

# **James Brunton**

## **Solicitor**

### **392641**

**Fined Date: 4 April 2024**

## **Decision - Fined**

Outcome: Fine

Outcome date: 4 April 2024

Published date: 8 May 2024

## **Firm details**

### **Firm or organisation at time of matters giving rise to outcome**

Name: Brunton & Co

Address(es): Maldwyn House, Machynlleth, Powys, SY20 8AG

Firm ID: 44346

## **Outcome details**

This outcome was reached by SRA decision.

### **Decision details**

#### **Who does this disciplinary decision relate to?**

James Lothian Brunton is a solicitor at Brunton & Co (incorporating D.Emrys Williams & Co) (the firm). Its head office is at 6 Upper Portland Street, Aberystwyth, Ceredigion, SY23 2DU, Wales. The firm is a recognised body.

### **Short summary of decision**

We have fined Mr Brunton £1,183 and ordered him to pay £600 costs for failing to comply with an undertaking made on 2 February 2022, and for failing to cooperate with the SRA's investigation.

Facts of the misconduct An invoice for those fees was sent to the Mr Brunton on 22 February 2023. Numerous attempts to contact him were made to chase payment without success. The invoice was paid over 11 months later on 30 January 2024.

The SRA made numerous attempts to contact Mr Brunton in order to obtain information pertaining to their investigation. Mr Brunton failed to respond to communications from the SRA over a period of five months.

It was found that:

#### **Allegation One**

On 2 February 2022, Mr Brunton provided an undertaking to Matthew Waite & Co. Mr Brunton has failed to perform the undertaking by not paying the sellers legal fees within a reasonable time frame. In doing so he breached paragraph 1.3 Code of Conduct for Solicitors, RELs and RFLs.

#### **Allegation Two**

Mr Brunton failed to cooperate with the SRA's investigation into the matter. In doing so he breached paragraph 7.3 Code of Conduct for Solicitors, RELs and RFLs.

#### **Decision on sanction**

Mr Brunton was directed to pay a financial penalty of £1,183 and ordered to pay costs of £600.

It was decided that a financial penalty was an appropriate and proportionate sanction. This was because his conduct was serious by reference to the following factors in the SRA Enforcement Strategy:

- i. Mr Brunton is an experienced solicitor, a partner at the firm. He had direct responsibility and control of his own conduct.
- ii. His failure to respond and co-operate with the SRA damages the SRA's ability to effectively regulate the profession. His failure to cooperate with the SRA persisted for five months. The public must have confidence in the regulatory process. By failing to co-operate with the investigation officer in an open, timely and co-operative manner Mr Brunton has damaged that confidence.
- iii. Mr Brunton's conduct in relation to allegation one was reckless.

In view of the above, Mr Brunton's conduct was placed in conduct band B which has a financial penalty bracket of between 5% and 11% of his gross annual income. Mr Brunton's conduct was placed in the mid- range of this band at B2 (8% of his gross annual income). In placing the conduct at the mid-range of the band, the following aggravating and mitigating factors were considered:

#### **Aggravating factors**



- i. Mr Brunton's failure to cooperate with the SRA is serious and diminishes trust in the legal profession.
- ii. Mr Brunton's conduct in relation to allegation one was reckless.
- iii. Mr Brunton has shown little/no insight into his conduct.

**Mitigating/other factors:**

- i. Mr Brunton did not receive any financial benefit from the conduct.
- ii. The invoice has now been paid.

**Code of Conduct for Solicitors**

Paragraph 1.3 You perform all undertakings given by you and do so within an agreed timescale or if no timescale has been agreed then within a reasonable amount of time. Paragraph 7.3 You cooperate with the SRA, other regulators, ombudsmen, and those bodies with a role overseeing and supervising the delivery of, or investigating concerns in relation to, legal services.

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