

Karen Wishart
Solicitor
135616

[Agreement Date: 4 September 2024](#)

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 4 September 2024

Published date: 10 September 2024

Firm details

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

Name: Silverman Livermore Solicitors

Address(es): 1 Rutland House Mall, Runcorn Shopping Centre, Runcorn, Cheshire, WA7 2ES

Firm ID: 55232

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Karen Margaret Wishart (Ms Wishart), a solicitor at Silverman Livermore (the firm), agrees to the following outcome to the investigation of her conduct by the Solicitors Regulation Authority (SRA):

- a. she is rebuked
- b. to the publication of this agreement
- c. she will pay the costs of the investigation of £600.

2. Summary of Facts

2.1 Ms Wishart represented Mr V in relation to financial remedy proceedings. A report was received by the SRA from the solicitors acting on behalf of the Applicant in the proceedings.



2.2 The concerns raised were as follows:

- That there were significant delays and persistent failure by Ms Wishart to engage in the financial remedy proceedings. As a result, there were adverse costs orders made against Mr V, Ms Wishart and the firm.
- That Ms Wishart failed to comply promptly with a number of costs orders during the proceedings.
- That Ms Wishart did not raise concerns about Mr V's mental capacity early enough following her instruction in the matter.
- That Ms Wishart delayed in transferring the client file to Mr V's new solicitors.

3. Admissions

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

- a. That during the course of the matter relating to Mr V she failed to adequately deal with it in a timely and competent manner. Her failures in dealing with the matter appropriately resulted in adverse costs orders being made against her client and herself/the firm.
- b. That she failed to discharge the costs orders promptly.
- c. That she should have raised concerns in relation to Mr V's mental capacity at an earlier stage following her instructions in the matter.
- d. That there was delay on her part in transferring Mr V's client file to his new solicitors.
- e. She therefore failed to act in a way that upholds the public trust and confidence in the solicitors' profession and in legal services provided by authorised persons and in doing so she was in breach of Principle 2 of the SRA Principles 2019.
- f. She also failed to act in the best interests of her client in breach of Principle 7 of the SRA Principles 2019.
- g. Her failure to ensure that the service she provided to her client was competent and delivered in a timely manner resulted in a failure to comply with paragraph 3.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs 2019.

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 Ms Wishart and the following mitigation which she has put forward:

- a. At the time of the conduct in question she was experiencing very difficult personal and professional circumstances which may have



- affected her judgement and conduct
- b. All costs orders awarded against her client and herself/the firm have been paid in full.
- c. Mr V was not charged for any work which was undertaken by the firm.
- d. She has co-operated with the SRA throughout the investigation.
- e. She does not have any prior regulatory history. We consider that there is a low risk of repetition.

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

- a. Ms Wishart's conduct was serious and resulted in the court making a number of costs orders against her client and herself/the firm.
- b. Ms Wishart's conduct was reckless as to the risk of harm. She could have caused financial detriment to her client. Some public sanction is therefore required to uphold public confidence in the delivery of legal services.
- c. A rebuke is appropriate to maintain professional standards because Ms Wishart's conduct was serious, and any lesser sanction would not provide a credible deterrent to Ms Wishart and others.
- d. Ms Wishart was responsible for her own conduct.

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. Ms Wishart agrees to the publication of this agreement.

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

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

6.2 If Ms Wishart 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 Ms Wishart agrees to pay the costs of the SRA's investigation in the sum of £600. Such costs are due within 28 days of a statement of costs

due being issued by the SRA.

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