

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12767-2025

## **BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

MICHELLE NIAZ

Respondent

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Before:

Mrs L Boyce (in the chair)

Mrs A Sprawson

Ms L Hawkins

Date of Consideration: 22 January 2026

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## **Appearances**

There were no appearances as the matter was dealt with on the papers.

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## **JUDGMENT ON AGREED OUTCOME**

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## Allegations

- 1 The allegations against the Respondent, Michelle Niaz, made by the SRA are that, while in practice as a Solicitor:
  - 1.1 During the period between 18 January 2020 and 1 September 2023, practised as a sole practitioner without authorisation, thereby breaching any or all of:
    - 1.1.1 Regulation 10.1 of the SRA Authorisation of Individuals Regulations.
    - 1.1.2 Paragraph 5.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019 (“the Code for Solicitors”).
    - 1.1.3 Paragraph 7.1 of the Code for Solicitors.
    - 1.1.4 Principle 2 of the SRA Principles 2019 (“the Principles”)
    - 1.1.5 Principle 5 of the Principles.
  - 1.2 During the period between 18 January 2020 and 1 September 2023 held client monies when she was not working in an authorised body, thereby breaching any or all of:
    - 1.2.1 Rule 4.3 of the Code for Solicitors.
    - 1.2.2 Principle 2 of the Principles.
    - 1.2.3 Principle 5 of the Principles.
  - 1.3 During the period between June 2016 and 1 September 2023 failed to maintain proper accounting records in that she:
    - 1.3.1 Failed to carry out reconciliations every 5 weeks.
    - 1.3.2 Failed to complete accountant’s reports as required.

And in doing so she thereby:

    - 1.3.3 Insofar as such conduct took place on or after 6 October 2011 but before 25 November 2019, acted in breach of any or all of:
      - 1.3.3.1 Rule 32A.1 of the Solicitors Accounts Rules 2011 (“SAR”).
      - 1.3.3.2 Rule 29.12 of the SAR.
      - 1.3.3.3 Principle 2 of the SRA Principles 2011 (“the 2011 Principles”).
      - 1.3.3.4 Principle 4 of the 2011 Principles.
      - 1.3.3.5 Principle 6 of the 2011 Principles.
    - 1.3.4 Insofar as such conduct took place on or after 25 November 2019, acted in breach any or all of:
      - 1.3.4.1 Rule 8.3 of the SRA Accounts Rules 2019 (“the Accounts Rules”).
      - 1.3.4.2 Rule 12.1 of the Accounts Rules.
      - 1.3.4.3 Paragraph 4.2 of the Code for Solicitors.
      - 1.3.4.4 Principle 2 of the Principles.
      - 1.3.4.5 Principle 5 of the Principles.
      - 1.3.4.6 Principle 7 of the Principles.

2. In addition, Allegations 1.1 and 1.3.1 are advanced on the basis that the Respondent's conduct was reckless. Recklessness is alleged as an aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the allegations.

### **Admissions**

3. The Respondent admitted all the allegations save for recklessness. The Applicant did not consider it proportionate to proceed to a hearing to determine the sole issue of recklessness. The Applicant therefore sought leave to withdraw that aspect of its case.
4. The Tribunal granted the Applicant's application to withdraw the allegation of recklessness.

### **Documents**

5. The Tribunal considered the following documents in the case which included:
  - Form of Application dated 7 May 2025.
  - Rule 12 Statement and Exhibit dated 7 May 2025.
  - Statement of Agreed Facts and Proposed Outcome dated 19 January 2026.

### **Background**

6. The Respondent is a solicitor, having been admitted to the Roll on 1 December 2015. The Respondent joined Lewis Mitchell Solicitors Inc Ruth Moores ("the Firm") in June 2013, becoming a trainee solicitor in September 2013. The Respondent remained with the Firm after she qualified and became a partner on 30 June 2016. Between June 2016 and January 2020, the Respondent worked with a series of individuals as partners, the last of whom was Edward Leech who joined the Firm in May 2018 and left on 17 January 2020. Mr Leech was not replaced, leaving the Respondent as the sole partner. The Respondent became the Compliance Officer for Legal Practice ("COLP") on 12 December 2016 and Compliance Officer for Finance and Administration ("COFA") on 6 January 2017. The Firm closed in September 2023. The majority of the Firm's work was matrimonial and probate and estate administration.
7. The conduct in this matter relating to Allegation 1.1 came to the attention of the SRA in or around March 2020, when the SRA were notified that Mr Leech, the Respondent's business partner, had left the Firm on 17 January 2020. Further matters relating to Allegations 1.2 and 1.3 came to the attention of the SRA subsequently, following reports made in respect of unrelated matters, which resulted in a forensic investigation taking place. The Forensic Investigation Report ("FIR") was completed by the Forensic Investigation Officer ("FIO") on 22 June 2023.
8. The conduct in Allegations 1.1 and 1.2 occurred between approximately 18 January 2020 and 1 September 2023. The conduct in Allegation 1.3 took place between approximately June 2016 and 1 September 2023.
9. In summary, Allegations 1.1 and 1.2 arise out of the Firm losing its authorisation on 17 January 2020 and the Respondent continuing to practise in circumstances where the Firm had ceased to exist and thus lost its authorisation and where the Respondent was

not authorised as a Registered Sole Practice ("RSP"). Allegation 1.3 arose out of the FIR conclusions in respect of the Firm's accounts.

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

10. The parties invited the Tribunal to deal with the Allegations against the Respondent in accordance with the Statement of Agreed Facts and Proposed 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**

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 the Respondent's rights to a fair trial and to respect her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
12. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent's admissions were properly made.
13. The Tribunal considered the Guidance Note on Sanction (11<sup>th</sup> Edition / February 2025). In doing so, the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
14. The Respondent had direct control and responsibility for the circumstances giving rise to the misconduct. The Tribunal noted that the Respondent had the procedural knowledge required to replace a partner as she had done so previously. The Respondent was an experienced solicitor who was aware of her regulatory responsibilities.
15. In addition to her overarching duties as a solicitor, the Respondent was the Firm's COLP and COFA and therefore had enhanced specific responsibilities to ensure compliance.
16. The Respondent's misconduct continued over a significant period of time and the Tribunal had found proved an allegation of lack of integrity. The Tribunal found that the Respondent's culpability was high.
17. Clients were placed at risk as a result of the Respondent practising without authorisation, holding client money when not entitled to do so, failing to carry out reconciliations and failing to ensure that accounts reports were prepared as required. The potential for harm was significant.
18. The misconduct was mitigated by the Respondent's cooperation with the SRA's investigation, and the Tribunal considered the personal mitigation advanced by the Respondent in detail.
19. The Tribunal considered that the seriousness of the admitted allegations warranted a sanction greater than a reprimand or a fine, however neither the protection of the public

nor the protection of the reputation of the profession required the Respondent to be struck off the Roll of Solicitors

20. The Tribunal determined that a suspension for a period of nine months, along with practicing conditions that would take effect after the period of suspension has concluded, represented an appropriate and proportionate sanction that was commensurate to the misconduct admitted by the Respondent and found proved by the Tribunal.
21. Having regard to the seriousness of the misconduct and the findings made in respect of the Respondent, the Tribunal was satisfied that the protection of the public required the conditions of practice imposed on the Respondent, which were to take effect upon the expiry of the suspension, to remain in force for an indefinite period.
22. Therefore, upon the expiry of the fixed term of suspension referred to above, the Respondent shall be subject to conditions for an indefinite period imposed by the Tribunal as follows:
23. The Respondent may not:
  - Practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body; or as a freelance solicitor; or as a solicitor in an unregulated organisation;
  - Be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other authorised or recognised body;
  - Be a Head of Legal Practice/Compliance Officer for Legal Practice or a Head of Finance and Administration/Compliance Officer for Finance and Administration;
  - Hold client money;
  - Be a signatory on any client account;
  - Work as a solicitor other than in employment approved by the Solicitors Regulation Authority Ltd.

### **Costs**

24. The parties had agreed that the Respondent should pay costs in the sum of £22,140.00. 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**

25. The Tribunal ORDERS that the Respondent, MICHELLE NIAZ solicitor, be SUSPENDED from practice as a solicitor for the period of 9 months to commence on

the 22<sup>nd</sup> day of January 2026 and it further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £22,140.00.

25.1 Upon the expiry of the fixed term of suspension referred to above, the Respondent shall be subject to conditions imposed by the Tribunal as follows:

The Respondent may not:

- Practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body; or as a freelance solicitor; or as a solicitor in an unregulated organisation;
- Be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other authorised or recognised body;
- Be a Head of Legal Practice/Compliance Officer for Legal Practice or a Head of Finance and Administration/Compliance Officer for Finance and Administration;
- Hold client money;
- Be a signatory on any client account;
- Work as a solicitor other than in employment approved by the Solicitors Regulation Authority Ltd.
- There be liberty to either party to apply to the Tribunal to vary the conditions set out at paragraph 25.1 above.

DATED AND FILED WITH THE LAW SOCIETY  
This 6<sup>th</sup> day of February 2026

On behalf of the Tribunal

*L. Boyce*

L Boyce  
Chair

Sensitivity: General

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL**

Case No: 12767-2025

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

AND IN THE MATTER OF:

**SOLICITORS REGULATION AUTHORITY LIMITED**

Applicant

and

**MICHELLE NIAZ**

Respondent

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**STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME**

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By its application dated 7 May 2025 and the statement made pursuant to Rule 12(2) of the Solicitors (Disciplinary Proceedings) Rules 2019 ("the Rule 12 Statement") which accompanied that application, the Solicitors Regulation Authority Limited ("the SRA") brought proceedings before the Solicitors Disciplinary Tribunal, making three allegations of misconduct against the Respondent, Michelle Niaz.

**The allegations**

1. The allegations against the Respondent, Michelle Niaz, made by the SRA are that, while in practice as a Solicitor:
  - 1.1 During the period between 18 January 2020 and 1 September 2023, practised as a sole practitioner without authorisation, thereby breaching any or all of:
    - 1.1.1 Regulation 10.1 of the SRA Authorisation of Individuals Regulations.
    - 1.1.2 Paragraph 5.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019 ("the Code for Solicitors").
    - 1.1.3 Paragraph 7.1 of the Code for Solicitors.
    - 1.1.4 Principle 2 of the SRA Principles 2019 ("the Principles")
    - 1.1.5 Principle 5 of the Principles.

## Sensitivity: General

1.2 During the period between 18 January 2020 and 1 September 2023 held client monies when she was not working in an authorised body, thereby breaching any or all of:

1.2.1 Rule 4.3 of the Code for Solicitors.

1.2.2 Principle 2 of the Principles.

1.2.3 Principle 5 of the Principles.

1.3 During the period between June 2016 and 1 September 2023 failed to maintain proper accounting records in that she:

1.3.1 Failed to carry out reconciliations every 5 weeks.

1.3.2 Failed to complete accountant's reports as required.

And in doing so she thereby:

1.3.3 insofar as such conduct took place on or after 6 October 2011 but before 25 November 2019, acted in breach of any or all of:

1.3.3.1 Rule 32A.1 of the Solicitors Accounts Rules 2011 ("SAR").

1.3.3.2 Rule 29.12 of the SAR.

1.3.3.3 Principle 2 of the SRA Principles 2011 ("the 2011 Principles").

1.3.3.4 Principle 4 of the 2011 Principles.

1.3.3.5 Principle 6 of the 2011 Principles.

1.3.4 Insofar as such conduct took place on or after 25 November 2019, acted in breach any or all of:

1.3.4.1 Rule 8.3 of the SRA Accounts Rules 2019 ("the Accounts Rules").

1.3.4.2 Rule 12.1 of the Accounts Rules.

1.3.4.3 Paragraph 4.2 of the Code for Solicitors.

1.3.4.4 Principle 2 of the Principles.

1.3.4.5 Principle 5 of the Principles.

1.3.4.6 Principle 7 of the Principles.

### Recklessness

In addition, Allegations 1.1 and 1.3.1 were advanced on the basis that the Respondent's conduct was reckless. Recklessness was alleged as an aggravating feature of the Respondent's misconduct but was not an essential ingredient in proving the allegations.

Sensitivity: General

### **Agreed Facts**

2. The Respondent admits Allegations 1.1-1.3 in full. In the circumstances of those admissions and the proposed sanction, set out below, the Applicant does not consider it proportionate to proceed to a hearing to determine the sole issue of recklessness. The Applicant therefore respectfully seeks the Tribunal's leave to withdraw that application in the event that this proposed Agreed Outcome is approved.

### **Professional Details**

3. The Respondent, who was born on January 1973 is a solicitor, having been admitted to the Roll on 1 December 2015. The Respondent joined Lewis Mitchell Solicitors inc Ruth Moores ("the Firm") in June 2013, becoming a trainee solicitor in September 2013. The Respondent remained with the Firm after she qualified and became a partner on 30 June 2016. Between June 2016 and January 2020, the Respondent worked with a series of individuals as partners, the last of whom was Edward Leech who joined the Firm in May 2018 and left on 17 January 2020. Mr Leech was not replaced, leaving the Respondent as the sole partner. The Respondent became the Compliance Officer for Legal Practice ("COLP") on 12 December 2016 and Compliance Officer for Finance and Administration ("COFA") on 6 January 2017. The Firm closed in September 2023. The majority of the Firm's work was matrimonial and probate and estate administration.

4. The Respondent has a current Practising Certificate, with conditions imposed as of April 2024.

### **Background**

5. The conduct in this matter relating to Allegation 1.1 came to the attention of the SRA in or around March 2020, when the SRA were notified that Mr Leech, the Respondent's business partner, had left the Firm on 17 January 2020. Further matters relating to Allegations 1.2 and 1.3 came to the attention of the SRA subsequently, following reports made in respect of unrelated matters, which resulted in a forensic investigation taking place. The Forensic Investigation Report ("FIR") was completed by the Forensic Investigation Officer ("FIO") on 22 June 2023.

## Sensitivity: General

6. The conduct in Allegations 1.1 and 1.2 occurred between approximately 18 January 2020 and 1 September 2023. The conduct in Allegation 1.3 took place between approximately June 2016 and 1 September 2023.
7. In summary, Allegations 1.1 and 1.2 arise out of the Firm losing its authorisation on 17 January 2020 and the Respondent continuing to practise in circumstances where the Firm had ceased to exist and thus lost its authorisation and where the Respondent was not authorised as a Registered Sole Practitioner ("RSP"). Allegation 1.3 arises out of the FIR conclusions in respect of the accounts.

**Allegation 1.1 – [practising as a sole practitioner without authorisation]**

8. In May 2018, the Firm applied for approval of Mr Leech as a partner of the Firm to replace Guy Platon, who had left the Firm. The Firm submitted the application to the SRA on 23 May 2018 with further information being provided on 25 May 2018 and was granted on 11 June 2018.
9. On 20 March 2020 an Authorisation Officer at the SRA emailed the Respondent to inform her that the SRA had been notified that Mr Leech had ceased to be a partner at the Firm on 17 January 2020. There is no record of the Respondent contacting the SRA to notify it of this development and it meant that the Respondent was not practising in an authorised environment, as she had no permission to work as a sole practitioner. The email gave the Respondent the following three options:

*"By close of business on 27 March 2020 you must confirm;*

- 1. whether you intend to trade as a sole practitioner or have applied for Temporary Emergency Authorisation,*
- 2. whether another manager has joined the firm, or*
- 3. whether your firm is going to cease to trade.*

*If you wish to practise as a sole practitioner you must first seek approval from the SRA to do so. You will need to complete an FA1 form and submit this with the appropriate fee."*

10. An authorisation officer of the SRA checked SRA records and found no evidence that the Firm was granted Temporary Emergency Authorisation ("TEA") under Rule

## Sensitivity: General

15 of the SRA Authorisation of Firms Rules. No replacement manager joined the Firm and the Respondent did not cease to trade. The Respondent did not apply for, and was not granted, authorisation as a RSP.

11. The effect of Mr Leech's departure, and the absence of any replacement, was that the Firm was no longer a partnership, as the Respondent was the only partner. The authorisation granted to the Firm had been on the basis that it was a partnership. Therefore, when the partnership ended, absent TEA or authorisation, the Firm lost its authorisation.
12. The Respondent had not applied for, or been granted, authorisation as a RSP and so was not authorised to practise as a RSP. The Respondent continued to trade as of Lewis Mitchell Solicitors inc Ruth Moores & Co and/or Lewis Mitchell Solicitors.
13. On 27 October 2020 the Respondent emailed the SRA, responding to the email of 20 March 2020 as follows:

*"I write further in relation to advice required.*

*The firm traded as a partnership until January this year when the partner of the firm left the organisation. I then started to work towards employing a new partner but then unfortunately in March Covid-19 pandemic changed all this.*

*I have since reconsidered my options and decided I wish to trade as a limited company on my own as the only director.*

*I did speak to Professional Ethics today who have asked me to write to yourselves to confirm if rule 14.2 would apply.*

*Would you kindly consider if I am able to proceed with this process under rule 14.2. For ease of reference I received the following email from notifications."*

14. The Respondent told the FIO that she had started to complete an application to become a limited company in 2021 but had not submitted it.
15. On 23 January 2023 an Authorisation Officer at the SRA wrote to the Respondent as follows:

*"Our records show that you are the sole principal of Lewis Mitchell Solicitors inc Ruth Moores & Co which was authorised as a partnership in 2016.*

## Sensitivity: General

*I understand that the partnership was between yourself and Mr Leech. However, our records show Mr Leech ceased to be a partner in 2020, and as a result the firm has lost its authorisation as the partnership ended.*

*Please submit a new application for authorisation as soon as possible via mySRA. The following forms and supporting documents are required:"*

16. On 16 February 2023, the Respondent submitted an application for firm authorisation for a new firm named Lewis Mitchell Limited ("the second Firm") as a recognised body.

17. On 21 March 2023 the SRA wrote to the Respondent and noted that the Firm had continued to practise without authorisation since 17 January 2020. In that letter the SRA wrote as follows:

*"The firm should not provide legal services as a regulated firm unless and until a decision to re-authorise the firm can been [sic] made. Your insurer should be made aware of the loss of authorisation".*

18. On 13 June 2023 the Authorisation Officer assessing the application informed the Respondent that they were minded to refuse the application. The Respondent subsequently withdrew the application on 10 July 2023.

19. On 28 March 2023 the Respondent's husband emailed a copy of the letter dated 21 March 2023 to the Firm's professional indemnity insurance ("PII") broker, Mr Hawtin. Mr Hawtin checked the matter with the underwriters who stated:

*"It reads to me like they should stop carrying out 'reserved' work.*

20. On 16 May 2023 the Respondent was interviewed by the FIO. She told the FIO that she had paid an additional fee to the insurer but confirmed that she had nothing in writing confirming that she would be covered in the event of a claim.

21. On 26 May 2023 the Respondent wrote to Chancery PII and wrote the following:

*"Please confirm our insurance is in force for Lewis Mitchell Solicitors inc Ruth Morres [sic] & Co. I am writing to follow up on our previous telephone conversation in early March regarding the notification provided by Asaf Niaz that starting from 21 March 2023, the SRA advised that our firm should not carry out any reserved activities until we receive approval for Lewis Mitchell Limited. In this regard, I would like to request confirmation that our insurance is still in force and valid for Lewis Mitchell Solicitors inc Ruth Morres [sic] & Co.*

Sensitivity: General

*I would appreciate it if you could confirm the validity of our insurance and provide any additional information that may be necessary."*

22. On 14 June 2023 the insurance broker sent the Respondent's husband an email stating:

*"For the avoidance of doubt, cover is in place until the expiry date of 30/09/2023".*

23. In the interview with the Respondent on 16 May 2023 the FIO asked the Respondent to confirm that the firm had not carried out any reserved work. The Respondent told the FIO that she could not confirm this as she had carried out work on "six or seven" conveyancing transactions and two further that were in the "pipeline". The Respondent confirmed that she had carried out reserved work.

24. In that interview, the Respondent told the FIO that although she knew there was an issue with her authorisation, she had not thought that she was not authorised as she had been receiving her practising certificate each year.

25. Following the interview, the Respondent provided the FIO with a schedule listing eight matters where the firm had conducted reserved legal activity on conveyancing matters in 2023.

26. The Respondent also provided the FIO with:

26.1 a Notification of Sale dated 23 May 2022 in which she had acted for a vendor in a conveyancing transaction.

26.2 a Notification of Sale dated 11 August 2022 in which she had acted for a vendor in a conveyancing transaction.

26.3 a document titled 'Sale – Amended Terms' dated 15 September 2022 in which she had acted for the vendor in a conveyancing transaction.

26.4 a Notification of Sale dated 13 January 2023 in which she had acted for a vendor in a conveyancing transaction.

26.5 an engagement letter confirming instructions in relation to administering an estate dated 25 June 2020. in respect of Client B.

27. The Firm closed on 1 September 2023.

## Sensitivity: General

28. In September 2023 the Respondent submitted a final application for authorisation of the second Firm. This was granted on 22 November 2023.
29. From 17 January 2020 until the closure of the Firm on 1 September 2023 the Firm had no authorisation.
30. The Respondent was not authorised as a RSP at any time between 17 January 2020 and 1 September 2023.

**Breaches of Principles, Code and Regulations**Principle 5 (integrity)

31. In *Wingate v Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366, it was said that integrity (i.e. moral soundness, rectitude and steady adherence to an ethical code) connotes adherence to the ethical standards of one's own profession.
32. An example of lack of integrity given in *Wingate*, at [101 (i)] was "*A sole practice giving the appearance of being a partnership and deliberately flouting the conduct rules..*"
33. The Respondent was familiar with the required procedures for dealing with a departing partner, as evidenced by the fact that the Firm had dealt appropriately with the departure of Mr Platon and the appointment of Mr Leech.
34. The Respondent had a number of options available to her on the departure of Mr Leech in January 2020; this was a month before the Covid epidemic took hold. All of those options involved her making an application to the SRA, be it for TEA or authorisation as a RSP. The Respondent did not take any steps to maintain or regain her authorisation, despite the SRA's email to her of 20 March 2020. A solicitor with integrity would have prioritised this issue and would have worked closely with the SRA to achieve a solution. Instead, the Respondent took no substantive steps to address the issue, with the result that she was not authorised for more than three years.
35. During those three years, the Respondent was effectively acting as a sole practitioner but without being authorised as a RSP. She continued to trade under the same or similar name to that which she had before the Firm lost authorisation. A solicitor acting with integrity would not have continued to practise without authorisation, particularly over an extended period spanning several years.

## Sensitivity: General

36. The Respondent did not merely conclude matters that she had taken on before the loss of authorisation. She continued to take on new work despite not being authorised to do so. A solicitor acting with integrity would not accept new instructions from clients when not authorised to do so.
37. If the Respondent had not been able to find a new partner and did not wish to apply for authorisation as a RSP then she ought to have closed the Firm, referred existing clients elsewhere and not taken on any new work. Instead, the Respondent continued to practise as she had done previously, save that she was no longer authorised to do so. The Respondent therefore breached Principle 5.

Principle 2 (maintaining trust)

38. The conduct alleged also amounted to a breach by the Respondent of the requirement to behave in a way which maintains the trust placed by the public in them and in the provision of legal services. The trust the public places in solicitors is based on solicitors abiding by the Code for Solicitors and other relevant regulations.
39. It is a fundamental and basic requirement that solicitors must be authorised to practise. The Respondent's actions in continuing to practise as sole practitioner when she was not authorised as a RSP and her Firm had lost authorisation would undermine the trust and confidence placed in the profession and accordingly she was therefore in breach of Principle 2.

Paragraph 5.4 of the Code for Solicitors

40. The Respondent was the owner of the business, which had previously been a Firm authorised by the SRA, and she continued to work there after 17 January 2020. The name of the business did not materially change and was known as either Lewis Mitchell Solicitors inc Ruth Moores & Co and/or Lewis Mitchell Solicitors. The word 'solicitors' appeared in both names, despite the fact that it was not an authorised body for the reasons set out in paragraphs 8 to 30 above. The Respondent was therefore in breach of Paragraph 5.4 of the Code for Solicitors.

Paragraph 7.1 of the Code for Solicitors

41. The regulation governing the way in which the Respondent should work clearly required that the Respondent be authorised. Paragraphs 8 to 30 are relied upon as evidence that the Respondent was in breach of Paragraph 7.1 of the Code for Solicitors.

Sensitivity: General

Regulation 10.1 of the SRA Authorisation of Individuals Regulations

42. Paragraphs 8 to 30 are relied on as evidence that the Respondent acted as a sole practitioner when she was authorised as a RSP. None of the exemptions at Regulation 10.2 were applicable and the Respondent was therefore in breach of Regulation 10.1.

**Allegation 1.2 – [holding client monies when not working in an authorised body]**

43. The SRA relies upon paragraphs 8 to 30 above. Additionally, the SRA relies upon the following facts and matters.

44. As stated above, the Firm lost its authorisation on 17 January 2020 and did not obtain new or temporary authorisation subsequently. The Respondent was therefore not working in an authorised body from 17 January 2020 onwards, and was not authorised as a RSP.

45. During this period, the Respondent continued to conduct conveyancing and probate matters until September 2023. In the course of conducting these matters, the Respondent held client monies.

46. In the exemplified matter of Client A, probate was granted on 1 May 2020. The estate assets were received into the client account by 27 November 2020 in the sum of £219,384.66.

47. In the exemplified matter of Client B, the FIO reviewed the client ledger and identified that invoices had been raised and sent to Client B's daughter and executor on 24 September 2021 in the sum of £19,091.64, 15 June 2022 in the sum of £45,836.06 and 2 May 2023 in the sum of £2,020.20. The estate was distributed on 3 May 2023 in the sum of £474,971.06.

48. On 31 January 2023, the FIO established that the client account held at Nat West had a balance of £1,227,877.04.

49. The exemption to holding monies described in paragraph 4.3 of the Code for Solicitors, namely Rule 10.2(b)(viii) of the Authorisation of Individuals Regulations was not applicable as the monies held were not solely for disbursements and the clients had not been informed in advance of where and how the money would be held. Specifically, the clients had not been informed that the Respondent's Firm had lost its authorisation, and that the Respondent was not authorised as a RSP.

Sensitivity: General

## **Breaches of Principles and Code for Solicitors**

### Principle 5 (integrity)

50. The SRA relies on the test in *Wingate*, set out at paragraph 31 above.

51. Client money is sacrosanct and should only be held by firms or individual solicitors who are authorised to do so. The Respondent was not working in an authorised body had was not authorised as a RSP. A solicitor with integrity would not continue to receive client monies, particularly in substantial quantities, when they were not authorised to conduct reserved legal activities or were not working in an authorised body.

52. The Respondent held significant sums of client money for more than three years in circumstances where she was not working in an authorised body and was not authorised as a RSP. This represents a fundamental breach of a solicitor's core obligations to clients and the Respondent was therefore in breach of Principle 5.

### Principle 2 (maintaining trust)

53. The conduct alleged also amounted to a breach by the Respondent of the requirement to behave in a way which maintains the trust placed by the public in them and in the provision of legal services. The trust the public places in solicitors is based on solicitors abiding by the Code for Solicitors and other relevant regulations.

54. The Respondent had failed to ensure that she or her firm were authorised to provide reserved legal activities, as detailed in Allegation 1.1. The Respondent continued to hold client monies long after she had lost authorisation to do so, in breach of Paragraph 4.3 of the Code for Solicitors. Any failure to adhere to regulations involving client monies, particularly over an extended period, undermines public confidence in the profession and the Respondent.

### Paragraph 4.3 of the Code for Solicitors

55. Paragraphs 43 to 49 are relied upon as the evidential basis for establishing a breach of Paragraph 4.3.

## **Allegation 1.3 – [failure to maintain proper accounting records]**

### Reconciliations

## Sensitivity: General

56. Rule 29.12 of the SAR and Rule 8.3 of the Accounts Rules require that reconciliations of the client account are undertaken at least once every five weeks.
57. The Accountants Report for the period 1 October 2016 to 30 September 2017 reported that the reconciliations were not dated every five weeks. There had been a reconciliation on 31 January 2017 and the next one was not until 29 September 2017.
58. The Accountant's Report for the period 1 October 2017 to 30 September 2018 reported that the reconciliations were not dated every five weeks and that there was a gap in reconciliations between 31 May 2018 and 31 August 2018. Further, the report identified bank reconciliation adjustments with no descriptions.
59. The Accountant's Report for the period 1 October 2018 to 30 September 2019 reported that no reconciliations had been completed at all during this period.
60. The Accountant's Report for the period 1 October 2019 to 30 September 2020 reported that no reconciliations had been completed at all during this.
61. The Accountant's Report for the period 1 October 2020 to 30 September 2021 reported that the reconciliations were not dated every five weeks, as only one reconciliation had been undertaken during the period. Further, that sole reconciliation had not been approved or signed. There was no discussion of errors on the bank reconciliation.
62. The Accountant's Report for the period 1 October 2021 to 30 September 2022 reported that "Although the bank reconciliations are dated at most every five weeks, they have not been undertaken as they have fallen due. Instead, they all took place on 2 days, 4 months after the year end."

Accountants Reports

63. Rule 32A.1 of the SAR and Rule 12.1 of the Accounts Rules require that where client money is held, an accountant's report must be obtained for the accounting period within six months of the end of the period and delivered to the SRA within six months of the end of the accounting period if the report is qualified to show a failure to comply with the SAR or the Accounts Rules.
64. The Respondent failed to complete an accountant's report for the following years:

- 64.1 August 2016 to August 2017
- 64.2 August 2017 to August 2018

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- 64.3 August 2018 to August 2019
- 64.4 August 2019 to August 2020
- 64.5 August 2020 to August 2021
- 64.6 August 2021 to August 2022

65. The Respondent told the FIO that she had instructed a firm of accountants to prepare the outstanding reports. These were provided to the SRA in 2024.

66. Each of the Accountants Reports contained the following statement, which then asked for a 'Yes' or 'No' box to be ticked:

*"We have found significant breaches of the Accounts Rules and/or significant weaknesses in the firm's systems and controls which put client money at risk. We therefore consider that the SRA should be notified by our qualifying of this report".*

In each report, the box 'Yes' had been ticked.

67. Each of the Accountants Reports contained the following comment *"Not all accounting records are kept for the full six year [sic] plus current year"*.

### **Breaches of Principles, Code for Solicitors and Accounts Rules**

#### Principle 2 SRA Principles 2011/Principle 5 SRA Principles (integrity)

68. The SRA relies on the test in *Wingate*, set out at paragraph 31 above.

69. Client money is sacrosanct and it is a fundamental duty of a solicitor to maintain the safeguards in place to ensure that those monies are protected. A solicitor acting with integrity would not fail to carry out reconciliations over an extended period and would not fail to file accountants reports for several years. In this case, in two of the accounting years the Respondent completed no reconciliations at all and in none of the six years set out above did she complete them properly or at the correct time. The Respondent similarly did not file accountant's reports for six years.

70. From January 2020, the Respondent's failures took place in circumstances where she was not working in an authorised body and was not authorised as a RSP.

71. Taken together, the Respondent's failures represented a fundamental breach of a solicitor's core obligations to clients and the Respondent was therefore in breach of Principle 5.

#### Principle 6 SRA Principles 2011/Principle 2 SRA Principles (maintaining trust)

## Sensitivity: General

72. The conduct alleged also amounted to a breach by the Respondent of the requirement to behave in a way which maintains the trust placed by the public in them and in the provision of legal services. The public expects that solicitors will comply with their obligations to safeguard client monies, and this is achieved in various ways including ensuring reconciliations are done every five weeks and that Accountants Reports are provided to the SRA when required. The Respondent's failures in this regard continued for over six years. In that time the Respondent handled significant sums of client monies, often while not in an approved environment. The failure to maintain proper accounting records would be likely to undermine public confidence in the Respondent and in the provision of legal services and the profession.

73. The Respondent's conduct was manifestly incompetent in that no competent solicitor would have failed to carry out reconciliations, to the extent that the Respondent failed to. In two of the accounting years the Respondent completed no reconciliations at all and in none of the years set out above did she complete them properly or at the correct time. Similarly, no competent solicitor would fail to file Accountants Reports for six years.

74. In *Iqbal v SRA* [2012] EWHC 3251 (Admin) it was said

*'If a solicitor exhibits manifest incompetence, as, in my judgment, the appellant did, then it is impossible to see how the public can have confidence in a person who has exhibited such incompetence.....If in a course of conduct a person manifests incompetence as, in my judgment, the appellant did, then he is not fit to be a solicitor. The only appropriate remedy is to remove him from the roll. It must be recalled that being a solicitor is not a right, but a privilege. The public is entitled not only to solicitors who behave with honesty and integrity, but solicitors in whom they can impose trust by reason of competence.'*

75. The Respondent therefore breached Principle 6 of the SRA Principles 2011 and Principle 2 of the SRA Principles.

Principle 4 SRA Principles 2011/Principle 7 SRA Principles (acting in best interests of clients) and Paragraph 4.2 of the Code for Solicitors (safeguarding client money and assets).

76. The Respondent's conduct was plainly not in the best interests of her clients. Maintaining books of account is a fundamental aspect of safeguarding client money and assets and any failure to comply with those requirements is contrary to the best interest of clients.

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77. In this case, the failures were repeated and continued over an extended period of time. The Respondent therefore breached Principle 4 of the SRA Principles 2011, Principle 7 of the SRA Principles and Paragraph 4.2 of the Code for Solicitors.

Rule 29.12 of the SAR and Rule 8.3 of the Accounts Rules

78. Paragraphs 56 to 62 are relied upon as the evidential basis for establishing that the Respondent breached Rule 29.12 of the SAR and Rule 8.3 of the Accounts Rules.

Rule 32A.1 of the SAR and Rule 12.1 of the Accounts Rules.

79. Paragraphs 63 to 67 are relied upon as the evidential basis for establishing that the Respondent breached Rule 29.12 of the SAR and Rule 12.1 of the Accounts Rules.

**Non-Agreed Mitigation**

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

Personal and Professional Background

80.1 The Respondent entered the legal profession later in life, undertaking her legal studies while working full-time and simultaneously caring for her first child, who was born prematurely and required prolonged hospitalisation. This period demanded significant resilience and shaped her approach to professional responsibility. These circumstances form part of the context to her early practice years, but she accepts that they do not excuse the regulatory failings identified. They do, however, demonstrate that the Respondent has never acted with any intention to mislead, cause harm, or avoid her regulatory obligations.

Early Inexperience and Loss of Supervision

80.2 When the Respondent became a partner in June 2016, she was a newly qualified solicitor with approximately four months' post-qualification experience. She took over Ruth Moores & Co on the express and contractual understanding that the existing principal, Ms Ruth Moores,

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would remain for a minimum of three years as Partner, COLP and COFA, to provide mandatory supervision and operational stability. Immediately following the takeover, Ms Moores resigned, subsequent attempts to recruit replacement partners proved unsuccessful. This unexpected and repeated loss of supervision placed the Respondent in a position for which she lacked adequate experience and significantly contributed to the subsequent compliance failures.

Regulatory Misunderstanding

- 80.3 The Respondent accepts her admissions in full, including those relating to the communications in March 2020 and the subsequent developments. She nevertheless submits that the breaches arose from misunderstanding, inexperience and an inability, at the material time, to fully appreciate the significance of the authorisation position and the required steps to regularise it. The Respondent's actions were not motivated by any desire to mislead, and she did not set out to conceal the regulatory position.

Impact of the COVID-19 Pandemic

- 80.4 The departure of the Respondent's business partner in January 2020 coincided with the onset of the COVID-19 pandemic. During this period, recruitment of a new partner was exceptionally difficult, and the practicalities of running a small practice were significantly affected by lockdown restrictions, public health risks, and the broader disruption faced by the profession. These were unprecedented circumstances that materially constrained the Respondent's ability to regularise the Firm's authorisation position or secure appropriate managerial support.

Absence of Malice

- 80.5 The Respondent accepts responsibility for the admitted breaches but maintains (and the SRA does not allege) that there was no dishonesty or deliberate wrongdoing. Her actions were not motivated by personal gain, and there is no evidence of client loss. Any shortcomings arose from genuine misunderstanding, inexperience, and the collapse of assumed supervisory structures rather than from any intention to act improperly.

## Remedial Steps Taken

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- 80.6 Once the issues were identified, the Respondent took immediate and sustained steps to address them, including: completion of specialist SRA Accounts Rules training; engagement of external compliance consultants with extensive expertise in SRA regulation; appointment of a bookkeeper experienced in legal accounting systems; implementation of improved controls, governance systems, and operational procedures; and full cooperation with the SRA throughout the investigation. These steps demonstrate meaningful learning and remediation and reduce the risk of re-occurrence.

Insight and Reflection

- 80.7 The Respondent has reflected deeply on the events and accepts the seriousness of her failings. She recognises the importance of ongoing supervision, robust governance, and strict compliance with authorisation requirements. She has gained considerable insight into her regulatory responsibilities and has implemented measures designed to ensure that no similar issues arise in future practice.

Personal Impact

- 80.8 The investigation and regulatory process has been ongoing for over three and a half years. The Respondent respectfully submits that the prolonged uncertainty and seriousness of the proceedings have had a significant impact on her wellbeing and personal circumstances, including sustained stress and disruption to her professional life. The process has also contributed to a material loss of business and income, with consequential financial and emotional strain on her family. Notwithstanding this, the Respondent has continued to engage constructively throughout, demonstrating accountability, resilience, and commitment to improvement.

Contextual Factors

- 80.9 The Respondent respectfully submits that her inexperience, repeated loss of supervision, reliance on assurances from senior practitioners, and the unprecedented operational disruption caused by the pandemic materially contributed to the failures identified. While not an excuse, these circumstances provide important context to the Tribunal in assessing culpability, proportionality, and the Respondent's overall suitability for continued restricted practice at the end of the period of suspension.

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### **Proposed Sanction**

81. The parties propose that the Respondent be suspended from practise for a period of nine months, commencing on the date of the Tribunal's order.
82. At the end of that suspension, it is proposed that the Respondent will be subject to the following restrictions for an indefinite period:
- 82.1 She may not practise as a sole practitioner or sole manager or sole owner of an authorised body
  - 82.2 She may not be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other authorised or recognised body
  - 82.3 She may not be a Compliance Officer for Legal Practice or a Compliance Officer for Finance and Administration.
  - 82.4 She may not hold or receive client money.
  - 82.5 She may not act as a signatory to client or office account or have the power to authorise any transfers from client or office account.

### **Explanation why such an order would be in accordance with the Tribunal's Guidance Note on Sanction (11<sup>th</sup> edition)**

83. The following factors are relevant to the Respondent's culpability in this matter:
- 83.1 The Respondent had direct control and responsibility for the circumstances giving rise to the misconduct.
  - 83.2 She was aware of the process involved in replacing a partner as she had done so previously.
  - 83.4 The Respondent was an experienced solicitor who would have been aware of her responsibilities.
  - 83.5 In addition to her overarching duties as a solicitor, she was the COLP and COFA and therefore had specific responsibilities to ensure compliance.
84. In relation to the potential for harm, this was significant. Clients were at risk from the fact that the Respondent was unauthorised, that she was holding client monies when she was not entitled to do so, that reconciliations were not being undertaken and that accounts reports were not being prepared as required.

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85. The misconduct was aggravated by the fact that it was repeated, ongoing and wide-ranging in scope. The breaches persisted for several years and the Respondent ought to have known that she was in material breach of her obligations.
86. The misconduct was mitigated by the Respondent's co-operation with the SRA's investigation.
87. The misconduct was too serious for a reprimand or a fine, having regard to the risk to clients. The appropriate and proportionate sanction is a period of suspension. The parties propose that the length of this suspension be nine months.
88. The parties consider that the imposition of conditions on the Respondent's practice at the end of the suspension, for an indefinite period, is necessary for the protection of the public, having regard to the significant risks to client assets created by the misconduct. The parties submit that the conditions set out at paragraph 83 above are reasonable and proportionate to the circumstances of the misconduct.

Costs

89. The parties propose that the Respondent pay a contribution to the Applicant's costs fixed in the sum of £22,140.00. This figure has been agreed between the parties, taking into account the Respondent's financial circumstances.

Dated: 20 January 2026

Tamařa Krupski-David [Name] on behalf of the Solicitors Regulation Authority Limited.

Dated: 19/01/2026.

Respondent in the proceedings.