



**Simon Oldfield**  
**Lawyer manager**  
**545908**

**[Agreement Date: 29 May 2019](#)**

**Decision - Agreement**

Outcome: Regulatory settlement agreement

Outcome date: 29 May 2019

Published date: 31 May 2019

**Firm details**

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

Name: Oldfields Solicitors Limited

Address(es): 18-20 Lancaster Road, Carnforth, Lancashire, LA5 9LD

Firm ID: 629764

**Outcome details**

This outcome was reached by agreement.

**Decision details**

**REGULATORY SETTLEMENT AGREEMENT**

**1. Agreed outcome**

1.1 Mr Simon Oldfield, a director at Oldfields Solicitors Limited (the Firm), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. to the SRA making an order under section 43 of the Solicitors Act 1974 (a Section 43 Order) in relation to him that, from the date of this agreement:
  - i. no solicitor shall employ or remunerate him in connection with his 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 the body
- vi. no recognised body or manager or employee of such body shall permit him to have an interest in the body

except in accordance with the SRA's prior permission.

- b. he is rebuked
- c. to the publication of this agreement
- d. he will pay the costs of the investigation of £300.

## **2. Summary of Facts**

2.1 Mr Oldfield has been a director of the Firm since 27 May 2016. He was also a fee-earner and responsible for conducting civil litigation claims.

2.2 Between 2015 and 2018 Mr Oldfield misled 11 of his clients as to the correct position of their files. These issues came to light after a client complained to the Firm, leading the Firm to review Mr Oldfield's files. Details of two matters are exemplified below.

### **Client A's Matter**

2.3 In 2015 Client A instructed Mr Oldfield to make a claim for some defective building work carried out at Client A's house.

2.4 Mr Oldfield believes he issued the claim in December 2015. However, the court did not receive it.

2.5 From June 2016 Mr Oldfield led Client A to believe that the claim was progressing. From October 2016 Mr Oldfield told the client that the judgment was in the process of being enforced. In fact, because the court had never received the claim, it had not progressed at all.

2.6 Mr Oldfield told his client the true position on 12 January 2017 after Client A had requested copies of the relevant papers.

### **Clients B and C**

2.7 In 2015 Clients B and C instructed Mr Oldfield in a claim against their employer.

2.8 On 21 February 2018 Mr Oldfield told both clients that he had issued proceedings. This was not true. Client's B and C believed that their claim was being put before the court.

2.9 This issue came to light in June 2018 after a review of Mr Oldfield's files. The firm wrote to both clients to make them aware of the true



position.

**How the Firm dealt with the issue**

2.10 The Firm has compensated each of the affected clients and apologised for Mr Oldfield's conduct.

2.11 Mr Oldfield left his fee-earning role at the Firm in April 2018. He remains a director.

**3. Admissions**

3.1 Mr Oldfield admits, and the SRA accepts, that by misleading 11 of his clients as to the true position on their files he breached Principles 2, 4 and 6 of the SRA Principles 2011.

3.2 Mr Oldfield accepts that his conduct as set out above was dishonest.

**4. Why the agreed outcome is appropriate**

**Section 43 Order**

4.1 The SRA and Mr Oldfield agree that a Section 43 Order is appropriate because:

- a. Mr Oldfield is not a solicitor
- b. as a director of Oldfield Solicitors Limited, a recognised body, Mr Oldfield was involved in a legal practice, and
- c. by misleading clients Mr Oldfield has occasioned or been party to an act or default in relation to a legal practice. His conduct in relation to that act or default makes it undesirable for him to be involved in legal practice.

4.2 Mr Oldfield's conduct makes it undesirable for him to be involved in a legal practice because it was dishonest, and it demonstrates that he cannot be relied upon to deal with clients openly and to act in their best interests.

**Rebuke**

4.3 The SRA considers that a rebuke is appropriate because the conditions in Rule 3.1 of the DPR are met, in that:

- a. the conduct was deliberate and persisted over a period of several years.
- b. the agreed outcome is a proportionate outcome in the public interest because it creates a credible deterrent to Mr Oldfield and the profession.



c. the conduct was neither trivial nor justifiably inadvertent.

4.4 In deciding that the rebuke is proportionate, the SRA has taken into account the admissions made by Mr Oldfield and the mitigation which he has put forward:

- a. that he was experiencing mental health issues and difficult personal circumstances during much of the period during which the misconduct occurred.
- b. that he is not in a financial position to pay a penalty.
- c. The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process.

**5. Acting in a way which is inconsistent with this Agreement**

5.1 Mr Oldfield agrees that he will not act in any way which is inconsistent with this agreement such as, for example, by denying the admissions made in this agreement.

**6. Costs**

6.1 Mr Oldfield 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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