

Mark Hawkrige

Solicitor

275210

[Fined Date: 4 May 2023](#)

Decision - Fined

Outcome: Fine

Outcome date: 4 May 2023

Published date: 8 June 2023

Firm details

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

Name: HAWKRIDGE & COMPANY LLP

Address(es): 39 Canterbury Street, GILLINGHAM ME7 5TR

Firm ID: 533720

Outcome details

This outcome was reached by SRA decision.

Decision details

Who does this disciplinary decision relate to?

Mark Hawkrige, who is a solicitor employed by Hawkrige & Company LLP (the firm), whose office is at 39 Canterbury Street, Gillingham, Kent ME7 5TR. Mr Hawkrige is the manager and owner of the firm.

Summary of decision

The SRA has fined Mr Hawkrige £18,750 for breaching our rules. He permitted a client account shortage of £17,819.16, he did not fulfil his duties as the compliance officer for finance and administration (COFA) and accepted a cheque for £10,000 which he paid into his personal bank account. The cheque was from an elderly client for whom he acted as attorney. Mr Hawkrige abused his position by taking unfair advantage of the client and did not stop acting for the client and advise them to obtain independent legal advice before accepting the money.



The client account shortage was replaced within six weeks of it being identified. Mr Hawkrige repaid the client five months after he accepted the sum of £10,000. This payment was made through the ledger for the elderly client being credited with the money.

Facts of the misconduct

It was found that:

- **Allegation 1** – Mr Hawkrige allowed client money to be withdrawn from the client account for a purpose other than for which it was held in breach of rule 5.1(a) of the SRA Accounts Rules. He also allowed client money to be withdrawn from a client account without sufficient funds being held on behalf of a specific client to enable the payment to be made. This was in breach of rule 5.3.
- **Allegation 2** – As the firm's COFA Mr Hawkrige failed to take all reasonable steps to ensure that his firm its managers and employees complied with any obligations imposed on them under the SRA Accounts Rules. This was in breach of paragraph 9.2(a) of the SRA Code of Conduct for Firms.
- **Allegation 3** – Mr Hawkrige accepted and paid into his personal bank account a cheque in the sum of £10,000 from a client for whom he held a power of attorney. The client did not take independent legal advice. This was in breach of Principles 2, 5 and 7 of the SRA Principles. It was also in breach of paragraphs 1.2 and 6.1 of the Code of Conduct for Solicitors.

Mr Hawkrige's conduct was serious by reference to the following factors in the SRA Enforcement Strategy: it showed a disregard of his regulatory obligations, his conduct demonstrated a lack of integrity, and it caused harm or had the potential to cause harm to others.

Decision on sanction

It was decided that a financial penalty was an appropriate and proportionate sanction.

In determining the financial penalty, regard was had to the following factors set out in the SRA's guidance on the approach to financial penalties published on 7 February 2019:

- i. Mr Hawkrige was directly responsible for his conduct, which was reckless.
- ii. His conduct had the potential to cause significant loss or have a significant impact.

In view of the above, Mr Hawkrige's conduct was placed in conduct band C which has a financial penalty bracket of between £5,001 and £25,000. His conduct was placed at the top end of this bracket given the



impact of Mr HawkrIDGE's actions and the harm or potential harm caused by his conduct which was significant and serious. It was found that a penalty at this level would act as a credible deterrent to Mr HawkrIDGE and to others.

Mitigating factors were that Mr HawkrIDGE admitted the allegations and breaches of the rules. He replaced the client account shortage and repaid the client by crediting £10,000 to their client ledger.

Financial penalty

Mr HawkrIDGE was ordered to pay a financial penalty of £18,750 and costs of £1,350.

SRA Principles 2019

SRA Principle 2: You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

SRA Principle 5: You act with integrity.

SRA Principle 7: You act in the best interests of each client.

Code of Conduct for Solicitors

Paragraph 1.2 You do not abuse your position by taking unfair advantage of clients or others.

Paragraph 6.1 You do not act if there is an own interest conflict or a significant risk of such a conflict.

Code of Conduct for Firms

Paragraph 9.2(a) If you are a COFA you must take all reasonable steps to ensure that your firm and its managers and employees comply with any obligations imposed upon them under the SRA Accounts Rules.

SRA Accounts Rules

Rule 5.1(a) You only withdraw client money from a client account for the purpose for which it is being held.

Rule 5.3 You only withdraw money from a client account if sufficient funds are held on behalf of that specific client or third party to make the payment.

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