

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12772-2025

BETWEEN:

and

ALEXANDER DAVID EDMUND HAYES GALLAGHER Respondent

Before:

Ms H Hasan (in the chair)
Mr M N Millin
Dr P Iyer

Date of Hearing: 22 January 2026

Appearances

James Smith, counsel of Outer Temple Chambers, 222 Strand, Temple, London WC2R 1BA instructed by Emma Whewell, solicitor of the Solicitors Regulation Authority Ltd, The Cube 199 Wharfside Street, Birmingham B1 1RN for the Applicant.

The Respondent did not attend and was not represented.

JUDGMENT

Allegations

1. The allegation made against Mr Gallagher by the Solicitors Regulation Authority Limited (“SRA”) was that while in practice as a self-employed advocate instructed by LPC Law (“the Firm”):
 - 1.1. On 8 August 2023, he created an attendance note which he knew or ought to have known was misleading as it contained an inaccurate account of his attendance at a court hearing on 7 August 2023. In doing so, he breached any or all of:
 - 1.1.1. Principles 2, 4 and 5 of the SRA Principles 2019 (“the Principles”); and
 - 1.1.2. Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code for Solicitors”).

Executive Summary

2. The allegation against Mr Gallagher was that he created an attendance note which he knew contained inaccurate information. The Tribunal, having considered communications from Mr Gallagher to the Firm and to the SRA, was satisfied that Mr Gallagher had deliberately included information in the attendance note that he knew to be inaccurate. The Tribunal thus found the allegation proved, including that his conduct was dishonest.
3. The Tribunal’s findings can be accessed here:
 - [Findings](#)
4. The Tribunal determined that the only appropriate and proportionate sanction, given its finding of dishonesty and in the absence of exceptional circumstances, was to strike Mr Gallagher off the Roll of solicitors. The Tribunal’s reasoning on sanction can be accessed here:
 - [Sanction](#)

Documents

5. The Tribunal reviewed all the documents submitted by the parties, which included (but was not limited to):
 - Rule 12 Statement [[here](#)]
 - Exhibit JH1 dated 20 May 2025
 - Applicant’s schedule of costs dated 15 January 2026

Application to proceed in Mr Gallagher's Absence

6. Mr Smith applied for the hearing to proceed in Mr Gallagher's absence pursuant to Rule 36 of the Solicitors (Disciplinary Proceedings) Rules 2019 ("SDPR") which provided that:

"If a party fails to attend and is not represented at the hearing and the Tribunal is satisfied that notice of the hearing was served on the party in accordance with these Rules, the Tribunal may hear and determine any application and make findings, hand down sanctions, order the payment of costs and make orders as it considers appropriate notwithstanding that the party failed to attend and is not represented at the hearing."

7. Mr Smith submitted that Mr Gallagher had been given extensive notice of the proceedings in general and the hearing in particular. Tracing Agents had been instructed to ascertain Mr Gallagher's address and had provided a report on 23 May 2025. On 31 May 2025, several documents were sent to that address by recorded delivery and were signed for. On 12 September 2025, further documents were sent to Mr Gallagher both by email and by post. Those documents were signed for by "AG", as were documents sent on 18 December 2025.

8. The Tribunal firstly considered whether service had been effected in accordance with Rule 44 of the SDPR. In a letter dated 18 December 2025, the Applicant had provided details of the hearing date. Enclosed with that letter was a copy of the Tribunal's Part II Standard Directions, which also detailed the hearing date. Those documents had been signed for by "AG". The Tribunal was thus satisfied that Mr Gallagher had been served with notice of the hearing in accordance with Rule 44.

9. Mr Gallagher had not made any contact with the Applicant or the Tribunal concerning this matter. The Tribunal had regard to the principles in *R v Hayward, Jones and Purvis [2001] QB, CA* and *GMC v Adeogba [2016] EWCA Civ 162*. The Tribunal was satisfied that Mr Gallagher had chosen voluntarily to absent himself from the hearing. It was in the public interest and in the interests of justice that this case should be heard and determined as promptly as possible. There was nothing to indicate that Mr Gallagher would attend or engage with the proceedings if the case were adjourned. Indeed, no application to adjourn the proceedings had been made. In the light of these circumstances, the Tribunal determined that it was just to proceed with the case, notwithstanding Mr Gallagher's absence.

Professional Details

10. Mr Gallagher was a solicitor having been admitted to the Roll in December 2016. He did not hold a current Practising Certificate. At the material time, Mr Gallagher was instructed by the Firm on a self-employed basis as an advocate.

Factual Background

11. Mr Gallagher was instructed to attend a hearing at Wandsworth County Court on 7 August 2023. The hearing was listed for 2pm before DJ Thomas. Mr Gallagher had not arrived at Court when the hearing commenced at 2.10pm. DJ Thomas indicated to

defence Counsel that he would make Judgment in favour of the Claimant. Defence Counsel left Court. Thereafter, Mr Gallagher attended Court. DJ Thomas was informed of Mr Gallagher's attendance. At that time, the order had not been drafted and was thus considered not to be final. Having heard from Mr Gallagher, DJ Thomas decided that it was not in the interests of fairness or justice to make the order that he had envisaged earlier. DJ Thomas decided to adjourn the matter to a future date.

12. The following day, the Firm called Mr Gallagher on two occasions asking to be provided with his attendance note of the hearing. Mr Gallagher sent the attendance note at approximately 3pm that day. On 9 August 2023, Mr Gallagher sent an identical attendance note to the Firm's client.

13. In the attendance note, Mr Gallagher stated (amongst other things) that:

- *"In the hearing, I requested an adjournment due to the lack of instructions as I was mindful of the claim not beating its offer...."*
- *"At Court [Defence Counsel] said that she had not received [certain] documents*

14. The Firm's client informed the Firm that the attendance note was not an accurate account of the hearing having received a copy of the Court's Order, including the DJ Thomas' recital, which stated:

"... the Judge heard at 2.10pm counsel for the Defendant, the Claimant not attending, but then at 2:40 (the Claimants Counsel's having arrived and the Defendant's Counsel having left), the Judge heard the Claimant's Counsel alone. This was an unfortunate situation in which, according to the Claimant's Counsel, he believed that the hearing was at 3pm (despite the notice of hearing saying 2pm).

At the hearing starting at 2.10pm, the Court had indicated to the Defendant's Counsel that it would make a judgement in favour of the Claimant in the total sum of £7,210, plus costs (expert's fee) of £504, with credit for sums already paid. The hearing finished at about 2.25pm. Ten minutes later, the Judge was informed that the Claimant's Counsel had arrived and that the Defendant's Counsel had left the building. By this time, the order had not yet been drawn up and so was not final. The Court heard the Claimant's Counsel and decided that it was in the interests of fairness and justice not to make the order that had been envisaged at the 2.10pm hearing, and instead to adjourn".

Findings of Fact and Law

15. 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 Mr Gallagher's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Dishonesty

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 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.”

When considering dishonesty, the Tribunal firstly established the actual state of Mr Gallagher’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

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”.

16. **Allegation 1.1 - On 8 August 2023, he created an attendance note which he knew or ought to have known was misleading as it contained an inaccurate account of his attendance at a court hearing on 7 August 2023. In doing so, he and thereby breached any or all of Principles 2, 4 and 5 of the Principles 2019; and Paragraph 1.4 of the Code for Solicitors.**

The Applicant’s Case

- 16.1 Mr Smith submitted that the statements made by Mr Gallagher, namely that (i) he had requested an adjournment and (ii) that defence Counsel said she had not received certain documents, were untrue and demonstrably so. That this was the case had been admitted by Mr Gallagher in communications with the Firm and with the SRA during the course of its investigation.
- 16.2 The transcript of a call between Mr Gallagher and the Firm on 24 August 2023, recorded the following:

- Mr Gallagher was informed that the call was being recorded and that the purpose of the call was to have a root and branch analysis of what happened before and on the day of the hearing in circumstances where the Order and recital did not match the attendance note.
- Mr Gallagher explained that he was late for Court, having believed that the hearing was listed for 3pm. When he realised that the hearing was listed earlier, immediately attended Court. Mr Gallagher went before DJ Thomas who explained that he had no option but to adjourn the hearing.
- After the hearing, Mr Gallagher panicked and was not sure what to do. He was not trying to diminish his mistake, but to explain how it happened.
- Mr Gallagher accepted that afterwards, he did not give an account of what happened but instead “*dressed up his mistake*”.
- When asked how he had managed to speak to defence Counsel about the non-receipt of documents, Mr Gallagher confirmed that the statement in his attendance note was not true.
- Mr Gallagher also confirmed that it was DJ Thomas who explained that the only option was to adjourn the hearing.

In an email to the Firm dated 25 August 2023, Mr Gallagher stated (amongst other things) that:

- “*The Judge said that [defence Counsel] had appeared ... and they had the hearing in my absence and he made an award to the claimant ... He asked me what I wanted to do. I said that I was not sure and he said the only option was to adjourn...*”
- “*I came out of court ... and was unsure what to do. I was embarrassed and I could not explain why this happened. I went outside and considered what to do.*”
- “*The next day I thought that it was too late and even though I was aware of the recital to the order I made up the attendance note, saying that I had requested an adjournment and that the court granted it*”
- “*I accept the deception is the worst part of it and I merely explain how this rather strange situation came about. It was pretty artless of me, I do not know why I did it.*”

In his email to the Applicant dated 7 December 2023, Mr Gallagher stated:

“*It is true that the attendance note is incorrect in that I said that I had requested an adjournment due to a lack of instructions and being mindful of the client not beating her offer. That was not entirely true as, in fact, I was late for the hearing and though I did indeed acquiesce to the judge's suggestion for an adjournment on account of my lateness. That I stress was not done with the*

intention of deceiving LPC or indeed anyone though I appreciate that it might look like that. That was not strictly correct, as I was late for the hearing and it was more a case of my taking up the DJ's offer of an adjournment. I knew he was recording what had happened, but at the time I was very flustered

...

I then put in my attendance note later that I had requested an adjournment. I could not understand what had happened and so I think this is the reason why I put that. I did not understand it myself or how I could explain it".

16.3 Mr Smith submitted that it was plain from the attendance note, the recital of the Order and Mr Gallagher's communications with the Firm and the SRA, that the statements in the attendance note were inaccurate as alleged.

16.4 With regard to the allegation that Mr Gallagher's conduct was dishonest in breach of Principle 4, Mr Smith submitted that at the time Mr Gallagher knew:

- when he wrote the attendance note that his assertion that counsel said she had not received documents was untrue. Counsel for the Defendant had not told him that she did not have certain documents. By the time that Mr Gallagher arrived at Court, defence Counsel was no longer there. Nor had he spoken to defence Counsel subsequent to the hearing.
- when he wrote the attendance note the assertion that he had requested an adjournment was untrue. He had not requested an adjournment of the hearing. It was DJ Thomas who had considered that an adjournment was the only option.

16.5 Ordinary and decent people, it was submitted, would consider it dishonest for a solicitor to make up an account of what had transpired at a court hearing and then provide that account to a Firm and its client. Thus, it was submitted, Mr Gallagher's conduct was dishonest in breach of Principle 4.

16.6 Mr Smith submitted that a solicitor acting with integrity would have provided an accurate account of what had transpired in court in the attendance note. In failing to do so, Mr Gallagher's conduct lacked integrity in breach of Principle 5. It also undermined the trust and confidence the public placed in the profession. Members of the public would not expect a solicitor to fabricate an attendance note of a court hearing. In doing so, Mr Gallagher's conduct breached Principle 2. It also misled the Firm and its client in breach of Paragraph 1.4 of the Code for Solicitors.

The Tribunal's Findings

16.7 The Tribunal examined the documents with care. It was plain, on the face of the attendance note, that Mr Gallagher had made the statements complained of by the Applicant.

16.8 It was clear, by a comparison of the recital contained in the Order, that the attendance note provided by Mr Gallagher to the Firm and its client did not accurately reflect

what had transpired at the hearing. Anyone reading the attendance note would not be aware of the following:

- (i) that Mr Gallagher was late to Court;
- (ii) that the hearing had concluded prior to his attendance;
- (iii) that DJ Thomas had made an order which was not finalised following Mr Gallagher's attendance;
- (iv) that Counsel for the Defendant had left court prior to Mr Gallagher's arrival and that she had not told him that she was not in receipt of particular documents;
- (v) that the adjournment was of the Court's own volition and was not the result of a successful application made by Mr Gallagher to adjourn the hearing.

16.9 The Tribunal was satisfied that the inaccuracies contained in the attendance note were deliberate. Indeed, Mr Gallagher had admitted this in his communications with the Firm and with the Applicant detailed above.

16.10 The Tribunal found that in conducting himself as he had, Mr Gallagher had breached Principle 2 as alleged. Members of the public would not expect a solicitor to lie in an attendance note of a hearing in order to cover his own embarrassment. In doing so, Mr Gallagher had failed to behave in a way that upheld public trust and confidence in the solicitors' profession and in legal services provided by authorised persons in breach of Principle 2.

16.11 That his conduct lacked integrity was plain. Members of the profession would consider it unethical to knowingly and deliberately produce an inaccurate note of a hearing to hide any embarrassment about a late attendance. Accordingly, the Tribunal found that Mr Gallagher's conduct lacked integrity in breach of Principle 5.

16.12 The Tribunal was satisfied that Mr Gallagher knew that his statement: "*At court, [Counsel] said that she had not received those documents.*" It was not possible for Counsel to have told Mr Gallagher this in circumstances where she had left court prior to his arrival. Mr Gallagher also knew that he had not "... *requested an adjournment ...*" which DJ Thomas "*considered ... and reluctantly granted...*", as the adjournment was, in Mr Gallagher's own words, "*more a case of my taking up the DJ's offer of an adjournment*" that adjournment being ordered by DJ Thomas without any application from Mr Gallagher.

16.13 Accordingly, the Tribunal found that the statements made by Mr Gallagher were untrue and that he knew them to be untrue at the time that he wrote them.

16.14 The Tribunal found that ordinary and decent people would consider it dishonest for a solicitor to knowingly and deliberately make untrue statements in an attendance note of a hearing. The Tribunal found that in doing so, Mr Gallagher's conduct was dishonest in breach of Principle 4.

16.15 He had also misled the Firm and its client in breach of Paragraph 1.4 of the Code of Solicitors. Accordingly, the Tribunal found allegation 1.1 proved in its entirety.

Previous Disciplinary Matters

17. No previous matters before the Tribunal

Mitigation

18. None

Sanction

19. 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.
20. In his correspondence, Mr Gallagher stated that his intention was not to mislead. The Tribunal did not accept that assertion. Mr Gallagher knew that the Firm and its client would rely on the content of the attendance note. The fact that the recital to the Order would correct the position was not to the point. Until such time as the order was received, both the Firm and its client were misled into believing that Mr Gallagher had conversed with Counsel for the Defendant at court when that was not the case. They would also have believed that Mr Gallagher had applied for an adjournment which had been reluctantly granted when that was also not the case. The Tribunal considered that Mr Gallagher's motivation for his misconduct was to cover up his lateness to court, which caused him to miss the hearing. His conduct was planned – he deliberately sought to cover up his mistake, deciding to do so by producing an inaccurate attendance note. Indeed, while contemplating what to do, Mr Gallagher had delayed in providing the attendance note to the Firm. Both the Firm and its client expected to have an accurate report of the proceedings and should have been able to trust him to provide that. In failing to do so, Mr Gallagher had breached the expectation and trust placed in him by them. Mr Gallagher was an experienced solicitor; he was solely and wholly responsible for his misconduct.
21. The Firm had suffered reputational damage with a longstanding client as a result of his actions. It also waived the costs it incurred for the hearing. The Tribunal noted that the underlying lay client did not suffer any financial loss as a result of Mr Gallagher's conduct.
22. Mr Gallagher's conduct was aggravated by his proven dishonesty, which was deliberate, calculated and in material breach of his 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. The Tribunal noted that the misconduct was a single episode of brief duration in an otherwise unblemished career. He had also made full and frank admissions to the Firm and during the Applicant’s investigation. Whilst these were mitigating circumstances, the Tribunal found that they did not amount to exceptional circumstances.
24. 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.”

25. The Tribunal did not find any circumstances (and indeed none were submitted) that were enough to bring Mr Gallagher 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 was to strike Mr Gallagher off the Roll of Solicitors.

Costs

26. Mr Smith applied for costs in the sum of £9,419.00. Mr Smith noted that no statement of means had been filed by Mr Gallagher, who had been sent the schedule of costs on 15 January 2026.
27. The costs claimed, it was submitted, were reasonable and proportionate. The Tribunal questioned the claim of 41 hours for investigating the matter. Mr Smith submitted that the costs included liaising with Mr Gallagher, gathering documents (which were extensive following the internal investigation of the Firm), analysing and reviewing those documents, drafting the notice of referral, collating the bundle, and preparation of witness statements. The time claimed for undertaking that work was reasonable.
28. The Tribunal was satisfied that the costs claimed were reasonable and reasonably incurred. There was nothing in the schedule of costs to suggest that there had been any duplication of work or that times spent in preparation of the case were excessive. The hourly rates claimed were reasonable. The Tribunal did not consider that there was anything on the face of the costs schedule where a reduction in costs should be applied. Mr Gallagher had not engaged in the proceedings. Accordingly, there was no evidence that the costs should be reduced on account of a lack of ability to pay. The Tribunal thus ordered Mr Gallagher to pay the Applicant’s costs in the amount claimed.

Statement of Full Order

29. The Tribunal ORDERED that the Respondent, ALEXANDER DAVID EDMUND HAYES GALLAGHER, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £9,419.00.

Dated this 4th day of February 2026
On behalf of the Tribunal

H. Hasan

H. Hasan
Chair