

# **Anthony Fox**

## **Solicitor**

### **476105**

[Agreement Date: 4 March 2025](#)

## **Decision - Agreement**

Outcome: Regulatory settlement agreement

Outcome date: 4 March 2025

Published date: 17 March 2025

## **Firm details**

### **Firm or organisation at time of matters giving rise to outcome**

Name: Naphthens LLP

Address(es): 7 Winckley Square, Preston, PR1 3JD

Firm ID: 462103

## **Outcome details**

This outcome was reached by agreement.

### **Reasons/basis**

#### **1. Agreed outcome**

1.1 Anthony Fox, a solicitor and former employee of Naphthens LLP (the firm), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is rebuked
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £300.

#### **2. Summary of Facts**

2.1 Mr Fox was admitted as a solicitor on 1 June 2015. He worked at the firm from 26 May 2015 until 8 December 2023. Mr Fox is not currently working for any organisation regulated by the SRA.

2.2 The SRA received a report from the firm dated 26 October 2023. This report detailed concerns regarding the conduct of an employment

tribunal matter in which the firm acted for five clients in a claim against three respondents. Mr Fox was an experienced solicitor in this area of work and had sole conduct of this matter.

2.3 It was reported that concerns began to emerge shortly before a hearing was due to commence on 11 September 2023. Counsel instructed by the firm said they were unable to act due to the case not being properly prepared and ready for trial. One of the respondents to the proceedings applied to have the claim struck out and, after a further hearing which concluded on 25 September 2023, this application was successful.

2.4 The Tribunal's primary reason for striking out the claim was the unreasonable conduct of litigation by the firm and that a fair trial was no longer possible. 2.5 The firm have reviewed Mr Fox's other files following the identification of this issue. No other concerns were identified.

2.6 Mr Fox's conduct of the matter demonstrates that he failed to engage adequately with the clients, colleagues, counsel and the Employment Tribunal to ensure that the issues in the matter were properly addressed and the case properly prepared. This conduct was to the detriment of the interests of his clients.

### **3. Admissions**

3.1 Mr Fox makes the following admissions which the SRA accepts. That he:

- a. Failed to engage appropriately with his clients, colleagues, counsel and the Tribunal to ensure the case was properly prepared.
- b. Failed to ensure that significant issues with the case, including in respect of the court bundles and presentation of evidence to the Tribunal, were appropriately addressed.
- c. Failed to seek appropriate support from colleagues in a timely manner when he recognised this was needed.
- d. Failed to inform senior colleagues of difficulties in the case which would impact on the progression of the matter and on the Tribunal proceedings.
- e. In doing so, he failed to ensure that the service he provided to his clients met their needs, was in their best interests and was competent. He has therefore breached:
  - i. Paragraph 3.2 of the Code for Solicitors – you ensure that the service you provide to clients is competent and delivered in a timely manner.
  - ii. Paragraph 3.4 of the Code for Solicitors – you consider and taken account of your client's attributes, needs and circumstances.
  - iii. Principle 7 of the SRA Principles – you act in the best interests of your client.



#### **4. Why a written rebuke is an appropriate outcome**

4.1 The SRA's Enforcement Strategy sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements.

4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr Fox and the following mitigation which he has put forward:

- a. Mr Fox was dealing with significant personal difficulties at the time of the conduct and this situation affected his professional decision making and judgment.
- b. This case was of greater complexity than the cases he usually dealt with.
- c. He now accepts that he should have sought assistance and support with the conduct of the matter, but did not do so at the time due to the difficulties he was experiencing and recognises it was, by then, too late.
- d. This is an isolated matter with no other cases showing concerns. He has been practising for 10 years without any previous conduct concerns.

4.3 The SRA considers that a written rebuke is the appropriate outcome because:

- a. Mr Fox has now reflected and accepts that he did not meet his regulatory obligations.
- b. He has provided details of significant personal issues he was experiencing at the relevant time, which affected his judgment.
- c. Mr Fox's conduct was reckless as to the risk of harm and his regulatory obligations.
- d. Mr Fox's conduct was isolated to this matter, and his conduct of other cases was not of concern. There is no pattern of misconduct and no previous regulatory concerns and therefore a low risk of repetition.
- e. The conduct does not include concerns relating to Mr Fox's honesty or integrity.
- f. Some public sanction is required to maintain professional standards and uphold public confidence in the delivery of legal services.
- g. A rebuke is appropriate because it reflects the seriousness of the misconduct and provides a credible deterrent to others.

#### **5. Publication**

1.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Mr Fox agrees to the publication of this agreement.

## **6. Acting in a way which is inconsistent with this agreement**

6.1 Mr Fox agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

6.2 If Mr Fox denies the admissions or acts in a way which is inconsistent with this agreement, the conduct which is subject to this agreement may be considered further by the SRA. That may result in a disciplinary outcome or a referral to the Solicitors Disciplinary Tribunal on the original facts and allegations.

6.3 Denying the admissions made or acting in a way which is inconsistent with this agreement may also constitute a separate breach of principles 2 and 5 of the Principles and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

## **7. Costs**

7.1 Mr Fox agrees to pay the costs of the SRA's investigation in the sum of £300. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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