

**IN THE COURT OF FACULTIES  
IN THE MATTER OF  
CAROLINE COATS, A NOTARY  
AND IN THE MATTER OF  
THE NOTARIES (CONDUCT AND DISCIPLINE) RULES 2015  
(AS AMENDED)**

**CONFIRMATION OF PENALTY, COSTS AND COMPENSATION**

**BACKGROUND**

1. The Faculty Office has received various documents from the Nominated Notary setting out and justifying his costs and in respect of applications for compensation.
2. The Faculty Office has received a number of submissions and emails from Mrs Coats which we have read. Her communications contain numerous complaints about the Faculty Office, about the Nominated Notary, and the Court. We do not intend to deal with those complaints because that is not the purpose of this hearing and which, so far as they are attacks aimed at the Court, we believe result from misunderstandings by Mrs Coats of the Court process or are without foundation.
3. Mrs Coats emailed the Faculty Office on 31<sup>st</sup> January 2022 to inform the court that she would not be attending this hearing because her mother had died. The Faculty Office expressed their sympathy to Mrs Coats and, at the request of the Court, she was offered an opportunity to have the proceedings put off to another date within a reasonable time if that would allow her to attend court. That provoked the following response:

“I see little point in any further hearing when the judge, by his own admission, will already have determined the outcome.”

4. We regret that Mrs Coats does not understand the difference between pre-reading and consideration of the arguments to form a preliminary view – which is why written skeleton arguments are requested – before hearing oral submissions, and what would amount to a pre-determination of the outcome. The Court undertakes the former but never the latter.
5. As she does not wish the matter to be adjourned we have continued with the hearing.
6. We have considered all the documents prior to the court sitting, aware that the oral submissions would be short from the Nominated Notary and that there would be no further submissions made by Mrs Coats.

#### **PENALTY**

7. We gave Mrs Coats an opportunity to make any submissions which she wished to put before us as to why she should not be struck off the Roll of Notaries. Analysing her response we conclude that the only fresh point she wishes to make in this regard is contained in a document dated 31<sup>st</sup> January 2022. She urges that she is knowledgeable and experienced in safeguarding and that she has done her best to protect her clients, particularly from “overbearing children”. She put it this way:

“I have simply done my job to the best of my ability. At the end of the day both I and the Lord our God know that, and that is all that matters. The consequences of the insincerity and inexperience of the participants in all this is something they will have to live with, or they would if they had any conscience.”

8. We accept that Mrs Coats has had satisfied clients during her time as a Notary and we accept that they still hold her in high regard. We have to contrast that with what we set out at §10 of our written Decision that the

complaints against Mrs Coats represent a not insignificant proportion of the overall complaints received by the Faculty Office against Notaries during the same time frame. We have also considered the nature of the complaints that we found proved which fall far outside the skills she puts before us in regard to safeguarding.

9. Even taking into account the point that she has done her job to the best of her ability, we consider that
  - (a) Heads of complaint 1, 3 and 4 each involved serious misconduct;
  - (b) Head of Complaint 5, which covered a series of separate complaints and which we found cumulatively amounted to notarial misconduct but in respect of which we decided to make no finding but to use that evidence of the proved complaints to support, as it does, the complaints made in respect of heads of complaint 1, 3 and 4.
  - (c) Her failure to notify the Registrar of a reprimand by the CILEx Disciplinary Tribunal

amounts to conduct of such seriousness that the only appropriate sanction to reflect what we referred to at §106 of our Decision as “...the appalling service she has provided to many clients over less than a decade in breach of the rules...” is that she be struck off the Roll of Notaries and we confirm our decision.

## **COSTS**

10. We turn to the issue of costs. We have questioned the costs closely, not because we have any doubt that they were necessarily incurred and reasonable, but to ensure that they conform with Part IV of the Notaries (Conduct and Discipline) Fees and Costs Order 2015 (“the Order”). We

have been in contact with the Faculty Office since the hearing to confirm the actual costs. The breakdown is as follows:

Initial investigation of the complaints:	£ 750.00
Preparing and filing the formal complaints:	£3,000.00
Disbursements:	£ 293.00
Preparation & prosecution of the complaints:	£7,500.00
Hearing (one full day):	£2,000.00
Two half days (abuse & 4 <sup>th</sup> February)	£1,000.00

11. We have compared those fees against Part IV of the Order and noted that the figure for preparation and prosecution of the complaints is, on its face, double that which is set out in paragraph 4 of the table of fees. That is because of the number of complaints which the Nominated Notary had to prepare; the table only contemplates a single complaint (albeit that a single complaint may result in several charges of misconduct). We judge that a fee of £7,500 for prosecuting five separate complaints, one of which involved a multiplicity of complainants, is fully justified.
12. The total fees are £15,543 as set out in his email dated 19<sup>th</sup> January 2022 (pp.17-18). We find no support for the lower figure of £10,043 which appeared on a schedule prepared by the Faculty Office (p.5a of the bundle).
13. Including the costs of this hearing and the costs of the paper hearing to come, the costs of the Registrar and Faculty Office come to £11,700 and the costs of the assessors (the Commissary making no application

for costs) amount to £4,930.

14. Mrs Coats has criticised the Faculty Office in various respects but, having studied the papers she has sent us, we cannot identify any submissions by her as to the fees charged by the Faculty Office or for the hearing. We will allow those costs.
15. In respect of the Nominated Notary she complains about his lack of expertise, his unwillingness to agree matters and the “extraordinarily long time” it has taken him to bring this case. She submits that this was an income raising exercise by the Nominated Notary who has charged at a rate of £350 an hour and she compares that with the cost permitted in the Supreme Court of £217 an hour. She also comments in an email dated 26<sup>th</sup> January 2022 and to which she gave the subject as “Narcissism and Misogyny”:

“The one solace that I have is that I prevented Mr Mills from being given my practise by giving it away before that could happen.”
16. The Nominated Notary has provided an itemised list of the time he spent on this case (pp.24-39) and has confirmed that he has submitted fees in accordance with the Order. His actual time recorded would have entitled him to charge £31,290 based on a charge out rate of £250 an hour as against his solicitor rate of £350.
17. He requests a “compensatory” rate being 50% of the difference between what he has charged and the time recorded. That would amount to an additional payment of £8,457.50.
18. We find nothing to support the claims made by Mrs Coats and consider the fees charged to be reasonable and that they reflect the complexities and breadth of the case he brought against Mrs Coats.

19. As to his request for an uplift in his fees, we judge that pursuant to Rule 23.4 of the Notaries (Conduct and Discipline) Rules 2015 (As Amended) we are entitled, in exceptional cases, to make an award of costs which is outside the approved table of costs to the Nominated Notary:

“The Master shall by Order, after consultation with the Commissary, approve a table of costs which will be applied by the Court, save in exceptional cases, in relation to orders for costs made under this Rule, and may, after consultation with the Commissary, issue directions or guidance about the manner in which such a table is to be applied by the Court

20. The Order sets out the fee scales for the Nominated Notary. We have no difficulty in finding that Mr Mills has had an exceptional task in pursuing this case against Mrs Coats. We will not allow the figure which he has put forward but grant him an uplift of £4,000.
21. The total award to the Nominated Notary for his work is £19,543.

### **COMPENSATION**

22. The only claim for compensation which was before the court in an appropriate form was that of Mrs Sadler and supported by the solicitors who had to sort out the situation which Mrs Coats had left in respect of the trust. There are two claims, firstly for £2,941.70 of the client's money which is still retained in the client account and, secondly, an amount of £5,410 + VAT to reflect the additional costs incurred by Barker Gotelee Solicitors to resolve matters on behalf of Mrs Sadler.
23. In respect of the £2,941.70, which must still rest in the client account, should be repaid forthwith. We are unable to know whether that was retained in the client account when Mrs Coats gifted her business to Jasper Vincent or whether she retains it in a client, or other, account over which she has control. Whichever is correct it will be for Mrs Coats

to ensure that it is paid into the account of Barker Gotelee Solicitors, the details of which will be sent to Mrs Coats in a separate email. We direct that Jasper Vincent be sent a copy of this judgment so that they are on notice that, if the money is held by them, they will need to arrange for its transfer direct to Barker Gotelee Solicitors. We ask that the Faculty Office contacts Jasper Vincent to confirm whether or not they hold that money.

24. As to the application for compensation to cover the additional costs incurred by the trust, such costs are always difficult to determine and we have decided to err on the side of caution and award compensation in the amount of £4,200 + VAT, a total of £5,040.
25. We have given seven days for any other applications for compensation to be sent to the Faculty Office. We will give Mrs Coats seven days after she has been notified of the figures to respond and we will determine whether to award compensation seven days after we are provided with all the material. The court will not reconvene to resolve this issue; it will be determined on the written documents and we will provide a short judgment setting out our findings. We have decided on this route having in mind the history of the proceedings to date and in order to save further costs.

#### **SUMMARY OF FINDINGS**

26. We make the following orders:
  - (a) We confirm our finding that Mrs Coats is to be struck off the Roll of Notaries.
  - (b) She is to pay the costs of the Nominated Notary in the amount of £19,543 within three months

- (c) She is to pay the costs of the Faculty Office in the amount of £11,700 within three months
- (d) She is to pay the court costs of £4,930 within three months
- (e) She is to pay, or arrange to have paid, £2,941.70 into the account of Barker Gotelee Solicitors forthwith and the balance of £5,040 to them within two months.

27. We note that Mrs Coats claims that this process has cut off any means by which she could ever pay compensation or anything else. She asserts that she has gifted her business away; if that is so, then that was her decision and cannot affect the fact that she is required to pay these amounts or face proceedings for their recovery.

His Honour Judge Leonard QC (Commissary)

Mrs Elizabeth McQuay (Lay Assessor)

Mrs Esther Ogun (Notary Assessor)

9<sup>th</sup> February 2022