

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No 12667-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

SCOTT HALBORG

Respondent

Before:

Ms A Horne (in the chair)

Mrs L Murphy

Ms E Keen

Date of Hearing: 08 April 2025

Appearances

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

Dermot Keating KC, Counsel, 25 Bedford Row, London, WC1R 4HD instructed by Brett Wilson LLP, 35-37 St John's Lane, London EC1M 4BJ for the Respondent.

JUDGMENT

Allegations

1. Between January 2021 and November 2023, the Respondent, Mr Scott Halborg, while in practice as a Partner at Deals and Disputes Solicitors LLP (“the Firm”):
 - 1.1 Submitted proceedings and/or applications which were found to be totally without merit and/or an abuse of process;
 - 1.2 Was made subject to two limited civil restraint orders and a general civil restraint order; and
 - 1.3 Behaved in a manner which caused the court to express concern about his conduct.

PROVED

By doing so, the Respondent breached any or all of Principles 1, 2 and 5 of the SRA Principles (“the Principles”) and Paragraphs 2.4 and 2.6 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code”).

Executive Summary

2. An investigation into the Respondent’s conduct was initiated by the SRA following reports from two firms of solicitors involved in separate litigation against him. Concerns arose after the Respondent became subject to a Limited Civil Restraint Order (“LCRO”) on 6 July 2021, followed by a General Civil Restraint Order (“GCRO”) on 14 September 2021. Further concerns were raised in May 2022 regarding additional litigation characterised by repeated appeals and procedural delay.
3. The SRA alleged—and the Respondent admitted—that he had issued proceedings and applications found to be totally without merit and conducted litigation in a manner that drew judicial criticism. However, he denied that his conduct lacked integrity.
4. The Tribunal found to the requisite standard that the Respondent, a solicitor of over 20 years’ standing, and designated as Compliance Officer for Legal Practice (“COLP”) and Compliance Officer for Finance and Administration (“COFA”), had engaged in sustained improper litigation conduct during proceedings arising from a family dispute. His approach—marked by procedural attrition and repeated unmeritorious applications—represented a serious departure from the standards expected of the profession and breached the obligations of the overriding objective. The Tribunal determined on the balance of probabilities that his conduct lacked integrity.
5. The Tribunal determined that his culpability was high. The harm caused was exacerbated by the exceptional strain on the courts during the COVID-19 pandemic and the heightened responsibilities that attached to his senior regulatory roles. His late-stage admissions did not demonstrate meaningful insight.
6. The Tribunal rejected his submission that a reprimand or fine would suffice. It imposed a 12-month suspension, concluding that only this sanction could properly reflect the seriousness of the misconduct and uphold public confidence in the legal system.

Sanction

7. [The Respondent was suspended for a period of twelve months.](#)

Documents

8. The Tribunal considered all of the documents in the case as contained in the electronic case bundle. In particular the Tribunal considered The Statement of Agreed Facts and Breaches dated 7 April 2025.
 - The parties invited the Tribunal to determine the allegations, and the breaches alleged against the Respondent (save for the alleged breach of Principle 5), by reference to the Statement of Agreed Facts and Breaches document annexed to this Judgment. [Z1-10]
 - No proposed outcome on sanction was submitted by the parties. The Tribunal therefore proceeded to determine sanction independently following its findings, including the determination of the disputed breach of Principle 5.

Preliminary Matters

9. The Tribunal Chair declared that the firm with which she currently consults had acted in the underlying litigation. She confirmed she had no involvement with the firm at the relevant time and no prior knowledge of the matter before reviewing the hearing bundle shortly before the hearing. The Tribunal invited representations from the parties on this disclosure.
 - 9.1 The parties confirmed that there was no basis for recusal and expressed no objection to the Chair's continued participation in the hearing.
 - 9.2 The Tribunal noted as significant that the parties had failed to comply with the timetable set out in the Standard Directions. The hearing bundle was lodged a week late; the extended deadline for submission of skeleton arguments was also missed; and the Statement of Agreed Facts and Breaches was filed only 24 hours before the hearing.
 - 9.3 The Tribunal recognised the parties' efforts to streamline the material into agreed documentation. However, it remained concerned by the failure to comply with procedural directions, which had the potential to cause administrative difficulties and give rise to late-emerging issues—such as the need to consider recusal—that could and should have been addressed well in advance of the present hearing.

Factual Background

10. The Respondent was born on 30 April 1974 and was admitted to the Roll on 10 September 1998. He has a current practising certificate and higher rights of audience.
11. At the time of the alleged misconduct, the Respondent was a Partner, the COLP, COFA, and the majority shareholder at the Firm, which is SRA regulated.

12. The Respondent is based at the Firm's office at St George's House, 6 St George's Way, Leicester, LE1 1QZ.

Witnesses

13. No witnesses gave oral evidence during the proceedings.
14. The Tribunal's findings of fact and law were therefore based on the documentary material before it, in addition to the submissions made by the parties during the hearing.

Findings of Fact and Law

15. 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 that was compatible with the Respondent's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
 - 15.1 For the avoidance of doubt, the Tribunal read all the documents in the case and listened carefully to the parties' submissions. The absence of any reference to particular material or specific submissions should not be taken to indicate that they were not considered.
 - 15.2 Having reviewed all the material before it, the Tribunal was satisfied, on the balance of probabilities, that the Respondent's admissions to the relevant allegations and associated breaches of the Principles and the Code were properly made.
 - 15.3 In its assessment of the issue of integrity—which was disputed—the Tribunal had particular regard to Paragraphs 97 to 107 of the Judgment in *Wingate v Solicitors Regulation Authority* [2018] EWCA Civ 366.

The Applicant's Submissions on Integrity

- 15.4 In summary, the Applicant's case in relation to the Respondent's alleged lack of integrity was as follows:
 - (a) Between January 2021 and November 2023; while practising as a partner at Deals and Disputes Solicitors, the Respondent engaged in persistent, abusive litigation conduct. He brought numerous unmeritorious applications across two sets of proceedings, resulting in the imposition of both an LCRO and, ultimately, a GCRO.
 - (b) A GCRO, in particular, is exceptionally rare when imposed upon a solicitor. The imposition in this case established both the gravity and persistence of misconduct, as well as a judicial conclusion that the Respondent's conduct presented an ongoing risk to the integrity of court proceedings.

- (c) Given the sustained judicial criticism of the Respondent’s conduct, the making of a GCRO effectively amounted to a finding that he could not be trusted to bring only proper legal applications.
- (d) Despite the Respondent’s claim that he presented himself as a private litigant, he repeatedly signed pleadings and statements of truth in his capacity as a solicitor and partner, thereby embedding his professional status in the litigation and subjecting his conduct to professional scrutiny.
- (e) Although Claim One (“the Trust Claim”) was settled in November 2023—by way of discontinuance and agreement to pay the counterclaim—the underlying costs still remain unresolved, with recent correspondence indicating an ongoing dispute.
- (f) In parallel, the Respondent’s approach in Claim Two (“the Lawyers Claim”)—particularly his direct communication with clients on the opposing side prior to trial—reflected a continuation of oppressive tactics. That conduct targeted legal representatives and attracted further judicial criticism.
- (g) The scale and frequency of the Respondent’s conduct, coupled with a persistent disregard for judicial warnings, elevated the matter into a breach of Principle 5 of the SRA Principles (Integrity). Reliance was placed on the authorities of *Wingate v Solicitors Regulation Authority* [2018] EWCA Civ 366 and *Beckwith v Solicitors Regulation Authority* [2020] EWHC 3231 (Admin), both of which establish that a sustained failure to uphold professional obligations may amount to a breach of the high ethical standards required of solicitors.
- (i) No weight could be given to the suggestion that the Respondent had been subjected to judicial unfairness. The relevant judicial criticisms of him were directed at the nature and substance of the Respondent’s conduct, rather than any perceived personal animus. The behaviour in question was not merely a sequence of isolated lapses, but a persistent and sustained pattern of conduct that had brought the profession into disrepute.

15.5 Accordingly, the Applicant invited the Tribunal to find that the Respondent acted without integrity.

The Respondent’s Submissions on Integrity

15.6 The Respondent reiterated his admission of the first three allegations of misconduct, accepting that he had breached Principles 1 and 2 of the Principles, as well as paragraphs 2.4 and 2.6 of the Code. He acknowledged, in relation to these matters, his failings as a solicitor, a claimant, and an Officer of the Court. However, he maintained that the admitted conduct did not amount to a lack of integrity.

15.7 In support of this contention, he made the following submissions in summary:

- (a) The Applications he filed, while ultimately unsuccessful, were not issued with an improper motive. They were advanced in genuine pursuit of remedies

believed to be open to him, and did not reflect any intention to misuse the litigation process or to harass opposing parties.

- (b) He had been subject to disproportionate judicial scrutiny owing to his professional status. The criticisms levelled against him were influenced by the courts' perception of him as a solicitor, notwithstanding his attempts to pursue the litigation as a private individual.
- (c) The GCRO was a procedural consequence of adverse judicial findings, but not conclusive of professional misconduct. While serious, such Orders are not necessarily determinative of a breach of integrity—particularly where, as here, the litigant was acting in a personal capacity.
- (d) The Tribunal was urged to distinguish between intemperate or misguided litigation conduct, and particular conduct which demonstrates a lack of integrity. Reliance was placed on the distinction drawn in *Wingate*, where the Court of Appeal emphasised that integrity is not synonymous with mere negligence or poor judgment.

15.8 Accordingly, whilst the Respondent's conduct fell below the standards expected of a solicitor in certain respects, it was submitted that it did not cross the threshold required to constitute a breach of Principle 5.

The Tribunal's Findings

15.9 The Tribunal accepted the Respondent's admissions as proper and unequivocal, and accordingly found the following allegations proved on the balance of probabilities, in accordance with the Agreed Statement of Facts and Breaches:

- **Allegation 1** - Submitting proceedings and/or applications found to be totally without merit and/or an abuse of process;
- **Allegation 2** - Being made the subject of two civil restraint Orders and a general restraint Order;
- **Allegation 3** - Behaving in a manner that caused the Court to express concern.

15.10 As a result of those admissions, the Tribunal found, to the requisite standard, that the Respondent had breached:

- **Principles 1 and 2** of the Principles (respectively, the requirement to uphold the rule of law and the proper administration of justice, and to uphold public trust and confidence in the solicitors profession);
- **Paragraphs 2.4 and 2.6** of the Code (respectively only making properly arguable assertions, statements and submissions, and not wasting the Court's time);

- 15.11 The Tribunal considered whether the Respondent's admitted conduct—found to constitute breaches of Principles 1 and 2, and paragraphs 2.4 and 2.6 of the Code of Conduct—also amounted to a breach of Principle 5 (the requirement to act with Integrity).
- 15.12 The Tribunal was satisfied to the requisite standard that the Respondent's pattern of conduct, which persisted despite judicial warnings, amounted to a breach of the standard of integrity required of a solicitor.
- 15.13 The Tribunal in reaching this determination considered a number of factors as follows:
- (a) The Respondent's actions were not inadvertent, or attributable to a misunderstanding of process. The repeated and persistent nature of the conduct demonstrated a disregard for the procedural rules and for the authority of the Court.
 - (b) The Respondent's actions had the effect of undermining the efficient administration of justice, burdening Court resources and his opposing parties through unnecessary applications and inappropriate correspondence.
 - (c) The Respondent's status as a solicitor—and therefore as an Officer of the Court—was not suspended by the private nature of the proceedings, nor by the fact that he had instructed Counsel to advise at various junctures. The Respondent remained subject to professional obligations, particularly those relating to the proper administration of justice.
 - (d) The fact that the Respondent was made the subject of multiple restraint Orders by different judges was a clear reflection of the seriousness and persistence of his conduct. It marked the judiciary's repeated concern at his behaviour across multiple stages of the proceedings.
 - (e) The Respondent's conduct could not be compartmentalised into or explained away as isolated incidents. The pattern of behaviour had to be assessed in its totality in order to reach a proper regulatory conclusion.
 - (f) The underlying costs in the Trust Claim still remain unresolved, reinforcing the ongoing consequences of the Respondent's conduct and the lack of finality in the litigation which he initiated.

Previous Disciplinary Matters

16. The Respondent had an unblemished regulatory record.

Mitigation

17. In mitigation, the Respondent submitted that the conduct occurred against the backdrop of long-running litigation arising out of sensitive familial circumstances. He emphasised that the proceedings spanned the COVID-19 pandemic, during which Court listings were disrupted and appeals were delayed. Counsel had been instructed and

endorsed the issuing of proceedings, and some of the matters remain the subject of outstanding appeals.

18. He relied on his previous good character, having not previously been before his regulator in over two decades of practice, during which he held positions of seniority and contributed to the profession by training others. He described the misconduct as an aberration caused by a unique confluence of personal and emotional pressures.
19. The Respondent expressed remorse, recognising that he had let both himself and the profession down. He was already on a path to gaining insight and avoiding any repetition of the conduct that had resulted in these proceedings. He pointed to the evolution in his conduct during the course of these proceedings, including ultimately ceasing to contest the majority of the allegations.
20. The Respondent accepted that his conduct had caused harm, but contended that he himself had suffered significant financial and reputational consequences as a result, including the imposition of indemnity costs Orders exceeding £1 million. He submitted that the absence of any breach by him of the civil restraint Orders should be taken into account.
21. The Respondent engaged with the Regulator throughout the investigation and the conduct of these proceedings. He cooperated fully, providing material on a voluntary basis as required, and made admissions in respect of all matters save for the issue of integrity, which he contested following legal advice.

Sanction

22. The Tribunal referred to its Guidance Note on Sanctions (11th Edition February 2025) when considering sanction and the proper approach to sanctions as set out in *Fuglers and others v SRA* [2014] EWHC 179. In doing so the Tribunal assessed the culpability and harm identified, together with the aggravating and mitigating factors that existed.
23. In determining sanction, and applying the ‘*bottom up*’ approach, the Tribunal took account of the Respondent’s submissions that public interest and confidence could be met by the imposition of a reprimand or fine, but concluded that these sanctions were insufficient. The proportionate and most appropriate sanction was the imposition of a fixed period of suspension.

Reasons For Sanction

24. In addressing the Respondent’s culpability, the Tribunal rejected his assertion that the underlying motivation for his conduct was noble—particularly in relation to the settlement of the Trust Claim. The manner in which he pursued the Lawyer Claim stood in stark contrast to that narrative. His overall approach to litigation was not conciliatory or proportionate, but combative and attritional. It was marked by repeated unmeritorious applications and procedural tactics that were designed to, and did, frustrate the efficient progression of the litigation. The Respondent’s conduct not only fell short of the standards required of a solicitor, but also contravened the cooperative and restrained ethos embedded in the overriding objective.

25. In considering the harm caused by the Respondent's conduct, the Tribunal noted the broader context in which it took place. The litigation occurred during a period of exceptional pressure on the Courts arising from the COVID-19 pandemic, marked by disruption to listings, backlogs, and reduced judicial capacity. Against that backdrop, the Respondent's repeated pursuit of unmeritorious applications and procedural manoeuvring imposed an avoidable burden on an already strained system. The seriousness of the misconduct was thereby amplified, both in practical impact and in its potential to erode public confidence in the administration of justice.
26. The Tribunal therefore determined that the culpability of the Respondent was high.
27. The Tribunal regarded it as a significant aggravating factor that the Respondent would have known—by reason of his considerable professional experience and standing—that his conduct represented a material breach of his regulatory obligations. At the time of the misconduct, the Respondent had over two decades of post-qualification experience. He also held the roles of COLP and COFA within his firm, positions carrying enhanced responsibility for ensuring that professional standards were upheld. In those circumstances, the Respondent was not merely subject to the obligations imposed on all solicitors, but was entrusted with ensuring compliance by others. His failure to meet those standards personally was therefore of particular concern.
28. The Tribunal acknowledged that the Respondent ultimately ceased to contest the majority of the allegations against him, and made admissions shortly before the hearing. However, it considered those admissions to have been made at a very late stage in the proceedings, and against a backdrop of sustained resistance to the allegations and criticism of judicial findings. While the Tribunal accepted that these late admissions demonstrated some movement in the Respondent's position, any insight was limited in nature and did not materially mitigate the seriousness of the misconduct.
29. Contrary to the submissions made on his behalf, the Tribunal did not regard the Respondent's compliance with the Restraint Orders as a mitigating factor. Compliance with legal obligations—particularly Court Orders—is the minimum expected of solicitors, and in this instance, compliance did not, in itself, constitute evidence of insight or remorse.
30. In all the circumstances, the Tribunal concluded that a suspension of twelve months was the appropriate and proportionate sanction. Only a suspension from practice could adequately reflect the seriousness of the misconduct, the sustained departure from the standards expected of solicitors, and the need to uphold public confidence in the profession and the legal system more broadly.

Costs

31. Mr Walker, on behalf of the Applicant, applied for costs in the sum of £30,630.00, as set out in the costs schedule dated 2 April 2025. The Applicant instructed Blake Morgan LLP under a fixed-fee arrangement totalling £29,280.00. It was submitted that any time savings achieved by the hearing concluding in one day were offset by the substantial preparatory work involved in reaching the Agreed Statement of Facts and Breaches. With the addition of investigative costs of £1,350.00, it was asserted that the total sum

claimed was both proportionate and reasonable, given the nature of the case and the work undertaken.

32. The Tribunal recognised that pursuant to Rule 43(1) of the Solicitors (Disciplinary Proceedings) Rules 2019, it is empowered to make such order as to costs as it considers appropriate. This includes directing any party to bear the whole or a proportion of the costs in an amount (if any) deemed reasonable. The costs in question relate to those incurred in connection with, or ancillary to, the proceedings before the Tribunal.
33. Pursuant to Rule 43(4) of the Solicitors (Disciplinary Proceedings) Rules 2019, the Tribunal, when deciding whether to make an order for costs, must consider all relevant matters, including:
 - (a) the parties' conduct;
 - (b) compliance with directions;
 - (c) whether the time spent, charging rates and disbursements were proportionate and reasonable; and
 - (d) the paying party's means.
34. The Tribunal found that the case had been properly brought by the Applicant. While both parties ultimately conducted themselves appropriately at the hearing, the Tribunal recalled the earlier non-compliance with directions by both sides, which had been pointed out at the outset. Notwithstanding this, the Tribunal took into account the substantial volume of documentation and preparatory work involved, as well as the fact that the contested matters were ultimately found proven.
35. It concluded that any reduction in time resulting from the late admissions made did not materially lessen the preparation required by the Applicant, particularly given the volume and complexity of the documentation.
36. The Tribunal considered the Respondent's financial circumstances, including submissions drawing attention to his limited liquidity. While it acknowledged the impact of the suspension on his short-term earning capacity and the financial losses arising from the underlying matters, it noted that the Respondent was asset-rich, enjoyed an income significantly above the national average, and was ultimately capable of meeting the Order. It therefore did not consider that his means justified any reduction in the sum claimed.
37. Taking all these matters into account, the Tribunal concluded that the costs claimed by the Applicant were reasonable and proportionate. It accordingly ordered the Respondent to pay the sum of £30,630.00 as costs arising from and incidental to the proceedings.

Statement of Full Order

38. The Tribunal ORDERED that the Respondent, SCOTT HALBORG, solicitor, be SUSPENDED from practice as a solicitor for the period of 12 months to commence on the 8th day of April 2025 and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £30,630.00.

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

A Horne

A. Horne
Chair