

Jessica Cross

Solicitor

617463

Control of practice Date: 27 June 2023

Decision - Control of practice

Outcome: Condition

Outcome date: 27 June 2023

Published date: 30 June 2023

Firm details

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

Name: Co-operative Legal Services Limited

Address(es): 1 Angel Square, Manchester, M60 0AG

Firm ID: 567391

Outcome details

This outcome was reached by SRA decision.

Decision details

Fine via RSA

Reasons/basis

1. Agreed outcome

1.1 Ms Jessica Cross (Ms Cross), a solicitor of Co-operative Legal Services Limited (SRA ID: 567391), agrees to the following outcome to the investigation of her conduct by the Solicitors Regulation Authority (SRA):

- a. she is fined £1,700,
- b. this agreement is published, and
- c. she will pay the costs of the investigation of £300.

2. Summary of Facts

2.1 On 23 September 2022, police received a report of poor driving relating to Ms Cross who was driving her vehicle in a public place. Police attended and breathalysed Ms Cross who was subsequently arrested and charged

with driving a motor vehicle whilst above the prescribed alcohol limit, contrary to Section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

2.2 On 3 November 2022, Ms Cross pleaded guilty at Harrogate Magistrates' Court.

2.3 The sentence was:

- a. a 28-month disqualification from driving,
- b. a fine of £703

2.4 Ms Cross was also ordered to pay:

- a. a victim surcharge of £292
- b. costs of £85

2.5 Ms Cross notified the SRA of her conviction on 19 November 2022.

3. Admissions

3.1 Ms Cross makes the following admissions which the SRA accepts:

- a. that by driving whilst under the influence of excess alcohol, for which she was convicted, she breached Principle 2 of the SRA Principles, which says:

'You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.'

4. Why a fine 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 Ms Cross and the following mitigation which she has put forward:

- a. this is an isolated incident,
- b. there was no harm caused to persons or property,
- c. she pleaded guilty at the earliest opportunity,
- d. she promptly reported the conviction to the SRA and has cooperated with our investigation, and
- e. she has shown insight and remorse for her actions.

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

- a. Ms Cross was directly responsible for her conduct,
- b. there was a clear disregard to the risk, or potential risk, of harm to others,
- c. there was a high level of alcohol in the breath sample provided by Ms Cross, and
- d. the court sentenced Ms Cross to a lengthy disqualification from driving.

4.4 A fine is appropriate to uphold public confidence in the solicitors' profession and in legal services provided by authorised persons because any lesser sanction would not provide a credible deterrent to Ms Cross and others. A financial penalty therefore meets the requirements of rule 4.1 of the Regulatory and Disciplinary Procedure Rules.

5. Amount of the fine

5.1 The amount of the fine has been calculated in line with the SRA's published guidance, as in force prior to 30 May 2023, on its approach to setting an appropriate financial penalty (the Guidance).

5.2 Having regard to the Guidance, the SRA and Ms Cross agree that the nature of the misconduct was medium because Ms Cross has cooperated with our investigation and has shown remorse and insight. This is also an isolated incident for Ms Cross and as such, does not form a pattern of behaviour. The Guidance gives this type of misconduct a score of one.

5.3 The SRA considers that the impact of the misconduct was medium because whilst no harm was caused, the RP's actions had the potential to cause considerable harm to others. The Guidance gives this level of impact a score of four.

5.4 The nature and impact scores add up to five. The Guidance indicates a broad penalty bracket of £1,001 to £5,000 is appropriate.

5.5 In deciding the level of fine within this bracket, the SRA has considered the mitigation at paragraph [4.2] above which Ms Cross has put forward:

- a. this is an isolated incident,
- b. there was no harm caused to persons or property,
- c. she pleaded guilty at the earliest opportunity,
- d. she promptly reported the conviction to the SRA and cooperated with our investigation, and
- e. she has shown insight and remorse for her actions.

5.6 Considering the factors in the Enforcement Strategy, this was not a planned or pre-meditated incident. It is also an isolated event. No harm was caused, there were no third parties in the vehicle and Ms Cross has shown remorse and insight for her actions. However, this must be balanced against the aggravating factors in the case which are that Ms Cross had a high level of alcohol in her breath, she received a lengthy disqualification, and she demonstrated a reckless disregard as to the risk of harm. The SRA considers a basic penalty of £2,000 to be appropriate.

5.7 The SRA considers that the basic penalty should be reduced to £1,700. This reduction reflects a discount for early admission of the conviction, as per the Guidance. However, Ms Cross did not report the charge to us, as she was obliged to under paragraph 7.6 (a) of the Code of Conduct for Solicitors which states 'You notify the SRA promptly if you are subject to any criminal charge, conviction or caution, subject to the Rehabilitation of Offenders Act 1974'. Therefore, the full 25% discount allowance has not been applied.

5.8 Ms Cross does not appear to have made any financial gain or received any other benefit as a result of her conduct. Therefore, no adjustment is necessary to remove this and the amount of the fine is £1,700.

6. Publication

6.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Ms Cross agrees to the publication of this agreement.

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

7.1 Ms Cross agrees that she will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7.2 If Ms Cross 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.

7.3 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.

8. Costs

8.1 Ms Cross 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.