SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 — Case No. 12929 -2026

BETWEEN:

NANCY BALLARD — Appellant

and

SOLICITORS REGULATION AUTHORITY LTD — Respondent

Before:

Mr U Sheikh (in the Chair)
Ms V Kaye
Mr P Hurley

Date of Hearing: 30 July 2026

Appearances

Geoffrey Williams KC, instructed by the Appellant.

Matthew Cassells, barrister, 6 New Street Square, London, EC4A 3DJ, instructed by the Respondent.

JUDGMENT ON APPEAL PURSUANT TO s.44E OF THE SOLICITORS ACT 1974

The Notice Recommending Regulatory Action

1. On 28 July 2025, pursuant to Rule 2.4 of the SRA Regulatory and Disciplinary Procedure Rules 2019 ("RDPR"), Louise Anne Holden, Investigation Officer, issued a Notice recommending that the Appellant be rebuked, that the rebuke be published and that the Appellant pay costs.

2. The Notice arose from concerns regarding the Appellant's conduct in the administration of the Estate of a testatrix ("Mrs D"), in respect of which she acted as executrix. It was alleged that the Appellant had failed to progress the administration of the Estate in a timely manner and had failed adequately to communicate with the beneficiary.

The Adjudicator's Decision

3. On 29 September 2025, A Mateen, Adjudicator, determined the matter and found that the Appellant had failed to provide a competent service. The Adjudicator found that the Appellant's conduct breached paragraph 3.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs and Outcome 1.5 of the SRA Code of Conduct 2011.

4. The. Adjudicator found that the Appellant had failed to progress the administration of the Estate of Mrs D in a timely manner and had failed promptly and adequately to respond to communications. The Adjudicator concluded that the quality of service provided by the Appellant had fallen below the standard of competence expected of an experienced solicitor.

5. The Adjudicator further found that the administration of the Estate had been subject to substantial and unexplained delay. Although Mrs D had passed away in February 2019, probate was not granted until August 2024 and the distribution of the Estate remained incomplete at the date of the decision.

6. Having regard to the Appellant's regulatory history, the impact upon the beneficiary and the need to maintain public confidence in the delivery of legal services, the Adjudicator rebuked the Appellant, ordered publication of the rebuke pursuant to s.44D(2)(a) of the Solicitors Act 1974 and ordered the Appellant to pay costs in the sum of £1,350.

Decision of the Adjudication Panel

7. On 20 October 2025, the Appellant applied for a review of the Adjudicator's decision. The Appellant contended, in summary, that the Adjudicator had failed properly to take account of the absence of dishonesty, personal gain or breach of public trust, had failed adequately to weigh remedial action undertaken by the Appellant, and had imposed a sanction that was disproportionate to what was said to be a service failing. The Appellant further relied upon what was said to be new information relating to the completion of the administration of the Estate, HMRC clearance and matters relating to the transfer of property.

8. On 4 March 2026, an Adjudication Panel dismissed the review and upheld the Adjudicator's decision. The decision was notified to the Appellant on 5 March 2026.

The Appeal to the Tribunal

9. On 30 March 2026, the Appellant lodged an appeal against the decision of the SRA to the Solicitors Disciplinary Tribunal ('the Tribunal') pursuant to section 44E of the Solicitors Act 1974 for a review of the SRA decision.

10. Since lodging the appeal, the Appellant's case developed. Certain grounds advanced in the original Grounds of Appeal were not pursued in their original form following service of the Respondent's Response. In particular, the Appellant accepted that the absence of dishonesty, personal gain and certain mitigating factors did not, of themselves, demonstrate that a rebuke was impermissible in principle.

11. The Appellant instead advanced a narrower and reformulated case in her Response to the Respondent's Answer and subsequent supplemental evidence, placing particular emphasis on publication, the comparative exercise between a warning and a rebuke, the treatment of external factors contributing to delay, the weight accorded to previous regulatory history, the Appellant's duties as executrix in relation to inheritance tax reporting, and what was said to be a fundamental factual error concerning the basis of her knowledge regarding possible lifetime gifts.

12. The Tribunal has considered the appeal in the form ultimately advanced at the hearing.

Legal Framework

13. The procedure for the hearing of the Appeal is governed by the Solicitors Disciplinary Tribunal (Appeals and Amendment) Rules 2011 which came into force on 1 October 2011.

14. Pursuant to section 44E of the Solicitors Act 1974, the Tribunal may make such order as it thinks fit, including affirming or revoking the decision of the SRA and making such provision as to costs as it considers appropriate.

15. The appeal is by way of a review, not a full rehearing. The relevant authorities include: Arslan v SRA [2016] EWHC 2862 (Admin) and In the Matter of Sprintroom Limited [2019] EWCA Civ 932.

16. From those authorities, the following principles can be derived:

(a) The Tribunal should not disturb findings of primary fact unless they were unjustified. It should also not interfere with evaluative assessments of the underlying facts unless the conclusion reached lay outside the bounds within which reasonable disagreement is possible.

(b) An appeal by way of review does not provide an opportunity to re-argue the case afresh or obtain a second hearing on the merits. Rather, the focus is upon the propriety of the original decision-making process and the conclusions reached on the evidence before the original decision-maker.

(c) The appeal may succeed where it is established that the decision was wrong or unjust because of a serious procedural irregularity or an error of law.

17. The burden of establishing that the decision under appeal was wrong or was unjust because of a serious procedural or other irregularity, rests upon the Appellant.

18. The applicable standard is the civil standard. The Appellant must establish, on the balance of probabilities, that the decision under appeal should be disturbed.

Documents Considered

19. The Tribunal considered all the documents in the electronic appeal bundle which included:

(a) The Appellant's Grounds of Appeal dated 30 March 2026 and bundle of evidence.
(b) The Respondent's Response to the Appeal dated 20 May 2026.
(c) The Appellant's Reply dated 2 July 2026.
(d) The Appellant's supplemental witness statements.
(e) The Adjudicator's Decision dated 29 September 2025.
(f) The Adjudication Panel's Decision dated 4 March 2026.

The Appellant's Submissions

20. The submissions of Mr Williams KC, in summary, were as follows:

(a) The appeal was by way of review and not rehearing. The Tribunal was not required to determine how it would have decided the matter at first instance but whether the decision under appeal was wrong, unjust or outside the bounds of lawful and proportionate decision-making. He submitted that the decision to impose a rebuke was disproportionate and contrary to the proper legal principles governing disciplinary sanctions.

(b) Mr Williams submitted that a rebuke was a formal disciplinary sanction carrying stigma and regulatory consequences. Relying upon the principles set out in *Dentons UK and Middle East LLP v SRA Ltd* [2026] EWCA Civ 508, he submitted that disciplinary sanctions should be reserved for conduct of sufficient seriousness to justify such intervention. He emphasised that the Adjudicator had expressly rejected the allegations that the Appellant had breached Principles 2 and 6 of the SRA Principles and had made no finding of dishonesty, lack of integrity or conduct undermining public trust and confidence in the profession. In those circumstances, he submitted that the findings ultimately made amounted to competence and service failings rather than professional misconduct capable of justifying a rebuke.

(c) Mr Williams submitted that, even if some form of regulatory action was justified, the critical issue was whether a warning rather than a rebuke represented the proportionate outcome. He argued that the accepted mitigating factors placed the case at the lower end of seriousness and that the principle of adopting the least restrictive sanction pointed towards a warning. He submitted that the Adjudicator had failed adequately to explain why a rebuke rather than a warning was required.

(d) Mr Williams further submitted that the factual and regulatory context had not been properly understood. He emphasised that the estate administration was not straightforward, involving a death in Iran, delays in obtaining documentation, concerns regarding possible lifetime gifts and property transfers and the Appellant's obligations as executrix to ensure accurate reporting to HMRC. He submitted that the Appellant's caution arose from genuine concerns regarding the administration of the estate rather than indifference to her professional obligations.

(e) Mr Williams challenged the factual premise underlying parts of the Adjudicator's reasoning. He submitted that the Appellant's concerns regarding possible lifetime gifts and property transactions were not based merely upon unsupported recollection but arose from her professional involvement in matters concerning the deceased and her family. He argued that the Adjudicator had materially misunderstood the basis upon which the Appellant had acted and that this error affected the subsequent assessment of culpability and seriousness.

(f) Mr Williams also relied upon external factors which he submitted contributed materially to the difficulties encountered during the administration of the estate. He referred in particular to the challenges associated with obtaining documentation from Iran, the effects of the Covid-19 pandemic and threatening conduct directed towards the Appellant by an individual associated with the beneficiary. He submitted that these matters formed part of the overall factual matrix and should have attracted greater weight when assessing both the Appellant's conduct and the seriousness of any failings.

(g) Mr Williams further submitted that excessive reliance had been placed upon the Appellant's previous warning. He argued that the warning was not itself a disciplinary sanction, concerned materially different circumstances and could not properly support a finding that there was a pattern of relevant misconduct. He submitted that the weight attached to the warning was disproportionate and materially influenced the ultimate sanction imposed.

(h) Mr Williams submitted that the Legal Ombudsman had already investigated the underlying complaint as a service-related matter and had ordered compensation. Whilst accepting that the Legal Ombudsman and the SRA exercised different functions, he submitted that the Ombudsman's findings supported the proposition that the matter was fundamentally one of service failure rather than professional misconduct. He argued that this was a relevant consideration when assessing the proportionality of the rebuke.

(i) Accordingly, Mr Williams invited the Tribunal to conclude that the decision under appeal was wrong and disproportionate and that the appeal be allowed.

The Respondent's Submissions

21. The submissions of Mr Cassells, on behalf of the Respondent in summary were as follows:

(a) The appeal was misconceived and failed to satisfy the high threshold applicable to a review appeal. Relying upon the established authorities, he submitted that the Tribunal was not conducting a rehearing of the issues and that the question was not whether a different decision-maker might have reached a different conclusion. The issue for the Tribunal was whether the decision under appeal was wrong or fell outside the bounds within which reasonable disagreement was possible.

(b) Mr Cassells further submitted that the Appellant's case had evolved significantly since the original Grounds of Appeal and that a number of the issues ultimately pursued arose from the Appellant's Reply and supplemental evidence. He submitted that the Tribunal should determine the appeal as presently formulated and argued at the hearing, rather than by reference solely to the original Grounds of Appeal.

(c) Mr Cassells submitted that there was no requirement that breaches of Principles 2 or 6 of the SRA Principles were required to be established in this case before a rebuke could lawfully be imposed. Referring to the applicable regulatory framework, he submitted that a rebuke remained an available regulatory outcome where findings of professional misconduct or other relevant regulatory failings had been established. He therefore rejected the Appellant's submission that the absence of findings under Principles 2 or 6 rendered the rebuke unlawful or inappropriate.

(d) Turning to the substance of the appeal, Mr Cassells submitted that the Adjudicator had considered the very matters now relied upon by the Appellant. These included the difficulties associated with obtaining documentation from Iran, the effect of the Covid-19 pandemic, concerns regarding possible lifetime gifts and the Appellant's explanations for the delay. He submitted that the Adjudicator had not ignored those matters but had expressly referred to them and taken them into account when assessing the conduct in question.

(e) Mr Cassells submitted that, even adopting the Appellant's case at its highest, significant periods of delay and failures of communication remained attributable to the Appellant. He argued that the existence of external difficulties did not explain the entirety of the delay and that the Adjudicator had been entitled to conclude that the quality of service provided fell below the standard required. He submitted that the Adjudicator had identified substantial periods of inactivity and had provided cogent reasons for concluding that responsibility remained with the Appellant notwithstanding the external factors relied upon.

(f) In relation to the Appellant's submissions concerning HMRC obligations, inheritance tax enquiries and possible lifetime gifts, Mr Cassells submitted that those matters did not undermine the findings reached by the Adjudicator. He argued that whatever concerns the Appellant may have held, there was insufficient evidence that she had actively pursued the available avenues of enquiry or taken the necessary steps to progress the administration of the estate. Accordingly, the existence of concerns regarding lifetime gifts did not render the findings unjustified.

(g) Mr Cassells further submitted that the Appellant's challenge to the sanction amounted, in substance, to a disagreement with the weight attached to various factors by the Adjudicator. He argued that the Adjudicator had considered the mitigating features, the external difficulties encountered during the administration of the estate and the Appellant's explanations for the delay. The issue was therefore not whether another decision-maker might have reached a different conclusion but whether the conclusion actually reached fell outside the range of reasonable outcomes. He submitted that it did not.

(h) Addressing the Appellant's submission that the matter was properly characterised as a warning rather than a rebuke case, Mr Cassells submitted that the Appellant herself accepted that the case sat towards the lower end of moderate seriousness and was, in effect, a borderline case. He argued that this submission demonstrated that reasonable decision-makers might differ as to the appropriate sanction. The fact that a warning may have been available as a potential outcome did not establish that the decision to impose a rebuke was outside the bounds of reasonable disagreement.

(i) In relation to the Appellant's previous warning, Mr Cassells accepted that the warning could not demonstrate that the Appellant had failed to learn from conduct for which the warning had subsequently been issued. However, he submitted that the warning nevertheless remained a relevant consideration when assessing the Appellant's regulatory history and determining whether the conduct formed part of a wider pattern of shortcomings. He submitted that the Adjudicator had been entitled to take the warning into account when assessing sanction.

(j) Finally, Mr Cassells submitted that the appeal failed to identify any finding that was unjustified, any evaluative conclusion that fell outside the bounds of reasonable disagreement or any error of principle sufficient to justify appellate intervention. He therefore invited the Tribunal to dismiss the appeal in its entirety.

Decision of the Tribunal

22. The Tribunal carefully considered the Grounds of Appeal, the Respondent's Response, the Appellant's Reply, the supplemental evidence, and the oral submissions advanced on behalf of both parties. The Tribunal bore in mind throughout that the appeal was by way of review and not rehearing.

23. Whilst the Tribunal recognised the force of a number of the Appellant's submissions and accepted that the case involved difficult circumstances and issues upon which differing views might reasonably be held, it recognised that its task was not to determine whether it would itself have reached the same conclusion as the Adjudicator and the Adjudication Panel.

24. Rather, the Tribunal was required to determine whether the findings of the Adjudicator were justified, whether the evaluative assessments fell outside the bounds within which reasonable disagreement was possible, and whether the decision was wrong or unjust so as to justify appellate intervention.

25. The Tribunal first considered the Appellant's challenge to the factual basis upon which the Adjudicator's decision was reached. Having reviewed the material before it, the Tribunal was satisfied that the findings reached were open to the Adjudicator on the evidence available and were not unjustified.

26. The Tribunal accepted that there were a number of matters capable of supporting the Appellant's case, including the explanations advanced for delay and the wider

circumstances surrounding the administration of the Estate. However, the Tribunal was not persuaded that those matters rendered the Adjudicator's findings unsustainable. It remained open to the Adjudicator to conclude that significant delay and communication failures were attributable to the Appellant notwithstanding those matters and circumstances.

27. The Tribunal next considered whether the Adjudicator's evaluative assessment of the primary facts found fell outside the bounds within which reasonable disagreement was possible.

28. The Tribunal attached particular significance to the Appellant's submission that the case fell towards the lower end of seriousness and that a warning rather than a rebuke represented the proportionate response. While the Tribunal accepted that a warning was an outcome reasonably open to a decision-maker considering the facts of this case, the Tribunal also accepted the Respondent's submission that the availability of a reasonable alternative outcome did not demonstrate that the outcome actually selected by the Adjudicator was wrong. The fact that differing views might reasonably be held as to whether a warning or a rebuke was the more appropriate sanction did not establish that the decision to impose a rebuke fell outside the bounds within which reasonable disagreement was possible.

29. The Tribunal next considered the Appellant's submission that the decision was wrong because the Adjudicator had rejected the allegations that the Appellant breached Principles 2 and 6 of the SRA Principles and had nevertheless proceeded to impose a rebuke for matters that amounted to inadequate service provision.

30. The Tribunal was not persuaded that the absence of findings under Principles 2 and 6 by the Adjudicator rendered the rebuke unavailable or the decision wrong in principle. The Tribunal was satisfied that the question for the Adjudicator remained whether the conduct ultimately found proved warranted regulatory sanction and, if so, what sanction was proportionate in all the circumstances. Whilst the rejection of the Principle allegations was plainly relevant to that assessment, the Tribunal was not persuaded that it precluded the imposition of a rebuke.

31. The Tribunal also considered the Appellant's submission that disproportionate weight had been attached to the warning issued to the Appellant on 29 May 2024 and that the Adjudicator had erred in treating that warning as indicative of a pattern of behaviour. The Tribunal accepted that reasonable minds might differ as to the weight to be attached to that warning and recognised the Appellant's submission that it concerned different circumstances and was not itself a disciplinary sanction. However, the Tribunal was satisfied that the Adjudicator was entitled to treat the warning as a relevant part of the Appellant's regulatory history. Whilst the significance of that history was capable of debate, the Tribunal was not persuaded that the weight attached to it rendered the evaluative assessment outside the bounds within which reasonable disagreement was possible or otherwise made the decision wrong or unjust.

32. Drawing these matters together, the Tribunal recognised the force of a number of the Appellant's submissions and accepted that the case involved difficult circumstances and issues upon which differing views might reasonably be held. The Tribunal further accepted that several aspects of the reasoning under challenge were capable of criticism.

However, having applied the appropriate review test, the Tribunal was not satisfied that the findings reached by the Adjudicator were unjustified, that the evaluative assessment fell outside the bounds within which reasonable disagreement was possible, or that the decision was wrong or unjust so as to justify appellate intervention. The appeal was therefore dismissed.

Costs

33. Mr Cassells, on behalf of the Respondent, applied for costs in the sum of £5,138.88 referring the Tribunal to the costs schedule dated 22 July 2026. He submitted that costs should normally follow the event given that the appeal had been dismissed. He further submitted that the costs sought were reasonable and proportionate.

34. Mr Williams, on behalf of the Appellant, did not submit that the costs claimed by the Respondent were unreasonable or disproportionate. He nevertheless invited the Tribunal to take into account, in assessing the appropriate costs order, that the appeal had been properly brought and that the Appellant had already incurred her own legal costs and had made payment pursuant to the Legal Ombudsman's determination.

35. Having considered the parties' submissions, the Tribunal was satisfied that the costs sought by the Respondent were reasonable and proportionate in all the circumstances. The Tribunal therefore ordered that the Appellant pay the Respondent's costs in the sum of £5,138.88.

Statement of Full Order

36. The Tribunal ORDERED that the appeal under S.44E of NANCY BALLARD be DISMISSED and it further Ordered that the Appellant do pay the costs of and incidental to the response to this application fixed in the sum of £5,138.88.

Dated this 19th day of August 2026
On behalf of the Tribunal

U. Sheikh

U. Sheikh
Chair