

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12792-2025

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

STEVEN DAVID SIMPKINS

Respondent

Before:

Mr J Abramson (in the chair)
Ms V Kaye
Dr P Iyer

Date of Hearing: 14 – 15 May 2026

Appearances

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

The Respondent represented himself.

JUDGMENT

Allegations

1. The allegation made against the Respondent, Steven David Simpkins made by the Solicitors Regulation Authority Limited (“SRA”) were that, whilst in practice as a Solicitor at Simpkins & Co Solicitors (“the Firm”), he:
 - 1.1 Caused or allowed the firm to have a minimum client account shortage of £145,900 in relation to client A and in doing so, he breached any or all of:
 - (i) Principles 2 and 5 of the SRA Principles 2019 (“the Principles”).
 - (ii) Rule 5.1, Rule 5.2, and Rule 6.1 of the SRA Accounts Rules 2019 (“the Accounts Rules”).
 - (iii) Paragraphs 4.2 and 5.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019 (“the Code”).
 - 1.2 Caused or allowed the firm to have a minimum client account shortage of £15,913.78 in relation to client B and in doing so, he breached any or all of:
 - (i) Principles 2 and 5 of the Principles.
 - (ii) Rule 5.1, Rule 5.2, and Rule 6.1 of the Accounts Rules.
 - (iii) Paragraph 4.2 and 5.2 of the Code.
 - 1.3 As the firm's sole manager, COLP and COFA, failed to have sufficient control and adequate supervision or oversight of the firm, and in doing so, he breached any or all of:
 - (i) Principles 2 and 5 of the Principles.
 - (ii) Paragraph 2.1 and 8.1 of the Code of Conduct for Firms 2019 (“the Code for Firms”).
 - 1.4 Provided information to the Forensic Investigation Officer of the SRA regarding the financial status of the firm that he knew/ought to have known was inaccurate and/or misleading, and in doing so, he breached any or all of Principles 2, 4 and 5 of the Principles.

Executive Summary

2. Mr Simpkins admitted all the allegations, save that he denied his conduct lacked integrity or had been dishonest. The Tribunal found the admissions to have been properly made. The Tribunal considered that in allowing a cash shortage, failing to have sufficient supervision or oversight of the Firm, and providing inaccurate and misleading information to the SRA during a forensic investigation, Mr Simpkins’ conduct lacked integrity as alleged.
3. The Tribunal did not find that his conduct had been dishonest; the Tribunal was not satisfied that Mr Simpkins knew that the information he provided to the Forensic Investigation Officer of the SRA had been inaccurate and misleading, notwithstanding that he ought to have known that it was.

Preliminary Matter

4. Respondent's application to adjourn the hearing

- 4.1 On 7 May 2026, Mr Simpkins made an application to adjourn the substantive hearing as his expert witness was unable to attend the listed hearing. The Tribunal directed that given the proximity of the application to the listed hearing, the matter be dealt with as a preliminary issue on the first day of the hearing.
- 4.2 Mr Simpkins explained that the application to adjourn was not made lightly; he was fully prepared for the hearing. Permission had been granted by the Tribunal for Mr Simpkins to file and serve an expert psychiatric report. Professor Khan, the author of the report, was not available to attend the hearing. Mr Simpkins submitted that, without the expert evidence, the hearing could not take place fairly.
- 4.3 Mr Simpkins further explained that due to his impecuniosity, he had only recently been able to obtain the funds to pay for Professor Khan's attendance. The Applicant had refused to assist with the cost, and it had confirmed that the report was not agreed. Accordingly, Professor Khan was required to attend for cross-examination. Mr Simpkins submitted that for the hearing to proceed without the attendance of Professor Khan would be unfair and unjust. An adjournment would cause no prejudice to the Applicant. On the contrary, it would be unfairly advantageous to the Applicant.
- 4.4 Mr Smith submitted that leave to adduce that evidence was granted by the Tribunal in September 2025, giving Mr Simpkins ample opportunity to secure the medical evidence. The Tribunal was referred to the previous extensions of time granted to Mr Simpkins with regard to the filing and serving of his expert evidence. Mr Smith submitted that this application was symptomatic of Mr Simpkins' cavalier and casual approach to compliance with deadlines.
- 4.5 The application was made very late, less than a week before the hearing, and followed his applications considered by the Tribunal on 24 April 2026, which, if granted, would have resulted in the adjournment of the substantive hearing. The Applicant, it was submitted, would suffer prejudice if the hearing were to be adjourned; costs had already been incurred in the preparation for the hearing.
- 4.6 Mr Simpkins did not accept that the Applicant would be caused prejudice. He considered that the medical evidence was relevant to his defence and mitigation. It would be manifestly unfair were he unable to rely on that evidence.

The Tribunal's Decision

- 4.7 The Tribunal did not accept that Mr Simpkins had displayed a casual or cavalier attitude to the proceedings. He had properly applied for extensions of time when required.
- 4.8 The Tribunal also did not accept that Mr Simpkins would be unfairly prejudiced if Professor Khan did not give oral evidence. His report had been adduced and thus Mr Simpkins was able to rely upon it. The Tribunal also noted that it was the Applicant's position that the report did not advance Mr Simpkins' defence in any event. The Tribunal did not consider that the attendance of Professor Khan would be of any

assistance, it already having the report. Therefore, it would not be prejudicial or unfair for the hearing to proceed without Professor Khan's attendance. Accordingly, the application to adjourn the hearing was refused.

Documents

5. The Tribunal reviewed all the documents submitted by the parties contained in the electronic bundle.

Professional Details

6. Mr Simpkins was admitted as a solicitor in 2001. Between 2004 – 2015 he was a partner at Simpkins & Co Solicitors. Thereafter the firm became a recognised sole practice. He also undertook compliance roles for the Firm.
7. Mr Simpkins held a practising certificate for 2025/26 subject to the following conditions:
 - He is not a manager or owner of any authorised body, authorised non-SRA firm, or other body providing legal services.
 - He may not act as a compliance officer for legal practice (COLP) or compliance officer for finance and administration (COFA) for any authorised body.
 - He does not hold or receive client money, or act as a signatory to any client or office account or have the power to authorise transfers from any client or office account.
 - He shall not practise on his own right under regulation 10.2 of the SRA Authorisation of Individuals Regulations.

Witnesses

8. The following witnesses provided written statements and gave oral evidence:
 - Sarah Bartlett – Forensic Investigation Officer
 - Jacque Aitken – former office manager of the Firm
 - Gary Sleet – former litigation executive of the Firm
 - Mr Simpkins – Respondent
9. The written and oral evidence of the 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 of the documents in the case and made notes of the oral evidence. The absence of any reference to particular evidence should not be taken as an indication that the Tribunal did not read, hear or consider that evidence.

Findings of Fact and Law

10. 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 Simpkins' 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

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

“When dishonesty is in question the fact-finding Tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the factfinder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest”.

When considering dishonesty, the Tribunal firstly established the actual state of Mr Simpkins' 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

12. The test for integrity was that set out in Wingate and Evans v SRA and SRA v Malins [2018] EWCA Civ 366, 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”.

13. **Allegation 1.1 - Caused or allowed the firm to have a minimum client account shortage of £145,900 in relation to client A and in doing so, he breached any or all of Principles 2 and 5 of the Principles; Rule 5.1, Rule 5.2, and Rule 6.1 of the Accounts Rules; Paragraph 4.2 and 5.2 of the Code.**

Allegation 1.2 - Caused or allowed the firm to have a minimum client account shortage of £15,913.78 in relation to client B and in doing so, he breached any or all of: Principles 2 and 5 of the Principles; Rule 5.1, Rule 5.2, and Rule 6.1 of the Accounts Rules; Paragraph 4.2 and 5.2 of the Code.

Factual Background

- 13.1 The SRA conducted a forensic investigation of the Firm in March 2023 which had been prompted by a Qualified Accountants Report. The Forensic Investigation Officer (FIO) found no evidence of misconduct and the investigation was closed.
- 13.2 On 12 April 2023, the FIO was contacted by Mrs Aitken, who made allegations about Mr Simpkins' conduct towards her, stated that there was a client account shortage of £170,000 which had been hidden, and that the FIO had been misled during her investigation. As a result, the SRA began a further forensic investigation. The FIO prepared a Forensic Investigation Report (FIR) dated 30 August 2023 which found that:
- the Firm had a minimum client account shortage of £176,413.78. This principally related to two clients, clients A and B.
 - During the period 27 April to 30 June 2023, after the SRA had written to Mr Simpkins to notify him that there was a shortage on client account, the firm continued to receive deposits totalling £214,251.86 into its client account and made transfers to its business account totalling £85,786.58.
 - The Firm planned to close on 30 September 2023 and Murdochs Law provided a closure plan on behalf of the Firm. The client account shortage was to be replaced by the proceeds of sale of Mr Simpkins' home.
- 13.3 The firm in fact closed on 8 September 2023. Mr Simpkins entered an Individual Voluntary Arrangement (IVA) on 8 March 2024.
- 13.4 As a result of information received after the date of the FIR, it became apparent that the shortfall of damages due to Client A was in the sum of £145,900. This was lower than the £160,500 identified by the FIO because Client A had received interim payments which were not recorded on the client ledger.
- 13.5 The shortfall of damages due to Clients A and B was paid to them by the firm's insurers.
- 13.6 Mr Simpkins was interviewed on 25 July 2023, during which he admitted that there was a minimum client account shortage.
- 13.7 Client A's matter was settled by agreement on 20 July 2022. The client ledger recorded that damages totalling £290,000 were recovered. As at 30 August 2023, the FIR recorded that there remained an ongoing liability to Client A of £145,900. The client matter recorded that there were no funds being held for client A as the ledger had reached a nil balance as of 20 March 2023.
- 13.8 On 18 July 2023, Client B sent a complaint to the SRA. In his complaint he stated that he had received a payout and that the Firm had retained a total of £15,913.78 as disbursements. In the course of her examination of the Firm's books and ledgers, the FIO identified that the Firm had failed to account to Client B for their damages in the amounts of £15,913.78.

- 13.9 The evidence obtained during the investigation showed that client account money was not being used for the specific client for which it was being held; instead, it was being transferred into the Firm's office account to pay for PAYE, national insurance contributions and "*office liabilities*".
- 13.10 Mrs Aitken admitted transferring money from Client A's matter to the Firm's office account to meet business liabilities because there were no other funds. The shortage was not promptly replaced. Although Mr Simpkins disputed the extent of his knowledge, Mrs Aitken said she told him about the transfers, he did not challenge them, and as sole manager, COLP and COFA he remained responsible for the Firm's conduct.
- 13.11 As to Client B, the FIO found that after the Firm's costs were received, the balance of damages due to the client was not paid and was instead transferred to the business account. Mrs Aitken said she knew there was a shortage, and that the transfers she made were to meet wages and other business payments because she felt she had no alternative.
- 13.12 In interview, Mr Simpkins accepted that client money had been used to keep the business trading, including to pay salaries and tax liabilities.

The Applicant's Case

- 13.13 Rule 5.1 stated that client money could only be withdrawn from client account in three circumstances, being the purpose for which it was held, following receipt of instructions from the client (or third party for whom it is held) or following authorisation from the SRA.
- 13.14 In the circumstances as described above, money was withdrawn from client account other than in compliance with Rule 5.1 of the Accounts Rules. Although those transfers were made by Mrs Aitken, according to her evidence Mr Simpkins was made aware of those after they had taken place and did not challenge her. Further, and in any event, as the person responsible for the Firm's compliance, and as the Firm's manager, Mr Simpkins was responsible for ensuring compliance with Rule 5.1.
- 13.15 Rule 5.2 of the Accounts Rules required all withdrawals from Client Account to be appropriately authorised and supervised. As detailed above, Mrs Aitken admitted that she had made a number of transfers from the client ledger of Clients A and B to the office account and that she did so in order to cover business payments and staff wages.
- 13.16 Mr Smith submitted that as the Firm's sole principal, Mr Simpkins was directly responsible for his Firm's compliance. Even if the transfers were carried out by Mrs Aitken without his knowledge, Mr Simpkins failed in his duty, as he was responsible for authorising and supervising the withdrawals.
- 13.17 Rule 6.1 of the Accounts Rules required Mr Simpkins to correct any breaches promptly upon discovery and for monies improperly withheld or withdrawn from client account to be immediately paid into the account or replaced as appropriate.
- 13.18 On 27 April 2023, the FIO wrote to Mr Simpkins and advised him that she had identified a minimum shortage on the Firm's client account. Mr Simpkins was informed that: "*you must replace the shortage as a matter of extreme urgency*".

- 13.19 The identified shortage was not immediately replaced. Accordingly, Mr Simpkins breached Rule 6.1.
- 13.20 Paragraphs 4.2 and 5.2 of the Code required Mr Simpkins and the Firm to safeguard client money and assets. The Firm had used Clients A and B's monies for business purposes, causing a shortage on client account. Those facts, it was submitted, demonstrated Mr Simpkins' failure to comply with the Code as alleged.
- 13.21 Mr Smith submitted that client money was sacrosanct, and solicitors were required to exercise proper stewardship over clients' monies. Firms and solicitors held considerable trust especially in financial matters. It was crucial that client funds were held distinct and were only withdrawn when permitted in accordance with the SRA Account Rules. Both the public and the legal profession expected adherence to these Rules.
- 13.22 Clients A and B trusted the Firm to act on their behalf, receive any damages awarded, and to account to them in full. Instead, their monies were used for business purposes.
- 13.23 Mr Simpkins was in a position of trust and responsibility as a solicitor, and he was responsible for ensuring that client money was safeguarded. He failed to discharge that responsibility and consequently did not conduct himself in a manner that maintained public trust in him and the provision of legal services. He had therefore, breached Principle 2 of the Principles.
- 13.24 Mr Smith submitted that Mr Simpkins' actions also amounted to a failure to act with integrity. In *Wingate*, Jackson LJ specifically referred to "*subordinating the interests of the clients to the solicitors' own financial interests*" and "*making improper payments out of the client account*", as conduct which lacked integrity.
- 13.25 As a solicitor, Mr Simpkins held a position of trust and responsibility. A solicitor acting with integrity would not have caused or permitted the shortages identified above in the manner alleged.
- 13.26 Further, a solicitor acting with integrity would have ensured that that the shortages were rectified when alerted to their existence.
- 13.27 In acting as he did, Mr Simpkins' conduct lacked integrity.

The Respondent's Case

- 13.28 Mr Simpkins admitted allegations 1.1 and 1.2, but he denied that his conduct lacked integrity.

The Tribunal's Findings

- 13.29 The Tribunal found that Mr Simpkins' conduct breached Principle 2, Rules 5.1, 5.2 and 6.1 of the Accounts Rules and Paragraphs 4.2 and 5.2 of the Code as alleged on the facts and evidence. Mr Simpkins' admissions in that regard were found to be properly made.

- 13.30 The only matter in issue was whether Mr Simpkins' conduct also lacked integrity in breach of Principle 5.
- 13.31 In his oral evidence, Mr Simpkins explained that, after he was made aware of the shortage on client account, he was doing his best to keep the business running. His priority was to repay the clients. At the time, he tried to sell his house to do so. As he could not repay the monies immediately, his priority was to pay staff wages and keep the Firm running so that he could then pay back the shortfall. Keeping the Firm running was not for Mr Simpkins' benefit but was for the purposes of remedying the situation.
- 13.32 At the time of the misconduct, Mr Simpkins explained that due to his health issues and addiction, he was unable to run the Firm and had left Mrs Aitken to do so. He very rarely attended the Firm and was not undertaking any management of the Firm.
- 13.33 The Tribunal found that Mr Simpkins had abandoned the Firm and left it to be run by an unqualified member of staff. He had completely lost sight of what was happening at the Firm. He had wholly failed to comply with his regulatory obligations and had abrogated his responsibility for the running of his Firm. As a result, client monies had been utilised for the running of the Firm, with the interests of the clients being subordinated to the financial interests of the Firm. The Tribunal found that such conduct lacked integrity as alleged.
- 13.34 Accordingly, the Tribunal found allegations 1.1 and 1.2 proved in their entirety.
14. **Allegation 1.3 - As the firm's sole manager, COLP and COFA, failed to have sufficient control and adequate supervision or oversight of the firm, and in doing so, he breached any or all of: Principles 2 and 5 of the Principles and Paragraphs 2.1 and 8.1 of the Code for Firms.**

The Applicant's Case

- 14.1 Mr Smith submitted that as the Firm's sole manager, Mr Simpkins was the person responsible for ensuring that the Firm complied with its regulatory obligations under the Code for Firms, including that the Firm had in place effective governance structures, arrangements, systems and controls which ensured that the Firm, its managers and employees complied with the relevant SRA regulatory arrangements which included the Codes, Principles and Accounts Rules.
- 14.2 Mr Smith submitted that it was evident that Mr Simpkins had insufficient control, supervision, and oversight of the Firm. During his interview on 25 July 2023, Mr Simpkins admitted that whilst he was "*technically supervising*" the Client A matter, his involvement was "*pretty much zero*".
- 14.3 He also accepted that his running of the Firm was not up to standard, as follows:

"What's happened in the last few years is not acceptable from a client care point of view. It's not acceptable from a business running point of view, even for the staff it hasn't been ... really been fair, and I take that on board".

- 14.4 As the Firm’s sole manager, it was incumbent on Mr Simpkins to provide effective supervision over those who worked at the Firm, including to check their work and their compliance with regulatory requirements, and to provide necessary support, guidance, and assistance.
- 14.5 In her witness statement, Mrs Aitken referred to ways in which Mr Simpkins’ supervision of the Firm was lacking:

‘Since early 2020 and especially after November 2020, I had trouble contacting Mr Simpkins. He very often would not answer his phone or respond to WhatsApp messages. There was no point in sending him emails as he would not read them. He did not tell me why he would not read them. He gave me and another colleague ... permission to read and respond to his emails. Sometimes 3 weeks would go by without any contact from him, despite calling and messaging him..... This happened over the time period from November 2020 (when the business first moved to the office in Lyndhurst) until April 2023’.

“Sometimes, if I was able to speak to him on the phone, he would agree that I could go to his house, and he said we would discuss work. I would go to his house and give him the paperwork, but he would ask me to ‘help him’ clean his kitchen first and then we could talk about the business. In reality, I would spend 2 hours cleaning his kitchen on my own, which was always extremely dirty and messy, and then he would say he wasn’t up to talking about work..... When I was in his house, Mr Simpkins would either open the paperwork and quickly glance at it or just put the unopened envelope on his kitchen table. I don’t know if he ever actually read it”.

- 14.6 Mrs Aitken also described that when Mr Simpkins did attend the office, he would sometimes glance at paperwork she had prepared to discuss with him and that he “never seemed interested”. She had told him many times about how worried and stressed she was about the financial matters.
- 14.7 Mr Sleet, who had worked at the Firm during that time, described that:

“It is difficult to put a time on it, but while I was working at the firm the problems contacting Mr Simpkins got worse. He would ‘disappear’ for weeks on end – by which I mean that there would be no response to emails, and he would not engage with me, or anyone else at the firm as far as I was aware. I believe that this extended to Mrs Aitken as she would complain about it”.

“It was not a consistent level of disengagement. Having not been in contact with anyone for weeks, he would email everyone out of the blue. He would say that he had been ill and once or twice said what had been wrong (I remember once he made reference to a potential cancer diagnosis). He reassured us that he was now back, and things would change. The first time this happened, I was encouraged, but within a couple of weeks there was silence again. The next time, it was the same thing, and this pattern continued”.

- 14.8 Paragraph 8.1 and 2.1 of the Code of Conduct for Firms required Mr Simpkins to ensure that the Firm complied with the Code of Conduct for Firms and to have effective

governance structures, arrangements and systems and controls in place to ensure compliance with the same.

- 14.9 Mr Smith submitted that Mr Simpkins had failed to demonstrate that he had in place effective systems and controls and that he had run the Firm in a way that upheld public trust and confidence in the solicitors' profession. By failing to do so, he had breached Paragraph 8.1 and 2.1 of the Code of Conduct for Firms.
- 14.10 Mr Simpkins was in a position of trust and responsibility as a solicitor. The public should be able to be confident that a solicitor who is in the position of sole owner and manager of a firm, and is its COFA, had sufficient control over that firm and its client account to ensure that the firm complied with the rules relating to safeguarding client money.
- 14.11 Mr Smith submitted that there was significant harm or risk of harm. By his own account, for a considerable period Mr Simpkins left control of the Firm's accounts to Mrs Aitken, an unadmitted individual. For the sole manager and COFA of a firm to be in this position presented an unacceptable risk to client money and client interests.
- 14.12 Mr Simpkins' behaviour represented a pattern which continued over a period. During this time, he did not appear at any point to have identified the risks that his choices or lack of oversight were bringing, or having identified the risks, he failed to take sufficient steps to address them.
- 14.13 Such conduct, it was submitted, damaged the trust and confidence which the public placed in the solicitors' profession and in legal services provided by authorised persons. In conducting himself as he had, Mr Simpkins' conduct breached Principle 2.
- 14.14 As the Firm's sole manager, it was incumbent on Mr Simpkins to provide effective supervision over those who worked at the Firm, including to check their work and their compliance with regulatory requirements, and to provide necessary support, guidance, and assistance.
- 14.15 As evidenced in Mrs Aitken's written and oral evidence, Mr Simpkins' supervision of the Firm was lacking. Sometimes three weeks would go by without any contact from him, despite Mrs Aitken calling and messaging him. This happened over the time period from November 2020 until April 2023. Mr Sleet had described Mr Simpkins' behaviour as "*detrimental to his clients as his absences meant he did not progress matters and we would struggle to deal with the cases*".
- 14.16 In his interview with the SRA, Mr Simpkins accepted that there had been shortcomings in his running of the Firm. He attributed these to stress and mental health problems arising from medical issues, the Covid lockdowns and personal family problems.
- 14.17 Mr Smith submitted that a solicitor acting with integrity would have ensured that the Firm was being properly managed so that it adhered to its regulatory obligations and requirements. Mr Simpkins abrogated his managerial responsibilities which left unadmitted individuals effectively running the Firm. Mr Simpkins failed to adhere to the higher ethical standards expected from members of the profession, and accordingly breached Principle 5 of the Principles.

The Respondent's Case

14.18 Mr Simpkins admitted allegation 1.3 save that it was denied that his conduct lacked integrity.

The Tribunal's Findings

14.19 The Tribunal found that Mr Simpkins' conduct breached Principle 2, Paragraphs 2.1 and 8.1 of the Code for Firms as alleged on the facts and evidence. Mr Simpkins' admissions in that regard were found to be properly made.

14.20 Accordingly, the only matter in issue was whether Mr Simpkins' conduct also lacked integrity in breach of Principle 5.

14.21 As detailed above, the Tribunal found that Mr Simpkins had abrogated the management of the Firm to an unadmitted member of staff. It was clear on the evidence of Mrs Aitken and on Mr Simpkins' oral evidence, that he had taken no active part in the running of the Firm for some time. Mr Simpkins was the sole principal of the Firm. He had made no arrangements for the running of the Firm in his absence and had taken very little interest in the affairs of the Firm.

14.22 For the reasons detailed at allegations 1.1 and 1.2 above, and for the reasons submitted by Mr Smith, the Tribunal found that Mr Simpkins' conduct lacked integrity in breach of Principle 5. Accordingly, the Tribunal found allegation 1.3 proved in its entirety.

15. **Allegation 1.4 - Provided information to the Forensic Investigation Officer of the SRA regarding the financial status of the firm that he knew/ought to have known was inaccurate and/or misleading, and in doing so, he breached any or all of: Principles 2, 4 and 5 of the Principles.**

The Applicant's Case

15.1 Mr Smith submitted that in the interview with the SRA of 21 March 2023, Mr Simpkins answered "no" to the following questions:

- *Are there any credit balances on office account?*
- *Are you aware of any problems with the books? If so, please give details.*
- *Do you have any concerns regarding the ability of the firm to meet its short term liabilities (please detail)?*
- *Are you aware of any misuse of client funds? (if so, please give details).*
- *Are there any other matters you would bring to my attention at this stage?*

15.2 The FIO found no evidence of misconduct and the investigation was closed.

15.3 On 12 April 2023, the FIO was contacted by Mrs Aitken, who stated that there was a client account shortage which had been hidden and that the FIO had been misled during

her investigation. In her witness statement, Mrs Aitken described that she had made transfers from Client A's account to office account to keep the business going, as there was no other money in the Firm. She recalled speaking to Mr Simpkins about this both before and after the FIO's visit and that she told Mr Simpkins that if the Client A matter was picked up by the FIO "*we would be in trouble*".

- 15.4 Mrs Aitken further stated that when asked in interview whether the Firm had financial difficulties, Mr Simpkins responded "no", and that she did not feel she could say otherwise as Mr Simpkins was her employer.
- 15.5 Mrs Aitken stated that after the visit: "*Mr Simpkins and I discussed that we were relieved [the FIO] had not picked up on the [Client A] matter. He reiterated then that he would sell his house and all the money owing would be paid back to the client*".
- 15.6 Following Mrs Aitken's report, the SRA began a further forensic investigation. During the recorded interview with the FIO on 25 July 2023 Mr Simpkins stated: "*...the money received in client account is needed to run the business, so it's needed to pay salaries, to pay tax liabilities. I'm trying to keep the business running*" and "*...the alternative to not accepting client monies in, and actually keeping on the business trading, was to foreclose the business immediately...*".
- 15.7 That, it was submitted, was contrary to what Mr Simpkins said in his first interview. Mr Simpkins' admissions in the second interview, just 22 days later, suggested that he provided information to the SRA regarding the financial status of the firm that he knew or ought to have known was inaccurate and/or misleading.
- 15.8 Further, in interview, Mr Simpkins stated that he had not taken money out of the business to aid himself. The Forensic Investigation Officer had analysed payments which, it was submitted, were of personal benefit to Mr Simpkins. For example, there were payments to Mr Simpkins' legal advisors which had been funded from client bank account. There were also payments relating to the staging of Mr Simpkins' home when it was placed on the market for sale and payments for his flat. The bank records showed that most of the receipts into Mr Simpkins' personal bank account came from the business bank account.
- 15.9 Mr Smith submitted that Mr Simpkins was responsible for ensuring that information he gave during the course of a forensic investigation was accurate. In providing inaccurate and/or misleading information, he had behaved in a way that failed to uphold public trust and confidence in the solicitors' profession and in legal services provided by authorised persons. Members of the public would not expect a solicitor to provide inaccurate and misleading answers during the course of a regulatory investigation. In doing so, Mr Simpkins had breached Principle 2 of the Principles.
- 15.10 Mr Simpkins, it was submitted, had provided multiple misleading responses to questions which were reasonably put to him. In doing so, he had failed to adhere to the ethical standards of the solicitors' profession. Accordingly, he had failed to act with integrity in breach of Principle 5.

- 15.11 Mr Smith submitted that the answers given by Mr Simpkins in the interview of 21 March 2023 were inaccurate and misleading in that:
- He denied that there were any concerns about the firm's financial viability.
 - He denied there had been any misuse of client funds.
 - He denied that there were any problems with the firm's books.
 - He said there were no matters he wanted to bring to the FIO's attention.
- 15.12 Mr Simpkins knew that he was obliged to provide accurate, true, and complete information to the SRA. He also knew that:
- The firm was in financial difficulties.
 - There was a client account shortage on the Client A file.
 - In giving the answers which he did regarding the Firm's financial position and accounts, he was giving answers which he knew were inaccurate and misleading.
- 15.13 Ordinary and decent people would regard it as dishonest for a solicitor to provide to their regulator information which they knew was inaccurate. In doing so, Mr Simpkins had acted dishonestly in breach of Principle 4.

The Respondent's Case

- 15.14 Mr Simpkins admitted allegation 1.4 save that it was denied that his conduct lacked integrity in breach of Principle 5 or was dishonest in breach of Principle 4.
- 15.15 Mr Simpkins explained that he was not aware of the client account shortages at the time of his interview on 21 March 2023. He denied that he had been informed of the shortage by Mrs Aitken before the interview. Any feelings of relief after the interview related to the conclusion of the interview without any major issues, rather than the Client A shortage remaining undiscovered; he was not aware that the shortage existed.
- 15.16 Mr Simpkins had not prepared any of the paperwork that was provided to the FIO. This had been done by Mrs Aitken. His conversations with her about the Firm's finances led him to believe that the Firm was financially sustainable.
- 15.17 Mrs Aitken's evidence, it was submitted, should be treated with caution by the Tribunal. Her evidence was inconsistent and unsupported by documentary evidence. She said that Mr Simpkins knew about the shortages because they appeared on spreadsheets that she gave to him either when he attended the office, or when she delivered them to his home. However, there were no copies of those spreadsheets in the evidence and Mrs Aitkens had never emailed them to him. It was her evidence that she did not do so as he "*never checked his emails*". Mr Simpkins submitted that such evidence was implausible.
- 15.18 Further, Mrs Aitkens' evidence was inconsistent as to when she told him about the shortfalls. Mr Simpkins submitted that the report to the SRA by Mrs Aitkens was prompted by him confronting her on the running of the Firm after the interview with the FIO on 21 March.
- 15.19 Mr Simpkins accepted that the answers given by him in the interview were inaccurate and misleading. He also accepted that he ought to have known that was the case. He

denied that he had the knowledge attributed to him by the SRA. Accordingly, it was denied that his conduct lacked integrity or was dishonest.

The Tribunal's Findings

- 15.20 The Tribunal found that Mr Simpkins' conduct breached Principle 2 as alleged. Mr Simpkins' admissions in that regard were found to be properly made.
- 15.21 Accordingly, the only matters in issue were whether Mr Simpkins' conduct also lacked integrity in breach of Principle 5 and was dishonesty in breach of Principle 4.
- 15.22 The Tribunal noted that Mr Simpkins accepted that the answers he provided in the interview were inaccurate and misleading. Mr Simpkins knew that the investigation arose as a result of a qualified accountants report. On his own case, he had relied solely on information provided to him by Mrs Aitken. He had made no attempt to investigate or appraise the finances for himself.
- 15.23 Mr Simpkins, the Tribunal found, had answered the questions put to him in the interview based on his impression of the Firm's finances with no real knowledge. This was evident, given the significant shortfall on client account at the time of the interview. The Tribunal considered that a solicitor acting with integrity would have appraised himself of the financial position of the Firm before proffering answers as to the Firm's finances during a regulatory investigation. Failing that, a solicitor acting with integrity would have confirmed during the course of the interview that he was unable to answer the questions due to his lack of knowledge regarding the financial position. Had Mr Simpkins been running the Firm as he should, he would have known that the answers he gave were inaccurate and misleading.
- 15.24 The Tribunal agreed with Mr Simpkins' assessment that he ought to have known that his answers were inaccurate.
- 15.25 A solicitor acting with integrity would have used their best endeavours to ensure that the answers provided were accurate. In failing to do so, Mr Simpkins' conduct lacked integrity in breach of Principle 5.
- 15.26 The case against Mr Simpkins in relation to dishonesty was reliant on the Tribunal's assessment of Mrs Aitken's evidence and Mr Simpkins' knowledge. She had been unable to say with any consistency when she informed Mr Simpkins of the shortage for Client A, and whether she had told him expressly or informed him in writing in the form of a spreadsheet.
- 15.27 Mrs Aitkens accepted that at the times when the transfers were made, Mr Simpkins was not aware of them, but that he knew about them afterwards as she had provided him with the spreadsheets.
- 15.28 Having initially stated in her evidence that she had informed Mr Simpkins of the shortfall via the spreadsheets, Mrs Aitken then stated that she did so by the spreadsheets as well as orally. The Tribunal noted that Mrs Aitken did not say whether she had told Mr Simpkins about the shortage in relation to Client A when she had visited his house or when he had attended the office. Her evidence was that when she attended his house

to discuss work matters, she would end up cleaning his house with no discussion of work. When he attended the office, he would either not look at the spreadsheet or glance at it.

- 15.29 The Tribunal found the evidence of Mrs Aitken to be vague and lacking credibility. Given the inconsistencies in her evidence, the Tribunal could not be satisfied that she had told Mr Simpkins of the shortfall on the Client A matter prior to his interview with the FIO. Nor was the Tribunal satisfied that Mrs Aitken had told Mr Simpkins of the true nature of the Firm's financial difficulties.
- 15.30 The Tribunal was not, therefore, satisfied that the SRA had established that at the time of the interview, Mr Simpkins was aware that (i) the firm was in financial difficulties, (ii) there was a client account shortage on the Client A file, or (iii) in giving the answers which he did regarding the Firm's financial position and accounts, he was giving answers which he knew were inaccurate and misleading.
- 15.31 As to the monies transferred from client account to Mr Simpkins' personal account via the office account, there was no evidence that any of those transfers were improperly made. The Tribunal found that Mr Simpkins did not consider that those monies were for his personal benefit but that those monies were used to facilitate the management of the Firm or the sale of his house to repay the client account shortage.
- 15.32 Accordingly, the Tribunal did not find that Mr Simpkins' conduct was dishonest in breach of Principle 4. The Tribunal thus found allegation 1.4 proved save that it dismissed the alleged breach of Principle 4.

Previous Disciplinary Matters

16. None

Mitigation

17. Mr Simpkins accepted the Tribunal's findings. He explained that he had made every effort to repay client monies, understanding that client money was sacrosanct. He had put his house on the market to repay the shortage. He had admitted the accounts rules breaches as soon as they had been brought to his attention.
18. He had instructed external solicitors to assist in the management of the Firm. Once it became clear that the firm was no longer sustainable, he had done all that he could to ensure an orderly wind-down of the Firm. Mr Simpkins noted that the SRA had not intervened into the Firm, recognising his efforts to protect clients' interests.
19. Mr Simpkins was proud of being a solicitor. He had a previously unblemished record and had run a successful practice, with satisfied clients and minimal complaints.
20. Mr Simpkins submitted that matters with the Firm deteriorated due to Covid and his health problems. He accepted that thereafter the Firm was not run as it should have been and that this had been detrimental to his own reputation and that of the profession. His lack of integrity, it was submitted, was mitigated by his difficult personal circumstances.

21. Mr Simpkins was addressing his health issues and was now receiving the support he needed. He bitterly regretted the circumstances giving rise to the proceedings. He wanted to remain on the Roll as he considered that his skills as a solicitor were still useful. He intended to work with the Citizens Advice Bureau when able. He considered that he was not in the position to return to practice immediately, but once he could do so, he would return to practice through voluntary work.

Sanction

22. 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.
23. The Tribunal assessed the level of seriousness of Mr Simpkins’ misconduct by considering his culpability and the harm caused, together with any aggravating or mitigating factors. In assessing culpability, the Tribunal found that Mr Simpkins had breached the trust placed in him by his clients to keep their monies sacrosanct. He had abrogated his responsibility in that regard to an unqualified member of staff and had made little or no attempt to ensure that client monies were dealt with in accordance with the accounts rules. Mr Simpkins was an extremely experienced solicitor who was directly responsible for his conduct. As stated, he had absented himself from the running of the firm in circumstances where he knew that in doing so “... *the firm would be in trouble*”.
24. He had caused direct harm to his clients, who did not receive their monies promptly, causing Client B to make a complaint to the SRA. He had also caused harm to the reputation of the profession.
25. The misconduct was aggravated by the period of time over which it had continued. The Tribunal considered that caused was foreseeable, with Mr Simpkins knowing that the conduct complained of was in material breach of his obligations to protect the public and the reputation of the profession.
26. In mitigation, the Tribunal recognised Mr Simpkins’ personal circumstances at the material time, his open and frank submissions, and his full co-operation with the Applicant during its investigation. In her oral evidence, Ms Bartlett of the SRA confirmed that there had been no concerns with regards to Mr Simpkins’ co-operation. The Tribunal also noted that Mr Simpkins had a previously unblemished regulatory record. It considered that Mr Simpkins had displayed insight into, and remorse for, his misconduct. Further, the shortfall in damages for Clients A and B had been paid by the Firm’s insurers.
27. Given the seriousness of the findings, the Tribunal did not consider that No Order, a Reprimand or a Fine were proportionate. The Tribunal had regard to the case of *Bolton v Law Society* [1994] 2 All ER 486 and “... *the required standard (of complete integrity, probity and trustworthiness)*”. The Tribunal found that there was a need to protect both the public and the reputation of the profession from future harm by removing Mr Simpkins’ ability to practise.

28. The Tribunal determined that a fixed term suspension of 18 months adequately reflected the seriousness of the misconduct. The Tribunal further determined that, it was appropriate to impose restrictions on Mr Simpkins' ability to practise at the conclusion of his suspension. The restrictions were necessary to ensure the protection of the public and the reputation of the profession from future harm by Mr Simpkins. Further, the Tribunal found that any restrictions should be indefinite, requiring Mr Simpkins to apply to the Tribunal to remove or vary any of the restrictions. The restrictions imposed are detailed in the Statement of Full Order below.

Costs

29. Mr Smith sought costs in the sum of £33,362.50. It was noted that two case management hearings had been as a result of applications made by Mr Simpkins. A costs order should be made, with the SRA then considering whether and how it should be enforced, taking account of Mr Simpkins' limited means.
30. Mr Simpkins submitted that the costs were excessive. He had made admissions of facts at an early stage which, it was submitted, should have reduced the costs claimed. The only issues for determination were dishonesty and lack of integrity. As to his finances, Mr Simpkins referred the Tribunal to his statement of means which showed that his sole income was state benefits.
31. The Tribunal found the costs claimed to be reasonable and proportionate, taking into account the issues to be determined, the number of hearings and the preparation and presentation of the case. The Tribunal was satisfied that Mr Simpkins was in receipt of state benefits. The Tribunal had regard to the decision of Cotter J in *Barnes v SRA* [2022] EWHC 677 (Admin) where it was found that the Tribunal should not make an order for costs where it was assessed that such an order was unlikely ever to be satisfied on any reasonable assessment of a Respondent's current or future circumstances.
32. Mr Simpkins' future employment prospects were unclear. He intended to return to practice in a voluntary capacity. He was currently in receipt of state benefits which included an uplift due to his health condition.
33. The Tribunal was not satisfied that there was any reasonable prospect that Mr Simpkins' financial circumstances would improve such that he would be able to meet any costs order. Accordingly, the Tribunal determined that there should be no order as to costs.

Statement of Full Order

34. The Tribunal ORDERED that the Respondent, STEVEN DAVID SIMPKINS solicitor, be SUSPENDED from practice as a solicitor for the period of 18 months to commence on the 15th day of May 2026 and it further Ordered that there be No Order as to costs.
- 34.1 Upon the expiry of the fixed term of suspension referred to above, the Respondent shall be subject to conditions imposed by the Tribunal as follows:
- 34.1.1 The Respondent may not:

- 34.1.2 Practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body; or as a solicitor in an unregulated organisation.
- 34.1.3 Be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP), or Alternative Business Structure (ABS) or other authorised or recognised body.
- 34.1.4 Be a Head of Legal Practice/Compliance Officer for Legal Practice or a Head of Finance and Administration/Compliance Officer for Finance and Administration.
- 34.1.5 Hold client money.
- 34.1.6 Be a signatory on any client account.
- 34.1.7 Work as a solicitor other than in employment approved by the Solicitors Regulation Authority Ltd.
- 34.1.8 There be liberty to either party to apply to the Tribunal to vary the conditions set out at paragraph 2 above.

Dated this 22nd day of June 2026

On behalf of the Tribunal

J Abramson

J Abramson
Chair