SOLICITORS DISCIPLINARY TRIBUNAL

<u>IN THE MATTER OF THE SOLICITORS ACT 1974</u> <u>Case No. 12650-2024</u>

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD Applicant

and

Respondent AO Respondent

Before:

Mr W Ellerton (in the chair)
Mrs L Murphy
Mrs C Valentine

Date of Hearing: 11, 12 & 13 February 2025
24 & 25 June 2025 and 25 July 2025

Appearances

Delme Griffiths, solicitor, employed by Blake Morgan LLP, One Central Square, Cardiff CF10 1FS, for the Applicant.

Paul Parker, counsel, 4 New Square Chambers, Lincoln's Inn Fields, London WC2A 3RJ for the Respondent.

JUDGMENT

Allegations

1. The allegation against the Respondent, made by the SRA is that, while in practice as an employed solicitor for Company A.

1.1 The Respondent provided information and/or a document to the Leeds Employment Tribunal that was false and/or misleading, in that:

(a) On 5 June, the Respondent sent an email to the Tribunal in which she indicated she had a hearing on 9 June in another case, which was false; and/or

(b) On 19 June, the Respondent submitted a Notice of Preliminary Hearing to the Tribunal purporting to confirm that she had been required to attend a hearing on 9 June, which was not genuine.

By doing so, the Respondent breached any or all of Principles 1, 2 and 6 of the SRA Principles 2011 ("the Principles") and failed to achieve Outcome 5.1 of the SRA Code of Conduct 2011 ("the Code").

Allegation 1.1 is advanced on the basis that the Respondent's conduct was dishonest. Dishonesty is alleged as an aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the Allegation.

Executive Summary

2. The Respondent was admitted to the Roll. The Respondent was, at the material time, in practice as an employed solicitor for Company A.

3. The conduct giving rise to this matter was brought to the attention of the SRA on 5 November, following a complaint made by the representative of an opposing party in the course of employment tribunal proceedings involving the Respondent's employer. The complaint related to events that had taken place in June. An SRA investigation commenced following concerns that the Respondent had provided information in an email and a subsequent document to an employment tribunal that was false and misleading. Allegations were subsequently advanced against the Respondent that: -

4. On 5 June, the Respondent sent an email to the Tribunal in which she indicated she had a hearing on 9 June in another case, which was false; and/or

5. On 19 June, the Respondent submitted a Notice of Preliminary Hearing to the Tribunal purporting to confirm that she had been required to attend a hearing on 9 June, which was not genuine.

6. All allegations, including dishonesty, were found proved and the Tribunal ordered that the Respondent be Struck off the roll of solicitors.

Sanction

7. The Tribunal ordered that the Respondent be STRUCK OFF the Roll of Solicitors. The Tribunal's sanction and its reasoning on sanction can be found [here]

Documents

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

- Rule 12 Statement and Exhibit TW1 dated 12 July 2024.
- Respondent's Answer to the Rule 12 Statement dated 24 August 2024.
- Medical evidence filed on behalf of the Respondent.
- Applicant's Statement of Costs dated 18 June 2025.
- Respondent's Statement of Costs dated 21 July 2025.

Preliminary Applications

Anonymity

9. The Respondent applied for the final judgment to be anonymised ("the Application") with its contents redacted so that the Respondent could not be identified. The Respondent also applied that details of her health were not published in the Judgment.

10. The issue of anonymisation of the final judgment had been raised previously in the Respondent's application for "special measures" dated 20 December 2024 (this application was primarily focused on anonymising the cause list and for the final hearing to be in private, both of which were granted by the Tribunal).

11. The Application was supported by the report of a psychiatrist, Dr Jorge Zimbron, dated 4 December 2024. Dr Zimbron's report was originally used in support of the 20 December 2024 application and focused on the impact on the Respondent of publication of her name in the cause list and of having the final hearing held in public.

12. The Applicant's initial stance was to oppose the Application on the basis that the need for open justice should prevail over the matters set out on behalf of the Respondent. One of the Applicant's main reasons for opposing the Application was that Dr Zimbron's report was over six months old and focused on the anonymisation of the cause list and the need for the final hearing to be held in private.

13. In response to this the Respondent served a short, updated report from Dr Zimbron dated 17 July 2025. This report, in summary, states that the risks to the Respondent are the same in respect of publication of the Judgment as they were for having the hearing in a public forum. Following receipt of the updated report from Dr Zimbron the Applicant adopted a neutral position in respect of the Application.

14. The Tribunal noted the stance taken by the Applicant and balanced carefully the need for open justice against the risks set out in Dr Zimbron's reports. The Tribunal had regard for the Respondent's rights under Article 8 of The European Convention on

Human Rights (ECHR) as well as the provisions under Rules 35(8) and (10) of the Solicitors (Disciplinary Proceedings) Rules 2019 (SDPR).

15. The Tribunal concluded that this was a case that required a departure from the normal position regarding open justice in view of the risk of serious harm to the Respondent if the Judgment was published in full in the usual way. This was evident from both the reports of Dr Zimbron but especially the second report dated 17 July 2025 where he emphasised the heightened risk of suicide by the Respondent if the Judgment were to be published in full. The Tribunal considered that this amounted to the type of exceptional circumstance and risk of serious harm envisaged by the SDPR.

16. The Tribunal noted the Applicant's updated position in respect of the Application and that an order for anonymisation would be consistent with previous orders made by the Tribunal in this case, namely the anonymisation of the cause list and holding the final hearing in private. The Tribunal therefore granted the Application.

<u>Application for Non-Party Disclosure</u>

17. Mr Tim Bullimore submitted an application for Non-Party Disclosure (NPD). In this application Mr Bullimore sought disclosure of the Applicant's Rule 12 statement, the Respondent's Answer, and any amended versions of those documents.

18. The Applicant adopted a neutral stance in respect of this application. The NPD application was opposed by the Respondent.

19. The Tribunal considered all evidence before it relevant to the NPD application. The Tribunal balanced the Article 8 ECHR rights of the Respondent against the requirement, where appropriate, for open justice. The Tribunal considered the terms of the Tribunal's Disclosure Policy and noted that the Tribunal's Automatic Disclosure Policy (ADP) did not apply to this case as it was certified prior to 15 January 2025.

20. The Tribunal had made previous special measures orders in this case including for anonymisation of the cause list and that the final hearing be held in private. The evidence in support of those applications applied equally in considering the NPD application. The Tribunal had also granted the Respondent's application for anonymisation of the final judgment having considered the supporting medical evidence.

21. The Tribunal considered that an appropriate balance between open justice and protecting the rights of the Respondent would be achieved by the disclosure to Mr Bullimore of appropriately redacted Rule 12 and Answer documents. The Tribunal therefore set down directions for the production of redacted documents which could be supplied to Mr Bullimore.

Background

22. The Respondent was admitted to the Roll. The Respondent was, at the material time, in practice as an employed solicitor for Company A.

23. The conduct giving rise to this matter came to the attention of the Applicant on 5 November, following a complaint made by Person A. The complaint concerned events which took place in June, when the Respondent was acting in employment proceedings at the Leeds Employment Tribunal (LET) on behalf of Company A, the respondent company in a claim brought by a former employee. Person A acted on behalf of the employee in those proceedings.

24. On 29 May, the LET listed an in-person Preliminary Hearing for 2pm on 9 June. On 3 June, the Respondent emailed the Tribunal to request an adjournment of that hearing, citing prior commitments (i.e. a hearing elsewhere or professional obligation in the diary on the same day) as one of the reasons. Person A objected to the request the following day, asking for clarification of those commitments. The LET initially refused the application on 4 June.

25. However, on 5 June, the Respondent renewed her request, this time stating that she was required to attend another Tribunal hearing on 9 June. Despite renewed objections from Person A, the LET agreed on 8 June to adjourn the hearing, which was relisted for 24 June. The Tribunal also directed Company A to provide confirmation of the Respondent's attendance at the other Tribunal hearing, with a deadline of 15 June.

26. On 19 June, the Respondent emailed the LET and Person A attaching a redacted Notice of Preliminary Hearing ("the Notice"), dated 13 May, which appeared to confirm that a hearing had been listed at the Southampton Employment Tribunal ("SET") on 9 June in an unrelated case. The Notice named Company A as respondent and appeared to be issued by the Bristol Employment Tribunal ("BET"), signed by an individual named Person B.

27. Person A raised his concerns with the LET and contacted the court to verify the authenticity of the Notice. On 24 June, Person B confirmed to the LET that she had not issued the Notice, and she provided a Cause List that did not include any case involving Company A on that date.

28. A hearing took place on 24 June in the LET, attended by Person A, the Respondent and Company A's Counsel. The Respondent was asked to give evidence under oath in relation to her assertions regarding her prior commitment elsewhere requiring her to attend another Tribunal hearing on 9 June.

29. The Applicant's case cited that the Notice document was not genuine. Person B confirmed that she had not produced or signed the Notice. She identified a number of inconsistencies in the document's format, including a misspelling in the header, unusual placement of standard wording, and formatting that did not align with her practice at the time. In addition, official records from the Tribunal showed no hearing involving Company A listed at the SET on 9 June, nor were any preliminary hearings scheduled there that day.

30. The Respondent denied any wrongdoing. The allegations (including dishonesty) were all denied by the Respondent. The Respondent maintained that she had no reason to doubt the authenticity of the Notice, that any redactions were made for privacy reasons, and she believed it to be genuine when she submitted it to the court. The Respondent

also asserted that hearings are removed from the Cause List after initial listing from time to time and the Respondent insisted that she acted in good faith throughout.

31. The Respondent challenged aspects of the Applicant's case during the course of her defence. On her behalf, Mr Parker submitted that the significant delay between the events of and the commencement of these proceedings had prejudiced the Respondent. In particular, she no longer had access to relevant files, contemporaneous notes, or former colleagues who might have been able to support her account of events.

32. It was further asserted that the court's records and case management system at the time were outdated and flawed. Administrative errors and incomplete Cause Lists, it was submitted, gave rise to serious doubts about the reliability of the assumptions underlying the Applicant's case.

33. It was submitted that the Applicant had failed to provide any credible explanation as to how the Respondent could have fabricated the Notice or why she would have risked here professional career in doing so. The alleged motive, to avoid the risk of an "unless" order, was said not to withstand scrutiny, particularly as there was no real or imminent risk of strike-out of the proceedings and the Respondent had in fact proposed alternative dates for the hearing.

34. Concerns were also raised about the reliability of the Applicant's witness, Person B. It was submitted that her evidence evolved over time in a manner consistent with the Applicant's developing theory of the case and showed signs of institutional loyalty and defensiveness. These factors, it was argued, undermined the credibility and objectivity of her evidence.

Witnesses

35. 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 of 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.

36. The following witnesses provided witness statements and gave oral evidence during the hearing: -

- The Respondent
- Person A
- Person B
- Person C

Findings of Fact and Law

37. 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 their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

38. **Allegation 1.1 – The Respondent provided information and/or a document to the Leeds Employment Tribunal that was false and/or misleading, in that:**

(a) On 5 June, the Respondent sent an email to the Tribunal in which she indicated she had a hearing on 9 June in another case, which was false; and/or

(b) On 19 June, the Respondent submitted a Notice of Preliminary Hearing to the Tribunal purporting to confirm that she had been required to attend a hearing on 9 June, which was not genuine.

The Applicant's Case

The Rule 12 Statement – [here]

The Respondent's Case

The Respondent's Answer to the Applicant's Rule 12 Statement – [here]

38.1 The Tribunal reviewed all the material before it and considered with great care the oral evidence (and cross-examination) of the witnesses, along with the submissions made by Mr Griffiths and Mr Parker. All findings were made on the balance of probabilities. The burden of proof lay entirely with the Applicant.

38.2 The Respondent faced allegations that firstly, she sent an email to the LET on 5 June where she said that she had a hearing at the SET on 9 June. It was alleged that there was no Company A hearing on that date at the SET and that the Respondent knew this when she sent the email. And secondly it was alleged that the Respondent sent the Notice to the LET on 19 June as proof that she had been required to attend the SET on 9 June. It was alleged that the Notice submitted by the Respondent was not genuine.

38.3 Breaches of Principles 1, 2, 6 of the Principles and Outcome 5.1 of the Code were alleged. Additionally, the Respondent was said to have acted dishonestly.

38.4 The Respondent's case was described as being straightforward as it can be in that; firstly, it was advanced that the Respondent did not lie to the LET and secondly, she did not fabricate the Notice. The Respondent's defence was therefore put on the basis that the Tribunal had two decisions to make: was the Respondent's email to the LET on 5 June true or false? and following on from that finding; was the Notice genuine or forged.

38.5 The Tribunal was mindful of the passage of time and noted that the events in question took place around 10 years ago. The Respondent was aware of the Applicant's investigation by 2021 albeit without access to her matter files or underlying documents by that stage.

38.6 The Tribunal took account of the full range of case law it was directed to by the parties. In relation to the impact of the passage of time on witnesses' memories, Mr Parker invited the Tribunal to consider ***Gestmin SGPS SA v Credit Suisse (UK) Ltd [2013] EWHC 3560 (Comm)*** as well as the Crown Court Compendium which the Tribunal found helpful and informative as guidance to its approach.

38.7 The Tribunal also considered the guidance in the cases of ***In re B [2008] UKHL 35*** and ***In re H [1996] AC 563*** in relation to the burden and standard of proof and that in analysing whether the standard of proof is met, one consideration is that the more serious the allegation the less likely it is that it occurred and the more cogent the evidence that is needed to overcome that inherent unlikelihood.

38.8 The Tribunal found that all of the witnesses gave evidence in a helpful and co-operative way. Person A was a credible witness who had become heavily committed within the underlying litigation in his role as a litigation friend. He was clear that in his view the Respondent had acted dishonestly by seeking to mislead. This was a conclusion he arrived at from the outset upon being presented with the Respondent's initial explanation and he had never deviated from that view.

38.9 Person B was professional and possessed a wealth of knowledge and experience regarding the Court's systems and processes. She had a firm belief and faith in those systems. The Tribunal found that both Person A and Person B were dogmatic in their approach and, to a degree, adopted the narrative of the prosecutor. Person B was inadvertently partisan in her evidence and naturally defensive of her employer. She was initially unwilling to accept that the Ethos system—the Employment Tribunal's internal listing system—may have been problematic, although she ultimately accepted this. Nonetheless, Person B's evidence regarding the contemporaneous documents was of great assistance to the Tribunal.

38.10 The Respondent gave her evidence in a straightforward, calm, and professional manner. The Tribunal took into account the Respondent's health, noting that it did not impact her in, at the time of the allegations. However, she became seriously unwell around 2021. The Tribunal was reassured by the medical evidence that during the hearing, the Respondent's health allowed her to participate fully, give evidence, and provide instructions to counsel and her solicitors.

38.11 Whilst the witness evidence and cross examination was helpful to the Tribunal, it placed more emphasis on contemporaneous documentation from as this was the strongest evidence of what did or did not occur then.

38.12 In relation to the contemporaneous documentation, the Tribunal placed weight on the following evidence. There was some support in the form of an email from Person A dated 22 June, which indicated that a preliminary hearing had been listed in Southampton on 9 June, consistent with the Respondent's account. This email referred to a conversation Person A had with the BET, which managed listings for Southampton. There was also evidence, although not contemporaneous, that the Ethos system had known issues dating back to 2011.

38.13 However, set against that the Tribunal gave weight to several key documents that were central to its determination of Allegation 1.1.

38.14 A contemporaneous attendance note dated 24 June recorded that a LET court clerk had spoken to Person B at the BET and raised concerns about the Notice. Person B had, by that point, seen the Notice and her immediate reaction was that it contained anomalies such that it "did not look right at all" and that the signature purported to be hers was not. Person B confirmed her views in an email to the LET court clerk dated 24 June and further stated that, having reviewed the cause lists, no cases involving Company A were or had ever been listed on 9 June.

38.15 Importantly, this contemporaneous documentation was consistent with her later oral evidence. The credibility of Person B's evidence had been challenged on the basis that she had already been made aware of the full context and substance of the case being brought against the Respondent by the time she completed her second witness statement. This prior knowledge was said to have operated as a subtle but significant motivating factor, which, it was submitted, influenced, and coloured the content of her evidence. While the Tribunal accepted that Person B's witness evidence went through three separate iterations, it considered it more significant that the contemporaneous documentary evidence supported what she later said.

38.16 The Tribunal also noted that the internal cause list exhibited by Person B and the BET internal diary entries annexed to her second statement accorded with there being no hearing listed in Southampton involving Company A on 9 June.

38.17 The Tribunal considered the Notice at length reviewing both the context in which the document came to be provided to the court by the Respondent and the document's contents. Differences and discrepancies identified in the Notice did not, in themselves, lead directly to the conclusion that it was a fabrication or an edited version of a genuine precedent document.

38.18 However, the Notice contained errors that, in the Tribunal's view, could not be explained other than on the basis that the document was fabricated. In particular, the misspelling of the word "*management*" in a heading that formed part of a standard template was extraordinary. Likewise, the erroneous reference to "*Tribunals*" was an error that would not appear in a standardised court document. Person B confirmed that the signature on the document was not her own and that no one else at BET would send correspondence in her name.

38.19 The Tribunal accepted that the Ethos system was not infallible and that Person A had been informed during a telephone call by an employee at court that a preliminary hearing had been listed on 9 June, as claimed by the Respondent. However, no further detail beyond that call indicated that there had, in fact, been a hearing on that date. The Tribunal weighed this against the contradictory evidence in the contemporaneous documents and Person B's evidence regarding the listing processes and cause lists.

38.20 The Tribunal found that there was no preliminary hearing on 9 June and that the Respondent had sent an email to the LET on 5 June, indicating she had a hearing on 9 June in another matter, which was false.

38.21 The Tribunal then went on to consider the Notice. The Tribunal identified that the Respondent had a motive to fabricate the document—she faced an Unless Order and an unusually aggressive opponent in Person A. If the Notice had been genuine, the

Tribunal considered that the Respondent would have submitted it in unredacted form by 25 June, in compliance with the Employment Tribunal's direction to do so. This is especially so given the Respondent's honesty and integrity had been openly challenged in court during cross-examination. It is inconceivable in those circumstances that any solicitor would have failed to provide the document in full, unredacted form to reassure the court and ensure their honesty and integrity was not in question.

38.22 Accordingly, while the Tribunal took into account the passage of time and the considerable burden on the Applicant to prove the allegations to the required standard, it concluded that the contemporaneous documentation and the Respondent's acts and omissions satisfied that burden. The Tribunal found that the Respondent did fabricate the disputed notice. It therefore concluded that, on 19 June, the Respondent submitted a Notice of Preliminary Hearing purporting to confirm that she had been required to attend a hearing on 9 June, which was not genuine.

38.23 Having found the factual matrix of Allegation 1.1 (a) and (b) proved, the Tribunal went on to consider the alleged breaches of the Principles and the Code.

Principles

38.24 Principle 1 of the Principles required the Respondent to uphold the rule of law and the proper administration of justice. Principle 6 of the Principles required the Respondent to behave in a way that maintained the trust the public places in her and in the provision of legal services and Outcome 5.1 of the Code required the Respondent not to attempt to deceive or knowingly or recklessly mislead the court.

38.25 In circumstances where a solicitor fails to provide accurate information, public trust in the profession is diminished. That position is aggravated where the inaccurate information is provided in the context of court proceedings, particularly in response to direct requests from the court for accurate and corroborative material.

38.26 The Tribunal found on the balance of probabilities that public confidence was undermined by the Respondent's provision of false and misleading information in support of a request for an adjournment, and by her submission of a Notice that was not genuine. By her emails of 5 and 19 June, and her submission of the Notice to the LET, the Respondent provided false and misleading information to the Tribunal, thereby undermining the rule of law, the proper administration of justice, and public trust. The Respondent's conduct amounted to breaches of Principles 1 and 6, and a failure to achieve Outcome 5.1.

38.27 Principle 2 required the Respondent to act with integrity. The Tribunal considered the comments of Jackson LJ in *Wingate v SRA* [2018] EWCA Civ 366, 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*".

38.28 It was incumbent upon the Respondent to ensure that information submitted in the course of legal proceedings was true and accurate. As an experienced practitioner, the Respondent would have been aware of her obligations as a solicitor and as an officer of the court to be truthful and accurate at all times.

38.29 A solicitor acting with integrity would not have represented to the LET that she had a professional commitment in another Tribunal on 9 June when she knew, or ought to have known, that this was incorrect.

38.30 A solicitor acting with integrity would not have presented a document that was not genuine in order to falsely evidence that she had had another professional commitment.

38.31 By deliberately and falsely representing that she was unable to attend the Hearing due to other Tribunal commitments and attempting to support that assertion by presenting a document that was not genuine, the Tribunal found on the balance of probabilities that the Respondent failed to act with integrity and therefore breached Principle 2 of the Principles.

38.32 Allegation 1.1 was advanced on the basis that the Respondent's conduct was dishonest. Dishonesty was said to be an aggravating feature of the Respondent's misconduct. The Tribunal applied the test for dishonesty set out by the Supreme Court in *Ivey v Genting Casinos* [2017] UKSC 67 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".*

38.33 The Tribunal's findings, that the Respondent had sent an email to the court falsely stating that she had a hearing in another matter on 9 June, and that she had provided a fabricated Notice to the court, were directly relevant to the determination of the dishonesty allegation.

38.34 When the Respondent submitted the Notice, she knew that the information within it was false and misleading. There was no hearing which the Respondent was required to attend on 9 June, which she must have known. The Notice was intended to mislead the court and her opponent into believing that the Respondent had had to attend a hearing on 9 June and so could not have attended a hearing in the LET on the same day.

38.35 Ordinary decent people would consider it dishonest for a solicitor to falsely represent that they had a pre-existing commitment that would prevent their attendance at a hearing and to present a document that was not genuine to seek to support their position. In the circumstances detailed at Allegation 1.1 the Respondent was dishonest by the standards of ordinary decent people.

38.36 The Tribunal found on the balance of probabilities that the Respondent had acted dishonestly.

Previous Disciplinary Matters

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

Mitigation

40. Mr Parker acknowledged that the Tribunal had made a clear determination on the central issues in the case, concluding on the balance of probabilities that the Respondent had acted dishonestly. He therefore candidly recognised the limitations that arose in seeking to advance more traditional forms of mitigation—such as expressions of remorse and demonstrable insight—in circumstances where the Respondent has, throughout, consistently, and firmly denied the allegations found proved. It was, however, emphasised that the Respondent gave her evidence calmly and professionally, and maintained her position with clarity and consistency.

41. The Tribunal was invited to bear in mind the inherent difficulty, in a case determined on the civil standard, of identifying what degree of residual doubt—if any—may have remained. Mr Parker submitted that the existence of such doubt may properly form part of the broader context when considering sanction.

42. It was submitted that the Respondent has, until these proceedings, maintained an entirely unblemished professional record. There was no evidence of any harm caused to clients or third parties. The conduct was described not as part of a wider or calculated pattern of dishonesty, but as a spontaneous act—motivated by a desire to secure an adjournment—and followed by efforts to maintain that position. Mr Parker emphasised that this was not a case involving premeditation or a sustained course of deceptive conduct executed with precision or planning.

43. The Tribunal was also asked to take into account the significant passage of time since the events occurred. The incident in question dated back over a decade. As a result, the Respondent has had no meaningful access to contemporaneous materials or records, nor has she been able to obtain corroborative evidence in support of her account. This, it was submitted, placed her at a considerable disadvantage in defending the case and contributed to a sense of unfairness in her being asked to account for matters so long after the event.

44. The Respondent is not currently in practice, though she had intended to return to work once her health permitted. The Tribunal was informed of personal difficulties faced by the Respondent in the intervening years, including ill health and other misfortunes, which now compound the impact of the Tribunal's findings.

45. In support of the Respondent's character and professional conduct more broadly, several positive testimonials were provided and placed before the Tribunal.

46. In light of all the above, Mr Parker submitted that the fair and proportionate sanction would be one of suspension from practice. A two-year period was proposed. It was suggested that this would allow the Respondent time to reflect on the events and the proven allegations and to develop the insight which she does not yet have—given her continuing denial of the conduct in question. Following such a period, if she were minded and medically fit to do so, she could seek to return to practice by applying for the suspension to be lifted. At that point, she would need to demonstrate to a future tribunal that she had gained the necessary insight and understanding to justify her readmission to the profession.

47. Mr Parker submitted that such an outcome would properly reflect the unusual—indeed, arguably unique—circumstances of this case, including the historic nature of the events, the limitations on the Respondent's ability to mount a full defence, and the absence of direct harm to others. It was submitted that, while the findings were serious, the appropriate sanction should not be one which effectively ends the Respondent's career. A sanction of strike off was said to be disproportionate and unnecessary to meet the overarching objectives of public protection, upholding confidence in the profession, or maintaining proper standards of professional conduct.

Sanction

48. The Tribunal considered the Guidance Note on Sanction (11th Edition February 2025). 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.

49. 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 harm identified together with the aggravating and mitigating factors that existed.

50. The Tribunal considered that the Respondent that been directly responsible for her actions and was responsible for the circumstances giving rise to the misconduct. The Respondent had been caught in a lie, and this motivated her to send the false email and Notice to the court. The Respondent's misconduct could not be described as spontaneous particularly in view of circumstances that led to the creation of the false Notice and her subsequent communications with the court. The Respondent was an experienced solicitor having been admitted to the Roll. The Tribunal found that the Respondent's level of culpability was high.

51. The Tribunal noted[1] that the greater the extent of the Respondent's departure from the complete integrity, probity and trustworthiness expected of a solicitor, the greater the harm to the legal profession's reputation. The reputation of the profession was damaged by the Respondent's actions, and the level of harm was high.

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

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[1] From the excerpt on Page 11 in the Tribunal's Guidance Note on Sanction.

53. The Tribunal identified factors that aggravated the seriousness of the Respondent's misconduct including her concealment of wrongdoing, her attempt to place the blame for the misconduct on others (including upon Company A and HMCTS employees for purported inadvertent administrative errors) and misconduct where the Respondent knew or ought reasonably to have known that the conduct complained of was in material breach of obligations to protect the public and the reputation of the legal profession. The main aggravating feature of the Respondent's conduct though was the finding of dishonesty.

54. The Tribunal noted that the Respondent had a previously unblemished career and carefully scrutinised the medical and testimonial evidence provided by the Respondent. The Tribunal had regard for the submissions made by Mr Parker in mitigation.

55. The Tribunal next considered the purpose for which sanctions are imposed, noting that an important purpose of a sanction is to maintain 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 circumstances detailed at Allegations 1.1.

56. 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 of solicitors.

57. 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.

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

Costs

59. Mr Griffiths applied for costs on behalf of the Applicant and referred the Tribunal to the Applicant's Statement of Costs dated 18 June 2025. The Applicant claimed its cost in the amount of £47,392.00 The Applicant had succeeded in the entirety its case and Mr Griffiths submitted that the costs claimed were reasonable and proportionate.

60. The Respondent opposed the amount claimed in the Applicant's costs application. The Respondent's financial circumstances were also said to warrant a significant reduction in respect of any costs ordered by the Tribunal. Mr Parker also referred the Tribunal to the Applicant's Statement of Costs and highlighted an increase in the Applicant's costs during the proceedings beyond the original fixed fee that was in place between the Applicant and its external legal services provider, for which there was said to be little justification.

The Tribunal's Decision on Costs

61. 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 for 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.

62. The Applicant's case had succeeded in its entirety and the Tribunal considered that in principle it was reasonable to award costs to the Applicant. The Tribunal considered that it was appropriate to reduce the amount awarded to £38,730.00 on the basis of Mr Parker's observations regarding the increase in the Applicant's costs during the proceedings.

63. The Tribunal considered the Respondent's financial circumstances carefully. The Respondent had provided information pursuant to Rule 43(5) of The Solicitors (Disciplinary Proceedings) Rules 2019 regarding her means. The Tribunal determined on that basis that it was appropriate to reduce the final amount awarded in costs to the Applicant to £19,365.00.

Statement of Full Order

64. The Tribunal ORDERED that the Respondent, 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 £19,365.00.

Dated this 24th day of October 2025
On behalf of the Tribunal

W. Ellerton

W. Ellerton
Chair