to confirm a date on which the funds would be released as required, failed to release the outstanding funds for 5 years and 6 months after the Final Decision was issued by the LeO or failed to give any, or any, adequate explanation for the failure to comply with the Final Decision.

16.28 Further, a solicitor acting with integrity would not persistently fail to comply with LeO, Mr Burns having been sanctioned by the SRA on two previous occasions for failing to engage or comply with LeO. In conducting himself as he had, Mr Burns had breached his obligation to act with integrity contrary to Principle 2 of the 2011 Principles and Principle 5 of the 2019 Principles.

16.29 Members of the public would expect a solicitor to treat the imposition of a sanction as a matter of seriousness and would expect timely compliance with any sanction. Mr Burns' failure to acknowledge the sanction imposed, or to fully comply with the same, without any, or any cogent, reasons, for a total of 5 years and 6 months was not the standard of behaviour that the public demanded of a solicitor. Such conduct, it was submitted, failed to uphold public trust and confidence in the solicitors' profession and in the provision of legal services, contrary to Principle 6 of the 2011 Principles and Principle 2 of the 2019 Principles.

16.30 It was plain that Mr Burns had failed to co-operate with LeO in breach of Principle 7 of the 2011 Principles.

Allegation 1.2

16.31 Mr Walker submitted that a solicitor acting with integrity would have complied with the Court Order in a timely fashion or would have provided adequate explanation for any delays. The requirements set out in the Court Order were not onerous. In failing to comply with the Court Order, Mr Burns had failed to act with integrity and

demonstrated indifference towards the rules and standards applicable to him. Mr Burns therefore breached Principle 5 of the 2019 Principles.

- 16.32 As an experienced solicitor, Mr Burns was aware of the importance of compliance with court orders and of the potential sanctions for non-compliance. The public were entitled to expect a solicitor, as an officer of the court, to comply with any court order made against him within the timescales set and/or to provide cogent reasons for any delay in compliance. By failing to do so Mr Burns had failed to act in a way that upheld public trust and confidence in the solicitors' profession and in the provision of legal services in breach of Principle 2 of the 2019 Principles and Paragraph 2.5 of the 2019 Code.

The Tribunal's Findings – Allegations 1.1 and 1.2

- 16.33 It was plain that in failing to respond to LeO and failing to comply with the Court Order in a timely manner, Mr Burns had breached the Principles and Code as alleged. The Tribunal found allegations 1.1 and 1.2 proved in their entirety on the unchallenged evidence.

17. **Allegation 1.3 - When completing two Solicitors Professional Indemnity Proposal Forms dated 15 September 2021 and 25 September 2023, the Respondent caused or allowed inaccurate and/or misleading information to be provided to the Firm's prospective insurers. In doing so the Respondent breached any or all of paragraph 1.4 of the 2019 and Principles 2, 4 and 5 of the 2019 Principles 2019.**

Factual Background

- 17.1 Mr Burns submitted professional indemnity proposal forms to the Firm's insurers for:
- 1 October 2021 – 30 September 2022 (signed and dated by Mr Burns on 15 September 2021).
 - 1 October 2023 – 30 September 2024 (signed and dated by Mr Burns on 25 September 2023).
- 17.2 Both forms stated "*you must disclose all material facts and circumstances which you know, or ought to know...a material fact is anything that would influence the judgement of a prudent insurer as to whether to accept the risk, or the terms of the insurance. If you are uncertain as to whether any information or circumstances is material or not, you should disclose it...*".
- 17.3 The forms included the following questions to which the Respondent answered in the negative:
- *Has any principal, partner, director, consultant, employee or LLP member of the firm or any prior practice ever been investigated, charged, tried, or convicted for any criminal offence involving fraud or dishonesty or had a civil judgment made against them?*

- *Has any principal, partner, director, consultant, employee or LLP member of the firm or any prior practice ever been investigated, charged, tried, or convicted for any criminal offence involving fraud or dishonesty or had a civil judgment made against them?*
- *Has any principal, partner, director, consultant, employee or LLP member of the firm or any prior practice ever been subject to, or have pending, any disciplinary proceedings or investigation by the Law Society, the SRA, the Office for the Supervision of Solicitors, Consumer Complaint Service, Solicitors Disciplinary Tribunal, Legal Ombudsman, Consumer Complaints Board, Legal Complaint Service, the Office for Legal Complaints or any other regulatory body or ombudsman or a successor body to any of the above?*
- *Has any principal, partner, director, consultant, employee or LLP member of the firm or any prior practice ever had an award made against them or entered into any regulatory settlement with the SRA arising from Private Legal Practice.*
- *In the last 3 years, has the practice been the subject of a monitoring visit or enquiry from the SRA or Forensic Investigation unit or has notice of any proposed visit or enquiry been given?*

17.4 The Declaration on each form included the following:

“I declare that to the best of my knowledge or belief, the statements and particulars given in this proposal form are true and complete and that any other material facts...have been provided (if you are in any doubt as to whether a fact is material, you should disclose it). I agree to inform Travelers of any change to any material fact”.

17.5 No other information was supplied to Travelers Insurance.

17.6 In 2008, Mr Burns had been convicted of a money laundering offence and fined £2,000.

17.7 As at 15 September 2021, Mr Burns had been notified of the following regulatory investigations:

SRA Reference	Details	Outcome
CDT-1203865-2017	Failure to co-operate with LeO	Letter of guidance dated 19 June 2018
CDT-1287650-2020	Failure to co-operate with LeO	Letter of guidance dated 3 March 2021

POL-1303715-2020	Failure to co-operate with LeO	Respondent notified of investigation on 2 March 2021 which was ongoing at 15 September 2021. A financial penalty was imposed by the SRA on 18 May 2022 with an order for costs.
RGC-000005006	Failure to co-operate with LeO	Respondent notified of investigation on 18 March 2021 which was ongoing at 15 September 2021. A written warning was issued on 24 February 2022.
RGC-000001478	Failure to co-operate with LeO	Respondent notified of investigation on 18 March 2021 which was ongoing at 15 September 2021. A written warning was issued on 24 February 2022.
RGC-000008799	Forensic Investigation	Respondent notified of investigation on 18 May 2021 which concluded in July 2021.

As at 25 September 2023, Mr Burns had been notified of the following regulatory investigations in addition to those listed at paragraph 15:

SRA Reference	Details	Outcome
RGC-000083459	Referral by LeO due to failure to comply with court order dated 4 January 2023, which included an order to pay costs.	Ongoing as at 25 September 2023. Progressed to the current referral to the SDT.

RGC-000100468	Alleged failure to progress probate matters.	Ongoing as at 25 September 2023. Progressed to the intervention on 8 August 2024.
RGC-000104335	Forensic Investigation	Ongoing as at 25 September 2023. Progressed to the FIR of 26 June 2024

- 17.8 As to the Forensic Investigation (reference RGC-000104335), Mr Burns had received communications with the SRA about the same on 19, 22 and 25 September 2023.
- 17.9 A county court order had been obtained by Firm A on 9 March 2023, removing Mr Burns as the executor of the estate of Client A which was amended on 2 May 2023 to include a penal notice. The order of 9 March 2023 also required Mr Burns to pay costs.
- 17.10 An application for contempt of court was made on 21 June 2023 due to Mr Burns' continued failure to comply with the order of 9 March 2023 and the penal notice.
- 17.11 In interview on 19 March 2024, Mr Burns stated that he had completed the insurance proposal forms. He had not made any additional disclosure to the insurers. Mr Burns accepted that his answers on both forms were inaccurate. He stated that whilst he had turned his mind to the questions it was "... *obviously not closely enough*". He accepted that the information he had provided to his insurer was inaccurate, stating: "*I don't recollect, I mean it's obviously an omission on, on both, on both forms really that you know indefensible*".
- 17.12 Mr Burns denied that his answers to the form were motivated by concerns about an increase in his insurance premium, and also denied that his conduct was dishonest, stating: "*it wasn't an, something which I'd thought...was, was a, a conscious decision...*".

The Applicant's Case

- 17.13 Mr Walker submitted that Mr Burns denied that he was dishonest, but accepted in interview that he had:
- Given inaccurate information to his insurers in 2021 and 2023.
 - Failed to provide information which he knew insurers would find relevant.
 - Not read or considered the insurance proposal forms carefully.
 - Made omissions which were 'indefensible'.
 - Had not provided updated information to his insurers.
- 17.14 With reference to the assertions in interview that he had not properly considered the questions, Mr Walker contended that the following was inconsistent with that position:

- He acknowledged that he had considered both his 2008 conviction and the order obtained on 13 March 2023 and specifically ruled out disclosing these details to his insurer.
 - He had been able to recall and discuss the LeO and SRA investigations when asked about them in interview.
 - The forms advised those completing them to disclose information in the event of uncertainty.
- 17.15 Mr Walker submitted that at the time of deciding whether to insure the Firm and considering the level of the premium, the insurer would have relied on the information provided by Mr Burns in his proposals. Mr Burns, it was submitted, had purposefully withheld information relating to his regulatory history and/or misled his insurer in failing to disclose it. In providing incorrect information, the Respondent failed to allow the insurer to make an informed decision, placing his own/the Firm's benefit above that of the insurer.
- 17.16 As a solicitor of over 30 years' experience, Mr Burns was aware of his responsibility to ensure that he read an insurance proposal form carefully and completed the same accurately. A solicitor of his experience would, or would be expected to, understand the questions posed by the form and to be able to identify the relevant information to be provided.
- 17.17 A solicitor acting honestly would also rectify any omissions and/or provide updated information to his insurers as necessary. Mr Burns only did so when told to by the SRA on 19 March 2024. Even then, he delayed in contacting his broker and failed to provide full disclosure.
- 17.18 Members of the public would consider it dishonest for a solicitor to withhold information about his regulatory and criminal history and to sign declarations stating that that the information supplied was true and complete when this was not the case.
- 17.19 Accordingly, his conduct was dishonest in breach of Principle 4 of the 2019 Principles.
- 17.20 Mr Walker submitted that a solicitor acting with integrity would ensure that the information supplied to his insurers was accurate and comprehensive and/or would have acted to correct and update that information when he became aware that omissions had been made or when new information came to light.
- 17.21 Further, a solicitor acting with integrity would have taken the time properly to consider the questions asked of him and to ensure that his answers were true and complete. He would not have completed the forms carelessly. Such a solicitor would have had in mind the advice given on the form to disclose information in the event of uncertainty. In failing to do so, Mr Burns lacked integrity in breach of Principle 5 of the 2019 Principles.
- 17.22 Members of the public would not expect a solicitor to complete forms incorrectly, omitting key information and failing to disclose matters that were required to be disclosed. In doing so Mr Burns had failed to behave in a way which maintains the

trust placed by the public in him and in the provision of legal services in breach of Principle 2 of the 2019 Principles.

- 17.23 In providing inaccurate information in the proposal forms, Mr Burns had misled (or attempted to mislead the insurers in breach of Paragraph 1.4 of the Code which stated: *“You do not mislead or attempt to mislead your clients, the court or others, either by your own acts or omissions or allowing or being complicit in the acts or omissions of others (including your client)”*).
- 17.24 In the alternative to dishonesty, Mr Walker submitted that Mr Burns’ conduct had been reckless. This had been accepted by Mr Burns in his interview, and in a letter to his insurance brokers dated 25 May 2024.

The Tribunal’s Findings – Allegation 1.3

- 17.25 The Tribunal did not accept that Mr Burns, when completing the forms had misunderstood the questions or not given them proper thought. He was aware of his criminal conviction, a number of SRA investigations, the civil judgment, the pending investigation, the costs orders, and the financial penalty imposed. Mr Burns knew, the Tribunal found, that he was required to disclose these matters. He had deliberately chosen not to do so. Ordinary and decent people would find it dishonest for a solicitor to provide inaccurate information and deliberately omit matters that he knew of and knew to be relevant. The Tribunal thus found that Mr Burns’ conduct was dishonest in breach of Principle 4. It followed that Mr Burns had also breached Principles 2, 5 and Paragraph 1.4 of the Code as alleged. Accordingly, the Tribunal found allegation 1.3 proved on the unchallenged evidence. Given its findings in relation to Principle 4, the Tribunal did not consider whether the conduct was reckless, recklessness having been pleaded in the alternative to dishonesty.
18. **Allegation 1.4 - Between 9 March 2023 and 14 December 2023, the Respondent failed to comply with the court orders of Master McQuail dated 9 March 2023 and 2 May 2023; the latter of which imposed a penal notice, in a timely manner or at all, requiring Firm A to issue an application for contempt of court proceedings. In doing so he breached any or all of paragraph 2.5 of the Code and Principles 1, 2 and 5 of the Principles. In addition, it was alleged that Mr Burns’ conduct was reckless.**

Factual Background

- 18.1 On 17 May 2023, Charity A made a report to the SRA regarding Mr Burns’ conduct in respect of the will and estate of Client A.
- 18.2 Charity A explained that Client A died on 12 January 2019. Mr Burns asserted that Client A’s last valid Will was dated 7 January 2019 (‘the January 2019 Will’). The validity of the January 2019 Will was disputed. As a charitable beneficiary, Charity A attempted to investigate the validity of the January 2019 Will, but Mr Burns was *‘obstructive’*.
- 18.3 On 7 May 2021, a court order was made by Master Teverson requiring Mr Burns to comply with pre-action disclosure. This order included a costs order against Mr Burns.

- 18.4 On 7 October 2021, Charity A issued proceedings to obtain a declaration that the January 2019 Will was invalid, noting that Mr Burns had failed to fully comply with the order made on 7 May 2021. The claim was served on Mr Burns on 1 February 2022.
- 18.5 On 6 September 2022 Master Pester declared the January 2019 Will invalid and a will made on 3 February 2017 ('the February 2017 Will') was pronounced as the last valid will of Client A.
- 18.6 A sealed copy of Master Pester's order of 6 September 2022 was served on Mr Burns on 9 September 2022. He was placed on notice that instructions would be taken to remove him as an executor '*if you do not act to assuage my fears...that you will not be proactive in administering Client A's' estate*'. Mr Burns was given until 16 September 2022 to provide information.
- 18.7 On 25 November 2022, an application was made for the removal of Mr Burns as an executor of the February 2017 Will due to his ongoing failure to deal with the estate of Client A both before, and after, the order of 6 September 2022. That application was served on Mr Burns on 29 November 2022.
- 18.8 Following a hearing on 9 March 2023, Master McQuail made an order removing Mr Burns as executor to the February 2017 Will and requiring him to deliver up all documents and estate assets within 21 days of service ('the Order of 9 March 2023'). He was also ordered to pay costs. This order was sealed on 13 March 2023 and served on Mr Burns on 14 March 2023.
- 18.9 Whilst Mr Burns provided a copy of his file and other documents on 18 April 2023 (two weeks after the deadline set by Master McQuail) he had not fully complied with the terms of the Order as he did not deliver up the estate assets or pay costs.
- 18.10 On 27 April 2023, an application was made to vary the Order of 9 March 2023 to apply a penal notice, due to the continuing failure to fully comply with the Order of 9 March 2023.
- 18.11 Master McQuail made an order on 2 May 2023:

"Master McQuail's Order dated 9 March 2023 be varied such that it is endorsed with a penal notice in the form of the handwritten notice marked on the copy of the Order of Master McQuail dated 9 March 2023 attached to this Order".

The handwritten penal notice added to the Order of 9 March 2023 stated:

"PENAL NOTICE If you Anthony Burns (the First Defendant) disobey this order [the Order dated 9 March 2023] you may be held in contempt of court and may be imprisoned, fined or have your assets seized".

- 18.12 Master McQuail's order of 2 May 2023 and the Order of 9 March 2023 with penal notice was served on Mr Burns on 5 May 2023. The letter contained the heading:

“*THIS LETTER ENCLOSES A COURT ORDER ENDORSED WITH A PENAL NOTICE***”.**

- 18.13 Following Mr Burns’ continued non-compliance, on 21 June 2023, a contempt application was made. The contempt application was served on Mr Burns on 14 July 2023. Mr Burns did not immediately address the contempt, as he did not fully deliver up the estate assets until 10 August 2023 and an agreement was not reached on costs until 14 December 2023.
- 18.14 The contempt application was not heard, but remained live until 14 December 2023, placing Mr Burns at risk of committal for a period of 153 days.
- 18.15 In his interview of 19 March 2024, Mr Burns confirmed that he did not contest the application to remove him as an executor. As regards the 9 March Order, Mr Burns stated that he did not appreciate what was required. Further, *“The problem with the [Client A] case was it was quite overwhelming for me, and you’ll, you’ll know from the, the file that you’ve seen that I rather tended not to even acknowledge it, which is a, a big problem. I was at a very, very low point and I thought do I really want to carry on with this, and that may have been the start of a breakdown...”*
- 18.16 When asked if he had understood at the time of the Order of 9 March 2023 what he was required to do in terms of repaying the estate assets, he replied: *“I’m not sure I actually took it all in...or even considered it in any detail...I looked at it and thought well this is just too much for me to, to absorb with everything else that was going on...”*. He accepted that he should have repaid the estate assets as *“soon as the order [of 9 March 2023] had been made”* but that he did not comply with the order due to *“mental and physical exhaustion”*.
- 18.17 When the Order of 9 March 2023 with the penal notice was served on him, Mr Burns indicated that he was in *“no fit state to do anything...it didn’t register...”* and later *“...I may not have looked at it...”*.
- 18.18 In relation to the contempt application, Mr Burns said: *“I don’t think I even looked at it...”* and that the risk of committal did not *“register at the time”*. He went on to accept that having a potential contempt application or being in contempt was not compliant with his obligations as an officer of the court or his regulatory obligation to comply with court orders, but *“that wasn’t in my mind [at the time]”*.

The Applicant’s Case

- 18.19 Paragraph 2.5 of the 2019 Code required: *“you do not place yourself in contempt of court and you comply with court orders that place obligations on you”*.
- 18.20 Mr Walker submitted that Mr Burns failed to comply with the following court orders:
- Order of Master Teverson dated 18 May 2021.
 - Order of Master Pester dated 6 September 2022.
 - Order of Master McQuail dated 9 March 2023.

- Order of Master McQuail dated 2 May 2023 adding a penal notice to the Order of 9 March 2023 (non-compliance with which led to the contempt application, which was not purged for 153 days).

18.21 Mr Burns was expected fully to understand the importance of court orders and the consequences of not complying with them. The orders were clear as to what he was required to do and he was also provided with explanations of what was required.

18.22 The obligations arising from those orders rested with Mr Burns personally as the solicitor with conduct and executor/former executor of the Estate of Client A. At no time did he notify anyone that he was struggling to manage or make a request or applications for extensions of time to comply.

18.23 Mr Burns had accepted that:

- He did not comply or fully comply with these orders.
- He should have complied with the Order of 9 March 2023 by repaying the estate assets as soon as the order was made.
- Having a contempt application made against him or being at risk of being held in contempt was not compliant with his obligations.

18.24 Mr Walker submitted that Mr Burns had repeatedly failed to comply with court orders and placed himself at risk of a finding of contempt of court for an extended period. He was, therefore, in breach of paragraph 2.5 of the 2019 Code.

18.25 A solicitor acting with integrity, it was submitted, would not repeatedly fail to comply with court orders, particularly one which included a penal notice. Applying for, and obtaining, a penal notice was an unusual step to have to take, as was making an application for contempt. That matters progressed to the point where such actions were necessary demonstrated Mr Burns' repeated and continuing failures.

18.26 By placing himself in a position whereby a penal notice was obtained, and a contempt application was made, Mr Burns had failed to comply with the higher standards to which the solicitors' profession is held and demonstrated disregard for the court process.

18.27 His repeated non-compliance with court orders also caused:

- Significant delay in the administration of the estate of Client A.
- Disadvantage to the beneficiaries under the will of Client A by delaying the payment of bequests.
- Disadvantage to Person C who was unable to fulfil their duties as co-executor and then executor of the estate of Client A.
- Charity A to incur costs in making applications which were caused by his failure to meet his responsibilities.

- Unnecessary strain on the court’s resources by necessitating repeated applications and hearings.
- The operation of the Firm to be put at risk in the event that Mr Burns was committed for contempt.

18.28 Such conduct, it was submitted, lacked integrity in breach of Principle 5 of the 2019 Principles.

18.29 Mr Walker submitted that it was a failure on the part of a solicitor to uphold the proper administration of justice by failing to comply with the court’s powers, such as failing to produce documents, respond to requests for information, take court mandated actions, or pay costs. Mr Burns was an experienced solicitor and an officer of the court, as well as being the principal of the Firm at the material time. The public would reasonably expect him to be aware of the importance of complying with court orders, the impact on his clients, others and the court of continued non-compliance, and the penalties for such conduct. The public would expect a solicitor to show respect to the court and set a responsible example in relation to adherence to court processes and orders. The public would not expect a solicitor to be the subject of a penal notice and contempt application or to fail to comply with such sanctions in a timely fashion. Mr Burns’ conduct was thus in breach of Principles 1 and 2 of the 2019 Principles.

18.30 Additionally, Mr Burns’ conduct was reckless:

- He was aware of the Order of 9 March 2023, the same having been served on him on 14 March 2023 together with a detailed letter setting out the steps he needed to take.
- He only partially complied with the Order of 9 March 2023 on 18 April 2023 thereby taking the risk that further action would be taken against him.
- From 19 April 2023, he was aware that unless he dealt with the entirety of the Order of 9 March 2023, an application would be issued as “*a first step towards contempt of court proceedings*”. Despite this, he did not take any action and took the risk of such an application being made.
- From 5 May 2023, he knew he was at risk of a contempt application but took no action.
- From 14 July 2023, he was aware that he was at risk of being held to be in contempt of court and being committed but permitted this risk to persist for 153 days.

The Tribunal’s Findings – Allegation 1.4

18.31 The Tribunal found that whilst the non-compliance was serious in and of itself, the fact that repeated applications to court were necessary demonstrated Mr Burns’ failure to comply with his obligations in breach of the Principles and Code as alleged. The Tribunal found that Mr Burns had been reckless for the reasons submitted.

18.32 Accordingly, the Tribunal found allegation 1.4 proved in its entirety, including that Mr Burns had been reckless.

Previous Disciplinary Matters

19. Mr Burns appeared before the Tribunal on 28 May 2009 (Case No. 10076-2008). The allegation (which was admitted) was that he was in breach of Rule 1.06 of the Solicitors Code of Conduct 2007 in that he had behaved in a way likely to diminish the trust the public placed in him and the profession by virtue of his conviction for failing to make a Proceeds of Crime Act disclosure contrary to Section 330 of the Proceeds of Crime Act 2002.
20. The Tribunal made No Order, determining that an appropriate penalty had already been imposed by the Crown Court. The Tribunal ordered Mr Burns to pay costs in the sum of £553.

Mitigation

21. None

Sanction

22. The Tribunal had regard to the Guidance Note on Sanctions (11th Edition – February 2025). The Tribunal’s overriding objective, when considering sanction, was the need to maintain public confidence in the integrity of the profession. In determining sanction, it was the Tribunal’s role to assess the seriousness of the proven misconduct and to impose a sanction that was fair and proportionate in all the circumstances.
23. The Tribunal determined that with regard to allegations 1.1, 1.2 and 1.4, having failed to conduct himself to a proper standard, Mr Burns had ignored his regulatory obligations. As regards allegation 1.3, Mr Burns had sought to mislead the insurers, notwithstanding his knowledge of his regulatory history. His actions were planned. Mr Burns was wholly responsible for his conduct.
24. He had caused harm to Person C and Charity A, that harm being entirely foreseeable.
25. Mr Burns’ conduct was aggravated by his proven dishonesty, which was in material breach of his obligation to protect the public and maintain public confidence in 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”.
26. Given the serious nature of the allegations, the Tribunal considered but rejected the lesser sanctions within its sentencing powers such as no order, a reprimand, or restrictions. 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”.

27. The Tribunal did not find any circumstances (and indeed none were submitted) that were enough to bring Mr Burns in line with the residual exceptional circumstances category referred to in *Sharma*. The Tribunal decided that in view of the serious nature of the misconduct, in that it involved dishonesty, the only appropriate and proportionate sanction was to strike Mr Burns off the Roll of Solicitors

Costs

28. Mr Walker applied for costs in the sum of £39,335.90. The Tribunal found the amount claimed to be reasonable and proportionate, taking into account the nature of the matters and the time taken with regard to the production of the Rule 14 Statement and Exhibits. As Mr Burns had not engaged with the proceedings, the Tribunal did not reduce the costs taking into account his means; no evidence of means had been submitted. Accordingly, the Tribunal ordered Mr Burns to pay the Applicant’s costs in full.

Statement of Full Order

29. The Tribunal ORDERED that the Respondent, ANTHONY BURNS solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £39,335.90.

Dated this 28th day of April 2026
On behalf of the Tribunal

M N Millin

M N Millin
Chair