SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No. 12722-2025

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD. Applicant

and

ALISON CLARE BANERJEE Respondent

Before:

Mrs L Boyce (in the Chair),
Ms F Kyriacou,
Dr A Richards

Date of Hearing: 26 June 2025

Appearances

Jonathan White, solicitor employed by Blake Morgan LLP of New Kings Court, Chandlers Ford, Eastleigh, SO53 3LG for the Applicant.

Tanveer Qureshi, counsel, Libertas Chambers, 20 Old Bailey, London, EC4M 7AN, for the Respondent.

JUDGMENT ON AGREED OUTCOME

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1. The allegations against the Respondent are that while in practice as a solicitor:

Client A (Allegations 2.1, 2.2, 2.3, 2.4):

"2.1 Between June and July 2022, the Respondent provided misleading information to the Employment Tribunal (ET). At a preliminary hearing on 15 June 2022, the Respondent claimed IT issues prevented her from receiving an email from Capsticks LLP (dated 21 December 2021) and a draft List of Issues (sent 24 May 2022) until "shortly before" the hearing. However, IT records showed no internal reports of the Respondent's Mimecast security system being disabled since firm-wide issues were resolved in August 2020. The Respondent later apologised to the ET and Capsticks, stating IT issues were rectified.

It was alleged that the Respondent had breached any and or all of Principles 2, 4 and 5 of the SRA Principles 2019 ("the Principles" and Paragraph 1.4 of the Code of Conduct for Solicitors 2019 ("the Code").

2.2 Following a wasted costs order made by the ET on 9 September 2022 (for £2,597.64 + VAT, which the Respondent did not oppose), the Respondent misled Client A in January 2023. She told Client A that the order was due to "confusion" and that she would ask the ET to remove it from their website, despite not having informed him or her firm of the order previously.

It was alleged that the Respondent had breached any and or all of Principles 2, 4 and 5 of the SRA Principles 2019 ("the Principles" and Paragraph 1.4 of the Code of Conduct for Solicitors 2019 ("the Code").

2.3 Between December 2022 and January 2023, the Respondent agreed to a settlement offer from the defendant on 21 December 2022 and withdrew Client A's claim on 3 January 2023 without Client A's instructions or knowledge. The settlement agreement was signed by the Respondent, purportedly on Client A's behalf, on 12 January 2023. Client A only learned of the withdrawal in February 2023 after contacting the ET directly.

It was alleged that the Respondent had breached any or all of Principles 2, 4, 5 and 7 of the Principles and Paragraphs 1.4 and 3.1 of the Code.

2.4 Between December 2022 and January 2023, the Respondent misled Client A by falsely stating that his ET hearing, listed for 3-6 January 2023, had been adjourned due to a lack of available ET staff. The Respondent repeatedly assured Client A she would provide written confirmation of the postponement but never did.

It was alleged that the Respondent had breached any and or all of Principles 2, 4 and 5 of the SRA Principles 2019 ("the Principles" and Paragraph 1.4 of the Code of Conduct for Solicitors 2019 ("the Code")."

Client B (Allegation 2.5):

> *"2.5 On 13 September 2021, the Respondent misled Client B by stating there was "an offer on the table" regarding her employment dispute, when no settlement offer had been made by the opposing party, Mills and Reeve LLP. Client B's claim later faced limitation issues.*
>
> *It was alleged that the Respondent had breached any and or all of Principles 2, 4 and 5 of the SRA Principles 2019 ("the Principles" and Paragraph 1.4 of the Code of Conduct for Solicitors 2019 ("the Code").*"

Client C (Allegation 2.6):

> *"2.6 On 12 September 2022, the Respondent misled Client C by stating that his case was listed "for March of next year" when it had not been listed. It was later discovered that the claim had not been served on the defendant due to an ET error. Client C ultimately dropped the claim after a settlement offer was refused.*
>
> *It was alleged that the Respondent had breached any and or all of Principles 2, 4 and 5 of the SRA Principles 2019 ("the Principles" and Paragraph Conduct for Solicitors 2019 ("the Code").*"

Admissions

2. The Respondent admits the allegations as set out in paragraphs 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 above.

Documents

3. The Tribunal had, amongst other things, the following documents before it:-

- The Form of Application dated 10 January 2025.
- Rule 12 Statement dated 10 January 2025 and exhibits.
- Agreed Outcome submitted 22 May 2025
- Written submissions on anonymity.

Application for Anonymity

4. The application was made in private, the Tribunal having decided it was appropriate to do so given the inherent nature of the application and not to prejudice any order it was minded to make after hearing the parties' submissions.

5. Mr Qureshi submitted that anonymity granted previously to the Respondent with respect to the cause list should pertain following the conclusion of the hearing and attach also to the Tribunal's judgment.

6. Mr Qureshi said the Tribunal's rules allow for anonymity orders when it is in the interests of justice or when publication would cause serious harm to any party and he referred the Tribunal to his written submissions supporting the Respondent's application, and in which he had summarised certain, pertinent aspects relating to the Respondent's health, indicating that publication would cause her serious prejudice and serious hardship to the Respondent.

7. While there was no further medical evidence beyond a report dated 10 December 2024, the expert medical practitioner who had prepared that report had considered the Respondent's extensive medical history, which showed a consistency in her medical issues. Mr Qureshi submitted that this evidence was sufficient to enable the Tribunal to decide upon the application though it remained open to the Tribunal to adjourn the matter if the Tribunal felt further medical evidence was needed.

8. Mr White indicated that the Applicant adopted a neutral stance on the application, considering it a matter of professional judgment for the Tribunal. However, the Applicant's only qualification to its neutral stance was its wish to update and inform the complainants (former clients) about the outcome of the matter once concluded, as they had made reports and witness statements to the Applicant and already knew the Respondent's identity, as she had been their solicitor. If permitted to do so, the Applicant would inform them only that the case was concluded, admissions had been made, and the sanction, without sharing any other details.

9. Mr White acknowledged that the Tribunal does not have contempt of court powers. Therefore, should an anonymity direction be made, the Applicant would, having informed the complainants of the result, necessarily have to trust them to abide by the anonymity order as there were no other means of enforcement. He conceded that, in theory, complainants *could* share the information online, though he had no indication this would be their intention.

10. Mr White explained that if the Applicant could not notify complainants as it wished this would create an unsatisfactory situation in which the individuals intimately connected to the case would not know its outcome.

The Tribunal's Decision

11. The Tribunal refused the application for anonymity and informed the parties that for the Respondent's assistance it would direct that publication of the judgment be deferred for three weeks, until Thursday 17 July 2025.

The following may be subject to redaction (upon application):

12. As to the application, the Tribunal noted the Applicant's neutral stance. It considered in detail Mr Qureshi's oral and written submissions. In summary it was his position in the written submission that publication of the judgment was not in the public interest as it would risk violating the Respondent's rights under the European Convention on Human Rights (ECHR), specifically Article 2 (Right to Life) and Article 8 (Right to a Private Life). It was submitted that the Tribunal had an obligation to consider her mental health and the impact on her right to life when making decisions that could endanger her.

13. There was, in his estimation, persuasive evidence set out in the report dated 10 December 2024 by Dr Allen, a consultant psychiatrist as follows:

> *" Based on the history given to me..... and her medical notes (where her symptoms are well documented) , my opinion is that [she] is suffering from a Major Depressive Disorder, Moderate, Recurrent (F33.1) as defined by the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR) published by the American Psychiatric Association, 2022."* [para.83 of the report]

14. She was described as vulnerable and exhibiting signs of suicidal thoughts. Dr Allen's report set out that the Respondent expressed that the shame of publicity would be such that she could not live with it and would contemplate suicide. He opined that, on the balance of probabilities, if the Solicitors Disciplinary Tribunal (SDT) were to publish its decision, her condition would deteriorate markedly, and there was a real risk that she would commit suicide.

15. As an expert Tribunal, the Tribunal was aware of the relevant legal framework and principles, but noted the guidance it had been given by Mr Qureshi and also its own policy note on Public-Private-Hearings-February-2025. Particularly paragraphs 7.1 and 7.2. It was also noted that this was not a case where there was any statutory bar upon the Respondent being named.

16. Under Rule 35(9) of The Solicitors (Disciplinary Proceedings) Rules 2019 ("SDPR 2019") the Tribunal may make a direction prohibiting the disclosure or publication of any matter likely to lead to the identification of any person whom the Tribunal considers should not be identified. (10) The Tribunal may give a direction prohibiting the disclosure of a document or information to a person if it is satisfied that— (a) the disclosure would be likely to cause any person serious harm; and (b) it is in the interests of justice to make such a direction.

17. Article 2 ECHR provides a right to life. This can impose positive obligations on the state to take reasonable steps to prevent an individual from taking his or her own life if the decision has not been taken freely and with full understanding of what is involved. However, it does not follow that the state must take every measure which would mitigate a risk of suicide, and it is not required to take measures that would be contrary to the public interest or disproportionate to the risk.

18. Article 8 ECHR protects the right to respect for private and family life. Under 8(2):

> *"There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others*."

19. Therefore, any interference in the private life of a respondent solicitor, caused by the publication of their name in connection with Tribunal proceedings, would likely be proportionate to the public interest in the press being able to report on, and the public

being informed about, Tribunal proceedings. The publication of regulatory decisions which name a respondent advances the legitimate aims in Article 8(2).

20. Further, if the allegation against a Respondent, is found proven, as here, the right under Article 8 for respect for their private life should not provide a reason for anonymising them and the right to respect for private life cannot be relied on to complain of the foreseeable consequences of a person's conduct.

21. The free reporting of the names of solicitors in disciplinary proceedings serves to protect the public and maintain public confidence in the profession.

22. The legal principles were further informed by the judgment in *Spector v Law Society* [2016] 4 WLR 16. The starting point is open justice, meaning proceedings are freely reportable and individuals identifiable. Therefore, very substantial weight must be accorded to open justice with a clear presumption in favour of open justice unless and until such presumption is displaced and outweighed by a sufficiently countervailing justification. Therefore, even compelling personal circumstances, including mental health issues, must be weighed against the fundamental principle of open justice in professional regulation.

23. Whilst the Tribunal observed that the Respondent had been granted anonymity in the earlier part of the proceedings, she was now in a qualitatively different position by reason of her admissions. The allegations were proved and the considerations set out above with respect to open justice became even more pertinent.

24. The Tribunal rejected as inherently untenable Mr Qureshi's submission that because the Respondent had admitted the allegations, resigned from her employment, and no longer held a practising certificate; that she had no plans to practice as a solicitor again, removed the public interest need for future employers and clients to be aware of her misconduct.

25. The Tribunal considered that embarrassment, distress, and reputational damage to the Respondent and family were insufficient to justify making an anonymity order and /or preventing publication of the judgment.

26. The Tribunal had compassion for the Respondent's personal situation. However, it was not satisfied that there was cogent evidence of an immediate risk to her life that could not be sufficiently ameliorated by other actions of the state such as by the NHS. She remained under the care of her G.P. and she had been prescribed, and was taking, moderate strength first-line anti-depressant medication. It was noted that whilst she had had contact with secondary mental health services, she had not been treated as an in-patient nor at any point made subject to an intervention under relevant mental health legislation. She remained capable of making her own decisions. There was no evidence that her mental health had deteriorated since her consultation with Dr Evans on 28th November 2024.

27. Undoubtedly the strain of the proceedings had been a burden upon her mental state, however, its definitive resolution would reduce such pressure.

28. Finally, the Tribunal recognised that it had no power to make any order which would restrict or alter the duties and rights set out in s.48 of the Solicitors Act 1974 and it followed that it may not make an order which would prevent the public from ever finding out the name of a solicitor against whom the it had made an order.

29. In conclusion, and for all the reasons set out above, the Tribunal dismissed the application for the Respondent's continued anonymity (subject to the three-week deferment period). To make such an order represented a disproportionate derogation from the principle of open justice which applied equally to all jurisdictions in England and Wales and there was no reason why solicitors should be placed in a specialised category wherein the public could not know the name of a solicitor subject to sanction and in circumstances where their misconduct was admitted.

Background

30. The Respondent, admitted to the Roll in October 2010. She specialised in Employment Law at Hunt and Coombs LLP. She was suspended by the Firm in February 2023 and resigned shortly thereafter. The conduct in question occurred between approximately September 2021 and January 2023, coming to the SRA's attention via a report from Client A, which also prompted the Firm's internal investigation and raised concerns about the Respondent's conduct regarding Client B and Client C. The Respondent currently does not hold a practising certificate.

Application for the matter to be resolved by way of Agreed Outcome

31. The parties invited the Tribunal to deal with the Allegations against the Respondent in accordance with the Statement of Agreed Facts and Outcome annexed to this Judgment. The parties submitted that the outcome proposed was consistent with the Tribunal's Guidance Note on Sanctions.

Findings of Fact and Law

32. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under Section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

33. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent's admissions were properly made.

34. The Tribunal considered the Guidance Note on Sanction (11th edition). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.

35. The misconduct involved serious, deliberate, and repeated acts of dishonesty, misleading both clients and the Employment Tribunal over a period of time. As an experienced solicitor, the Respondent had direct control over her actions, which caused significant harm to the clients, preventing them from pursuing their claims.

36. Despite mitigating factors such as her previously exemplary record and health issues, the case did not fall within the "small residual category" where striking off would be a disproportionate sanction. Therefore, the Tribunal accepted that strike off was the most proportionate sanction to protect the public and maintain the reputation of the profession.

Costs

37. The parties agreed that the Respondent should pay costs in the sum of £12,000. The Tribunal considered the Applicant's costs schedule and determined that the agreed amount was reasonable and appropriate. Accordingly, the Tribunal ordered that the Respondent pay costs in the agreed sum.

Statement of Full Order

38. The Tribunal ORDERS that the Respondent, ALISON CLARE BANERJEE, solicitor, be STRUCK OFF the Roll of Solicitors and it further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £12,000.00.

Dated this 2nd day of July 2025
On behalf of the Tribunal

L Boyce

L Boyce
Chair

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL **Case No: 12722-2025**

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

ALISON CLARE BANERJEE

Respondent

STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME

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1. By its application dated 9 January 2025, and the statement made pursuant to Rule 12 (2) of the Solicitors (Disciplinary Proceedings) Rules 2019 which accompanied that application, the Solicitors Regulation Authority Ltd ("the SRA") brought proceedings before the Solicitors Disciplinary Tribunal making six allegations of misconduct against the Respondent.

The Allegations

2. The Allegations are that the Respondent, while in practice at Hunt and Coombs LLP ("the Firm").

Client A

While acting for Client A in relation to proceedings before the Employment Tribunal:

2.1 Between 15 June 2022 and 13 July 2022, provided misleading information to the Employment Tribunal by informing it that the reason she has not received an email from Capsticks LLP dated 21 December 2021 and a draft List of Issues sent to her on 24 May 2022 until "*shortly before"* the hearing on 15 June 2022, was due to IT issues, when this was not the case, thereby breaching any and or all of Principles 2, 4 and 5 of the SRA Principles 2019 ("the Principles" and Paragraph 1.4 of the Code of Conduct for Solicitors 2019 ("the Code").

2.2. In or around January 2023, provided misleading information to Client A by informing him that a Wasted Costs Order made by the Employment Tribunal on 9 September 2022 was the result of confusion and that she would ask the Employment Tribunal to remove it from the website, thereby breaching any or all of Principles 2, 4,and 5 of the Principles and Paragraph 1.4 of the Code.

2.3. Between 30 December 2022 and 12 January 2023, failed to act on Client A's instructions by agreeing to a proposed settlement offer made by the defendant on 21 December 2022, when she did not have Client A's instructions to do so, thereby breaching any or all of Principles 2, 4, 5 and 7 of the Principles and Paragraphs 1.4 and 3.1 of the Code.

2.4. Between 20 December 2022 and 4 January 2023, provided misleading information to Client A by informing him that his Employment Tribunal hearing had been adjourned when it had not, thereby breaching any or all of Principles 2, 4, and 5 of the Principles and Paragraph 1.4 of the Code.

Client B

While acting for Client B in relation to proceedings before the Employment Tribunal:

2.5. On 13 September 2021 provided misleading information to Client B by stating that there was "*an offer on the table*" when no settlement offer had been made, thereby breaching any or all of Principles 2, 4, and 5 of the Principles and Paragraph 1.4 of the Code.

Client C

While acting for Client C in relation to proceedings before the Employment Tribunal:

2.6. On 12 September 2022 provided misleading information to Client C by stating that his case was listed "*for March of next year*" when the case had not been listed, thereby breaching any or all of Principles 2, 4, and 5 of the Principles and Paragraph 1.4 of the Code.

The Respondent admits the allegations as set out in paragraphs 2.1,2.2,2.3,2.4,2.5 and 2.6 above.

Agreed Facts

3. The following facts and matters, which are replied upon by the SRA in support of the allegations set out within paragraphs 2 of this statement, are agreed between the SRA and the Respondent.

4. The Respondent, who was born on October 1964, is a solicitor, having been admitted to the Roll on 1 October 2010. At the material time she was employed by the Firm. The Respondent specialised in Employment law. The Respondent was suspended by the Firm on 3 February 2023 and confirmed her resignation with immediate effect on 6 February 2023. The Respondent does not currently hold a practising certificate.

5. The conduct in this matter came to the attention of the SRA on 3 February 2023 when it received a report from Client A concerning the Respondent's handling of his matter. Client A had also made a complaint to the Firm, which had conducted an internal investigation. This investigation also raised concerns about the Respondent's conduct in relation to Client B and Client C. The Respondent was suspended by the Firm and she subsequently resigned.

6. The alleged conduct occurred between approximately September 2021 and January 2023.

Client A

7. Client A instructed the Respondent in connection with proceedings before the Employment Tribunal ("ET") in which he was the claimant. Client A's former employer was the respondent in the ET proceedings.

8. On 15 June 2022, the matter was listed for a preliminary hearing ("the preliminary hearing"). Client A was not in attendance and was represented by the Respondent. The preliminary hearing had been listed to consider an application made by the Respondent on 9 December 2021 to amend the claim. The application to amend had been partially opposed by the defendant, who was represented by Capsticks LLP ("Capsticks"). The defendant's position had been set out in an email to the Respondent dated 21 December 2021.

9. At the commencement of the preliminary hearing, the Respondent informed the ET that the application in respect of the contested amendments was to be withdrawn. The remaining amendments were dealt with by agreement.

10. During the preliminary hearing, the Respondent told the ET that the Firm had experienced IT difficulties and that she had not seen Capsticks' email of 21 December 2021 until *"shortly before"* the preliminary hearing. The Respondent

also told the ET that she had not received the List of Issues until 14 June 2022, "*shortly before*" the preliminary hearing.

11. The List of Issues had initially been sent to the Respondent on 24 May 2022, with an updated version sent on 25 May 2022. There had been a telephone conversation between a fee earner at Capsticks and the Respondent on 25 May 2022, before the updated version was sent, in which the Respondent had confirmed receipt of the email containing the initial version on 24 May 2022.

12. Capsticks made an application for wasted costs in relation to the preliminary hearing on the basis that it had been listed specifically to deal with the contested elements of the application to amend the claim. Capsticks were ordered to set out the basis of the costs application in writing by 30 June 2022 and the Respondent was ordered to respond to the application by 14 July 2022, together with any supporting evidence. Capsticks particularised the application for wasted costs by way of a letter to the ET dated 29 June 2022. The letter sought an order for costs in the sum of £2,597.64 + VAT.

13. The Respondent replied on 13 July 2022 and confirmed that the application for wasted costs was not opposed. The Respondent apologised to the ET and to Capsticks for the need for the "*further and unnecessary preliminary hearing*".

14. The Respondent further stated:

"*Ms Banerjee has sought assistance from her IT department as to the cause of her problems with her emails referred to in the preliminary hearing of 15 June 2022 and has been advised that the security system "Mimecast" which works alongside Microsoft Outlook had been partially disabled on her account although it is not clear how and when this happened and indeed should not be possible. When working properly, Mimecast works by "catching" and holding back emails from the Inbox that raise concerns in some way and then notifies the recipient that they are on hold and can be reviewed for release. The partial disablement of the security system resulted in a number of emails including but not limited to those from the Respondent's representative being caught but not notified to her that they were on hold. Other emails were still being received and she only became aware of the problem shortly before the preliminary hearing. It is understood that this issue has now been rectified".*

15. The Firm's IT Training and Systems Development Manager, Tracey Thorpe, found no record of the Respondent raising an issue internally that her Mimecast was disabled and there were no IT tickets where this issue was raised by her. The Respondent had experienced Outlook and Mimecast issues when she first

joined the Firm. These issues were firm-wide and had been resolved by August 2020. Thereafter the Respondent had not raised an issue internally of her Mimecast being disabled and no IT ticket had been raised in respect of such an issue before 6 July 2022, when the Respondent raised a "*Mimecast held email query*". Mimecast had been mentioned in an in-house IT support call on 16 January 2023 Mimecast 'add in' had become disabled. Ms Thorpe has stated that the "*various Outlook crashes Mrs Banerjee encountered could have caused Mimecast to become disabled but these were not specifically referred to or recorded as part of the support call in those instances*".

16. On 9 September 2022, the ET made a wasted costs order in respect of the preliminary hearing in the sum claimed.

17. On 4 January 2023, Client A was due to have a meeting with the Respondent to discuss his case. Before that meeting, Client A had put his name into an internet search engine and saw that the ET had granted a wasted costs order in the matter. The Respondent had not made him aware of this. Client A telephoned the Respondent the following morning. The Respondent informed him that the wasted costs order had been made at a preliminary hearing. She explained to Client A that "*things had got confused*" and this had resulted in the wasted costs order being made. The Respondent told Client A that he would not have to pay it. Client A expressed concern about the fact that this was on the internet. The Respondent told Client A that she would tell the ET to remove it from their website.

18. The Respondent reiterated this in the meeting she held with Client A on 4 January 2023.

19. The full hearing was listed for 3-6 January 2023. On 2 November 2022 Capsticks wrote to the ET to inform it that the Respondent had failed to comply with outstanding directions. On 29 November 2022 the ET wrote to the parties and directed that the Respondent confirm by 9 December 2022 whether she was prepared for the full hearing. The Respondent replied on 9 December 2022 stating that she was not ready for the hearing.

20. On 15 December 2022, Capsticks wrote to the ET, copying in the Respondent, requesting an order that, if witness statements were not provided within five days, the claim would be struck out.

21. On 20 December 2022, Client A emailed the Respondent. That email included the following:

"*I am therefore relying on god and you to help serve justice in the upcoming hearing on 3/01/2023. I would therefore appreciate it if you give this case your utmost attention, as it has affected me in many aspects*."

22. On 21 December 2022, Capsticks wrote to the ET seeking an order that the claim be struck out. The same day, the ET wrote to the parties and confirmed that the hearing would go ahead on 3 January 2023 and directed the parties to exchange witness statements by 28 December 2022. The application to strike-out does not appear to have been considered before the ET wrote to the parties, as the ET's letter refers to correspondence dated 9 and 15 December 2022.

23. On the same day, 21 December 2022, Capsticks wrote to the Respondent on a 'without prejudice save as to costs' basis. In that letter, Capsticks invited Client A to withdraw his claim and stated that if he did so, the defendant would not seek to recover any of its costs.

24. On 30 December 2022, Capsticks wrote to the Respondent and referred to their understanding that the Respondent had told ACAS that she had received Client A's instructions to accept the offer previously made. Later the same day, Capsticks sent the Respondent draft wording for the settlement of the matter.

25. On 31 December 2022, the Respondent wrote to Capsticks confirming that the wording was acceptable.

26. On 3 January 2023, ACAS wrote to Capsticks and the Respondent confirming that an agreement had been reached that resolved the dispute and that a final agreement would be emailed to the Respondent.

27. On the same day, 3 January 2023, the Respondent emailed the ET and wrote:

"*The parties to the above proceedings have reached an ACAS settlement of the claim in writing. In accordance with rule 51 of the Employment Tribunals Rules of Procedure 2013, the Claimant hereby withdraws the Claim entirely. The Claimant understands that following this withdrawal the Claim may be dismissed pursuant to rule 52 of the Employment Tribunals Rules of Procedure 2013. The Claimant does not reserve the right to make a further claim within the meaning of rule 52(a) and does not object to the dismissal of the Claim*".

28. The settlement agreement was signed by the Respondent on 12 January 2023, purportedly on behalf of Client A. Client A had no knowledge of a settlement agreement and did not become aware of its existence until he made enquiries

with the ET on 1 February 2023, at which point he was informed that his case had been withdrawn.

29. On 20 December 2022, Client A wrote to the Respondent about the forthcoming hearing, which was listed to commence on 3 January 2023. Shortly after sending that email, Client A spoke with the Respondent by telephone. She informed him that the hearing date had been postponed by the ET and that no new date had yet been set.

30. Client A met with the Respondent on 4 January 2023, by the time this meeting took place, the Respondent had, unbeknown to Client A, notified the ET that a settlement had been reached and had applied to withdraw Client A's claim. The Respondent did not tell Client A this. Instead, she advised him that the hearing had been postponed and that it could be one to two years before a new hearing date was received. The Respondent told Client A that the reason for the postponement was lack of available staff at the ET.

31. Client A expressed concern about this purported development and the Respondent informed him that she would try to settle the case.

32. Some days after the meeting of 4 January 2023, Client A telephoned the Respondent and asked her to send him a copy of the letter from the ET postponing the hearing. The Respondent, having previously told Client A that she had such a letter, informed him that he had been notified of the postponement verbally and told him that she would obtain written confirmation.

33. On 9 January 2023, Client A emailed the Respondent and asked her to send him the letter of the postponement of hearing, as well as asking her to communicate with the ET regarding the removal of the wasted costs order from their website. On 10 January 2023, Client A sent a further email repeating the request for a copy of the letter from the ET regarding the postponement of the hearing. The Respondent did not reply to either email.

34. On 22 January 2023, Client A emailed the Respondent asking for a letter confirming what had been discussed at the meeting on 4 January 2023, including the postponement of the hearing. The Respondent did not reply.

35. On 1 February 2023, Client A contacted the ET directly. It was at this point that he was informed that the claim had been withdrawn following a private settlement agreement. On 27 March 2023, the ET confirmed that the matter was unequivocally withdrawn on 3 January 2023 and the matter was dismissed.

36. On 2 February 2023, Client A lodged a complaint with the Firm and on 3 February 2023, he made a report to the SRA.

Client B

37. Client B instructed the Respondent in connection with an employment dispute. Client B was the claimant. The defendant was represented by Mills and Reeve LLP.

38. On 13 September 2021, Client B emailed the Respondent and asked if there was an update on her case, as she had not heard anything for a while. The Respondent replied the same day stating:

"*I have an offer on the table but need the financial information previously requested to assist me. Could you send me details of your income from other sources once you had resigned as matter of urgency please*"

39. Mills and Reeve LLP subsequently confirmed to the SRA that no settlement discussions took place between the parties.

40. On 8 October 2021, Client B emailed the Respondent and asked for details of the offer. There does not appear to have been any reply to that letter.

41. On 28 June 2022, Client B emailed the Respondent asking for a further update. There does not appear to have been any reply to that letter.

42. On 22 February 2023, the Firm wrote to Client B, noting that nothing had happened on the file since June 2022. The Firm asked Client B if she required continued assistance or if the file could be closed. On 23 February 2023, Client B confirmed that she wanted the Firm to continue with the claim.

43. On 17 March 2023, the Firm wrote to Client B and advised her to seek independent legal advice as the Firm was no longer able to advise Client B due to limitation issues with her claim.

Client C

44. Client C instructed the Respondent in connection with an employment dispute. Client C was the claimant. In September 2021 a claim was commenced in the ET.

45. On 12 September 2022, Client C emailed the Respondent and asked "*Has there been any news from the tribunal yet?*".

46. The Respondent replied the same day stating:

"*There is news. Listed for March of next year. Will share the timing of what we are required to do as soon as I received it*."

47. On 20 February 2023, Ms Townsend, the Respondent's Team Leader, contacted the ET by telephone. The ET informed Ms Townsend that although the claim had been received and accepted by the ET, due to an error on the ET's part, it had not been served on the defendant. The Firm was informed that there was therefore no hearing in March 2023.

48. On 1 March 2023, Client C emailed the Respondent asking for an update. Client C was informed of the situation. Client C instructed the Firm to make a settlement offer. The Firm did so but it was refused. Client C did not have the financial means to pursue the matter further and so he dropped the claim.

Non-Agreed Mitigation

The following points are advanced by way of mitigation on behalf of the Respondent but their inclusion in this document does not amount to adoption or endorsement of such points by the SRA.

49. The Respondent felt under immense pressure at the firm. She was struggling immensely with her workload and progressing her cases.

50. The Respondent misunderstood the purpose of the hearing on 15 June 2022, as she believed it was to clarify multiple issues and not just the issues that were no longer proceeding. As a result, the Tribunal ordered wasted costs of £2,500.00 against the firm.

51. Following the hearing, the Respondent informed the client about the next steps. However, through sheer embarrassment, she did not inform him about the wasted costs order. Nor did she inform her firm about the wasted costs order. Her actions can be attributed to acute embarrassment and panic. As the order was against the firm and not the client, her aim was to settle the order out of her own pocket, and without others being informed.

52. Between Christmas 2022 and the New Year, the Respondent was at her breaking point due to acute stress and was feeling overworked. When the other side offered a settlement in the case, the Respondent accepted it without consulting Client A.

53. The Employment department across the whole firm consisted of only the Respondent. The firm had 5 offices across Cambridgeshire and Northamptonshire, with 34 solicitors. If a client from another office wanted a

meeting with an Employment Solicitor, it fell upon the Respondent to travel to any one of the firm's offices. As part of her role, she regularly attended networking meetings on behalf of the firm often at short notice. She was the only solicitor who dealt with file destruction on a regular basis. Alongside her department's work, the Respondent was also the Solicitor who dealt with statutory declarations and certifying documents.

54. Due to the pressure the Respondent was facing, her mental health deteriorated. She felt as though her only option was to tell the clients what they wanted to hear, simply to stop them from continuously emailing her. The Respondent accepts that her communication with clients A, B and C involved dishonesty, as alleged in paragraph 2.1- 2.6 inclusive. The Respondent was at her breaking point and believed there was no other option available to her.

55. The Respondent was admitted to the Roll in 2010 and had been practising for over 12 years with an exemplary record. The breaches admitted by the Respondent were the result of a solicitor who was mentally unwell.

56. The Respondent's motivation was to avoid embarrassment by concealing the true status of her clients' cases from them. Her decision making was impacted by her mental health deteriorating.

57. Prior to working at the firm, the Respondent suffered with depression and low mood. Upon joining the firm, she informed Human Resources about her mental health. After the Respondent resigned on 2 February 2023, she made an appointment with her GP and has been diagnosed with depression. She is currently still on medication and is undergoing therapy.

58. Since being diagnosed, the Respondent has continued to take her prescribed medication and has Undertaken a course of talking therapy (Cognitive Behavioural Therapy). Unfortunately, this has been unsuccessful.

59. The Respondent's mood continues to be extremely low. She is unable to concentrate for periods of time and she is having suicidal thoughts. Sadly, the Respondent has also attempted suicide. The Respondent has no intention of either returning to the profession or conducting any legal work in future.

Sanction proposed

60. The Respondent should be struck-off the Roll of Solicitors.

61. With respect to costs, it is further agreed that the Respondent should pay the SRA's costs in this matter fixed in the sum of £12,000 inclusive of VAT.

Explanation as to why such an order would be in accordance with the Tribunal's Guidance Note on Sanctions (11th Edition – February 2025) ("the Guidance Note")

62. The SRA is satisfied that the admissions and proposed outcome satisfies the public interest. In light of the admissions to dishonesty, the Respondent and the SRA agree that the proposed outcome represents the appropriate resolution of the matter, consistent with the Guidance Note.

63. The Respondent has admitted dishonesty. The Guidance Note at paragraph 28, states that:

"Some of the most serious misconduct involves dishonesty, whether or not leading to criminal proceedings and criminal penalties. A finding that an allegation of dishonesty has been proved will almost invariably lead to striking off, save in exceptional circumstances (see Solicitors Regulation Authority v Sharma [2010] EWHC 2022 (Admin))."

64. The Respondent has not advanced exceptional circumstances and has made early admissions and has co-operated with the SRA throughout the investigation.

65. In Sharma (at [13]) Coulson J summarised the consequences of a finding of dishonesty by the Tribunal against a solicitor as follows:

"(a) Save in exceptional circumstances, a finding of dishonesty will lead to the solicitor being struck off the Roll ... That is the normal and necessary penalty in cases of dishonesty...

(b) There will be a small residual category where striking off will be a disproportionate sentence in all the circumstances ...

In deciding whether or not a particular case falls into that category, relevant factors will include the nature, scope and extent of the dishonesty itself, whether it was momentary ... or over a lengthy period of time ... whether it was a benefit to the solicitor ... and whether it had an adverse effect on others..."

66. With reference to allegations 2.1-2.6 inclusive, these were serious acts of dishonesty involving deliberately misleading clients and the Employment Tribunal. The culpability, harm, aggravating and mitigating factors are set out below.

67. Paragraph 22 of the Guidance Note states that

"*The Tribunal will assess the seriousness of the misconduct in order to determine which sanction to impose. Seriousness is determined by a combination of factors, including; the respondent's level of culpability for their misconduct; the harm caused by the respondent's misconduct; the extent of any aggravating factors; the extent of any mitigating factors*."

68. The culpability and harm factors are:

68.1 The Respondent was an experienced solicitor.

68.2 The Respondent had direct control and responsibility for the circumstances giving rise to the misconduct.

68.3 There was significant harm caused to the clients, who were unable to pursue the claims they had sought to, as a result of the Respondent's actions.

69. The aggravating features of the Respondent's conduct are:

69.1 The misconduct was deliberate, calculated and repeated.

69.2 The misconduct continued over a period of time.

70. The mitigating features of the Respondent's conduct are:

70.1 The Respondent had been practising for over 12 years before the report to the SRA in this matter. She has an otherwise exemplary record.

70.2 The Respondent joined the Firm on 1 July 2021 and worked in Employment Law, also providing support to the Personal Injury team for a period of time until a new solicitor was appointed for Personal Injury.

71. For these reasons, the case plainly does not fall within the small residual category where striking off would be a disproportionate sanction.

72. Accordingly, the fair and proportionate sanction in this case is for the Respondent to be struck off the Roll of Solicitors.

Signed.. [redacted] Date 22 May 2025

Jonathan White, Legal Director, Blake Morgan LLP

For the Solicitors Regulation Authority

[redacted] Date 22 May 2025

Alison Clare Banerjee, The Respondent