SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No. 12904-2026

BETWEEN:

SOLICITORS REGULATION AUTHORITY Applicant

and

NICHOLAS NIKOLA STOJANOVIC Respondent

Before:

Ms A Banks (in the chair)
Ms V Kaye
Ms K Wright

Date of Hearing: 5 - 6 August 2026

Appearances

Jeremy Scott-Joynt, Counsel, Outer Temple Chambers, The Outer Temple, 222 Strand, London, WC2R 1BA, for the Applicant.

Jonathan Goodwin, Solicitor Advocate, 69 Ridgewood Dr, Pensby, Birkenhead, Wirral CH61 8RF for the Respondent.

JUDGMENT

Allegations

1. The allegations against the Respondent, Nicholas Stojanovic, made by the SRA are that whilst in practice as a solicitor at Ramsdens Solicitors LLP:

1.1 On 20 March 2024, the Respondent gave untrue and / or misleading information to Client X by informing Client X that the Respondent was awaiting a psychiatrist's report, which the Respondent had already received on 19 February 2024, and in doing so the Respondent thereby breached any or all of:

1.1.1 Principle 2 of the SRA Principles 2019 ('the Principles');
1.1.2 Principle 4 of the Principles;
1.1.3 Principle 5 of the Principles;
1.1.4 Principle 7 of the Principles; and
1.1.5 Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs 2019 ('the Code').

1.2.1 On 28 March 2024, the Respondent gave untrue and / or misleading information to Client X by informing Client X that there had been no change to his case, implying that the Respondent was still awaiting a psychiatrist's report, which the Respondent had already received on 19 February 2024, and in doing so the Respondent thereby breached any or all of:

1.2.1 Principle 2 of the Principles;
1.2.2 Principle 4 of the Principles;
1.2.3 Principle 5 of the Principles;
1.2.4 Principle 7 of the Principles; and
1.2.5 Paragraph 1.4 of the Code.

1.2 On 19 April 2024, the Respondent gave untrue and / or misleading information to Client X by informing Client X that the Respondent was awaiting a psychiatrist's report, which the Respondent had already received on 19 February 2024, and in doing so the Respondent thereby breached any or all of:

1.3.1 Principle 2 of the Principles;
1.3.2 Principle 4 of the Principles;
1.3.3 Principle 5 of the Principles;
1.3.4 Principle 7 of the Principles; and
1.3.5 Paragraph 1.4 of the Code.

Executive Summary

2. The Respondent is a solicitor who was admitted to the Roll on 1 July 2003. He commenced employment with Ramsdens Solicitors LLP ("the Firm") on 10 January 2022 as a Senior Associate in the Personal Injury and Clinical Negligence team. The allegations arose from the Respondent's employment with the Firm.

3. Client X instructed the Firm in January 2019 in relation to a complex clinical negligence claim arising from a failed operation which resulted in serious physical complications

and adversely affected Client X's mental health. The Respondent took over conduct of Client X's case in January 2022.

4. Following a query by Client X concerning the Respondent's handling of an expert medical report, the Firm conducted an investigation in May 2024. The Firm concluded that the Respondent had received the report in February 2024 but had subsequently indicated to Client X on several occasions in March and April 2024 that the report remained outstanding. The Firm reported the matter to the SRA.

5. Following its investigation, the SRA brought allegations that, on three occasions between March and April 2024, the Respondent provided untrue and/or misleading information to Client X by informing him that the Respondent was awaiting a psychiatrist's report which he had already received on 19 February 2024. It was alleged that this conduct breached Principles 2, 4, 5 and 7 of the SRA Principles 2019 and paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019.

6. The Tribunal found the factual allegations proved and found that the Respondent had breached Principle 7 of the SRA Principles 2019, which required him to act in the best interests of Client X, and paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019, which required him not to mislead or attempt to mislead a client, the court, or others.

7. The Tribunal found that the allegations of breach of Principle 2, which required the Respondent to act in a way that upheld public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, were not proved. The Tribunal also found that the allegations of breach of Principles 4 and 5, which required the Respondent to act with honesty and integrity respectively, were not proved.

8. In view of the regulatory breaches found proved, the Tribunal ordered that the Respondent pay a fine of £15,000.00.

Sanction

9. The Tribunal Ordered that the Respondent pay a fine of £15,000.00 The Tribunal's sanction and its reasoning on sanction can be found [here].

Documents

10. The Tribunal reviewed all the documents submitted by the parties, which included (but were not limited to):

- Applicant's Rule 12 Statement and Exhibit AR1 dated 6 February 2026.
- Respondent's Answer dated 27 March 2026.
- Applicant's Statement of Costs dated 10 July 2026.
- Respondent's Statement of Means dated 3 July 2026.

Background

11. The Respondent is a solicitor who was admitted to the Roll on 1 July 2003. He commenced employment with the Firm on 10 January 2022 as a Senior Associate in the

Personal Injury and Clinical Negligence team. The allegations arose from the Respondent's employment with the Firm.

12. Client X instructed the Firm in January 2019 in relation to a complex clinical negligence claim. The claim followed a failed operation which led to serious physical complications and also affected Client X's mental health. The Respondent took over conduct of the matter in January 2022.

13. The Respondent maintained that he found Client X challenging to represent because his mood could be unpredictable and communications were sometimes difficult. Client X was prone to anxiety, paranoia, and anger. On one occasion, Client X upset the Respondent's assistant, following which it was agreed that Client X would not speak with her. After a conference with counsel in January 2023, the Respondent instructed several medical experts to provide reports in support of Client X's case, including a psychiatric report from Dr Hosker. Client X was anxious regarding the progress of his claim and contacted the Respondent regularly for updates.

14. On 19 February 2024, the Respondent received an email from a medical agency attaching Dr Hosker's report ('the Hosker Report'), dated 5 February 2024. After some initial password-access issues, the Respondent was able to access the report from approximately 10:23 hours that day.

15. On 20 March 2024, the Respondent spoke with Client X by telephone and during the course of the call told him that two of the three new reports had been received and that the Hosker Report was still awaited. The Respondent stated that little could be done without it. During the call, Client X became frustrated, in part because of the delay. When Client X threatened to instruct someone else, the Respondent replied that this was Client X's choice.

16. On 28 March 2024, the Respondent emailed Client X in response to a missed call, saying that there was "*…no change at this end*". In the context of their previous conversation, that statement implied that the Respondent had still not received the Hosker Report, which had been the principal topic of the 20 March 2024 telephone call.

17. On 19 April 2024, the Respondent emailed Client X with a brief overview of the status of the claim. He summarised the expert medical reports received to date and stated that the only report still awaited was from Dr Hosker. He added that, once the Hosker Report was in, he would set out the options available to Client X to move the claim forward.

18. The Respondent made a file note recording his time reviewing the file and drafting the update to Client X on 19 April 2024. The file note did not record that the Respondent already had the Hosker Report or explain why it had not been disclosed to Client X. On 14 May 2024, the Respondent sent Client X the Hosker Report and an advice letter. He followed this with a further letter on 16 May 2024 setting out proposed next steps in the case. The Respondent correctly recorded the date of the Hosker Report as 5 February 2024.

19. On 20 May 2024, Client X emailed the Respondent asking him to confirm the date on which he had received the Hosker Report and to provide details of the Respondent's overseeing partner. The Respondent confirmed that he had received the Hosker Report

on 19 February 2024 and provided details for Mr Nicholas Armitage, Head of Personal Injury and Clinical Negligence and Complaints Partner.

20. The Respondent telephoned Mr Armitage on 20 May 2024 to inform him that he might receive a complaint from a client. The Respondent informed Mr Armitage that he had received an expert report and had not wanted to deal with it at the time. He confirmed that he had now written to the client with his advice and the report. Mr Armitage asked whether the Respondent had told the client that he had not received the report when he had in fact received it. The Respondent confirmed that he had done so, explaining that he had told the client that the report had not been received because he needed time to deal with a difficult claim and client. He explained that Client X had now noticed the date of the report and had asked him to confirm when it had been received, as well as asking for the Respondent's manager's details.

21. On 23 May 2024, Mr Armitage spoke with Client X and his wife by telephone. Client X said that the matter had been going on too long and was affecting his mental health. He said that the Respondent had previously agreed to send the Hosker Report to him as soon as it was received and before the Respondent had read it. Client X wanted an explanation for why it had taken three months to send the report. He believed that the Respondent had a motive for withholding it and wanted to know what that motive was. The Respondent later confirmed to Mr Armitage that he had agreed with Client X that he would send the report on as soon as he received it and before he had read it.

22. Mr Armitage undertook an initial investigation, which included reviewing the case file. On 28 May 2024, he emailed the results of his investigation to Mr Jonathan Cornes, the Firm's Compliance Officer for Legal Practice. In his review, Mr Armitage noted that, during an initial discussion on 20 May 2024, the Respondent had explained that he had received an expert report and had not wanted to deal with it at the time. The Respondent accepted that he had not told the client he had received the report when he had. Mr Armitage also recorded that no extenuating circumstances had been offered. His review did not identify any file note or other document recording that the Respondent had discussed his decision not to inform Client X of receipt of the report with anyone else at the Firm. Nor did it identify any file note or document recording that the Respondent had sought a medical opinion on whether to disclose the report to Client X.

23. On 11 June 2024, the Respondent attended a conference with counsel and Client X. On 12 June 2024, he emailed Mr Armitage to confirm that he had apologised to Client X for not sending the Hosker Report straight away. He said that he had explained to Client X that he had wanted to consider and advise on it before sending it, given that it was potentially the most sensitive opinion. He said that it had taken much longer than it should have done to provide that advice, and that a full file review was carried out at the same time, covering the all the evidence and reports. The Respondent acknowledged to Client X that this had been a poor judgment call and that he should have sent the report and explained that it would take time to address the follow-up actions. The Respondent assured Client X that there was no sinister reason for the delay or for holding the Hosker Report back.

24. On 17 June 2024, Mr Armitage submitted his findings to the Firm's Human Resources Department. In relation to the Respondent's reason for not disclosing the report, Mr Armitage recorded that the Respondent had not disclosed it when received because

he needed time which the client would not give him, and because he did not want to provide a sensitive and detailed report without advice. The Respondent was concerned about the effect of providing the report without advice in circumstances where he needed more time to review the whole file. On 21 June 2024, the Firm reported the Respondent to the SRA.

25. Submissions

25.1 *Applicant's Submissions*

25.2 Mr Scott-Joynt, for the Applicant, submitted that on three separate occasions the Respondent had provided Client X with information that was untrue and misleading, and that he knew to be untrue and misleading. Each communication concerned the existence of the Hosker Report and its disclosure to Client X.

25.3 The misleading communications were said by the Applicant to amount to a breach of paragraph 1.4 of the Code and also constituted dishonesty, a lack of integrity, a failure to act in Client X's best interests and a failure to uphold public trust and confidence in the profession, contrary to Principles 4, 5, 7 and 2 respectively.

25.4 The central issue was not whether the Respondent had received the Hosker Report as he accepted having received it on 19 February 2024. Nor was it disputed that, on the three occasions referenced within the allegations, the Respondent communicated with Client X in terms which stated or clearly implied that the Hosker Report had not been received. The issue was why the Respondent had done so and, in particular, whether his explanation that he had sought to protect Client X from the effect of receiving a sensitive psychiatric report without accompanying advice was a genuine explanation for his conduct at the time, or a justification subsequently advanced for it.

25.5 In relation to paragraph 1.4 of the Code, Mr Scott-Joynt submitted that this allegation was straightforward. Paragraph 1.4 of the Code prohibited a solicitor from misleading or attempting to mislead a client, whether by act or omission, and did not require any particular state of mind. The Applicant submitted that the Respondent had admitted that the information provided in each of the three communications was inaccurate and misleading and that Client X had in fact been misled, as demonstrated by his subsequent communications with the Respondent and the Firm. The Applicant did not accept the Respondent's position that paragraph 1.4 might merely be potentially engaged, submitting that the admitted conduct established the breach.

25.6 The Applicant placed particular emphasis on the repeated nature of the conduct. It was submitted that this was not a single ambiguous or inadvertent statement. Mr Scott-Joynt referred to the three communications, each of which conveyed to Client X that the Hosker Report had not been received. The Applicant submitted that the repetition was significant because the Respondent had had further opportunities to correct the position but instead maintained the false or misleading account of the status of the report.

25.7 In relation to the allegation of dishonesty, Mr Scott-Joynt submitted that the Respondent's own evidence was significant. He accepted that he had received the Hosker Report before the three communications and that the information he gave Client X was inaccurate and misleading. The Applicant submitted that the Tribunal therefore had to consider whether, notwithstanding that knowledge, the Respondent genuinely believed that the course he adopted was justified by the need to protect Client X, or whether that explanation was being relied upon after the event to explain conduct which had in fact been motivated by other considerations.

25.8 The Applicant submitted that the absence of any contemporaneous record on the client file was important in assessing the Respondent's explanation. There was no file note, email, request for advice, medical opinion or other contemporaneous document recording that the Respondent had decided to withhold the report because of concerns about its effect on Client X's mental health, or that he considered it necessary to mislead Client X for that purpose. The Applicant contended that the asserted rationale emerged only subsequently and that the absence of any contemporaneous evidence supporting it was relevant to whether the Tribunal could accept that it was genuinely held at the material time.

25.9 Mr Scott-Joynt also referred to the Respondent's evidence concerning his reasons for withholding the Report. He submitted that, despite being aware of the importance of the Hosker Report to Client X and of Client X's concerns about delay, the Respondent had nevertheless continued to communicate with him in terms which indicated that the Hosker Report had not been received. Mr Scott-Joynt submitted that the Respondent's knowledge of Client X's vulnerability and his experience of dealing with him did not justify providing inaccurate information. Rather, those circumstances made it particularly important that the Respondent communicate accurately and transparently with Client X.

25.10 The Applicant submitted that, applying ***Ivey v Genting Casinos*** ***(UK) Ltd*** **[2017] UKSC 67** ('Ivey') the Tribunal should first determine the Respondent's "actual state of the individual's knowledge or belief as to the facts" at the time of the relevant conduct. It was submitted that, for this purpose, it was not relevant whether the Respondent believed that he was acting rightly or in Client X's best interests. Rather, the first stage of the Ivey test required the Tribunal to determine what the Respondent actually knew or believed the facts to be.

25.11 The Applicant submitted that, on that basis, the Respondent's conduct could not properly be characterised as a good-faith professional judgment made in real time to mitigate any harm which disclosure of the Hosker Report might cause Client X. At best, it was submitted, the Respondent's conduct reflected a balancing of his own interests against those of Client X, with the Respondent's interests prevailing. The Applicant contended that the evidence instead suggested that the Respondent had simply put his own interests first.

25.12 The Applicant further submitted that the absence of any contemporaneous note or evidence that the Respondent had sought advice was relevant to the dishonesty analysis. An ordinary decent person would expect a solicitor not to mislead his client and, given the seriousness and potential consequences of doing so, would ordinarily expect a solicitor contemplating such a course to seek advice and/or make a contemporaneous record of the decision. The Applicant submitted that the Respondent knew he was making the relevant decisions without documenting them or seeking advice, and that this further supported the conclusion that his conduct was dishonest.

25.13 The Applicant also distinguished between a solicitor deciding that a sensitive report should first be considered before being disclosed, with appropriate advice to the client, and communicating to the client that the report had not been received when the solicitor knew that it had. The latter, it was submitted, could not properly be characterised merely as a poor choice of means by which to achieve a legitimate end.

25.14 In relation to the allegation of lack of integrity, Mr Scott-Joynt submitted that solicitors are rightly and naturally held to a high standard of personal and professional conduct. Among the fundamental standards expected of a solicitor were that they do not mislead their clients and that they keep their word. The standard was an objective one.

25.15 Solicitors were expected not to mislead their clients or depart from promises made to them, particularly where the client was vulnerable. The Applicant relied on ***Wingate and Evans v Solicitors Regulation Authority; Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366** (‘Wingate’) in support of the proposition that integrity required more than the absence of a reprehensible motive. The Respondent’s deliberate decisions to provide misleading information were said to not be simple errors of judgment but represented a material departure from the standards expected of a solicitor. The Applicant contended that misleading a vulnerable client, including in circumstances where the Respondent had previously agreed to provide the Report when it was received, fell substantially below the expected standard.

25.16 The Applicant submitted that the fact that the Respondent may have believed that withholding the Report was in Client X’s interests did not answer the integrity allegation. The relevant question was whether the means adopted in pursuit of that objective were consistent with the standards of integrity expected of a solicitor. In the Applicant’s submission, deliberately providing a client with an inaccurate account of the existence of an important expert report could not properly be characterised as an error of professional judgment merely because the Respondent asserted that his underlying objective was protective.

25.17 In relation to the alleged breach of Principle 7, Mr Scott-Joynt noted that Principle 7 does not require a solicitor to believe that they are acting in their client’s best interests. Rather, it requires the solicitor to act in the client’s best interests. A genuine but mistaken or misguided belief on a solicitor’s part may well mitigate a breach of Principle 7, but it does not remove it. It was submitted that the Respondent’s conduct did not serve Client X’s interests. Client X was already concerned about delay and the progress of his claim, and the Respondent’s communications prevented him from knowing that the Report had in fact been received.

25.18 Mr Scott-Joynt further referred to Client X’s subsequent reaction, including his concern about the three-month delay and his request for an explanation, as illustrating the consequences of the Respondent’s approach. It was submitted that Client X’s interests would instead have been served by an accurate explanation that the Report had been received, but that the Respondent required time to consider it and provide appropriate advice.

25.19 The Applicant further alleged that the Respondent’s conduct undermined public trust and confidence in the profession, contrary to Principle 2. Solicitors are expected to act in good faith and to provide truthful information to their clients. The Applicant contended that misleading a client on three occasions about whether an important expert report had been received, particularly where the client was vulnerable and had been promised that the report would be sent when received, undermined the trust upon which the solicitor-client relationship depended. The public, it was submitted, should be able to trust that a solicitor's account of the position in a client's case is accurate.

25.20 The Applicant submitted that the Respondent had knowingly misled a vulnerable client on three occasions about an important psychiatric report, thereby preventing Client X from knowing that the report had been received and that the promise to provide it had not been honoured. This conduct was said to be sufficiently serious to amount to professional misconduct by reference to the threshold conveyed by the case of ***SRA Ltd v Dentons UK and Middle East LLP*** **[2025] EWHC 535 (Admin)** ('Dentons'). The Applicant contended that the repetition of the conduct, the absence of any contemporaneous explanation for it, and the Respondent's knowledge of the true position meant that this was not merely a matter of criticism or poor judgment but conduct which crossed the requisite seriousness threshold.

25.21 *Respondent's Submissions*

25.22 The Respondent submitted that the case concerned a serious error of judgment, which he had accepted from the earliest opportunity, rather than dishonesty or a lack of integrity. It was submitted that the Respondent had consistently explained that, having regard to the particular circumstances of Client X and the contents of the Hosker Report, he had considered it inappropriate to provide the report to Client X without first having an opportunity to consider it and formulate appropriate advice. The Respondent accepted that, in seeking to manage the situation in the way he did, he had allowed Client X to believe that the report had not yet been received and had maintained that position for longer than he should have.

25.23 In respect of Allegation 1.1, the Respondent accepted that his communication with Client X was inaccurate and misleading and that, on 20 March 2024, he conveyed that he was awaiting the Hosker Report when, in fact, it had already been received. The factual basis of Allegations 1.2 and 1.3 was also admitted.

25.24 The Respondent nevertheless maintained that his actions were not motivated by any intention to cheat, exploit or prejudice Client X, or to enrich himself. Rather, he had persuaded himself that, given Client X's particular circumstances and the sensitive nature of the report, he should first consider the wider evidential picture and then provide the report in a controlled and managed way, with appropriate advice and so as to manage Client X's expectations and reaction to it. The Respondent accepted that his decision to provide misleading information to Client X involved a serious misjudgement but maintained that it did not amount to dishonesty or conduct which could properly be characterised as a lack of integrity. He relied, in particular, upon the consistency of this explanation from the earliest opportunity, including in his responses to the Applicant and his representations in these proceedings.

25.25 Mr Goodwin, for the Respondent, submitted that the Tribunal's task was not to determine what, with the benefit of hindsight, it would have considered the Respondent should have done, but to determine what the Respondent actually believed at the time of the events in March and April 2024. Mr Goodwin relied in particular upon the first limb of the test in Ivey, submitting that the relevant question was the Respondent's actual state of knowledge or belief as to the facts at the time. While the reasonableness of that belief might be relevant to whether it was genuinely held, it was not an additional requirement that the belief be reasonable. It was submitted that Client X's circumstances, including his vulnerability and the nature and contents of the Hosker Report, were relevant to that assessment.

25.26 Mr Goodwin further submitted that the surrounding circumstances supported the genuineness of the Respondent's asserted belief. The Respondent had subsequently prepared the advice he considered necessary, disclosed the Hosker Report to Client X, recorded the true date of its receipt, and had not sought to conceal that date when asked about it. Those actions were said to be difficult to reconcile with the suggestion that the Respondent had fabricated his explanation after the event. Mr Goodwin relied upon ***R v Barton and Booth*** **[2020] EWCA Crim 575** as supporting the Tribunal's consideration of the surrounding circumstances when assessing the Respondent's subjective state of mind.

25.27 The Respondent accepted that the three communications made by him on 20 March 2024, 28 March 2024 and 19 April 2024 were inaccurate or misleading. The Respondent emphasised, however, that he had accepted that position from the earliest opportunity and that his explanation did not seek to excuse the inaccuracy. Rather, the significance of his explanation was said to lie in the distinction between an inaccurate or misleading communication and dishonest conduct. The Respondent submitted that the fact that a communication was misleading did not, without more, establish professional misconduct, dishonesty, or a lack of integrity.

25.28 In that context, the Respondent relied upon the Court of Appeal's decision in Dentons, submitting that a breach of a legal or regulatory obligation did not, of itself, amount to professional misconduct. Mr Goodwin submitted that there was an inherent requirement of seriousness before conduct crossed the threshold into professional misconduct, and that the Tribunal should not move automatically from a finding that a communication was inaccurate to a finding of professional misconduct, still less to dishonesty or a lack of integrity. Each allegation, it was submitted, required separate consideration by reference to the applicable test: Ivey in relation to dishonesty, Wingate in relation to integrity, and Dentons in relation to the requisite seriousness of a breach of the Principles.

25.29 Mr Goodwin submitted that the allegation under paragraph 1.4 of the Code could be distinguished from the allegations of dishonesty and lack of integrity. It was accepted that paragraph 1.4 might be engaged by the inaccurate or misleading information provided to Client X. However, the Respondent submitted that such a breach did not determine the separate allegations under Principles 4 and 5, which remained matters to be proved independently.

25.30 In relation to dishonesty, the Respondent submitted that Ivey required a two-stage approach. First, the Tribunal was required to determine subjectively what the Respondent actually knew or believed as to the relevant facts at the time. Only then was the conduct to be assessed objectively by reference to the standards of ordinary decent people. Mr Goodwin emphasised that the subjective assessment was concerned with the Respondent's state of mind in March and April 2024 and should not be approached through the lens of hindsight, the subsequent Applicant's investigation, or the subsequent proceedings.

25.31 The burden remained on the Applicant to prove each element of the allegations. The Respondent was not required to prove his asserted genuine belief. Rather, it was for the Applicant to establish that the Respondent did not genuinely hold that belief at the relevant time. Mr Goodwin noted that the Respondent had chosen to give evidence, had been cross-examined, and had maintained that his explanation was consistent with the account he had provided to the Applicant from the earliest opportunity.

25.32 The Respondent accepted that the applicable standard of proof was the balance of probabilities. Mr Goodwin nevertheless submitted that, in applying that standard, the Tribunal was entitled to take account of inherent probabilities and the cogency of the evidence, particularly given the seriousness of an allegation of dishonesty. Reliance was placed upon the authorities concerning inherent improbability and upon ***Fish v General Medical Council*** **[2012] EWHC 1269 (Admin)**, which Mr Goodwin submitted supported the proposition that an allegation of dishonesty should be addressed directly and fairly, rather than arising indirectly from some other finding. Mr Goodwin submitted that an allegation of dishonesty should not arise merely as a consequence of an inaccurate statement or through what was described as a "side wind" or "default setting" in the inquiry.

25.33 The Tribunal was invited to have regard to the Respondent's professional history. It was submitted that he had practised for more than 20 years without any previous allegation concerning his honesty or integrity. This was said to be relevant not merely as background but to the assessment of his credibility and the probability that he had acted dishonestly on the occasions alleged. Character references had been provided on behalf of the Respondent by those who had known and worked with him over many years, and these described him as honest, reliable and a person of integrity.

25.34 The Respondent cited the absence of any personal or financial gain to him and the absence, in his submission, of any loss suffered by Client X. The contemporaneous evidence reflected that neither Client X nor his wife had complained that they had been lied to, their complaint instead concerned perceived delay.

25.36 The Respondent also relied upon the assessment of the Firm's complaint partner that Client X had not ultimately lost anything because a similar period of delay would have occurred while the wider advice was being prepared. The Respondent submitted that he had not concealed what had happened, but had informed the Firm himself, and that a subsequent review of 18 of the 69 files on which he had worked had identified no other matter of concern. This, he submitted, demonstrated that the incident was isolated and discrete rather than forming part of a pattern of dishonest or unprincipled behaviour.

25.37 Mr Goodwin emphasised that Client X remained the Respondent's client. This was said to be a further circumstance relevant to the Respondent's case that he had been motivated by a desire to protect Client X rather than to deceive or obtain some improper advantage.

25.38 As to the remaining allegations of breach of the Principles, Mr Goodwin submitted that Principles 2 and 7 depended upon how the Tribunal characterised the conduct and, following Dentons, whether it was sufficiently serious to amount to professional misconduct. In relation to Principle 2, he submitted that the question was not simply one of public perception but whether the conduct genuinely undermined confidence in the Respondent as a provider of legal services. In relation to Principle 7, he submitted that his objective, albeit pursued by a flawed method, had been the welfare of Client X. The Respondent submitted that the vulnerability of Client X, the sensitivity of the Hosker Report, the absence of gain, his subsequent openness, his self-reporting, and his acceptance of the error were all relevant to the assessment of the conduct.

25.39 Mr Goodwin clarified that a finding in favour of the Respondent would not establish a general proposition that it was acceptable for a solicitor to mislead a client. The Respondent accepted that such conduct was unacceptable. Mr Goodwin's submission was instead that, on the particular facts of this case, the conduct did not cross the threshold into dishonesty, lack of integrity or professional misconduct.

25.40 It was submitted that the Tribunal could properly regard the matter as a serious mistake or misjudgement by a solicitor of more than 20 years' unblemished standing, made in the context of dealing with a difficult and vulnerable client. The Respondent accepted that his conduct was open to criticism, but Mr Goodwin submitted that criticism and professional misconduct were distinct. The Tribunal was accordingly invited to find the allegations of dishonesty and lack of integrity not proved and, applying the seriousness threshold identified in Dentons, to find that the alleged breaches of the Principles were not sufficiently serious to amount to professional misconduct.

25.41 The Respondent's evidence was that the case concerned a serious error of judgment, which he had accepted from the earliest opportunity, rather than dishonesty or a lack of integrity. The Respondent was said to have consistently explained that, having regard to the particular circumstances of Client X and the contents of Dr Hosker's psychiatric report, he had considered it inappropriate to provide the report to Client X without first having an opportunity to consider it and formulate appropriate advice. The Respondent accepted that, in seeking to manage the situation in the way he did, he had allowed Client X to believe that the report had not yet been received and had maintained that position for longer than he should have.

25.42 In respect of Allegation 1.1, the Respondent accepted that his communications with Client X were inaccurate and misleading and that, on 20 March 2024, he had conveyed that he was awaiting the psychiatric report when, in fact, it had already been received. The factual basis of Allegations 1.2 and 1.3 was similarly admitted.

25.43 The Respondent nevertheless maintained that his actions were not motivated by any intention to cheat, exploit or enrich himself, or to prejudice Client X. Rather, he had come to believe that, given Client X's particular circumstances and the sensitive nature of the report, he should first consider the wider evidential picture and then provide the report in a controlled and managed way, with appropriate advice and so as to manage Client X's expectations and reaction to it. He accepted that this involved a serious misjudgement but maintained that it did not amount to dishonesty or conduct which could properly be characterised as a lack of integrity. He relied, in particular, upon the consistency of this explanation from the earliest opportunity, including in his responses to the Applicant and his representations in the Tribunal proceedings.

Witnesses

26. The evidence 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. 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.

27. The Respondent was the only witness who gave oral evidence during the hearing.

28. **The Applicant's Case**

28.1 The Rule 12 Statement setting out the Applicant's case – [here]

29. **The Respondent's Case**

29.1 The Respondent's Answer to the Applicant's Rule 12 Statement – [here]

Findings of Fact and Law

30. The Applicant was required by Rule 5 of The Solicitors (Disciplinary Proceedings) Rules 2019 ("SDPR 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.

31. The Tribunal carefully considered all the documentary and oral evidence before it and the submissions made by Mr Scott-Joynt, on behalf of the Applicant, and Mr Goodwin, on behalf of the Respondent. The burden of proof remained throughout on the Applicant.

32. The Respondent gave evidence before the Tribunal. The Tribunal found him to be a credible witness and considered that his evidence accurately reflected his state of mind and understanding of the circumstances at the relevant time.

33. The allegations arose from three communications between the Respondent and Client X concerning the Hosker Report.

34. In respect of Allegation 1.1, the Tribunal found that, during a telephone conversation with Client X on 20 March 2024, the Respondent informed Client X that he was awaiting a psychiatrist's report when, in fact, he had already received it on 19 February 2024. The Tribunal found that this information was untrue and misleading.

35. In respect of Allegation 1.2, the Tribunal found that, in an email to Client X dated 28 March 2024, the Respondent informed Client X that there had been no change to his case, thereby implying that he was still awaiting the Hosker Report when, in fact, he

had already received it on 19 February 2024. The Tribunal found that this information was untrue and misleading.

36. In respect of Allegation 1.3, the Tribunal found that, in an email dated 19 April 2024, the Respondent informed Client X that he was awaiting the Hosker Report when, in fact, he had already received it on 19 February 2024. The Tribunal found that this communication was untrue and misleading.

37. The Respondent accepted the factual basis of each of the allegations and accepted that the three communications were inaccurate and/or misleading. He nevertheless denied that his conduct amounted to a breach of the Principles or the Code.

38. The Tribunal found the factual matrix underlying Allegations 1.1, 1.2 and 1.3 proved on the balance of probabilities. Having made those findings, the Tribunal went on to consider the alleged breaches of the Principles and the Code.

39. In relation to the alleged breaches of Principle 4 the Tribunal applied the guidance set out by the Supreme Court in Ivey 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".*

40. The Tribunal first considered the Respondent's actual knowledge and belief as to the facts. The Tribunal found that the Respondent was aware that the Hosker Report had been received on 19 February 2024. The Respondent's actions thereafter were informed by his understanding of Client X's circumstances, developed over the course of approximately two years acting on his behalf. The Respondent's decisions regarding disclosure of the report were motivated by a desire to avoid exacerbating Client X's vulnerability and mental health difficulties and the potential effect upon him of receiving the report without appropriate advice and preparation. It was in the context of those decisions regarding disclosure that the Respondent sent the misleading communications. Although the Tribunal found that the Respondent had knowingly given Client X information which was inaccurate and misleading, that conduct had to be viewed and considered in this wider context.

41. Having determined the Respondent's actual state of knowledge and belief, the Tribunal then considered whether, viewed objectively, his conduct would be regarded as dishonest by the standards of ordinary decent people. In all the circumstances, the Tribunal concluded that it would not. Accordingly, the Tribunal found that the Respondent had not acted dishonestly and therefore had not breached Principle 4 in respect of Allegations 1.1, 1.2 or 1.3.

42. In relation to the alleged breaches of Principle 5, which required the Respondent to act with integrity, the Tribunal was assisted by the comments of Jackson LJ in Wingate v SRA [2018] EWCA Civ 366, where he stated:

> "[97] ... *the term "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 ... The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards ... [100] Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty*".

43. The Tribunal found that the Respondent's misleading communications were the product of a fundamentally misguided and ill-judged approach to the management and timing of the disclosure of the Hosker Report, rather than a departure from the ethical standards expected of the profession.

44. The Tribunal found that the Respondent's approach was inappropriate and that he ought to have managed the risks presented by Client X's vulnerabilities without sending misleading communications. The Respondent himself acknowledged that he had fallen short in his handling of the report.

45. However, viewed in the particular circumstances of this case, including the Respondent's genuine concern to manage Client X's vulnerabilities during long-running litigation, the Tribunal was not satisfied that his conduct demonstrated a lack of integrity. Although his actions amounted to poor professional judgment, they did not constitute a departure from the ethical standards of the profession sufficient to establish a breach of Principle 5.

46. Accordingly, the Tribunal found that the Respondent had not acted without integrity and therefore had not breached Principle 5 in respect of Allegations 1.1, 1.2 or 1.3.

47. In relation to the alleged breaches of Principle 2, which required the Respondent to act in a way that upheld public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, the Tribunal considered that a member of the public would expect a solicitor not to send inaccurate and/or misleading communications in their dealings with clients.

48. The Tribunal considered that the Respondent could properly be criticised for the actions set out in Allegations 1.1, 1.2 and 1.3. However, a member of the public fully appraised of the nature and circumstances of the Respondent's actions, including the circumstances in which the relevant decisions were made, would not, in the Tribunal's view, lose confidence in the profession as a result. Accordingly, the Tribunal found the allegation of breach of Principle 2 not proved in respect of Allegations 1.1, 1.2 and 1.3.

49. In respect of the alleged breach of Principle 7, which required the Respondent to act in the best interests of his client, the Tribunal found that providing misleading information to Client X concerning the Hosker Report, in circumstances where the report had not been disclosed as agreed, was not in Client X's best interests. Accordingly, the Tribunal found the allegation proved in respect of Allegations 1.1, 1.2 and 1.3.

50. However, the Tribunal considered that, although this conduct amounted to a breach of Principle 7, it was important to have regard to the context in which the breach occurred. In particular, the Respondent's actions were informed by his intention to manage the disclosure of the report appropriately and thereby minimise any harm or risk of harm to Client X, albeit he demonstrated poor professional judgment in the way he sought to achieve that objective. Nevertheless, having regard to the circumstances of the case, the Tribunal was satisfied that the conduct was sufficiently serious to cross the threshold identified in Dentons.

51. In respect of the alleged breach of paragraph 1.4, the Tribunal noted that the provision expressly states that a solicitor must not mislead or attempt to mislead a client. The Respondent admitted in his evidence that he had made misleading statements to Client X. The Tribunal was satisfied that, having regard to the circumstances of the case, the Respondent's conduct was sufficiently serious to cross the threshold identified in Dentons. Accordingly, the Tribunal found the allegation proved in respect of Allegations 1.1, 1.2 and 1.3.

52. The Tribunal's Findings can be viewed [here].

Previous Disciplinary Matters

53. None.

Mitigation

54. Mr Goodwin noted that the more serious allegations of dishonesty and lack of integrity had not been established, and he emphasised that this should inform the Tribunal's approach to sanction.

55. Mr Goodwin submitted that the Respondent had always accepted that the three representations made to Client X were inaccurate and/or misleading. Any sanction arising from the findings in respect of Principle 7 and paragraph 1.4 should be proportionate and reflect the totality of the circumstances and the overall context in which the misconduct occurred.

56. The matters giving rise to the findings under Principle 7 and paragraph 1.4 were said to be isolated and historical. Mr Goodwin submitted that there had been no other concerns before or since the events of March and April 2024.

57. Mr Goodwin invited the Tribunal to approach sanction starting with the least serious and submitted that the Tribunal should first consider whether any sanction was required. The Tribunal could, he submitted, reflect its disapproval of the conduct found proved without making an order.

58. If a sanction were considered necessary, the first rung of the sanctions ladder was a Reprimand. That sanction could be appropriate where the seriousness of the conduct justified a sanction at the lowest level and where neither public protection nor the reputation of the profession required a greater sanction. In support of a Reprimand, Mr Goodwin referred to factors identified in the Tribunal's sanctions guidance note, including low culpability and the absence of identifiable harm to any individual. He

noted that the Respondent continued to act for Client X and that Client X's case remained ongoing. He submitted that any sanction which adversely affected the Respondent's ability to practise could have a negative impact on Client X, given the continuing solicitor-client relationship.

59. Mr Goodwin submitted that the likelihood of repetition was very low. He noted that, in the years since the events in 2024, no further reports or concerns had been brought to the attention of the Applicant. He submitted that this should give the Tribunal confidence that there was little risk of similar conduct recurring.

60. In relation to insight and remorse, Mr Goodwin relied upon the Respondent's evidence and his correspondence with the Applicant from September 2024 onwards. He submitted that the Respondent had accepted the factual position from the outset, including that the material communications were inaccurate and misleading. The Respondent's evidence before the Tribunal was said to demonstrate genuine insight, remorse, and reflection upon his actions.

61. Mr Goodwin submitted that, if the Tribunal considered that a Reprimand was insufficient, the next rung of the sanctions ladder was a financial penalty. He referred to the Tribunal's guidance concerning the circumstances in which a fine may be appropriate, namely where the seriousness of the misconduct was such that a Reprimand was insufficient, but neither public protection nor the protection of the reputation of the profession justified suspension or strike-off.

62. In determining the appropriate level of any fine, Mr Goodwin submitted that the Tribunal should consider all the circumstances, including the aggravating and mitigating factors. The mitigating factors were said to substantially outweigh the aggravating factors. Although the Respondent accepted that his approach had been wrong, his intentions had been genuine and directed towards supporting Client X.

63. Mr Goodwin also referred to the Respondent's Statement of Means and invited the Tribunal to have regard to the Respondent's ability to pay if it were minded to impose a fine.

64. The Tribunal was also invited to have regard to the character references relied upon by the Respondent, which supported his good character and professional standing.

65. In conclusion, Mr Goodwin submitted that the case did not justify any interference with the Respondent's ability to practise. He submitted that, given the Tribunal's findings that the allegations of dishonesty, lack of integrity and breach of Principle 2 had not been proved, the Respondent should be able to move forward following the conclusion of the proceedings. He further submitted that the proceedings had been hanging over the Respondent for a number of years and that the allegation of dishonesty had inevitably caused significant anxiety and pressure, given the potentially career-ending consequences of such a finding.

66. Mr Goodwin therefore invited the Tribunal to impose a sanction at the lower end of the sanctions ladder, namely a Reprimand or, in the alternative, a modest financial penalty.

Sanction

67. The Tribunal considered the Guidance Note on Sanction (11th Edition February 2025). and the proper approach to sanctions as set out in *Fuglers and others v SRA* [2014] EWHC. The Tribunal's overriding objective when considering sanction, was the need to maintain public confidence in the integrity of the profession.

68. In determining sanction, the Tribunal's role involved an assessment of the seriousness of the proven misconduct in order to impose a sanction that was fair and proportionate in all the circumstances. In determining the seriousness of the misconduct, the Tribunal considered the identifiable culpability and harm together with the aggravating and mitigating factors that existed.

69. The Tribunal considered that the Respondent's concerns regarding Client X's vulnerabilities were genuine. His understanding of Client X had been informed by his representation of him over a prolonged period of litigation, during which Client X had experienced particular difficulties in his professional interactions with the Firm. The Respondent was motivated by a belief that delaying disclosure of the report was necessary to enable him to consider its contents and provide appropriate advice and support. However, the Tribunal considered that, although that belief was genuinely held, the manner in which the Respondent sought to address those concerns was ill-considered and poorly thought through and ultimately resulted in the misconduct found proved.

70. Rather than providing misleading information to Client X, the Respondent should have raised his concerns internally within the Firm's management and/or compliance structures and sought appropriate supervision and support in relation to the management of Client X's vulnerabilities. He should have considered what measures could be put in place to address the risks he had identified, including agreeing an appropriate timetable with Client X for disclosure of the material report and putting in place any necessary advice or support to enable it to be disclosed in a way which addressed those concerns and, crucially, ensuring that the file contained a clear contemporaneous record of the steps he had taken, the concerns he had identified and the reasons for his approach.

71. The Tribunal considered that the misconduct arose from a series of decisions made by the Respondent over a period of several weeks and was therefore not spontaneous. The Respondent had direct responsibility for the decisions and actions which gave rise to the misconduct. The Tribunal also took into account that the Respondent was an experienced solicitor. Having regard to these factors, together with the circumstances in which the misconduct arose and the Tribunal's findings as to the Respondent's motivation and intentions, the Tribunal assessed his level of culpability as medium.

72. In assessing the harm caused by the misconduct, the Tribunal had regard to the impact upon those directly or indirectly affected, including Client X, the public and the reputation of the profession, as well as the extent of any harm intended, or which might reasonably have been foreseen.

73. The Tribunal recognised that the Respondent's conduct created a risk of harm to Client X. In particular, the potential for delay and the misleading information provided to Client X had the potential to cause frustration and anxiety. However, the Tribunal

took into account that the Respondent's concerns regarding Client X's vulnerabilities were genuine, that a resolution was ultimately put in place with which Client X was satisfied, and that Client X continued to instruct the Respondent thereafter, without any substantive impact on the litigation. The Tribunal therefore found that the actual harm caused to Client X was limited.

74. The Tribunal also recognised that conduct involving misleading a client had the potential to cause harm to the reputation of the profession. In assessing the extent of that harm, the Tribunal had regard to the particular circumstances in which the misconduct occurred and its findings that the Respondent's actions were motivated by a genuine concern for Client X's welfare and were not dishonest or lacking in integrity. Those findings reduced the extent to which the misconduct undermined public confidence in the profession.

75. Nevertheless, the Tribunal considered that the risks arising from the Respondent's conduct were significant. The Respondent was an experienced solicitor and should reasonably have foreseen that providing inaccurate and misleading information to a vulnerable client on three occasions over a period of several weeks, contrary to the obligations imposed by Principle 7 and paragraph 1.4 of the Code, could cause harm to the client and undermine confidence in the solicitor-client relationship. The fact that the potential harm did not ultimately materialise to a greater extent did not diminish the seriousness of the risks created by the Respondent's conduct.

76. Having regard to all of these matters, including the limited actual harm to Client X, the potential reputational harm to the profession and the reasonably foreseeable risks arising from the Respondent's conduct, the Tribunal assessed the level of harm as medium.

77. In considering the aggravating features, the Tribunal had regard to the fact that the misconduct was deliberate, in that the Respondent consciously chose to provide the information which he did to Client X on each occasion. The Tribunal also considered that, as an experienced solicitor, the Respondent knew or ought reasonably to have known that providing inaccurate and misleading information to a client was a material breach of his professional obligations and carried a risk of harm to Client X and to the reputation of the profession. These matters increased the seriousness of the misconduct. However, the Tribunal considered these features in the context of its findings that the Respondent's actions were motivated by a genuine concern for Client X's welfare and that his conduct did not amount to dishonesty or a lack of integrity.

78. In considering the mitigating features, the Tribunal had regard to the Respondent's level of insight, remorse, and the steps he had taken to remediate his conduct. The Respondent had accepted the factual basis of the allegations at an early stage and had been open and cooperative with the Applicant during its investigation. He had also acknowledged that his approach had been wrong and demonstrated genuine reflection upon his actions. The Tribunal considered that these matters provided evidence of insight and remorse and reduced the risk of repetition.

79. The Tribunal determined that, having regard to the seriousness of the misconduct, the Respondent's medium level of culpability and the medium level of harm, neither No Order nor a Reprimand would adequately reflect the seriousness of the matters found

proved. However, neither the protection of the public nor the maintenance of public confidence in the profession required a Suspension or Strike Off. The Tribunal therefore determined that a financial penalty was appropriate.

80. The Tribunal assessed the misconduct as falling within Level 3 of the Indicative Fine Bands (£10,001–£20,000). Having regard to the Respondent's medium level of culpability, the medium level of harm, the aggravating and mitigating features, the Tribunal considered that a fine towards the middle of that range was appropriate. The Tribunal therefore determined that a fine of £15,000 was commensurate with and proportionate to the seriousness of the misconduct.

Costs

81. Mr Scott-Joynt applied for costs on behalf of the Applicant and referred the Tribunal to the Applicant's Statement of Costs dated 10 July 2026. The Applicant claimed costs in the sum of £14,361.00. Mr Scott-Joynt submitted that the costs claimed were reasonable and proportionate.

82. Mr Scott-Joynt accepted that the Applicant had only partially succeeded in its case but submitted that this did not displace the ordinary position that the regulator should recover its reasonable costs where proceedings properly brought in the public interest had resulted in findings of misconduct. In this case, the factual allegations had been found proved and some of the alleged regulatory breaches had been substantiated, albeit not the most serious matters advanced.

83. The Respondent did not challenge the quantum of the costs claimed by the Applicant. Mr Goodwin accepted that the figure was modest when compared with other cases of this nature. His submission, however, was that there should be a significant reduction to reflect the Respondent's substantial success in defending the most serious allegations. The Tribunal was invited to exercise its discretion by awarding only a proportion of the costs claimed. Mr Goodwin indicated that an order in the region of 25% would properly reflect the Respondent's success in defending the most serious allegations.

84. The Tribunal reviewed the Applicant's Statement of Costs in detail pursuant to Rule 43 of the SDPR 2019 and had regard for the conduct of the parties including the extent to which the Tribunal's directions and time limits imposed had been complied with, whether the amount of time spent on the matter was proportionate and reasonable and whether any or all of the allegations were pursued reasonably.

85. The Tribunal reminded itself of the principles established in ***R v Northallerton Magistrates' Court, ex parte Dove* [1999] 163 JP 894**, that an order for costs was compensatory, not punitive, and must not exceed costs reasonably incurred.

86. The Tribunal was satisfied that the costs claimed were reasonable and proportionate. The preparation undertaken by the Applicant was appropriate having regard to the nature and complexity of the case and the need to present the allegations for determination by the Tribunal.

87. Although the more serious allegations were not ultimately proved, the Tribunal's findings were reached following its assessment of the evidence presented by the parties at the hearing. The Tribunal was satisfied that the allegations had been properly pursued by the Applicant and that it was necessary for the proceedings to be brought before the Tribunal in order for the matters raised to be determined. The costs incurred by the Applicant in investigating and presenting the allegations were therefore reasonable.

88. The Tribunal further accepted that the Applicant had incurred genuine economic costs and that the entirety of those costs, in the sum of £14,361.00, were properly recoverable.

89. The Tribunal scrutinised the Respondent's Statement of Means dated 3 July 2026, filed in advance of the hearing pursuant to Rule 43(5) of the SDPR 2019, and accordingly made no reduction in the costs on account of the Respondent's means.

90. The Tribunal therefore ordered that the Respondent pay the costs of and incidental to the application and enquiry, fixed in the sum of £14,361.00.

Statement of Full Order

91. The Tribunal ORDERED that the Respondent, NICHOLAS NIKOLA STOJANOVIC solicitor, do pay a fine of £15,000.00, such penalty to be forfeit to His Majesty the King, and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £14,361.00.

Dated this 22nd day of September 2026
On behalf of the Tribunal

A Banks

A Banks
Chair