

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No.12711-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

LAURA ELIZABETH SIMPSON

Respondent

Before:

Ms T Cullen (in the chair)

Ms F Kyriacou

Mr D Kearney

Date of Hearing: 24 July 2025

Appearances

Jonathan White, solicitor in the employ of Blake Morgan LLP, 6 New Street Square, London EC4M 3DJ

The Respondent represented herself.

JUDGMENT

Allegations

1. The allegation made against Mrs Simpson by the Solicitors Regulation Authority Limited (“SRA”) was that, whilst in practice as a Solicitor at Switalskis Solicitors (“the Firm”) she:
 - 1.1 On three occasions in June to July 2023, gave misleading information to Client A when she informed her that she had not received an expert report, when she had done.

In doing so, she breached any or all of:

- 1.1.1 Principle 2 of the SRA Principles 2019 (“the Principles”)
- 1.1.2 Principle 4 of the Principles;
- 1.1.3 Principle 5 of the Principles; and
- 1.1.4 Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs (“the Code”).

Executive Summary

2. The Applicant alleged that Mrs Simpson had given misleading information to Client A on three separate occasions by informing Client A that an expert report had not been received when Mrs Simpson knew that it had been. In an internal investigation conducted by the Firm, Mrs Simpson stated that she had lied to client in order to buy herself some time. Mrs Simpson admitted the allegation in her Answer, including that her conduct had been dishonest. That admission was repeated in the proceedings. The Tribunal found the allegation proved on the evidence. The Tribunal’s reasoning can be found below.
 - Allegation 1.1 - [PROVED](#)
3. Given that nature and seriousness of the misconduct, the Tribunal found that the only reasonable and proportionate sanction was to strike Mrs Simpson off the Roll of Solicitors. The Tribunal did not find that there were any exceptional circumstances such that a lesser sanction could be imposed. The Tribunal’s reasoning can be found below.
 - [Sanction](#)

Documents

4. The Tribunal reviewed all the documents submitted by the parties, which included (but was not limited to):
 - Rule 12 Statement and Exhibit JD1 dated 9 December 2024
 - The Respondent's Answer dated 7 February 2025
 - Applicant’s Schedule of Costs dated 16 July 2025
 - Respondent's Statement of Means 26 June 2025

Preliminary Matters

Application for Anonymity

5. Mr White applied for Client A to be anonymised in the proceedings in order to protect her legal professional privilege in line with the court's decision in SRA v Williams [2023] EWHC 2151 (Admin). The allegations before the Tribunal related directly to privileged correspondence and communications between Mrs Simpson and her client.
6. Mrs Simpson confirmed that the application was not opposed.
7. The Tribunal determined that it was appropriate to anonymise Client A in order to protect her legal professional privilege. Accordingly, the application was granted.

Factual Background

8. Mrs Simpson was born in 1984 and was admitted to the Roll 8 September 2009. She did not hold a current Practising Certificate; her previous unconditional Practising Certificate having expired on 31 October 2024.
9. On 5 November 2020, Client A instructed the Firm in relation to a medical negligence claim. Mrs Simpson had conduct of this matter from 28 April 2022. In August 2023, Client A made a complaint to the Firm about Mrs Simpson providing misleading information as to the receipt of an expert report. During the Firm's investigation, Mrs Simpson accepted that she had informed Client A that she had not received an expert report, when she had. The matter was referred by the Firm to the SRA on 25 August 2023.

Witnesses

10. None

Findings of Fact and Law

11. 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 Mrs Simpson's rights to a fair trial and to respect for her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Dishonesty

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

“When dishonesty is in question the fact-finding Tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question

is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the factfinder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.”

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

Integrity

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

“Integrity is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members ... [Professionals] are required to live up to their own professional standards ... Integrity connotes adherence to the ethical standards of one’s own profession”.

Allegation 1.1 – Providing misleading information to Client A

The Applicant’s Case

15. Mr White submitted that in order to determine whether Client A’s claim could proceed, three experts were instructed by the Firm to provide their opinions on the standard of care provided to Client A.
- 15.1 On 1 June 2023, by an email sent at 18:21, Mr Raine-Fenning, one of the experts instructed on Client A’s matter, sent Mrs Simpson his summary expert report. The email stated (amongst other things):

“I do not think you have a case here and in any aspect I am afraid but understand the need to pass by Counsel as it is complex.”

- 15.2 The report from Mr Dickson, another expert instructed by the Firm for Client A, was received in around June 2023.
- 15.3 Mrs Simpson also received Mr Raine-Fenning’s report, for a second time, on 7 June 2023, from the Firm’s medico-legal agents, UKIM.
- 15.4 In an email of 12 June 2023 sent by Mrs Simpson to Client A, Mrs Simpson stated:

“...I have received Mr Dickson’s updated Report and expect to receive Mr Raine-Fenning’s imminently. Once it’s in, I will instruct a specialist barrister to review all of the evidence and advise us about the case.”

15.5 Mrs Simpson made no mention of already being in possession of Mr Raine Fenning's report. In response that email, on the same day, Client A asked to see Mr Dickson's report "*...it will probably be less over whelming than getting them both in one go.*"

15.6 Mrs Simpson sent Mr Dickson's report to Client A by email on 19 June 2023. Mrs Simpson did not provide Mr Raine-Fenning's, nor confirm that it had been received. Instead, she stated:

"Once Mr Raine-Fenning's report is in I will send that to you as well, and then get my instructions off to Counsel for their Advice on the prospects of success and next steps to be taken".

15.7 In a response from Client A on the same day stated: "*Thank you for getting that to me I appreciate it. Will wait to hear about the ... report then the advice...*"

15.8 On 14 July 2023, Client A chased Mrs Simpson in relation to whether the report had been received. In response Mrs Simpson stated:

"Thanks for your email. I am still chasing the Report I am afraid but this time Mr Raine-Fenning said it's on its' [sic] way after it's been checked so it won't be long. I will keep on at him and be in touch once it's in."

15.9 On 31 July 2023, Client A again emailed Mrs Simpson regarding the outstanding report of Mr Raine-Fenning. Having received Mrs Simpson's out of office automated message, Client A telephoned Mrs Simpson's secretary. During the conversation with Client A, Mrs Simpson's secretary confirmed that Mr Raine-Fenning's report had been received by Mrs Simpson in June 2023.

15.10 Client A made a complaint to the Firm, having been told in June and July that the expert report from Mr Raine-Fenning had not been received and was awaited. The Firm instigated an internal investigation. Steve Dibb, the Firm's Compliance Officer for Legal Practice ('COLP') met with Mrs Simpson on 21 August 2023. During the meeting Mrs Simpson explained that she "*...had the report when [she] replied to the client and that [she] lied to her.*" Mrs Simpson further explained that due to having been off from work due to illness, her responses to Client A were to "*buy some time*" as she had not been in a position to review the report and the client was "*challenging*". Mrs Simpson also stated that she had hoped the matter would go "*unnoticed until [she] had found the time to consider the report and advise the client*".

15.11 A disciplinary hearing was held on 27 October 2023 in which Mrs Simpson confirmed that she had misled Client A in respect of not having received Mr Raine-Fenning's report when she had done, and accepted that she should not have lied to her.

15.12 Mrs Simpson stated that, at the time, she had felt "*swamped*" with work and that it was a "*stupid thing to do*", but she just wanted to "*buy herself some time*".

15.13 Mr White submitted that Mrs Simpson was in a position of trust and responsibility as a solicitor who had the responsibility to ensure that information produced by themselves was accurate. Members of the public would expect a solicitor to act in a straight-forward and transparent manner with a client. This would extend to providing clear information

on the status of a client's case, including whether pertinent documentation had been received, even if not yet reviewed. Despite Client A chasing the report, Mrs Simpson gave information to the client that deflected from the situation, and was to Mrs Simpson's benefit in not having to prioritise Client A's case.

15.14 By her actions, Mrs Simpson abused the trust placed in her by Client A, her colleagues and members of the public and did not conduct herself in a manner that maintained public trust in her and the provision of legal services, and therefore breached Principle 2 of the Principles.

15.15 Mr White submitted that Mrs Simpson had received Mr Raine-Fenning's report on 1 and 7 June 2023. She did not inform Client A of her receipt of that expert report. Instead, she stated in correspondence to Client A:

- *"I... expect to receive Mr Raine-Fenning's imminently. Once it's in, I will instruct a specialist barrister to review all of the evidence and advise us about the case"* (12 June 2023);
- *"Once Mr Raine-Fenning's report is in I will send that to you as well, and then get my instructions off to Counsel for their Advice on the prospects of success and next steps to be taken"* (19 June 2023); and
- *"I am still chasing the Report I am afraid but this time Mr Raine-Fenning said it's on its' [sic] way after it's been checked so it won't be long. I will keep on at him and be in touch once it's in."* (14 July 2023).

15.16 At the time that she made those assertions, Mrs Simpson knew that:

- Mr Raine-Fenning had sent an email, attaching his expert report on 1 June 2023;
- she had received Mr Raine-Fenning's email, and therefore his expert report, on 1 June 2023;
- Mr Raine-Fenning's report was not awaited;
- she was not chasing Mr Raine-Fenning for his report, as it had already been received;
- Mr Raine-Fenning had not said that his report was *"on its way"* as it had been sent by him on 1 June 2023;
- Client A would, or might, assume from the language of the emails, that Mrs Simpson had not received Mr Raine-Fenning's report.

15.17 Mr White submitted that given this state of knowledge and belief, Mrs Simpson acted dishonestly by the standards of ordinary decent people. Mrs Simpson knew, when telling Client A that she had not received the report, that she had; she knew that she was being untruthful. Ordinary decent people would consider it dishonest for a solicitor to knowingly inform a client about a fact, on three occasions, that the solicitor knew to be

false. In doing so, Mrs Simpson failed to act with honesty and therefore breached Principle 4 of the Principles.

15.18 It followed that by deliberately stating that she had not received Mr Raine-Fenning's report, and that Mr Raine-Fenning had not provided it to her, Mrs Simpson failed to act with integrity and therefore breached Principle 5 of the Principles.

15.19 Paragraph 1.4 of the Code required solicitors not to mislead or attempt to mislead clients, the court or others. Mrs Simpson's conduct, in using clear language to express that she expected to receive Mr Raine-Fenning's report in the future, when in fact she had it in her possession, would allow Client A to believe that Mrs Simpson did not have the report. Such an assumption would be misleading to Client A, and Mrs Simpson therefore breached Paragraph 1.4 of the Code.

The Respondent's Case

15.20 In her Answer, Mrs Simpson admitted the allegation in full. She stated that she had not practised in law since February 2024 and did not intend to return to practice. She had not applied to renew her Practising Certificate when it expired in October 2024. At the hearing, Mrs Simpson confirmed those admissions.

The Tribunal's Findings

15.21 The Tribunal found the allegation proved on the facts and evidence. The Tribunal considered Mrs Simpson's admissions to have been properly made.

Previous Disciplinary Matters

16. None

Mitigation

17. In mitigation, Mrs Simpson stated that she fully accepted that she had been dishonest and that, in the circumstances, a strike off was the appropriate sanction. Her misconduct was limited to this matter. Mrs Simpson explained that she had previously had a good relationship with Client A. As regards her conduct, at the time Mrs Simpson carried a heavy caseload of complex cases. At the time, due to the complex nature of the case, the negative medical evidence and the challenging nature of Client A, Mrs Simpson stated that she had 'chickened out'. She apologised for her conduct, stating that she knew it was completely unacceptable.

Sanction

18. The Tribunal had regard to the Guidance Note on Sanctions (11th Edition – February 2025). The Tribunal's overriding objective, when considering sanction, was the need to maintain public confidence in the integrity of the profession. In determining sanction, it was the Tribunal's role to assess the seriousness of the proven misconduct and to impose a sanction that was fair and proportionate in all the circumstances.

19. Mr White applied to advance submissions on sanction. The Tribunal determined that given the nature of the case and its findings, it did not require any assistance from the Applicant as regards the appropriate sanction.
20. The Tribunal found that Mrs Simpson was motivated by her desire to buy herself time with a client whom she described as ‘challenging’. Her conduct was planned and was in breach of the trust placed in her by Client A to keep her apprised of progress on her case. Mrs Simpson was wholly responsible for the circumstances giving rise to the misconduct. She was an experienced solicitor, having qualified in 2009.
21. She had caused harm to Client A, who described being stressed awaiting the report, and that being lied to and misled by Mrs Simpson had had a negative impact on her mental health and wellbeing.
22. Mrs Simpson’s conduct was aggravated by her proven and admitted dishonesty, which was in material breach of her obligation to protect the public and maintain public confidence in the reputation of the profession; as per Coulson J in Solicitors Regulation Authority v Sharma [2010] EWHC 2022 Admin:

“34. There is harm to the public every time that a solicitor behaves dishonestly. It is in the public interest to ensure that, as it was put in Bolton, a solicitor can be “trusted to the ends of the earth”. ”

23. Given the serious nature of the allegation, the Tribunal considered and rejected the lesser sanctions within its sentencing powers such as no order, a reprimand or restrictions. The Tribunal had regard to the case of Bolton v Law Society [1994] 2 All ER 486 in which Sir Thomas Bingham stated:

“....Lapses from the required standard (of complete integrity, probity and trustworthiness)....may....be of varying degrees. The most serious involves proven dishonesty....In such cases the tribunal has almost invariably, no matter how strong the mitigation advanced by the solicitor, ordered that he be struck off the roll of solicitors.”

24. The Tribunal did not find any circumstances (and indeed none were submitted) that were enough to bring Mrs Simpson in line with the residual exceptional circumstances category referred to in the case of Sharma. The Tribunal decided that in view of the serious nature of the misconduct, in that it involved dishonesty, the only appropriate and proportionate sanction, in order to protect the public, and maintain public confidence in the integrity of the profession and the provision of legal services, was to order that the Respondent be struck off the Roll.

Costs

25. Mr White applied for costs in the sum of £30,330.00. The case, it was submitted was properly brought, and the costs were reasonably incurred. Mr White noted that Mrs Simpson was in employment with a modest income and a share in the equity of a property.

26. Mrs Simpson submitted that she had admitted matters at the outset, and thus some of the work undertaken by the Applicant was unnecessary. Further, the costs were disproportionate given that this was an uncontested matter. There was no requirement for a partner to have undertaken work on the matter. Given that she was no longer able to work as a solicitor, she had taken a significant pay decrease and was struggling financially.
27. Mr White submitted that the fixed fee claimed was not affected by the involvement of a partner in the matter. With regard to the admissions and thus the work undertaken being disproportionate, the Applicant was still required to present the evidence to the Tribunal in order for the Tribunal to be satisfied that the admissions were properly made.
28. The Tribunal took into account that the matter had been admitted by Mrs Simpson at the outset. The fixed fee agreed between the Applicant and Blake Morgan was a commercial arrangement that was not binding on the Tribunal when assessing the appropriate level of costs. The Tribunal found the investigation costs claimed by the Applicant to be reasonable and proportionate. The Tribunal determined that the agreed fixed fee was excessive in all the circumstances. The Tribunal found that costs in the sum of £5,000 were reasonable and proportionate, given the nature of the case and the issues to be determined.
29. The Tribunal then considered Mrs Simpson's means. The Tribunal determined that there should be a further reduction in costs to take account of her limited means, and thus the Tribunal applied a £2,000 reduction. Accordingly, the Tribunal ordered that Mrs Simpson pay costs in the sum of £3,000.

Statement of Full Order

30. The Tribunal ORDERED that the Respondent, LAURA ELIZABETH SIMPSON solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,000.00.

Dated this 6th day of August 2025

On behalf of the Tribunal

T. Cullen

T. Cullen
Chair