

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12770-2025

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

SUNITA GHAI

Respondent

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Before:

Mrs L Boyce (in the chair)

Mr P Lewis

Mrs L McMahon-Hathway

Date of Hearing: 30 April 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 AN AGREED OUTCOME**

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## **Allegations**

1. The allegations against the Respondent, Sunita Ghai, made by the Solicitors Regulation Authority Ltd (“SRA”) in the Rule 12 Statement were that, while in practice as a Solicitor at DLG Legal Services Limited (“the Firm”):
  - 1.1 Between 11 September 2023 and 29 September 2023, while acting for Client A, a claimant in a personal injury matter, caused or allowed the following misleading statements to be made regarding the existence of a neurology report:
    - 1.1.1 In an email dated 11 September 2023 at 16.07 to the solicitors representing the defendant, she stated that she did not have the neurology report when she had already received it.
    - 1.1.2 In a case summary submitted to the Court on or around 21 September 2023, she stated that the neurology report was awaited, when she had already received it. In email exchanges with Counsel on 29 September 2023, she stated that she did not have a copy of the neurology report, when she had already received it.
    - 1.1.3 In email exchanges with Counsel on 29 September 2023 she stated that she did not have a copy of the neurology report, when she had already received it.

And in doing so she thereby breached any or all of Principles 1, 2, 4 and 5 of the SRA Principles (“the Principles”) and Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code”). Principle 1 is alleged only in respect of Allegations 1.1.2 and 1.1.3.

2. Ms Ghai admitted the allegations, including that her conduct was dishonest and in breach of Principle 4.

## **Documents**

3. The Tribunal had before it the following documents: -
  - Rule 12 Statement and Exhibit
  - Respondent’s Answer
  - Applicant’s Schedule of Costs
  - Respondent’s Statement of Means
  - Statement of Agreed Facts and Proposed Outcome

## **Background**

4. Ms Ghai was a solicitor having been admitted to the Roll in April 2004. She did not hold a current Practising Certificate. At the material time, she was employed as a solicitor at the Firm undertaking personal injury matters. Ms Ghai was employed by the Firm from 20 March 2006 until 16 February 2024. The conduct in this matter came to the attention of the SRA on 2 November 2023 when the Compliance Officer for Legal Practise (“COLP”) of the Firm made a report to the SRA concerning Ms Ghai’s instructions to Counsel concerning the existence of the neurology report in a personal injury matter.

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

5. The parties invited the Tribunal to deal with the allegations against Ms Ghai 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**

6. 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 Ms Ghai'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.
7. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that Ms Ghai's admissions were properly made.
8. 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. Ms Ghai had informed Counsel that she was not in possession of the report when she knew that she was. That his was inaccurate and misleading was plain. Ms Ghai knew that her answer to Counsel was untrue, and further, knew that her untrue answer would be relayed by Counsel to the Court. The Tribunal was satisfied that ordinary and decent people would consider such conduct to be dishonest. It followed that Ms Ghai had breached the Principles and Code as alleged.
9. The Tribunal determined that given the nature of the misconduct, the only appropriate and proportionate sanction was to strike Ms Ghai off the Roll. The parties had agreed and proposed striking Ms Ghai off the Roll as the appropriate sanction. Accordingly, the Tribunal approved the Agreed Outcome.

### **Costs**

10. The parties agreed costs in the sum of £2,500, taking into account Ms Ghai's limited means. The Tribunal determined that the costs agreed were reasonable and proportionate in the circumstances. Accordingly, the Tribunal ordered Ms Ghai to pay costs in the agreed sum.

### **Statement of Full Order**

11. The Tribunal ORDERED that the Respondent, SUNITA GHAI 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 £2,500.00.

Dated this 7<sup>th</sup> day of May 2026  
On behalf of the Tribunal

*L. Boyce*

L. Boyce  
Chair

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

**AND IN THE MATTER OF:**

**SOLICITORS REGULATION AUTHORITY LIMITED**

Applicant

and

**SUNITA GHAI**

Respondent

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**STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME**

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By its application dated 13 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 one allegation of misconduct against the Respondent, Sunita Ghai.

**The allegations**

1. The allegations against the Respondent, Sunita Ghai, made by the SRA in the Rule 12 Statement are that, while in practice as a Solicitor at DLG Legal Services Limited (“the Firm”):
  - 1.1 Between 11 September 2023 and 29 September 2023, while acting for Client A, a claimant in a personal injury matter, caused or allowed the following misleading statements to be made regarding the existence of a neurology report:

- 1.1.1 In an email dated 11 September 2023 at 16.07 to the solicitors representing the defendant, she stated that she did not have the neurology report when she had already received it.
- 1.1.2 In a case summary submitted to the Court on or around 21 September 2023, she stated that the neurology report was awaited, when she had already received it.
- 1.1.3 In email exchanges with Counsel on 29 September 2023 she stated that she did not have a copy of the neurology report, when she had already received it.

And in doing so she thereby breached any or all of Principles 1, 2, 4 and 5 of the SRA Principles (“the Principles”) and Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code for Solicitors”). Principle 1 is alleged only in respect of Allegations 1.1.2 and 1.1.3.

### **Agreed Facts**

2. The Respondent admits the Allegations in full.

### **Professional Details**

3. The Respondent is a solicitor having been admitted to the Roll on 15 April 2004. The Respondent does not currently hold a practising certificate. At the time of the events giving rise to the Allegations, she was employed as a solicitor at the Firm undertaking personal injury matters.

### **The facts and matters relied upon in support of the allegation**

#### **Background**

4. The Respondent was employed by the Firm from 20 March 2006 until 16 February 2024. The conduct in this matter came to the attention of the SRA on 2 November 2023 when the Compliance Officer for Legal Practise (“COLP”) of the Firm, Andrew Wright, made a report to the SRA concerning the Respondent’s instructions to Counsel concerning the existence of the neurology report in a personal injury matter.

5. The alleged conduct occurred between 11 and 29 September 2023. Full details of Firm's concerns are set out in the witness statement of Mr Wright dated 28 June 2024.

#### **Allegation 1.1.1**

6. The Respondent had conduct of a personal injury matter in which she was acting for Client A, the claimant. The Respondent instructed a neurologist to clarify if Client A had a traumatic brain injury.
7. The neurology report was signed and dated 28 August 2023 by Dr Adnan Al-Araji. The report was received by the Firm on 31 August 2023 and added to the file on 1 September 2023.
8. On 11 September 2023 the Respondent reviewed the neurology report.
9. On the same day at 14:45, the Respondent emailed a letter dated 11 September 2023 and a copy of the neurology report to Client A.
10. On the same day, the Respondent engaged in correspondence with Jonathan Ormand of Keoghs solicitors, who acted for the defendant. At 16:04, Mr Ormand emailed the Respondent as follows:

*"Dear Sunita*

*Thank you for the below. Did Professor Marks' examination go ahead on 11.05.23? If so, has he sent you his report yet?"*

11. The Respondent replied at 16:07 as follows:

*"Dear Jonathan*

*The examination was not with Prof Marks but with Dr Adnan Al-Araji, I don't have a report as yet."*

12. As stated in paragraph 9 above, the Respondent had sent the neurology report to Client A at 14:45, which was before her email to Mr Ormand at 16:07

#### **Breaches of Principles and the Code of Conduct**

##### Principle 4 (dishonesty)

13. The Applicant relies upon the test for dishonesty stated by the Supreme Court in *Ivey v Genting Casinos [2017] UKSC 67*, which applies to all forms of legal

proceedings, namely that the person has acted dishonestly by the ordinary standards of reasonable and honest people:

*“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 fact-finder 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.”*

14. At the time that the Respondent sent the email to Mr Ormand at 16:07 on 11 September 2023, she knew or believed the following matters:

- 14.1 She had received the neurology report before replying to Mr Ormand.
- 14.2 She had reviewed the neurology report the same day as her reply to Mr Ormand and before she replied to Mr Ormand’s question.
- 14.3 She had sent it to Client A before replying to Mr Ormand.
- 14.4 She therefore knew that she was in possession of the report as at 16:07, when replying to Mr Ormand.

15. Despite having knowledge of those matters, the Respondent told Mr Ormand that she did not have the neurology report as yet. This was plainly misleading as it gave the impression that the Respondent was not in possession of the report yet, when she had reviewed it earlier the same day. The Respondent did not qualify her email to Mr Ormand to say, for example, that the report was not necessarily in its final form, if indeed that was the case.

16. There was nothing on the face of the report that indicated it was a draft, and the Respondent did not tell Mr Ormand that she had a draft report. Instead, she simply asserted that she did not have “a” report.

17. The Respondent’s submissions, referred to at paragraphs 66 to 69 below, as to her health do not adequately explain why she gave a misleading answer to

Mr Ormand's question. Further, if the Respondent had made a genuine mistake or momentary error of judgment, she had ample opportunity to correct the matter. At no time did she do so.

18. In those circumstances, the Respondent's actions were dishonest by the standards of ordinary decent people and the Respondent therefore breached Principle 4.

#### Principle 5 SRA Principles (integrity)

19. The Respondent's actions amounted to a failure to act with integrity (i.e. with moral soundness, rectitude and steady adherence to an ethical code) in breach of Principle 5 of the SRA Principles. In *Wingate v Solicitors Regulation Authority v Malins [2018] EWCA Civ 366*, it was said that integrity connotes adherence to the ethical standards of one's own profession.

20. At [101] of *Wingate*, the Court said:

*"Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty. To take one example, a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the general public in daily discourse."*

21. The Respondent, in replying to Mr Ormand "I don't have a report as yet", when she had received the report, failed to act with integrity. A solicitor acting with integrity would have answered Mr Ormand's question accurately and in a way that did not cause or allow a misleading statement to be made. The obvious answer was to say that she had received the neurology report and there were further matters that required to be followed up, after which it was possible that the report would be amended and/or the conclusions finalised, if indeed that was the case.

22. A solicitor acting with integrity would not tell another solicitor that she was not in possession of a report when she was in possession of the same and had reviewed it hours before telling the solicitor that she did not have it. The Respondent therefore breached Principle 5

#### Principle 2 SRA Principles (maintaining trust)

23. 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 that the public places in solicitors, and in the provision of legal services, depends upon the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. Solicitors are required to discharge their professional duties with integrity, probity and trustworthiness. The public would expect solicitors not to cause or allow a misleading statement to be made, even when on opposing sides in litigation. The Respondent's actions in deliberately providing information to Mr Ormand that was misleading is the type of conduct that would undermine that trust. The Respondent therefore breached Principle 2.

#### Paragraph 1.4 of the Code of Conduct

24. Paragraphs 6 to 12 above are relied on as evidence that the Respondent breached Paragraph 1.4 of the Code of Conduct. In replying to Mr Ormand's enquiry to say that she did not have the report yet, the Respondent made a misleading statement because the report had, in fact, been received, reviewed and sent to her client. The Respondent's statement to Mr Ormand was therefore in breach of Paragraph 1.4 of the Code for Solicitors.

#### **Allegation 1.1.2**

25. The Applicant relies on the background set out at paragraphs 6 to 12 above. In addition, it relies on the following facts and matters.

26. The matter was listed for a Costs and Case Management Conference ("CCMC") on 29 September 2023. As part of the preparation for the CCMC, the Respondent drafted a Case Summary on or around 19 September 2023.

27. The Case Summary included the following submissions:

*"The Claimant sustained soft tissue injuries to all his upper and lower limbs, psychological trauma, cognitive impairment and a traumatic brain injury, which still needs to be investigated by way of a report from a Neurologist"*

*"The Claimant has been examined by a Neurologist and his report is awaited".*

28. On 20 September 2023 the Respondent sent a court bundle to the DLG Court Bundles team and asked them to post it, together with a letter and index, by special delivery. On 25 September 2023, the Respondent received the

tracking number from the DLG Logistics Processing Centre. The Case Summary was within the court bundle that was provided for the CCMC.

29. As stated above, the Respondent had received the neurology report and reviewed it on 11 September 2023.

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

#### Principle 4 (dishonesty)

30. The Applicant relies on the test for dishonesty in *Ivey*, set out at paragraph 13 above. At the time that the Respondent prepared and submitted the Case Summary for submission to the Court, she knew or believed the following matters:

30.1 The Case Summary was a document that was to be submitted to the Court in advance of, and for use at, the CCMC.

30.2 She had reviewed the neurology report on 11 September 2023, before she prepared the Case Summary for submission to the Court on 19 September 2023 and before she submitted the Case Summary to the Court on or around 21 September 2023.

30.3 She had sent it to Client A on 11 September 2023.

30.4 She therefore knew that the client's injuries did not still need to be investigated by way of a report from a Neurologist and was not awaiting a report, as she had already received it.

31. Despite having knowledge of those matters, the Respondent submitted the Case Summary when it contained a reference to the report being "awaited". This was plainly misleading as it gave the impression that the Respondent was not in possession of the report, when she had reviewed it approximately ten days earlier. The Respondent did not qualify the Case Summary to say, for example, that the report was not necessarily in its final form, if indeed that was the case.

32. There was nothing on the face of the report that indicated it was a draft, and the Respondent did not make any reference to a draft report in the Case Summary. Instead, she simply asserted that the report was "awaited". The clear and obvious conclusion to be drawn from what the Respondent wrote was that she had yet to receive the report and was waiting for it.

33. The Respondent's submissions, referred to at paragraphs 66 to 69 below, as to her health do not adequately explain why she gave a misleading narrative in the Case Summary and submitted the same to the Court. Further, if the Respondent had made a genuine mistake or momentary error of judgment, she had ample opportunity to correct the matter before, or during, the CCMC. At no time did she do so.
34. In those circumstances, the Respondent's actions were dishonest by the standards of ordinary decent people and the Respondent therefore breached Principle 4.

#### Principle 5 SRA Principles (integrity)

35. The Applicant relies on the test for integrity in *Wingate*, set out at paragraph 19 above.
36. The Respondent caused or allowed a misleading statement to be made in the case summary submitted to the Court when she stated that the neurology report was awaited, when this was not true, as she had already received the report. A solicitor acting with integrity would have ensured that the Case Summary was in no way misleading and was completely accurate. The Respondent was aware that this document would be sent to the Court. It was therefore reasonable to assume that the Court would rely upon the contents as being accurate.
37. A solicitor acting with integrity would not state in the Case Summary that she was awaiting a report that was already in her possession and which she had reviewed several days earlier. As noted above, the Respondent did not qualify her description of the position in any way. She did not, for example, explain that although she had received the report, there was further information required, after which it was possible that it would be amended. Instead, she simply asserted that she was still waiting for it. The Respondent therefore breached Principle 5.

#### Principle 1 SRA Principles (upholding the proper administration of justice)

38. The administration of justice requires that solicitors act in a way that upholds the constitutional principle of the rule of law and the proper administration of justice. Solicitors also have a professional obligation to ensure that they do not provide misleading information to the Court. The Court is entitled to rely on the veracity of what they are told by another solicitor, indeed the proper

administration of justice depends on the Court being able to do so. If a solicitor discovers that they have made a statement to the Court that is inaccurate, they have a duty to take corrective action to ensure that the Court is not misled. The Respondent did not do this.

39. The Respondent was under a duty to ensure that the information contained in the Case Summary was completely accurate and not misleading. The Respondent nevertheless provided information that was plainly misleading and therefore breached Principle 1.

#### Principle 2 SRA Principles (maintaining trust)

40. 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. Solicitors are required to discharge their professional duties with integrity, probity and trustworthiness. The public expects that any statements made are accurate and do not mislead the Court. The Respondent's actions in providing misleading information to the Court is the type of conduct that would undermine that trust. The Respondent therefore breached Principle 2.

#### Paragraph 1.4 of the Code for Solicitors

41. Paragraphs 25 to 29 are relied on as the evidential basis that the Respondent breached Paragraph 1.4 of the Code for Solicitors.
42. In submitting a Case Summary to the Court that stated that the neurology report was "awaited", the Respondent made a misleading statement because the report had, in fact, been received, reviewed and sent to her client. The Respondent's assertion in the Case Summary was therefore in breach of Paragraph 1.4 of the Code for Solicitors.

#### **Allegation 1.1.3**

43. The Applicant relies on the background set out at paragraphs 6 to 12 and 25 to 29 above. In addition, it relies on the following facts and matters.
44. Client A was represented at the CCMC by Tom Bourne-Arton, a barrister from Farrar's Building, instructed by the Respondent.

45. On 28 September 2023, in preparation for the CCMC, which was listed the following day, the Respondent and Mr Bourne-Arton exchanged emails. At 15:51 on 28 September 2023 Mr Bourne-Arton emailed the Respondent as follows:

*"Thanks for the update Sunita.*

*I am modifying the directions now and hope to have those to you soon.*

*Can I ask – do we have a Neurologist lined up? The Judge will want to know his/her name."*

46. The Respondent replied to Mr Bourne-Arton at 09:57 on 29 September 2023 as follows:

*"We have Mr Adnan Al Araji [sic], neurologist, examination has taken place"*

47. At 10:38 the same day, Mr Bourne-Arton emailed the Respondent as follows:

*"The Judge is asking when the neurology report can be disclosed. And why not yet disclosed".*

48. The Respondent replied to Mr Bourne-Arton at 10:52 the same day as follows:

*"We don't have it as yet."*

49. As stated in paragraph 11 above, the Respondent had received the neurology report and reviewed it on 11 September 2023.

50. The CCMC concluded and Mr Bourne-Arton emailed the Respondent with a note of the CCMC at 13:29. The Respondent replied at 14:19 as follows:

*"Hi Tom*

*So not allowed to rely on a neurologist. I recd his draft report and he could not provide an opinion until he saw ambulance records (which do not exist) and a further MRI, which has been instructed. Should I still proceed with hat [sic] and get an opinion, or should I just drop the whole thing. That's really quite unfortunate."*

51. Mr Bourne-Arton replied at 14:43. The first paragraph of that reply was as follows:

*"Unfortunately I did not have this information, which was the sort of thing the Judge was asking for. The Judge has now determined that permission will not be given for Neurology based on the information she had before her at today's hearing."*

52. On 9 October 2023, Mr Wright held a 'Potential Regulatory Referral Meeting' with the Respondent. During that meeting the Respondent explained that she had not wanted to disclose the neurology report at the time "*as it did not confirm a TBI, and until it had been finalised*".

53. Mr Wright asked the Respondent during this meeting if she knew she had the report when she advised Counsel that she did not. The Respondent confirmed that she did. The Respondent further confirmed that she knew there was a risk that Counsel would advise the court of her response. The Respondent explained that she thought that she could not disclose the report as it was a draft. The Respondent described her actions as a "*genuine mistake*" and that she had thought, at the time, that she was acting in her client's best interests.

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

### Principle 4 (dishonesty)

54. The Applicant relies on the test for dishonesty in *Ivey*, set out at paragraph 13 above. At the time that the Respondent was emailing Mr Bourne-Arton, she knew or believed the following matters:

54.1 Mr Bourne-Arton had asked specifically about the report on 28 September 2023. In doing so, he had made clear to the Respondent that the Judge would also want to know the answer to the question about the report.

54.2 The Respondent had time to reflect overnight, before replying to Mr Bourne-Arton. She was not taken by surprise and was not put in the position of giving an immediate answer to Mr Bourne-Arton.

54.3 Mr Bourne-Arton had again asked specifically about the report in his email at 10:38 on 29 September 2023. Mr Bourne-Arton again made clear that the Judge was requiring answers and so the Respondent was in no doubt that Mr Bourne-Arton was effectively passing on a request for information directly from the Judge.

54.4 As the Respondent confirmed in her meeting on 9 October 2023, she did not want to disclose the neurology report.

54.5 The Respondent knew the report was not a draft. Had it been so she would have told Mr Bourne-Arton that she had the report in draft form, as she later did after the hearing.

54.6 She had received the neurology report by the time she told Mr Bourne-Arton that she did not have it. This was confirmed by the Respondent in her meeting with Mr Wright on 9 October 2023.

54.7 She had reviewed the neurology report on 11 September 2023 and sent to Client A on the same day.

55. Despite having knowledge of those matters, the Respondent told Mr Bourne-Arton that she did not have the neurology report. This was plainly untrue and misleading as it gave the impression that the Respondent was not in possession of the report, when she had reviewed it almost three weeks earlier. The Respondent did not qualify her reply to Mr Bourne-Arton, for example, to explain that the report was not necessarily in its final form.

56. There was nothing on the face of the report that indicated it was a draft, and the Respondent did not make any reference to a draft report in her emails to Mr Bourne-Arton. Instead, she simply asserted that she did not have the report. The clear and obvious conclusion to be drawn from what the Respondent wrote was that she had yet to receive the report and was waiting for it.

57. The Respondent's submissions, referred to at paragraphs 66 to 69 below, as to her health do not adequately explain why she gave a misleading narrative in correspondence with Mr Bourne-Arton. Further, by the time she provided the misleading information to him, the Respondent had already provided misleading information on exactly the same point to Mr Ormand and to the Court in the Case Summary. It was not until after the Respondent had received Mr Bourne-Arton's note of the CCMC that she told him that she had received the report, by which time the Court had already decided that Client A would not be permitted to rely on a neurology report, which was not in Client A's interests. Counsel's opinion is that the Judge would still have ruled against the Claimant relying on the report.

58. In those circumstances, the Respondent's actions were dishonest by the standards of ordinary decent people and the Respondent therefore breached Principle 4.

Principle 5 SRA Principles (integrity)

59. The Applicant relies on the test for integrity in *Wingate*, set out at paragraph 19 above.

60. The Respondent in stating to Counsel that she had not received a report yet when she had in fact received and reviewed the report failed to act with integrity. A solicitor acting with integrity would have ensured that an email from Counsel, particularly one which relayed a request from the Judge, was answered accurately and without misleading information. The Respondent was aware that her answer on 29 September 2023 was going to be relayed to the Judge. It was therefore reasonable to assume that the Court would rely upon the accuracy of her instructions to Mr Bourne-Arton.

61. A solicitor acting with integrity would not state in an email to Counsel that she was awaiting a report that was already in her possession. As noted above, the Respondent did not qualify her description of the position in any way. She did not, for example, explain that although she had received the report, there was further information required, after which it was possible that it would be amended, if that was indeed the case. Instead, she simply asserted that she did not have it. The Respondent therefore breached Principle 5.

Principle 1 SRA Principles (upholding the proper administration of justice)

62. The administration of justice requires that solicitors do not provide misleading information to officers of the Court. The purpose of Mr Bourne-Arton's question was to obtain information which he would put before the Court. By providing misleading information to Mr Bourne-Arton, the Respondent put him in the position of having, entirely inadvertently, misled the Court. Barristers are entitled to rely on the veracity of what they are told by their instructing solicitor, so as to ensure that their submissions to the Court are not misleading. The proper administration of justice depends on the Court being able to rely on the veracity of information provided to it by advocates and those who instruct them.

63. The Respondent was under a duty to ensure that the information she provided to Mr Bourne-Arton was completely accurate and not misleading. The Respondent nevertheless provided information that was plainly misleading and therefore breached Principle 1.

## Principle 2 SRA Principles (maintaining trust)

64. 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 expect solicitors not to deliberately mislead Counsel acting for their clients or cause or allow Counsel to inadvertently mislead the Court. The Respondent's actions in providing misleading information to the Court is the type of conduct that would undermine that trust. The Respondent therefore breached Principle 2.

## Paragraph 1.4 of the Code for Solicitors

65. Paragraphs 43 to 53 are relied on as the evidential basis that the Respondent breached Paragraph 1.4 of the Code for Solicitors. In replying to Mr Bourne-Arton's enquiries by saying that she did not have the neurology report, when in fact, it had been received, reviewed and sent to her client, the Respondent made a misleading statement. The Respondent's replies to Mr Bourne-Arton were therefore in breach of Paragraph 1.4 of the Code for Solicitors.

## **The Firm's investigation**

66. Following the 'Potential Regulatory Referral Meeting' with the Respondent on 9 October 2023, the Respondent attended a meeting convened under the 'Resolving Issues of Work Policy Business Disciplinary Appeal Procedures' on 16 November 2023. During this meeting the Respondent explained that she had intended to discuss the matter with Counsel, but had become "distracted". She maintained it was never her intention to mislead. The Respondent further confirmed that she knew she had the neurology report at the time she drafted the case summary.

67. Katherine Howells-Price, the Firm's Disciplinary Hearing Manager, wrote to the Respondent on 4 January 2024. The subject of the letter was "Request to attend Disciplinary Hearing with Potential Outcome of Dismissal – Gross Misconduct". The hearing was scheduled for 15 January 2024.

68. In response to this letter, the Respondent wrote to Ms Howells-Price on 6 February 2024. The Respondent accepted she had made an error of judgment but denied intentionally or deliberately misleading Counsel or the Court. The Respondent referred to health issues and stress.

69. The Respondent subsequently resigned from the Firm before the investigation was completed.

### **Non-Agreed Mitigation**

70. The Respondent has chosen not to advance any mitigation.

### **Proposed Sanction**

71. The proposed sanction is that the Respondent is struck off the Roll. The parties agree that the Respondent will pay towards the SRA's costs in this matter fixed in the sum of £2,500. This sum takes into account the Respondent's means.

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

72. 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.

73. 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)).

74. The Respondent has not advanced exceptional circumstances. 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...”.*

75. With reference to Allegations 1.1.1-1.1.3 inclusive, these were serious acts of dishonesty involving three separate instances of dishonesty over a period of 18 days. This took the form of sending an email to the other side, submitting a case summary to the Court and providing emails to Counsel, the contents of which would be relied upon by Counsel during a hearing. In each of these instances the Respondent made misleading statements.

76. The culpability of and harm factors are:

76.1 The Respondent is an experienced solicitor. At the time of the misconduct, she had been qualified for almost 20 years.

76.2 There was a degree of planning in that the Respondent made a deliberate decision to provide misleading information in each instance.

76.3 The Respondent had direct control of and responsibility for the circumstances giving rise to the misconduct. It was the Respondent's file and she made the misleading representations directly.

76.4 There was harm caused by the Respondent's actions in that the Court was provided with misleading information, both in the case summary and in the course of the CCMC.

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

77.1 The misconduct was deliberate, calculated and repeated.

77.2 The misconduct continued over a period of time.

77.3 The Respondent ought to have known that she was in material breach of her obligations.

78. The Respondent has made full admissions and has co-operated with the SRA throughout the investigation.



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Jonathan White, Legal Director, Blake Morgan LLP, solicitors for the Solicitors Regulation Authority Limited.

Dated: 29 April 2026

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Sunita Ghai, Respondent in the proceedings.

Dated:

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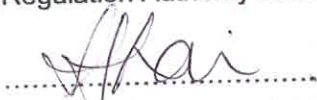
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