SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12783-2025

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD — Applicant

and

RICHARD ALEXANDER DOBSON — Respondent

Before:

Mr A Horrocks (in the chair)
Mr D Green
Dr P Iyer

Date of Hearing: 14-16 April 2026

Appearances

Michael Standing of 39 Essex Chambers, 81 Chancery Lane, London WC2A 1DD for the Applicant.

Jonathan Goodwin of Jonathan Goodwin Solicitor Advocate Ltd, 69 Ridgewood Drive, Pensby, Wirral CH61 8RF for the Respondent.

JUDGMENT

Allegations

1. The allegations against the Respondent, Richard Alexander Dobson, made by the SRA were that, while in practice as a Solicitor and Director at Trent Law Ltd ("the Firm"):

1.1 Between 28 February 2020 and around September 2021, he failed to act in the best interests of his client, Client A, by reason of any or all of the following:

1.1.1 Failed to respond substantively to the Claimant's solicitors, prior to legal proceedings being issued against Client A.

1.1.2 Failed to comply with Court directions.

1.1.3 Failed to take any, or adequate action, to set aside a default judgment dated 14 March 2021 made against Client A.

1.1.4 Failed to be open with Client A in that he did not inform her that he had failed to comply with Court directions and/or that default judgment had been entered due to his failure to comply with Court directions.

In doing so he breached any or all of:

a) Paragraphs 3.2 and 7.11 of the SRA Code of Conduct for Solicitors, RELs and RFLs ("the Code"); and

b) Principles 2, 5 and 7 of the SRA Principles ("the Principles").

NOT PROVED

1.2 Between 19 March 2021 and around September 2021 he produced (or caused the production of) file notes and correspondence which gave the misleading impression that he was not fully aware of the reasons why Client A's Defence had been struck out when he knew, or ought to have known, that the Defence had been struck out due to his failure to comply with Court directions.

In doing so he breached any or all of:

a) Paragraphs 1.4 and 7.11 of the Code for Solicitors; and

b) Principles 2, 4, 5 and 7 of the Principles.

NOT PROVED

Recklessness and manifest incompetence

2. Allegation 1.1 was advanced on the basis that that Respondent's conduct was manifestly incompetent. Manifest incompetence was alleged as an aggravating feature of the Respondent's misconduct but was not an essential ingredient in proving the allegation.

3. In the alternative to the allegation that the Respondent breached Principle 4 of the Principles, Allegation 1.2 above was 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 Allegation.

Executive Summary

4. Mr Dobson was admitted to the roll on in December 1977. The alleged misconduct occurred between 28 February 2020 and September 2021 when he practised as a Solicitor and Partner at the Firm, working from its Derby office. The Firm's other office was in Nottingham. Mr Dobson held a practising certificate free from conditions.

5. The Rule 12 Statement was dated 11 June 2029. Part One Standard Directions were issued on 16 June 2029. Part Two Standard Directions were issued on 7 October 2029. Mr Dobson filed and served the Respondent's Answer dated 12 September 2029. In the Answer Mr Dobson denied the allegations in their entirety.

6. It was common ground between the parties that the Principles and the Paragraphs of the Code in issue in the case were all ones in which the requirement of seriousness and culpability was inherent and had to be proved in order for the allegations to succeed.

7. The Tribunal found on the balance of probabilities that the SRA did not prove the allegations against Mr Dobson. The Tribunal dismissed all of the allegations made against him.

Documents

8. The Tribunal considered all of the documents in the case which included:

- Rule 12 Statement dated 11 June 2025 [here]
- Respondent's Answer dated 12 September 2025 [here]
- Applicant's Reply (undated)
- Applicant's Statement of Costs (for hearing listed for 14-16 April 2026) dated 11 June 2025
- Applicant's Skeleton Argument for hearing on 14-16 April 2026 dated 10 April 2026

Preliminary Matters

SRA's Application for Anonymity

9. The SRA applied under Rule 35(9) of the Solicitors (Disciplinary Proceedings) Rules 2019 ("the SDPR") for a direction from the Tribunal prohibiting the disclosure or publication of any matter likely to lead to the identification of any person whom the Tribunal considered should not be identified. The application related to the individual referred to as Client A on the Anonymisation Schedule at Appendix 2 of the Rule 12 Statement.

10. Mr Standing submitted that the primary basis of the application in respect of Client A was to maintain the legal professional privilege ("LPP") associated with Client A.

11. The Application for Anonymity was not opposed by Mr Goodwin.

Decision of the Tribunal

12. The Tribunal was familiar with the case of *SRA v Williams* [2023] EWHC 2151 (Admin) which emphasised the importance of protecting LPP. The Tribunal noted that the application was not opposed by Mr Goodwin. It accepted the importance of protecting LPP and acceded to Mr Standing's application for anonymity for Client A in accordance with Appendix 2 of the Rule 12 Statement.

Factual Background

13. At the time of the alleged misconduct Mr Dobson was based in the Firm's Derby office where he was a Partner and Solicitor.

14. Client A's husband passed away in 2010. In 2019 Client A sold a mobile home in a home park in Derbyshire that she had previously owned with her late husband ("the Mobile Home") for approximately £90,000.00 with net proceeds of around £79,440.00. A dispute arose over whether ownership of the Mobile Home passed to Client A and all proceeds of the sale were hers, or whether the joint tenancy had been severed. The executor of the estate of Client A's husband ("the Claimant") claimed 50% of the proceeds of sale of the Mobile Home.

15. Client A initially instructed another solicitor about the matter. The solicitor fell ill and Mr Dobson was instructed by Client A on or about 28 February 2020. He sent a client care letter to Client A on 3 March 2020 which stated that her instructions were to oppose the Claimant's claim for half the proceeds of the sale of the Mobile Home. The desired outcome was "*To defeat the claim or to avoid proceedings being issued*." Mr Dobson agreed to "*deal with the Claimant's Solicitors and advise as necessary*." The Claimant was represented by Rotheras Solicitors ("Rotheras").

16. A letter of claim had already been sent by Rotheras to Client A. On 20 October 2020 Court proceedings were served on Client A, care of the Firm. The claim form stated that Client A owed her deceased husband's estate half of the value of the Mobile Home. Mr Dobson filed a defence on 17 November 2020 which denied that the joint tenancy was severed and that the estate was entitled to any proceeds of sale of the Mobile Home.

17. On 21 November 2020, the Court sent the Notice of Proposed Allocation ("the Notice") to the Firm with directions to file and serve a Directions Questionnaire ("the DQ"), agree directions with the Claimant and file a costs budget by 22 December 2020. The Notice stated that the court would make an appropriate order if there was non-compliance which could result in striking out the claim or entering judgment in default.

18. The DQ and costs budget were not filed by Mr Dobson and judgment in default ("the Judgment") was entered against Client A on 14 March 2021 in the sum of £49,406.68. He took various steps as set out below but did not make an application to set aside the Judgment. The Claimant pursued enforcement action against Client A who received a Notice of Enforcement dated 27 April 2021. On 30 April 2021 Mr Dobson wrote to Court Enforcement Services Ltd ("Court Enforcement") expressing surprise that enforcement action commenced stating that the Judgment was "*irregular*". In the letter

Mr Dobson noted that full details of the Writ of Control relating to the enforcement was not contained in the Notice of Enforcement dated 27 April 2021.

19. Client A received a letter around 9 May 2021 from Court Enforcement stating that they would attend her residence if the funds she owed from the sale of the Mobile Home were not paid.

20. On 11 May 2021 Mr Dobson emailed Court Enforcement to inform them that he sought transfer of Client A's matter to a local District Registry for the purpose of an application for a Stay of Execution. On the same day he emailed the Court Manager at St. Helen's District Registry who had issued the Notice of Enforcement under a Writ of Control stating that he would be making an application to set aside the Judgment. He asked if the Court Manager would transfer Client A's file to a local District Registry for the purpose of an application for a Stay of Execution.

21. On 12 May 2021 court enforcement officers attended Client A's residence (her partner's house) but did not gain access to the property. Mr Dobson emailed Rotheras and attached an undertaking from Client A that she would not dissipate the monies obtained from the sale of the Mobile Home until the case had been resolved. He also informed them that he awaited a response from St Helen's District Registry in relation to a Stay of Execution and that he was instructed to apply for the Judgment to be set aside. He asserted that Client A had no interest in her partner's property and requested that enforcement action be suspended immediately.

22. On 19 July 2021 court enforcement officers obtained access to Client A's residence. Client A was advised by Mr Dobson not to pay the court enforcement officers, but Client A paid the full enforcement amount sought of £60,273.62.

23. On 8 August 2021 Client A wrote a letter of complaint to Mr Dobson about the way in which her matter had been dealt with by the Firm. On 3 September 2021 Mr Dobson emailed Dr Nawaz (referred to below) an internal report about his conduct of Client A's matter.

24. Mr Dobson's employment at the Firm ended on 11 July 2022.

25. Client A complained to the Legal Ombudsman about the professional services she had received from Firm.

26. On 5 July 2023, the Legal Ombudsman wrote to the Firm care of Dr Nawaz stating that it would not be appropriate for its office to continue to investigate Client A's complaint against the Firm. The letter to Dr Nawaz stated that Client A's complaint had no reasonable prospects of success.

27. Mr Dobson's conduct came to the attention of the SRA when Dr Nawaz reported him on 15 September 2023. The SRA decided to refer Mr Dobson's conduct to the SDT on 5 March 2025.

Witnesses

28. The relevant written and oral evidence of witnesses is quoted or summarised in the Findings of Fact and Law below. The evidence referred to will be that which was relevant to the findings of the Tribunal, and to facts or issues in dispute between the parties. For the avoidance of doubt, the Tribunal read all the documents in the case. The absence of any reference to particular evidence in the summary of key points which follows should not be taken as an indication that the Tribunal did not read, hear or consider that evidence. The following witnesses gave oral evidence:

- Dr Aamir Nawaz – owner of the Firm, the Firm's Compliance Officer for Legal Practice ("the COLP") and the Compliance Officer for Finance and Administration ("the COFA").

- Ms Sarah Bradbury – Mr Dobson's assistant and the Firm's Chief Operations Officer.

- Mr Richard Dobson, the Respondent.

29. Mr Dobson (*under oath*)

29.1 Mr Dobson was a Partner and Solicitor at the Firm at the time of the alleged misconduct. He confirmed that he had practised as a solicitor for over 47 years. He denied all of the allegations set out in the Rule 12 Statement in their entirety.

29.2 Mr Dobson recalled the matter in which he was instructed by Client A. He confirmed that the file was managed electronically on the Firm's case management system. There was also a paper file for the matter. Documents were filed on the paper file which duplicated documents that were also filed on the electronic file. Collectively, the electronic file and the paper file constituted the full matter file for Client A. Electronic file notes ("File Notes") relating to Client A's matter were produced either by Mr Dobson or by Ms Bradbury on his instruction.

29.3 The File Note dated 19 March 2021, 11.55am correctly stated that the Firm received the Judgment but that no other paperwork was received from the Court other than a request for the Defence to be filed. Mr Dobson was confident that the File Note accurately recorded the date and time of entry.

29.4 There were two File Notes dated 24 March 2021. The first File Note was written at 11.57am and stated that Rotheras emailed the Firm with a list of dates for filing. The File Note stated, "*We never received two of the correspondence from the court, so we are applying to the court pointing out that we had filed a defence and asking them to explain how judgment had been entered*." The second File Note was written at 12.00pm and stated, "*Sent a second letter asking for a response from the court to the first one which was attached*". Mr Dobson was confident that they accurately recorded the facts.

29.5 Mr Dobson said that he wrote to the Court on 19 March 2021 on receipt of the Judgment enquiring why the Judgment had been entered against Client A when the Defence had been served on time and no further communication saying anything was outstanding had been received from the Court. He sent a follow up letter to the Court on 25 March

2021 chasing for a response to his letter of 19 March 2021. Mr Dobson said he did not understand why the Judgment had been entered against Client A and thought it was a mistake and the content of his letters to the Court reflected this position. The Firm did not receive any communication from the court after the Notice and before receipt of the Judgment.

29.6 A File Note dated 16 April 2021, 12.00pm recorded that a letter was received from the Court stating that the DQ was not received from the Firm. The File Note recorded that because the Court did not respond to queries about the missing correspondence Mr Dobson would apply to have the Judgment set aside. Mr Dobson's evidence was that he would expect the Court to remind the Firm that the DQ had not been filed giving the Firm time to remedy the situation and obtain and file the DQ but that such a reminder had not been received. Mr Dobson said that he and the Firm did not receive a copy of the Unless Order when it was issued by the Court (and the SRA did not challenge this).

29.7 Mr Dobson confirmed that he was asked by Dr Nawaz to provide an internal report in response to the complaint he received from Client A dated 8 August 2021. On 3 September 2021 he sent a two-page report to Dr Nawaz by email. On 8 September 2021 Dr Nawaz wrote to Client A in response to the complaint. He copied and pasted sections from Mr Dobson's internal report into the response letter. He did not discuss the case with Mr Dobson before he sent that letter. Mr Dobson stated that his internal report was never intended to be used as a response to Client A's complaint.

29.8 Mr Dobson left the Firm in July 2022. He had been on a fixed term contract and when it was not renewed, he moved to another employer.

29.9 Mr Dobson discovered that Client A initiated professional negligence proceedings against the Firm in relation to her case. Dr Nawaz did not contact him when the Pre-Action Protocol Letter dated 20 September 2023 was sent to the Firm. Additionally, Mr Dobson was not contacted by the Firm about Client A's complaint to the Legal Ombudsman and the decision dated 5 July 2023.

29.10 Mr Standing referred to Allegation 1.1.1 and put to Mr Dobson that he had failed to respond substantively to Rotheras before legal proceedings were issued against Client A. Mr Dobson accepted that he did not respond at times respond substantively and had delayed in doing so but said that there were good reasons for this; he wanted in particular to make sure he understood the facts and took all available points, some of which needed investigation. In response to his conduct in respect of Allegation 1.1.2

29.11 Mr Dobson accepted that he did not comply fully with Court directions as the DQ was not filed in accordance with directions. He said this was because he did not receive a reminder from the Court as he would have expected and that he did not think it was a regular judgment as he had filed a defence. In response to his conduct in respect of Allegations 1.1.3 and 1.1.4 Mr Dobson accepted that he could have been more proactive in response to the Judgment after it was received but denied that he was in breach of any regulatory requirement as a result. He said he had taken steps to try and sort things out and had expected at the time to be able to do so.

29.12 Mr Standing referred Mr Dobson to the File Notes referred to in the Rule 12 Statement and challenged him on whether they were accurate. Mr Dobson asserted that all the File

Notes represented his contemporaneous understanding of the situation on Client A's file at the time they were prepared. He was not trying to create a false narrative to mislead anyone. When he was asked to provide an internal summary of the case by Dr Nawaz, he was not asked to provide a detailed analysis of the whole file. He was only asked to provide a summary of the matter. He accepted he could have said more in his note but did not expect that Dr Nawaz would copy and paste his report verbatim in the response sent to Client A without talking to him more about what had happened.

29.13 Mr Dobson accepted that the DQ was received by the Firm from the Court as a copy was sent to Client A by the Firm on 18 December 2020. He said that he did not receive the original Unless Order from the Court dated 25 January 2021. He only received a copy of the Unless Order from the Court in their letter dated 10 April 2021.

29.14 Mr Dobson confirmed that he did not respond to all of the emails sent by Rotheras. He accepted that in hindsight the better course of action would have been to make the application to set aside the Judgment after he had become aware of it, but this was not in his own mind the only option available to him at the time. His opinion at the time was that the Judgment was irregular and the Court had an obligation to set the Judgment aside on account of the irregularity and would do so, with the result that the situation would be rectified without an application having to be made. Mr Dobson did not therefore accept that he was incompetent or reckless. In the circumstances of this case, he had done what he thought was right to try and sort out the situation in the most efficient way. He said he had been honest and he did not try and rewrite the narrative.

29.15 Mr Dobson accepted the factual elements of the SRA's case in Allegation 1, but he did not admit the breaches of the Principles or of the Code.

30. Dr Aamir Nawaz (*by affirmation*)

30.1 Dr Nawaz confirmed that at the material time he was the COLP and the COFA of the Firm.

30.2 The Tribunal was referred by Dr Nawaz to his statement in paragraph 33 of his first witness statement that "*Mr Dobson had lied to the court, me and the Legal Ombudsman by falsely claiming that he did not receive any correspondence from the court asking him to file the DQ*". Dr Nawaz stated that he should clarify that statement as Mr Dobson had no direct dealings with the Legal Ombudsman. and now accepted that he had not lied to that office.

30.3 Dr Nawaz stated that it was not compulsory for lawyers at the Firm to make File Notes. It was a discretionary practice. Dr Nawaz also accepted that he had not spoken to Mr Dobson after receiving his internal report on Client A's matter and before sending the Firm's letter of response to Client A's complaint. He had cut and pasted elements of that note without discussing them with Mr Dobson or telling Mr Dobson of his intention to do so.

31. Ms Sarah Bradbury (*by affirmation*)

31.1 Ms Bradbury confirmed that at the time of signing her witness statement her name was Sarah Acland. She stated that at the material time she worked in the Firm's Derby office

as Mr Dobson's personal assistant. She had worked with him at two previous firms, and she trusted him completely and thought him entirely honest.

31.2 The Firm had an electronic case management system onto which documents relating to client matters were supposed to be saved, including emails and File Notes. Documents which were sent to the Derby office in hard copy form were supposed to be date stamped, scanned by Ms Bradbury, and saved to the relevant matter file in the case management system. This practice did not always take place. Ms Bradbury gave Mr Dobson paper copies of documents as he preferred to work using paper.

31.3 Ms Bradbury confirmed that she produced File Notes for Mr Dobson's cases in his name. On his more complex cases she produced File Notes after receiving instructions from him to do so or subject to his approval.

Findings of Fact and Law

32. The Applicant was required by Rule 5 of The Solicitors (Disciplinary Proceedings) Rules 2019 to prove the allegations to the standard applicable in civil proceedings (on the balance of probabilities). The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent's rights to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

33. The Tribunal had due regard to the following and applied the various tests in its fact-finding exercise:

Dishonesty

34. The test set out at paragraph 74 of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67.

Integrity

35. The matters set at paragraphs 97 to 107 of *Wingate v SRA* [2018] EWCA Civ 366.

Manifest Incompetence

36. The matters set at paragraphs 105 to 106 of *Wingate v SRA* [2018] EWCA Civ 366.

Recklessness

37. The matters set out at paragraph 78 of *Brett v SRA* [2014] EWHC 1974.

Threshold for regulatory breaches

38. The matters set out at paragraphs 156 to 158 of *SRA v Day* [2018] EWHC 2726 (Admin); and paragraph 68 of *SRA v Dentons* [2025] EWHC 535 (Admin).

39. **Allegation 1.1**

The Applicant's Case

39.1 Mr Standing stated that Allegation 1.1 related to Mr Dobson's failure to act in the best interests of Client A. This was a case where the documents spoke for themselves and evidenced his failure to act in the best interests of Client A. Over the course of approximately 16 months Client A instructed him in a money claim which was deemed by Counsel to have good prospects of success, yet judgment was entered against Client A on 14 March 2021.

39.2 Mr Dobson was invited several times by Rotheras to set out Client A's case before service of proceedings. Mr Dobson did not respond to the requests so it could be established whether there was any common ground on which the parties could seek to avoid proceedings being issued.

39.3 Mr Dobson first contacted Rotheras by email on 28 February 2020 confirming that he was instructed by Client A. Rotheras responded on the same day seeking clarification of the extent of the instructions. Mr Dobson did not clarify Client A's position. On 5 March 2020 Rotheras emailed Mr Dobson for a response to the Letter of Claim. In emails to Mr Dobson on 13, 18 and 26 March 2020 Rotheras chased Mr Dobson for a response. On 31 March 2020 Rotheras emailed Mr Dobson stating that proceedings would be issued against Client A if they did not receive a substantive response by 4.00pm on 3 April 2020. On 6 April 2020 Rotheras wrote to Mr Dobson stating that they had instructions from the Claimant to issue proceedings against Client A if no response to the Letter of Claim was received by midday on 10 April 2020.

39.4 Rotheras made the Claimant's position abundantly clear to Mr Dobson, and he chose to ignore each opportunity to respond to their requests for a response to the Letter of Claim. On 14 July 2020 after 3 months of chasing Mr Dobson Rotheras warned that proceedings would be issued unless he provided a response by 17 July 2020. Although Rotheras received an email response from Mr Dobson on 14 July 2020 indicating that he had arranged a telephone call with the solicitor who had initially been instructed on the matter, he was aware that a full and detailed response was required to prevent proceedings from being issued against Client A. In failing to respond substantively to Rotheras, Mr Dobson failed to act in the best interests of his client by reason of Allegation 1.1.1.

39.5 Rotheras emailed Mr Dobson on 20 July 2020 stating that they agreed to an extension of time until 24 July 2020 for a substantive response. Rotheras emailed him on 28 July 2020 confirming that they were instructed to issue proceedings in the absence of a substantive response, specifically relating to the issue of severance of the joint tenancy of the Mobile Home. As Mr Dobson continually failed to send a substantive response to the Letter of Claim proceedings were issued against Client A on 20 October 2020. By continually failing to respond substantively to Rotheras, Mr Dobson failed to act in the best interests of his client by reason of Allegation 1.1.1

39.6 Six days later Mr Dobson wrote to Client A informing her that proceedings had been issued against her. He stated that it was surprising that proceedings were issued against her by the Claimant. It was unsurprising in the SRA's submission that proceedings were

issued against Client A as Rotheras had indicated in all their correspondence from 13 March 2020 until 28 July 2020 that they were instructed to issue proceedings in the absence of a substantive response to the Letter of Claim from Mr Dobson.

39.7 On 17 November 2020 Mr Dobson filed a Defence. He then received directions from the Court to file the DQ in the Notice dated 21 November 2020. On 1 December 2020 he emailed the DQ to Client A along with Counsel's advice for consideration. The Unless Order was made on 25 January 2021 requiring the DQ to be filed by 8 February 2021. Mr Dobson did not file the DQ in accordance (although the SRA accepted in its submissions that it did not allege he had received the Unless Order). On 14 March 2021, the Judgment was entered against Client A. Correspondence from the Court made it clear why the Judgement was entered and reminded Mr Dobson of the importance of promptness. In failing to comply with Court directions to file the DQ, Mr Dobson failed to act in the best interests of his client as alleged in Allegation 1.1.2.

39.8 On 18 March 2021 Mr Dobson received an email from Rotheras stating that judgment in default was entered against Client A following his failure to file the DQ. On 19 March 2021 he wrote to the Court stating that the Defence was filed within time and requested confirmation that the Judgment would be withdrawn. He indicated that if the Judgment was not withdrawn by the Court, he was instructed to make an application to set it aside. On 14 April 2021 he emailed Rotheras stating that an application to set aside the Judgment was required. On 12 May 2021 he emailed Rotheras and stated that he was instructed to make an application to set aside the Judgment. Mr Dobson emailed Rotheras on 24 May 2021 stating that he would lodge an application to set aside the Judgment in Northampton. Rotheras responded to Mr Dobson on 24 May 2021 stating that no evidence had been provided of the application to set aside the Judgment. In preceding correspondence, Mr Dobson stated that he had been instructed to set aside the Judgment if it was not withdrawn by the Court. He did not provide Rotheras of evidence that he had taken steps to make an application to set aside the Judgment. In failing to take any, or adequate action to set aside the default Judgment dated 14 March 2021, Mr Dobson failed to act in the best interests of his client as alleged in Allegation 1.1.3.

39.9 Court enforcement officers attended Client A's partner's residence to enforce payment of the money owed to the Claimant following the Judgment and Client A paid them £60,273.62 "*feeling that there was no alternative but to pay*" this amount as set out in the letter of complaint to Mr Dobson dated 8 August 2021. Mr Dobson had in the SRA's submission acted with manifest incompetence. He simply filed an inadequate Defence, and he failed to respond to directions from the Court. On 16 April 2021 Mr Dobson received a letter from the Court stating that because the DQ was not filed by him the Defence was struck out and the Claimant requested that judgment be entered against Client A, so he knew by that point exactly what had happened. There was no evidence of correspondence from Mr Dobson to Client A informing her that the Judgment had been entered against her. In failing to be open with Client A in that he did not inform her that he had failed to comply with Court directions and/or that default judgment had been entered due to his failure to comply with Court directions, Mr Dobson failed to act in the best interests of his client as alleged in Allegation 1.1.4.

The Respondent's Case

39.10 Mr Goodwin made clear that Mr Dobson denied all the allegations made against him by the SRA. Mr Dobson did not seek to deny the obvious. There were failings including inadequate following through of matters of procedural importance in Client A's case. Arguably, there was poor communication between Mr Dobson and Client A. However, the SRA had framed poor case management as professional misconduct aggravated by dishonesty and deception and that was not legitimate. The true character of the case was that it was not one of personal gain. It was a case about mistakes made by a solicitor who lost grip of his client file. These mistakes however did not cross the threshold into such serious failings as to amount to professional misconduct.

39.11 At the time of the alleged misconduct Mr Dobson was a solicitor of a longstanding career. Mr Goodwin referred to paragraph 70 of *Fish and GMC* [2012] EWHC 1269 and submitted that "*...no one should be found to have been dishonest on a side wind…. It is an issue that must be articulated, addressed, and adjudged head-on*." Mr Goodwin submitted that *Fish* articulated the clear and careful warning lines in relation to findings of dishonesty. The case reinforced the position that findings of dishonesty must be approached by the disciplinary body with great care. *Fish* was a safeguard against superficial or speculative reasons for findings of dishonesty.

39.12 Mr Goodwin submitted that the consistency of Mr Dobson's explanation for his actions in Client A's case was important in understanding that there had not been any dishonest conduct. His oral evidence was consistent and compelling. There were obvious failings by Mr Dobson in the management of Client A's case. It was accepted that he had not responded to emails from Rotheras requesting a substantive response about Client A's position. He failed to file the DQ in time. He failed to file an application to set aside the Judgment. He failed to explain fully to Client A why the case came of its tracks when it did. Mr Dobson went on record during the SRA's investigation to confirm that he omitted to tell Client A that he failed to file the DQ in time.

39.13 There were however reasonable and consistent explanations for his acts and omissions.

39.14 Mr Dobson received favourable advice from Counsel about the prospects of success for Client A if she fought the claim against her. He sent this advice to Client A, and he filed the Defence in time. These actions were taken in accordance with her instructions to fight the claim albeit they did not cure the failings in his overall management of the case. In his oral evidence Mr Dobson did not shrink from criticism. This was one poor case in a career of nearly 50 years. The Legal Ombudsman found that there was no case to answer when Client A filed a complaint against the Firm. Mr Dobson's failures did not cross the threshold into conduct that was manifestly incompetent.

39.15 Mr Goodwin referred to the authority of *Wingate.* He submitted that it was agreed that society expected higher standards from professional persons but that it was also clear from that case that professionals were not expected to be paragons of virtue. Mr Goodwin referred to paragraph 156 of the authority of *SRA v Day and others* [2018] EWHC 2726 (Admin) which stated "*We do not, we emphasise, say that there is a set standard of seriousness or culpability for the purposes of assessing breaches of the core principles in tribunal proceedings. It is a question of fact and degree in each case*." Whether Mr Dobson's conduct amounted to professional negligence was a question of

fact and degree. The judgment in *Day* concerned the 2011 Principles but the decision could be transposed to the 2019 Principles in issue in this case which did not attract strict liability.

39.16 Mr Standing accepted on behalf of the SRA in reply to this submission that the regulatory stipulations in issue in this case were not ones of strict liability and that there was requirement of seriousness and culpability inherent in all of them as explained by the judge in *SRA v Dentons* [2025] EWHC 535 (Admin). This was therefore common ground between the parties to the case.

39.17 In Allegation 1.1 the SRA alleged that Mr Dobson had breached Principles 2, 5 and 7. In relation to Principle 2, Mr Goodwin stated that Mr Dobson accepted that there were failings in his conduct. However, the Tribunal had to make a judgment about his conduct, and its findings should be that Mr Dobson's it did not cross the *Day* threshold. Breaches of Principles 5 and 7 were alleged but the Tribunal should not consider that every litigation failure or mistake or even instance of professional negligence automatically became a disciplinary finding. It should still ask if the conduct went beyond that and crossed the line into regulatory breaches. Here, Mr Goodwin submitted, it did not.

The Tribunal's Findings – Allegation 1.1

39.18 The Tribunal carefully considered all the evidence presented by the SRA and Mr Dobson, including oral testimony, documentary materials, witness statements, and submissions. In doing so, the Tribunal had due regard to its statutory obligations under section 6 of the Human Rights Act 1998 and the requirements of Articles 6 and 8 of the European Convention on Human Rights.

39.19 The central questions before the Tribunal concerned whether Mr Dobson failed to act in the best interests of Client A, including his failure to file the DQ, apply to set aside the judgment or give the client a full account of what had happened and whether his failures were so serious and culpable that they amounted to regulatory breaches.

39.20 The Tribunal found that Mr Dobson was a thoughtful and reflective witness who took care with his answers, particularly during his long cross-examination. He had difficulty recalling everything which happened on the matter and in explaining his exact state of mind at various times. Nevertheless, the Tribunal found him to be truthful and honest in his evidence. Ms Bradbury who had worked with him for years and was also an honest and helpful witness gave compelling evidence that Mr Dobson was honest and trustworthy. The Tribunal determined that Mr Dobson had candidly and honestly accepted that things went wrong on Client A's file and did not, to his credit, seek in his evidence to the Tribunal to deflect responsibility for this.

39.21 The Tribunal noted the positive character references provided on behalf of Mr Dobson in addition to Ms Bradbury's assessment of his character in her evidence. In accordance with the principles in *Sawati v General Medical Council* [2022] EWHC 283 (Admin) at paragraphs 53 to 54, it considered that such material could be relevant to credibility where there was a conflict of evidence and to propensity where (as in this case) allegations of misleading conduct were made.

39.22 The Tribunal was not totally satisfied that all documents relating to Client A's matter were filed in one place, for example on the case management system as well as on the paper file. This meant it was possible and credible that key documents relating to Client A's matter such as the Unless Order and any reminder from the court about the DQ, if one were ever sent, were not seen by Mr Dobson at the relevant time or at all.

39.23 The Tribunal accepted Mr Dobson's evidence that hard copy documents received in the Derby office were not always date stamped. It noted that some documents relied upon were date stamped and others were not. Due to this inconsistent practice, it was not always possible to tell the dates on which documents were received in the Derby office and the dates on which they were seen by Mr Dobson. In addition, no evidence was adduced as to when paper documents were scanned onto the case management system. The Tribunal determined that it was not always clear as a result which documents relevant to this case were or were not on the case management system at any given time. The Tribunal found that it was not clear whether and if so when a document had or had not been received. The Tribunal also noted that the SRA did not allege that Mr Dobson saw the Unless Order when it was first made by the Court.

39.24 Client A's matter was referred to Mr Dobson by another solicitor who became ill and was unable to proceed with the instructions. The Tribunal accepted Mr Dobson's evidence that he did not have full sight of the file on instruction. He did not respond to Rotheras' initial chasing emails as he was unaware at that point the full details of the case. He had responded to their emails when he became familiar with the facts and had a clearer idea of his litigation strategy. The Tribunal accepted that this was reasonable and accepted Mr Dobson's view that Rotheras approached this matter aggressively and that he was not obliged to reply to every item of their persistent correspondence. The Tribunal accepted that it was reasonable for Mr Dobson not substantively to reply at once to the Letter of Claim before he knew the details of the case based on his limited knowledge of the Claim at the time. It also accepted his evidence that he considered there were evidential matters which needed to be investigated before a full reply could be sent. One was whether Rotheras had applied inappropriate pressure on Client A when she was unrepresented in relation to a severance document; he emailed Rotheras about this on 24 July 2020.

39.25 Mr Dobson filed a Defence to the Claim on 17 November 2020 after seeking Counsel's advice about the prospects of success in defending the Claim. Counsel advised that the Claim should be defended as there were satisfactory prospects of success. The Judgment was entered against Client A on 14 March 2021. There was direct service on Client A. On 18 March 2021 Rotheras emailed Mr Dobson a copy of the Judgment and the Unless Order and stated that the Judgment was obtained following his failure to file the DQ.

39.26 On 19 March 2021 a File Note was entered onto the electronic file stating that he had received the Judgment but that he did not receive any correspondence from the Court other than the Notice stating that the Defence had to be filed. The Tribunal accepted Mr Dobson's evidence that he understood at this point that the Judgment had been entered against Client A in default of a defence being filed. He believed that the Judgment had been entered in error by the Court because he had filed the Defence as required. He noticed that the Judgment stated that there had been no reply to the Claim. He knew that this statement was incorrect as he had filed the Defence. He wrote to the court on

19 March 2021 stating that the Defence had been filed and asked for the Judgment to be withdrawn.

39.27 Mr Dobson's File Note of 24 March 2021, timed 11.57am stated that he did not receive two pieces of correspondence from the Court. In oral evidence he stated that he would ordinarily have expected to receive an administrative reminder for the filing of the DQ. The Tribunal accepted his evidence that the administrative reminder and the Unless Order were the two pieces of correspondence to which he referred. The Tribunal accepted that he believed at this time that the court would ordinarily have sent a reminder about the DQ and that the Judgment was a result of the Court's procedural error. On 25 March 2021 Mr Dobson wrote to the Court chasing for a response to his letter of 19 March 2021 in which he stated that the Defence was filed and served within time.

39.28 The Tribunal accepted that the above File Notes and those referred to below were either made or approved by Mr Dobson, who to his credit did not try to say otherwise and accepted responsibility for them.

39.29 The Tribunal found that the correspondence from Mr Dobson to Rotheras and the Court in March 2021, and the two File Notes, were consistent with his belief that the Judgment was a procedural error.

39.30 The Court replied to Mr Dobson's letter on 10 April 2021 confirming that judgment was entered in default because of his failure to file the DQ. The letter attached a copy of the Unless Order. The Tribunal accepted Mr Dobson's evidence that this was the first time he had seen the Unless Order. This letter was date stamped 16 April 2021. In the further File Note of the same date referring to the letter from the Court. Mr Dobson recorded that the Court had still not addressed the matter of the two pieces of missing correspondence. The Tribunal accepted Mr Dobson's evidence that he still held the belief that the Judgment was entered because of a procedural error. He still thought there was a procedural error and two things from the Court missing because the Court did not send an administrative reminder about the return of the DQ and he did not receive a copy of the Unless Order at the material time. In these circumstances the Tribunal accepted that Mr Dobson thought he would be able to get the Judgment set aside without a formal application and without the client having to be involved.

39.31 Mr Dobson wrote a letter to Court Enforcement on 30 April 2021 in which he described the Judgement as "*irregular*". He stated that he was extremely surprised that enforcement action had been commenced and that he had informed Rotheras that the matter had been addressed. Mr Dobson wrote to Rotheras and the Court stating that he was instructed to apply for the Judgment to be set aside. In further correspondence with the Court and Court Enforcement Mr Dobson continued to question whether the Judgment should have been entered but he did not apply to set it aside. The Tribunal found that his engagement with the Court and Court Enforcement was consistent with his belief that the Judgment had been wrongly entered because of a procedural error. He believed that the Judgment could and should be set aside as of right because of the error and without the need for a formal application.

39.32 On 10 May 2021 court enforcement officers attended Client A's partner's residence and left a letter stating that they would return to the property for the purpose of enforcement

if the funds "*owed*" were not paid. There is a File Note to this effect on the case management system. Mr Dobson immediately contacted Court Enforcement as he did not believe that they were entitled to force their way into the property. He also recorded that the Court had sent correspondence to Client A to her partner's address and to her sister's address when Rotheras knew that all correspondence should have been sent care of the Firm. The Tribunal found that the File Note supported Mr Dobson's evidence that it was likely that he did not receive all of the correspondence from the Court relating to Client A's matter.

39.33 On 19 July 2021, court enforcement officers gained access to Client A's partner's property, and she paid £60,273.62 in settlement of the Claim. She set out these circumstances in her complaint to Mr Dobson dated 8 August 2021. He sent Dr Nawaz an internal report in response to the complaint in which he did not mention that the reason for the Judgment was his failure to file the DQ. The Tribunal accepted Mr Dobson's evidence that Dr Nawaz based the Firm's response to Client A on the report without speaking to him about the matter or reviewing the matter file and that he had not expected Dr Nawaz to do that and that he had not written the internal note with a view to it being used verbatim to respond to the client.

39.34 The Tribunal considered whether Mr Dobson failed to act in the best interests of Client A by failing to respond substantively to Rotheras prior to legal proceedings being issued. The Tribunal found that Mr Dobson delayed engaging with Rotheras before proceedings were issued for good reason. He was unable to speak to the colleague who was originally instructed in the matter due to his ill-health. He had identified legal and factual points which he needed to investigate. The Tribunal accepted Mr Dobson's evidence as to the reasons for delay. It was not unusual that he employed the litigation strategy of not responding to every piece of persistent correspondence until he was fully prepared and therefore well equipped to provide a comprehensive response. The Tribunal found that it was not in Client A's best interests for Mr Dobson to respond substantively to Rotheras until he could properly do so. It might indeed have been against her best interests to send an incomplete response.

39.35 The Tribunal considered whether Mr Dobson failed to act in the best interests of Client A by failing to comply with Court directions. The Tribunal noted that Mr Dobson should have kept Client A's case on the right path and kept better track of the deadlines. He should undoubtedly have done more to ensure that the deadlines were met on behalf of Client A. The Tribunal noted however that the direction to file the DQ was a direction to Client A not to the Firm. As Client A's solicitor, he was not himself personally in breach of the direction in the Notice to file the DQ. The Tribunal found that his failure to ensure that his client complied with the order, while regrettable, was not serious and culpable from a regulatory standpoint.

39.36 The Tribunal considered whether it was a regulatory failure by Mr Dobson not to act in the best interests of Client A by failing to take adequate action to set aside the Judgment. As set out above the Tribunal accepted Mr Dobson's evidence that he thought that the Judgment was entered due to a procedural error. He knew he had filed the Defence in time in accordance with the Notice and the correspondence with the Court, Rotheras and Court Enforcement was consistent with his belief that the Judgment had been entered in error. He did not receive the administrative reminder or the Unless Order reminding him to file the DQ. His continuing belief notwithstanding what his

aggressive opponents had said to him was that the Court had made a mistake. In these circumstances, he believed he would be able to get the Judgment set aside without a formal application on account of the procedural error. He took steps based on this belief to question the legitimacy of the judgment and tried to persuade the Court and the enforcement agents not to act upon it. He did what he thought was needed to act in Client A's interests even though he did not make an application to set aside the Judgment as he could and arguably should have done. The Tribunal found Mr Dobson did not therefore fail to act in the best interests of Client A from a regulatory standpoint.

39.37 The Tribunal considered whether it was a regulatory failure by Mr Dobson not to act in the best interests of Client A in that he did not inform her that he failed to comply with Court directions and that the Judgment had been entered against her due to his failures. The Tribunal found as a fact that he did not tell Client A about the Judgment or procedural error which had led to it, namely the failure to file the DQ. However, the Tribunal also found that he believed the Judgment had been entered in error and for a different reason. He believed that he could get the error corrected and took steps to try to do that. He thought that he would be able to get the Judgment set aside and the situation was capable of being rectified without a court application. Although it would have been much better practice to inform Client A as soon as he received the Judgment, and indeed to explain what he was doing about it, the Tribunal was persuaded in all the circumstances that Mr Dobson's failure to do so did not meet the threshold of seriousness required for there to be a breach of Paragraphs 3.2 and 7.11 of the Code.

39.38 The Tribunal also accepted Mr Dobson's evidence that he did not know that the internal report to Dr Nawaz in response to Client A's complaint was going to be used almost verbatim as the basis for the Firm's response. Viewed in this context, the Tribunal was satisfied that the report, although not as full as it could have been, was not written with the intent to conceal any facts of the case from Client A. Dr Nawaz was the COLP and the COFA of the Firm and as such, he could and quite possibly should have undertaken a thorough investigation of the complaint himself. This could have involved interviews of Mr Dobson and Ms Bradbury and reviews of the paper and electronic files, but no such reviews were undertaken. The Tribunal found that the internal report did not result in any breaches of the Principles or the Code.

39.39 The Tribunal therefore found Allegation 1.1 not proved in its entirety on the balance of probabilities. Therefore, the aggravating feature advanced alongside Allegation 1.1 was also not proved on the balance of probabilities.

40. **Allegation 1.2**

<u>The Applicant's Case</u>

40.1 Client A instructed Mr Dobson in February 2020. The File Note dated 10 March 2020, 2.10pm stated that Client A was anxious for resolution of the matter when there was not yet agreement between the parties as to whether the joint tenancy of the Mobile Home was severed. Client A wanted to avoid the costs of proceedings eroding half of the proceedings of sale of the Mobile Home. Client A was clear in her instructions to Mr Dobson, and he did not fulfil her objectives. The File Note was recorded before proceedings were issued and there was sufficient time before proceedings were issued for a settlement to be reached between the parties. However, Mr Dobson did not

undertake his professional duty to Client A and manage the matter in such a way that proceedings could have been avoided.

40.2 In all of the aforementioned File Notes and correspondence to Rotheras and the Court the Applicant's case was that Mr Dobson gave the misleading impression that he was unaware of the reasons why Client A's Defence was struck out. He did not dispute that on 16 May 2021 he received the letter from the Court dated 10 May 2021 informing him that the Defence was struck out because he had not filed the DQ in response to the Unless Order requiring him to do so by 8 February 2021. The Claimant then requested that the Judgment be entered against Client A. Mr Dobson's File Note dated 16 April 2021, 12.00pm recorded that he received a letter from the Court "*saying that we hadn't given them a response to the Directions Questionnaire – which was one of the items that we never received*". This File Note was entirely misleading according to the Claimant as Mr Dobson received the DQ from the Court. He accepted that he emailed a copy of the DQ with copies of Counsel's advice, the Defence, a case relied upon by the Claimant and the Notice to Client A on 1 December 2020.

40.3 Mr Standing submitted that Mr Dobson produced File Notes and correspondence which were misleading and a dishonest attempt to cover up his mistakes in the management of Client A's case. He did not disclose that his failures resulted in the Judgment and he tried to create a false paper trail. He was fully aware of the reasons why the Defence had been struck out, or ought to have known that the Defence had been struck out due to his failure to file the DQ.

<u>The Respondent's Case</u>

40.4 Mr Goodwin submitted that the SRA sought to turn Mr Dobson's professional failings into misconduct by attaching aggravating features to Allegation 1.2. The use of the word "*ought*" was the language of negligence not dishonesty. If dishonesty was alleged, then the Tribunal should apply the tests in both limbs of *Ivey* to determine culpability. Paragraph 74 of *Ivey* required that Mr Dobson's state of mind as to the facts at the material time should be assessed. If the Tribunal accepted Mr Dobson's evidence as to his state of mind at the time, then the SRA's case fell at the first limb of *Ivey.* There was no direct evidence that Mr Dobson knew that any information contained in the File Notes was false when he wrote them or instructed Ms Bradbury to write them. Mr Dobson's oral evidence was that his letters to the Court were based on his understanding that the Judgment had been entered against Client A in error. He asked the Court to "*withdraw*" the Judgment because of this belief and described the Judgment as "*irregular*."

40.5 The SRA's case was one of speculation. It alleged that Mr Dobson tried to create a false narrative by writing to the Court on 19 March 2021 stating that the Judgment should be withdrawn. The email from Rotheras dated 18 March 2026 stated that the Judgment had been entered against Client A because of Mr Dobson's failure to file the DQ. However, there was no proof that he read the email before writing to the Court. Dr Nawaz did not conduct a full review of the matter file when Client A sent her letter of complaint to Mr Dobson because he had no reason to doubt Mr Dobson's honesty and integrity. Dr Nawaz accepted in oral evidence that he should have reviewed the matter file. Mr Goodwin submitted that the Tribunal should treat his later judgment as correct. Dr Nawaz was the COLP and the COFA and it was his duty to undertake a thorough

investigation even though he had faith in Mr Dobson's integrity as a solicitor. Dr Nawaz had confirmed that he did not speak with Mr Dobson about Client A's matter and just copied the summary provided to him for his response to Client A.

40.6 Dr Nawaz referred to an electronic file relating to Client A's matter. Mr Dobson and Ms Bradbury stated that there was an electronic file on the Firm's case management system and a paper file. Their oral evidence confirmed that all documents were not filed on both files. Mr Dobson gave evidence that he did not receive the Unless Order from the Court when it was served on 25 January 2021. In these circumstances the Tribunal could not give a safe finding that Mr Dobson had seen the Unless Order at the material time. The email from Mr Dobson to Client A dated 1 December 2020 is proof that he was aware that completion of the DQ in time was a requirement of the proceedings. It was clear all the same that he did not make a connection at the time between non-completion of the DQ in time and the judgment being entered. The later File Notes and letters to the Court offices were based upon misapprehensions. He should have done more to ensure the client complied with the directions but laxity in practice did not equate to dishonest practice.

40.7 The SRA's allegation that Mr Dobson created a false documentary trail had no evidential foundation. He created a muddle as he proceeded with Client A's case, but this muddle did not amount to the creation of a false narrative. In real time, 6 years ago, Mr Dobson did not make a conscious decision to mislead any party to conceal what had happened. There was no evidence that between 19 March 2021 and September 2021 Mr Dobson created false documents foreseeing the possibility of disciplinary proceedings against him such that he was attempting at the time to cover up what had happened. He made human mistakes in that he lost grip of Client A's case, and he responded to the situation as he perceived it at the time. This conduct arguably amounted to negligence, but Mr Dobson did not set out to manufacture a false paper trail as alleged. The Tribunal should recall that File Notes were discretionary, not mandatory. He would not have created File Notes at all if acting dishonestly when managing Client A's case.

40.8 Mr Goodwin submitted that the Tribunal should consider the length of Ms Bradbury's working relationship with Dr Dobson. She had worked with him since 2014 and had not seen him act dishonestly. The Court had its own records and there would have been no purpose in trying to mislead it as to the procedural position. He knew the Court held all the documents relating to Client A's case, so the likelihood of deception was unlikely.

40.9 Mr Dobson's criticisms of Rotheras and the Court in his report to Dr Nawaz were also not intended to be misleading, incomplete as they may have been. The report was his presentation of the matter through his eyes. He may have been mistaken but mistakes did not amount to dishonesty.

40.10 This was a case where there was clearly no personal gain. Mr Dobson mishandled a case and sought to rectify the mistakes that he had made. He was not reckless in his decision making which required conscious risk taking. Allegation 1.2 was not proved at all on the balance of probabilities. Mr Dobson did not ask to be indulged. He accepted that he made mistakes, but muddles and mistakes did not amount to dishonesty. At all times Mr Dobson had the genuine and honest belief that he correctly responded to the

challenges of Client A's case. The character evidence filed in support of Mr Dobson supported his case that he had no propensity to act dishonestly.

40.11 Mr Goodwin accepted that when the Judgment was entered, he did not write immediately to Client A. However, Client A did not provide any evidence in the disciplinary proceedings about what Mr Dobson told her about the Judgment and when they engaged about this. He left the Firm in July 2022 and had no access to the electronic or the paper files after leaving. If there were gaps in the documentary picture of 2021 Mr Dobson could offer no further evidence to complete the gaps. The information that was communicated by Mr Dobson to Client A was confined to the evidence before the Tribunal.

The Tribunal's Findings – Allegation 1.2

40.12 The Tribunal was satisfied that Ms Bradbury had access to Mr Dobson's emails and sometimes prepared File Notes on his behalf. The Tribunal found that although every File Note appeared to be recorded on the electronic system by Mr Dobson, he could have created it, or it could have been created by Ms Bradbury on his instruction after the event. As set out above Mr Dobson accepted responsibility for the File Notes whoever originated them. The Tribunal therefore found that each File Note reflected Mr Dobson's understanding of Client A's matter at the time it was created.

40.13 The Tribunal determined that Allegation 1.2 turned on Mr Dobson's state of mind at the time that he prepared the File Notes and correspondence. The Tribunal reminded itself that allegations of misleading conduct, particularly where they were capable of amounting to dishonesty, must be proved by clear and cogent evidence, consistent with the caution in *Fish* at paragraphs 66, 67 and 70. It accepted Mr Dobson's evidence that he thought at the dates of the File Notes of 19 March 2021 and 16 April 2021 and the date of his letters to the Court of 19 and 25 March 2021 the Judgment was entered in error. The correspondence to the Court and to Rotheras that followed was consistent with this belief. Rotheras emailed Mr Dobson on 24 March 2021 informing him that there was an Unless Order dated 25 January 2021, but they did not attach a copy. At this time, he was furthermore waiting for a response from the Court to his letter of 19 March 2021 about the two pieces of correspondence he had not received, one of which included the Unless Order. The Tribunal found that when Mr Dobson received the email from Rotheras of 24 March 2021 he was entitled to wait to hear from the Court about missing correspondence and not simply take their word for it, the opposing and quite aggressive solicitors in a contested matter, that the Unless Order had been made and that it was that which had led to the judgment.

40.14 The Tribunal accepted Dr Nawaz's evidence that it was not compulsory for lawyers at the Firm to make File Notes. Mr Dobson had therefore chosen voluntarily to make the File Notes. The Tribunal found that if he intended to mislead as pleaded in Allegation 1.2 it would be surprising if he had chosen to create false File Notes to cover his tracks. The Tribunal determined that it would be much more likely that Mr Dobson would abstain from creating any File Notes if he intended to give a misleading impression about his management of Client A's case. The Tribunal found that Mr Dobson did not attempt to mislead in the File Notes and correspondence on which the SRA relies. They reflected his genuine if mistaken belief of the proceedings at the time they were prepared.

40.15 The SRA alleged that Mr Dobson ought to have known that the Defence had been struck out because the DQ was not filed. The Tribunal made the finding in its consideration of Allegation 1.1 that Mr Dobson believed that the Judgment was entered because of a procedural error and that he held this belief when he prepared relevant documents. The Tribunal also found it highly unlikely that a solicitor of Mr Dobson's experience and accepted good character would create a false paper trail in the way alleged by the SRA. It found that the premise of Allegation 1.2 was not proved.

40.16 The Tribunal considered the internal report provided to Dr Nawaz in relation to Allegation 1.2. The Tribunal considered its findings in relation to this report under Allegation 1.1 above. It accepted Mr Dobson's evidence that he did not review the matter file before preparing the report. He provided a summary of his management of Client A's matter. He did not expect it to be used verbatim by Dr Nawaz in the Firm's response to her complaint. The Tribunal found that Mr Dobson could have provided a fuller explanation in the report but that he did not seek to mislead Dr Nawaz or Client A by providing a summary of proceedings in the internal report.

40.17 The Tribunal found Allegation 1.2 not proved in its entirety on the balance of probabilities. Therefore, the aggravating feature advanced alongside Allegation 1.2 was not proved on the balance of probabilities.

Costs

41. Mr Goodwin applied for Mr Dobson's costs to paid by the SRA or at least that it should make a contribution to his costs. He limited his costs application to those for representing Mr Dobson in the substantive hearing. He made the application for costs to avoid any further litigation relating to costs. He submitted that the figure of £15,000.00 plus VAT was a fair figure for costs as he was instructed to draft Mr Dobson's representations and deal with all of the work associated with the case. Mr Goodwin accepted that the investigation and the case brought against Mr Dobson by the SRA was not entirely unwarranted but said the SRA should have reflected properly on whether to refer the matter to the Tribunal when the referral to it of Mr Dobson's conduct was made by Dr Nawaz. Instead, the SRA pursued disciplinary proceedings against Mr Dobson which should have been avoided.

42. Mr Standing opposed the application for Mr Dobson's costs. He stated that the authority of *Baxendale-Walker v The Law Society* [2007] EWCA Civ 233 should be followed and there was nothing to displace the ordinary default position that no order as to costs should be made by the Tribunal. He submitted that the case against Mr Dobson was correctly brought by the SRA and it was not legally misconceived or hopeless.

43. Mr Dobson did not file a witness statement or address why he did not respond to other requests made of him by the SRA. The SRA only became aware of some of the evidence given by Mr Dobson (and which the Tribunal had accepted and relied upon in its findings) during his oral testimony. That evidence was not available to the SRA before the hearing. During the substantive hearing the Tribunal was made aware of his shortcomings in his management of Client A's case. As a result of his conduct Client A suffered a great loss and it was entirely appropriate to bring the case before the Tribunal even though it had not succeeded.

The Tribunal's Decision on Costs

44. The Tribunal considered Mr Goodwin's application for costs. The Tribunal reminded itself of its jurisdiction under Rule 43 of the SDPR 2019 to make such order for costs as it considered just. It also had regard to the principles set out in *Baxendale-Walker* and *SRA* v *Hon-Ying Amie Tsang* [2024] EWHC 1150.

45. The Tribunal noted the guidance in *Tsang* that adverse costs orders against regulators set a high bar. A departure from that position was ordinarily justified, in summary, only where proceedings were improperly brought, badly conducted, or justified by another reason of comparable gravity.

46. The Tribunal found that the case was not improperly brought and had not been badly conducted by the Applicant to such an extent as to displace the default position on costs. It noted that the issues in the case were not sufficiently straightforward to be dealt with on the papers. The hearing had occupied the Tribunal for the best part of three days and required a careful assessment of oral evidence.

47. The Tribunal did not consider that there was good reason to depart from the established position. The Respondent's application for costs was refused, and no order as to costs was made.

Statement of Full Order

48. The Tribunal ORDERED that the allegations against RICHARD ALEXANDER DOBSON be DISMISSED, and it further Ordered that there be no Order as to costs.

Dated this 28th day of May 2026
On behalf of the Tribunal

A Horrocks

A Horrocks
Chair