

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12670-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

MUMBA CHAKULYA

Respondent

Before:

Ms T. Cullen (in the chair)
Mrs L. Boyce
Mr A. Pygram

Date of Hearing: 17 -19 June 2025

Appearances

Matthew Edwards, Counsel employed by Capsticks Solicitors LLP, Wellington House, 60-68 Wimbledon Hill Road, London, SW19 7PA, for the Applicant

Jonathan Goodwin, Solicitor Advocate, 69 Ridgewood Drive, Pensby, Birkenhead, Wirral CH61 8RF for the Respondent.

JUDGMENT

Allegations

1. The Allegations against the Respondent, Mumba Chakulya (SRA No. 545801), made by the SRA, are that, whilst a Solicitor at Goody Burrett LLP (“the Firm”) and while practising as a Solicitor, she:
 - 1.1. Between 19 October 2020 and 14 May 2021, provided information to Client A in respect of work that had been undertaken in the matter which she knew, or ought to have known was false.

In doing so, she breached Principles 2, 4 and 5 of the SRA Principles 2019 (“the 2019 Principles”) and Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs (“the Code”).

NOT PROVED

- 1.2. On 6 April 2021, provided an invoice to Client A containing information which she knew, or ought to have known was false.

In doing so, she breached Principles 2, 4 and 5 of the SRA Principles 2019 (“the 2019 Principles”) and Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs (“the Code”).

NOT PROVED

- 1.3. Between 20 April 2020 and 4 June 2021, provided information to Client B and David Cammack in respect of work that had been undertaken in the matter which she knew, or ought to have known was false.

In doing so, she breached Principles 2, 4 and 5 of the SRA Principles 2019 (“the 2019 Principles”) and Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs (“the Code”).

DISMISSED

Executive Summary

2. The Respondent was admitted to the Roll of Solicitors on 15 October 2019. The Respondent was employed as a Junior Solicitor in the Firm’s Civil Litigation Department between 2 January 2020 and 4 June 2021. Concerns regarding the Respondent’s conduct came to light after she had left the Firm and related to two separate matters on behalf of Client A and Client B.
3. An SRA investigation concluded that, whilst conducting Client A’s matter, the Respondent failed to carry out actions which she had represented as having been completed, and provided false information to Client A over a sustained period. It was further alleged that the Respondent issued an invoice to Client A containing information which she knew, or ought to have known, was false.
4. In December 2019, Client B instructed the Firm in relation to a debt recovery matter.

The Respondent assumed conduct of the file in March 2020. The SRA investigation identified similar concerns: namely, that the Respondent failed to carry out actions she had stated were completed, and provided false information to both Client B and her supervising colleague at the Firm, David Cammack.

5. The Tribunal found both Allegation 1.1 and Allegation 1.2 not proved. Allegation 1.3 was dismissed following a submission of no case to answer on behalf of the Respondent.

Sanction

6. The Tribunal ordered that the allegations against the Respondent be dismissed and therefore no sanction was imposed.

Documents

7. The Tribunal reviewed all the documents submitted by the parties, which included (but was not limited to):
 - Rule 12 Statement and Exhibit LJF1 dated 23 August 2024.
 - Respondent's Answer to the Rule 12 Statement dated 18 November 2024.
 - Applicant's Statement of Costs dated 11 June 2025
 - Respondent's Statement of Means dated 21 May 2025

Background

8. The Respondent was admitted to the Roll of Solicitors on 15 October 2019.
9. The Respondent was employed by the Firm as a Junior Solicitor in the Civil Litigation Department and commenced her employment on 2 January 2020. She left the Firm on 4 June 2021.
10. The concerns regarding the Respondent's conduct came to light after she had left the Firm and related to two separate matters on behalf of Client A and Client B.

Client A

11. The Respondent assumed conduct of Client A's matter in or around February 2020 following the departure of the previous file handler at the Firm. A client care letter dated 14 February 2020 was issued in the Respondent's name, confirming she would undertake the majority of the work, with Bryan Johnston named as the supervising partner.
12. The matter concerned the recovery of an unpaid commercial debt. Initial correspondence was sent to the proposed defendant on 21 and 24 February 2020, followed by a further letter on 6 March 2020 threatening the issue of proceedings should payment not be received. Between April and August 2020, the Respondent engaged in further correspondence with the proposed defendant and Client A, stating her intention to commence court proceedings imminently.

13. On 21 August 2020, the Respondent sent the proposed defendant a final letter enclosing a copy of a draft claim form and asserting that court proceedings would be issued absent payment. Client A was led to believe proceedings were in progress. From that point until early 2021, Client A made repeated enquiries regarding the status of the claim, including whether court papers had been filed, whether judgment had been obtained, and what enforcement steps had been taken.
14. The Respondent responded intermittently, asserting that proceedings had been issued via Money Claims Online (MCOL), default judgment requested, and enforcement actions undertaken. However, contemporaneous file records failed to evidence that any of these steps were actually taken. Invoices and time records generated in March and April 2021 indicated that proceedings had been issued and time recorded for this task.
15. In January 2021, Client A expressed concerns over the lack of communication and perceived inaction.
16. On 13 April 2021, the Respondent sent an update to Client A in the form of a chronology detailing the action that had been completed on the file. In the chronology the Respondent stated:
 - i) that on 26 October 2020 that, *‘claim issued through money claims online. Particulars followed 14 days later. Other side served with same.’*
 - ii) that on 4 January 2021, *‘Default judgment requested’*.
 - iii) that on 11 February 2021, *‘Enforcement action requested’*.
17. The Firm subsequently reviewed the matter and concluded that none of these steps were carried out by the Respondent.
18. Client A chased further updates on the progress of the matter on 23 April 2021, 29 April 2021 and 12 May 2021. Client A’s email of 12 May 2021 stated,

“If we do not get a constructive reply, we will be taking this action away from you as it is so stressful having to chase all the time and get no response, plus this has dragged on and on and to be honest we have lost all faith in Goody Burrett as we feel we have been let down with a less than professional service.”
19. The Respondent replied to Client A’s email on 14 May 2021, in the following terms:

“I write in reference to your last email. I will chase up the court today and demand an update. The problem at the minute is that Chelmsford County Court is playing catch up from before the pandemic. I will request that things are either moved on or transferred to another court for enforcement. If you give me until 4pm to be able to provide you with a much more detailed update. I will do my best to push the court.”
20. Despite further updates being requested by Client A on 27 May 2021 and 3 and 4 June 2021, no substantive response was ever provided by the Respondent to Client A prior to her departure from the Firm on 4 June 2021.

21. On 4 June 2021, the Respondent left the Firm, and the matter was reassigned to Mr Claudiu Ilisei. Upon review, Mr Ilisei determined that proceedings had not, in fact, been issued. He reissued the claim on 18 June 2021, confirmed payment of the court fee, and submitted particulars of claim. The claim was formally issued by the County Court Money Claims Centre on 15 July 2021.
22. An internal investigation by the Firm concluded there was no evidence the Respondent had issued proceedings at any point prior to her departure. The managing partner, Ms Alice Brotchie, found no documentation to support the Respondent's assertion that proceedings had been lodged, and further noted an absence of meaningful file activity after September 2020.
23. The Firm sought to access any MCOL filings made under email addresses associated with the Respondent. Her Firm email yielded no results. The court also confirmed that there were no MCOL filings under her personal email address ("the Gmail Account"). The Respondent later acknowledged she could not recall the login credentials for her Gmail Account and was uncertain which email had been used. She maintained her belief that proceedings were issued and stated that she had communicated with the court by telephone.
24. An enquiry from the Applicant in January 2024 to the court confirmed that no proceedings had been issued via MCOL by the Respondent using any identified email address, and that no correspondence was received by the defendant from the Respondent or the court after August 2020 until formal proceedings were issued in or around July 2021.
25. The Applicant's case was that the Respondent failed to carry out actions she repeatedly represented had been completed, misled the client over a sustained period, and failed to maintain adequate file records or progress the matter appropriately. The Applicant alleged that this conduct caused significant delay and distress to Client A and necessitated corrective steps by the Firm following her departure.

Client B

26. In December 2019, Client B instructed the Firm to in a debt recovery matter. Client B was informed by the Respondent that she would take over conduct of Client B's matter on 17 March 2020. A draft bankruptcy petition was prepared before the case was handed over to the Respondent by the previous file handler.
27. At the outset of the Respondent assuming conduct of the file, David Cammack (a Consultant Solicitor at the Firm), sent an email to Client B copying in the Respondent advising that the draft petition would need to be amended before it was served and that this would be left with the Respondent to action. Mr Cammack also spoke with the Respondent and advised her that she would need to wait 21 days as a statutory demand had been served. It would then be for her to serve the bankruptcy petition to the court along with the filing fee.

28. Mr Cammack followed up with the Respondent requesting updates on 3 and 15 April 2020 and inquiring whether the petition had been served. The Respondent responded on 20 April, stating that the petition had been served.
29. However, subsequent correspondence between the Respondent and Client B through April and May 2020 indicated little progress. On 2 June 2020, Client B sought clarification on service of documents and whether court action had commenced. The Respondent indicated that a full update would be provided by 8 June 2020. However, the update was not provided to the client by that date.
30. Further updates were repeatedly requested by Client B throughout June and July 2020. On 17 July 2020, the Respondent corresponded with Client B referencing a “*brief plan of action*” and stating that she would contact the court to chase them.
31. On 4 September 2020, the Respondent explained to Client B that she had spoken to the court and was advised to re-send the petition. Respondent informed Client B that she planned to update the petition, add a statement of events, recalculate interest, and re-serve documents after her return from holiday.
32. In late October 2020, Client B expressed concern at the lack of communication with the Respondent. On 28 October 2020, the Respondent apologised, citing a busy department and the retirement of a colleague as the basis of the delay in reverting. The Respondent proposed a call on 30 October 2020 and offered to share correspondence to ensure the client was fully informed regarding the matters progress. However, that call was postponed due to her court commitments.
33. On 6 November 2020, Mr Cammack emailed the Respondent outlining next steps for her to action to progress the matter.
34. Client B sought a further update in January 2021. In his later witness statement, Mr Cammack reported that the Respondent assured him the matter was progressing, a hearing was scheduled for February 2021 (although it was subsequently cancelled) and had mentioned that the opposing party had legal representation.
35. Mr Cammack took ownership of Client B’s matter in June 2021 after the Respondent left the Firm. Upon reviewing the file, his evidence was that proceedings had never been issued, there was no evidence that the court fee had been paid, the Respondent had not amended the original draft bankruptcy petition and there was never a court date set.
36. The bankruptcy petition in Client B’s matter was issued by Mr Cammack in September 2021.

Witnesses

37. 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.

- The Respondent
- David Cammack - a Consultant Solicitor at the Firm
- Claudiu Ilisei – a Solicitor at the Firm
- Client A
- Alice Brothie - Managing Partner and Compliance Officer for Legal Practice (COLP) at the Firm

Findings of Fact and Law

38. 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.

39. **Allegation 1.1 - Between 19 October 2020 and 14 May 2021, provided information to Client A in respect of work that had been undertaken in the matter which she knew, or ought to have known was false.**

Allegation 1.2 - On 6 April 2021, provided an invoice to Client A containing information which she knew, or ought to have known was false.

The Applicant's Case

The Rule 12 Statement – [[Click Here](#)]

The Respondent's Case

The Respondent's Answer to the Applicant's Rule 12 Statement – [[Click Here](#)]

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

39.2 The Respondent was alleged to have provided false information to Client A regarding the progress of a case in which the Respondent was instructed to recover an unpaid commercial debt. The Respondent made several assertions to Client A at various stages of the matter between October 2020 and May 2021, including that proceedings had been issued, default judgment requested and queries raised with the court regarding enforcement action. The Applicant's case was contingent upon, *inter alia*, establishing that those assertions were false as no such work had been undertaken by the Respondent. The allegations were serious as breaches of Principles 2, 4 and 5 of the 2019 Principles and Paragraph 1.4 of the Code were said to arise from the Respondents conduct.

39.3 Tribunal considered the context in which the alleged conduct arose. The Respondent was a newly qualified solicitor working in a less than desirable professional

environment with a paucity of supervision. The Firm was operating in a chaotic operational and management structure in which the Respondent was not adequately supported as she commenced in practice. There was clear confusion amongst her seniors as to the supervision responsibilities and arrangements which impacted on the Respondent's work.

- 39.4 As Managing Partner and COLP at the Firm, Alice Brotchie conducted a review of the Respondent's files after the Respondent left the Firm and thereafter was central in assisting the Applicant during its investigation, ultimately providing evidence on which it relied. Ms Brotchie made important concessions in her evidence and was at times evasive and defensive in her answers.
- 39.5 Ms Brotchie was cross examined at length regarding the Respondent's alleged failure to properly initiate proceedings in Client A's matter, which if established, had the potential to render the updates provided by the Respondent to Client A between 19 October 2020 and 14 May 2021 as misleading. Ms Brotchie conceded that she had been informed by the Respondent as early as 27 July 2021 that she may have used her personal email address, the Gmail Account, when communicating with the court in the course of issuing proceedings on behalf of Client A. Ms Brotchie acknowledged that she had provided incorrect information to the Applicant in June 2023 by stating that the Respondent had not made her aware in July 2021 that she may have used the Gmail Account in the course of issuing proceedings on behalf of Client A. Ms Brotchie ascribed this to human error on her part and offered an apology when correcting her evidence.
- 39.6 Although the court had confirmed in January 2024 that there were no MCOL filings made under any email addresses associated with the Respondent, including under the Gmail Account, there was a significant difficulty and limitation with that evidence as the court could not search back beyond 3 years. It was therefore possible that the Respondent was correct in her evidence when maintaining that the Gmail Account was used when making the MCOL filing in or around October 2020.
- 39.7 Ms Brotchie also confirmed, when taken to the exhibits relating to Client A's matter during cross-examination, that it was possible that the Respondent could have worked on Client A's matter as the Respondent had claimed and that she could not definitively rule this out based on the investigative steps she had undertaken at the material time.
- 39.8 The Tribunal found the Respondent to be a credible and consistent witness, allowing for the passage of time that had occurred since the events in question.
- 39.9 The Respondent had no prior experience of litigation before joining the Firm. She accepted that, at the material time, her understanding of the practical aspects of engaging with the court was limited and that this may have given rise to misunderstanding on her part. The Respondent had not previously taken a matter to the stage of obtaining default judgment and was, therefore, unfamiliar with the procedural requirements involved. It was in this context that she made enquiries of the court concerning the progress of Client A's case during the period from October 2020 to May 2021, and upon which she based the updates subsequently provided to Client A.

- 39.10 The Respondent provided cogent and credible evidence explaining her use of the Gmail Account when corresponding with the Court. She stated that, at the material time, the Firm either did not have an email address linked to the MCOL system, or, if such an address existed, it had not been made available to her. This account was consistent with the evidence of Mr Ilisei, who confirmed that he had created a new Firm MCOL login upon assuming conduct of the matter. The Respondent's explanation in this regard was not contradicted by the evidence of Ms Brotchie.
- 39.11 The Respondent stated that the time recorded in relation to Client A's matter was, in large part, entered retrospectively, which she stated was a common practice within the Firm. This was not contradicted by Ms Brotchie, who accepted that retrospective time recording did occur at the Firm. The Respondent maintained that the invoice which formed the subject of Allegation 1.2 accurately reflected work that had been undertaken and subsequently recorded on a retrospective basis. The Tribunal found this explanation to be credible, albeit noting that this finding was also linked to the findings made in relation to the underlying work being carried out and whether the Respondent had provided false or misleading information to Client A regarding the progress of the matter.
- 39.12 The Tribunal accepted that the Respondent believed that she had issued proceedings, and that the information provided to the client reflected her genuine belief at the time. The Tribunal did not therefore find that the Respondent provided information to Client A in respect of work that had been undertaken which she knew, or ought to have known was false or that the Respondent provided an invoice to Client A containing information which she knew, or ought to have known was false.
- 39.13 Accordingly, the Tribunal concluded that the Applicant had failed to discharge the evidential burden in respect of the allegations. It was satisfied that the Respondent had not acted dishonestly, as alleged, and had not breached the SRA Principles or the provisions of the Code of Conduct relied upon by the Applicant.
- 39.14 The Tribunal found Allegations 1.1 and 1.2 not proven and consequently none of the alleged breaches were established.
40. **Allegation 1.3 - Between 20 April 2020 and 4 June 2021, provided information to Client B and David Cammack in respect of work that had been undertaken in the matter which she knew, or ought to have known was false.**

Submission of no case to answer

- 40.1 At the conclusion of the Applicant's case Mr Goodwin, on behalf of the Respondent, made a submission of no case to answer in respect of Allegations 1.1, 1.2 and 1.3.
- 40.2 Mr Goodwin referenced the applicable test set out in *R v Galbraith* [1981] 1 WLR 1039 ("Galbraith"): requiring the Tribunal to consider whether there was any evidence on which the allegation could be found proved; and whether that evidence is capable, when taken at its highest, of supporting a finding against the respondent. If the evidence was so weak, inconsistent or unreliable that no properly directed Tribunal could reasonably find the allegations proved, then the case should be stopped. But if there is evidence

which, if believed, could support a finding, then the case must proceed even if the evidence is disputed or subject to credibility concerns.

- 40.3 Mr Goodwin invited the Tribunal to regard Ms Brothie's evidence with caution, he submitted that her assumptions regarding the Respondent's alleged conduct were founded on inference over fact.
- 40.4 Mr Goodwin referenced the important concessions made by Ms Brothie in her evidence including, firstly, that she had been informed by the Respondent as early as 27 July 2021 that she may have used her personal email address, the Gmail Account, when communicating with the court in the course of issuing proceedings on behalf of Client A. Mr Goodwin submitted that it was therefore possible that the Respondent was entirely correct in that the Gmail Account was used when making the MCOL filing in or around October 2020 as she had claimed throughout. Mr Goodwin described this as a serious and critical failure which undermined the case against the Respondent. Neither Ms Brothie or the Applicant in the course of their respective investigations had made appropriate and timely enquiries of the court regarding the Respondent's Gmail Account and given the Respondent had provided this explanation, at the latest, in July 2021 this failure lay squarely with them. Mr Goodwin submitted that the basis on which the Applicant had referred the Respondent to the Tribunal was undermined by this failure.
- 40.5 Secondly Mr Goodwin referred to a further important concession made by Ms Brothie as she confirmed that it was possible that the Respondent could have worked on Client A's matter as she had claimed to have done. Ms Brothie could not definitively rule this out based on the investigative steps she had undertaken at the material time.
- 40.6 Mr Goodwin submitted that Ms Brothie's evidence could not form a safe foundation for any findings by the Tribunal and that Allegations 1.1. and 1.2 should therefore be dismissed.
- 40.7 In relation to Allegation 1.3 Mr Goodwin cited the fundamental importance of Mr Cammack's evidence to the Applicant's case. Mr Goodwin submitted that Mr Cammack's evidence to the Tribunal bore the hallmarks of arrogance and flippancy.
- 40.8 Mr Cammack adopted an inconsistent position in relation to whether he exercised supervisory responsibility over the Respondent's conduct of Client B's matter. During cross-examination, Mr Cammack did not accept that he had formally supervised the Respondent, instead describing his involvement as "...*keeping an eye on her.*" He stated that he would check in with the Respondent from time to time regarding the progress of the matter, but confirmed that he did not make any written record of those discussions, as he was not formally assigned to the case. Furthermore, Mr Cammack acknowledged that he did not review the documents on the file as part of this arrangement, instead relying solely on oral updates provided by the Respondent during their conversations.
- 40.9 Mr Goodwin submitted that Mr Cammack had, under cross-examination, been compelled to make two material corrections to the evidence contained in his witness statements. The first concerned Mr Cammack's statement dated 18 October 2022, in which he had asserted that there was no record of any calls, emails, or physical

correspondence between the Respondent and Client B. Under cross-examination, Mr Cammack accepted that this was inaccurate, acknowledging that emails had in fact been exchanged between the Respondent and Client B. He clarified that what he had intended to convey in his witness statement was that there were no attendance notes of any telephone calls. Mr Cammack accordingly accepted that his 18 October 2022 statement was incorrect in this regard.

- 40.10 Secondly, Mr Goodwin submitted that Mr Cammack had failed to disclose material evidence—specifically, an email chain dated 13 March 2020—which, on his own account, had been accessible to him at the time of preparing his witness statements in both 2022 and 2024. Both statements had been verified by statements of truth. The email chain of 13 March 2020 contained the Firm’s initial instructions from Client B and was therefore central to the solicitor with conduct of the matter understanding the scope of the work required. The omission of this evidence was particularly significant given that the Respondent had not been a recipient of the email. Mr Goodwin submitted that this was directly relevant to the Tribunal’s assessment of the Respondent’s knowledge of the matter and the instructions she received upon assuming conduct of the file.
- 40.11 In his oral evidence, Mr Cammack referred for the first time to a further email chain dated 19 March 2020, which he claimed had been sent to Client B and copied to the Respondent, thereby implying that the Respondent had knowledge of the relevant instructions at that point. Mr Cammack stated that he had located this email by interrogating the Respondent’s Firm email account. Mr Goodwin submitted that this material had not featured in either of Mr Cammack’s witness statements and, if it existed, could readily have been retrieved from Mr Cammack’s own sent items at any time during the preceding five years. He submitted that the assertion concerning the 19 March 2020 email represented a new and unverified explanation raised for the first time under cross-examination and in circumstances where no other explanation had been advanced for the earlier evidential omissions.
- 40.12 Mr Goodwin further submitted that the inescapable inference was that Mr Cammack’s account regarding the 19 March 2020 email was fabricated in an attempt to fill a critical evidential gap. This, he argued, not only undermined the reliability of Mr Cammack’s evidence but also gave rise to serious concerns as to its truthfulness. Mr Goodwin rejected the proposition that the Respondent “must have received” the 19 March 2020 email, noting the absence of any supporting evidence and the fact that this assertion had not previously been put forward. When viewed alongside earlier inaccuracies, omissions, and the failure to disclose material documents, Mr Goodwin submitted that Mr Cammack’s conduct presented a picture of a witness who was, at best, careless, and at worst, deliberately misleading.
- 40.13 Mr Goodwin submitted that Mr Cammack’s evidence was wholly unreliable and could not sustain Allegation 1.3 which should therefore be dismissed.
- 40.14 Mr Edwards, on behalf of the Applicant, opposed the submission of no case to answer in respect of Allegations 1.1, 1.2 and 1.3.
- 40.15 Mr Edwards referenced the evidence in support of Allegations 1.1 and 1.2 that was capable, when taken at its highest, of supporting a finding against the Respondent.

Allegation 1.1. stated that between 19 October 2020 and 14 May 2021, provided information to Client A in respect of work that had been undertaken in the matter which she knew, or ought to have known was false. The Applicant's case therefore went beyond whether the case had been issued (which in Mr Edwards' submission was a known fact given the evidence that confirmed that it had not been), Mr Edwards referred the Tribunal to the numerous positive assertions made by the Respondent to Client A which must have been false and which the Respondent knew to be false. These included that the claim was issued through money claims online on 26 October 2020, that particulars followed 14 days later (9 November 2020), that the other side had been served with the claim, that default judgment was requested on 4 January 2021, that Enforcement action was requested on 11 February 2021 and that the Respondent had chased the courts and enforcement on 13 April 2021 and it would appear that the other side may have requested to set aside judgment so that the claim can be reinstated.

- 40.16 Although there had been concessions made by the Applicant's witness these had not impacted on the key aspects of the case which Mr Edwards submitted were undisputed. The false statements were communicated by the Respondent and all the supporting evidence led to the inference that the respondent knew what she was saying was false. It was for the Respondent to give evidence to assist the Tribunal in making its determination and the Respondent's submission of no case to answer must fail in respect of Allegations 1.1 and 1.2 on application of the test in *R v Galbraith* [1981] 1WLR 1039.
- 40.17 Mr Edwards acknowledged the importance of Mr Cammack's evidence to Allegation 1.3 and that he had made concessions during cross-examination. Criticism could fairly be levelled at Mr Cammack for not including his methodology in respect of how it was that he came to identify the undisclosed email evidence. However irrespective of the concessions and inaccuracies in Mr Cammack's evidence, Mr Edwards submitted that Allegation 1.3 was sustained by the Respondent's misleading communications with Mr Cammack regarding the actions purportedly taken on behalf of her client. At various stages of her conduct of Client B's case the Respondent reassured Mr Cammack that Client B's matter was with the Court, informed Mr Cammack that there was a hearing scheduled for February 2021, however, that this was cancelled prior to it taking place and also informed Mr Cammack that the other side had instructed a solicitor. Mr Edwards submitted that these statements were false and therefore should be put to the Respondent.
- 40.18 Mr Edwards concluded that this was not a case where the strength of the evidence rested solely upon an assessment of the reliability of the witnesses given the wider evidence in the case. The Respondent had made statements that could not be true and accurate and represented evidence that was capable, when taken at its highest, of supporting a finding against the Respondent.

The Tribunal's Decision

41. The test to be applied was that formulated in *R v Galbraith* [1981] 1WLR 1039 ("Galbraith"):

"If there is no evidence that the crime alleged has been committed by the defendant there is no difficulty. The Judge will stop the case. The difficulty

arises where there is some evidence but it is of a tenuous character, for example because of inherent weakness or vagueness or because it is inconsistent with other evidence. Where the Judge comes to the conclusion that the prosecution evidence, taken at its highest, is such that a jury properly directed could not properly convict upon it, it is his duty, upon a submission being made, to stop the case. Where however the prosecution evidence is such that its strength or weakness depends on the view to be taken of a witness's reliability, or other matters which are generally speaking within the province of the jury and where on one possible view of the facts there is evidence on which the jury could properly come to a conclusion the defendant is guilty, then the judge should allow the matter to be tried by the jury."

42. In respect of Allegations 1.1 and 1.2, the Tribunal had regard to the supporting documentary evidence, and in particular, the email correspondence. The Respondent had made a number of statements to Client A, including that proceedings had been issued via MCOL, that default judgment had been requested, and that enforcement queries had been raised with the Court. While the Tribunal noted the significant concessions made by the Applicant's witnesses during the course of their oral evidence, it considered that the documentary evidence was capable of meeting the threshold defined in Galbraith. The Tribunal determined that taking the Applicant's case at its highest, a properly directed Tribunal could find that the Respondent was culpable of the misconduct alleged. Accordingly, the submission of no case to answer as regards Allegations 1.1 and 1.2 failed.
43. In considering Allegation 1.3 in the context of the test set out in Galbraith and whether the Respondent provided false information in respect of work that had been undertaken in relation to Client B's matter, the evidence of Mr Cammack was fundamental to the Applicant's case.
44. The Tribunal found Mr Cammack to be an unsatisfactory witness who adopted a flippant approach to his evidence and who was reluctant to make concessions when presented with obvious inconsistencies between the documentary evidence and his witness statements. Mr Cammack's explanation regarding the provenance of the email evidence that he had presented in support of his assertions regarding the Respondent's understanding of Client B's matter lacked any credibility.
45. The Tribunal consequently found that the 2nd limb of the test in Galbraith was engaged in that the evidence sustaining Allegation 1.3 was so weak, inconsistent or unreliable that no properly directed Tribunal could reasonably find the allegation proved. Accordingly, the submission of no case to answer as regards Allegation 1.3 succeeded.
46. The Tribunal found that Allegation 1.3 should therefore be **dismissed**.

Costs

47. There was no application for costs by either the Applicant or the Respondent.

Statement of Full Order

48. The Tribunal ORDERED that the allegations against solicitor, MUMBA CHAKULYA, be DISMISSED. The Tribunal further ORDERED that there be no order for costs.

Dated this 22nd day of August 2025

On behalf of the Tribunal

T. Cullen

T. Cullen
Chair