

Graham Borley

Employee

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[Employee-related decision Date: 3 August 2016](#)

Decision - Employee-related decision

Outcome: Control of non-qualified staff (Section 43 / Section 99 order)

Outcome date: 3 August 2016

Published date: 19 August 2016

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Morecrofts LLP

Address(es): No1 Tithebarn, 1-5 Tithebarn Street, Liverpool, L2 2NZ

Firm ID: 484828

Outcome details

This outcome was reached by SRA decision.

Decision details

In the matter of Mr Graham Borley of Claughton, Wirral, a person who is or was involved in legal practice but is not a solicitor.

Section 43 of the Solicitors Act 1974 (as amended)

Statement of findings

The Facts:

Mr Graham Borley, a person who is not a solicitor, was employed by Morecrofts LLP between 1 June 2009 and 4 November 2014. He worked in the firm's property department as a conveyancing clerk.

During his employment Mr Borley was found to have created two emails which were purportedly from a client. These emails had the potential to cause loss to this client as they purported to give instructions to the firm to use part of the funds held for this client to settle sums due on other



matters that were unconnected with this client. It was found that Mr Borley took steps to conceal his actions and that his conduct misled the firm's finance partner.

It was found that Mr Borley's conduct was dishonest and that his actions also breached Principles 2 and 6 of the SRA Principles 2011.

Finding

Mr Borley was involved in a legal practice (as defined by section 43(1A) of the Solicitors Act 1974) but not as a solicitor and has occasioned or been a party to an act or default which involved such conduct on his part that in the opinion of the Society it would be undesirable for him to be involved in a legal practice in any of the ways described in the order below.

Order

To make a section 43 order that with effect from the date of the letter notifying Mr Borley of Claughton, Wirral of this decision:

- i. no solicitor shall employ or remunerate him in connection with his/her practice as a solicitor;
- ii. no employee of a solicitor shall employ or remunerate him in connection with the solicitor's practice;
- iii. no recognised body shall employ or remunerate him;
- iv. no manager or employee of a recognised body shall employ or remunerate him in connection with the business of that body;
- v. no recognised body or manager or employee of such a body shall permit him to be a manager of a body; and
- vi. no recognised body or manager or employee of such a body shall permit him to have an interest in the body

except in accordance with a Society permission.

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