

Peter Vials
Solicitor
139668

[Agreement Date: 14 November 2023](#)

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 14 November 2023

Published date: 28 November 2023

Firm details

Firm or organisation at date of publication and at time of matters giving rise to outcome

Name: Wilkinson & Butler Solicitors

Address(es): Peppercorn House, 8 Huntingdon Street, St. Neots, PE19 1BH

Firm ID: 73755

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Mr Peter Vials, a solicitor of Wilkinson & Butler Solicitors (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 £675.

2. Summary of Facts

2.1 The Firm was instructed by its client in a negligence matter against another third party legal practice [the Practice]. The client was alleging negligence by the Practice when it was previously acting for him.



2.2 The claim was heard on 18 October 2022 at Cambridge County Court and was dismissed. In her Judgment of the same date, the Judge said that the matter had been

finally determined, with there being no merit whatsoever to the allegations and certainly no basis... to bring...some sort of criminal proceedings.

2.3 On 24 February 2023, Mr Vialls wrote to the Practice. He said that his Firm had submitted an appeal in relation to the Judgment. Mr Vialls also said his client had made further allegations of wrongdoing by the Practice during the hearing, and was considering reporting the matter to the police.

2.4 Mr Vialls also wrote that if the Practice made a reasonable settlement offer, then the client would not proceed with further action. If the Practice did not make an offer to settle, and the police did not pursue the matter following a report, the client would bring a private prosecution.

2.5 The Appeal was dismissed on 20 April 2023.

3. Admissions

3.1 Mr Vialls makes the following admissions which the SRA accepts:

That his letter dated 24 February 2023 contained statements and assertions which were not properly arguable in light of the Judgment from the Court following a Trial. The Court found no merit whatsoever to the allegations and no basis to bring criminal proceedings. In his letter to the Practice Mr Vialls reasserted the allegations and the prospect of facing criminal proceedings if a settlement was not reached. In addition, Mr Vialls allowed his client to contribute to the content of the letter he drafted, and make assertions which were not arguable, when he was aware and had advised his client regarding the same.

By sending the letter, Mr Vialls admits he:

- failed to act in accordance with paragraph 2.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs which states:

You only make assertions or put forward statements, representations or submissions to the court or others which are properly arguable.

- failed to act with act with independence, in breach of Principle 3 of the SRA Principles
- failed to act in the best interests of his client, in breach of Principle 7 of the SRA Principles

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 Vials and the following mitigation which he has put forward:

- a. Mr Vials recognises his conduct fell short of the required standards, and has shown insight and remorse.
- b. There was no intent or motivation to incur costs for financial benefit or gain.

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

- a. Mr Vials' conduct has been reckless in terms of failing to balance the duty he has towards his client and his duty to act with independence.
- b. The breach persisted for longer than was reasonable.
- c. Some public sanction is required to uphold public confidence in the delivery of legal services. Solicitors strongly asserting a position which has been dismissed by the Courts, is likely to damage public confidence in the solicitors' profession.
- d. A rebuke is also intended to deter Mr Vials and others from similar behaviour in the future. Any lesser sanction would not provide a credible deterrent to Mr Vials and others.

5. Publication

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

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

6.1 Mr Vials 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 Vials 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 Vialls agrees to pay the costs of the SRA's investigation in the sum of £675. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

[Search again \[https://www.sra.org.uk/consumers/solicitor-check/\]](https://www.sra.org.uk/consumers/solicitor-check/)