

Martyn Green

Solicitor

135212

[Fined Date: 4 July 2023](#)

Decision - Fined

Outcome: Fine

Outcome date: 4 July 2023

Published date: 8 August 2023

Firm details

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

Name: Burd Ward Solicitors Ltd

Address(es): 23-27 Seaview Road, Wallasley, CH45 4QT

Firm ID: 485366

Outcome details

This outcome was reached by SRA decision.

Decision details

Who does this disciplinary decision relate to?

Martyn Green is a solicitor. He is a manager and director of Burd Ward Solicitors Ltd, a recognised body, located at 23-27 Seaview Road, Wallasley, CH45 4QT.

Short summary of decision

The SRA imposed a financial penalty on Martyn Green for using the client account of Burd Ward Solicitors Ltd as a banking facility.

Facts of the misconduct

Martyn Green acted on behalf of a client in relation to a dispute which concerned an entitlement to commercial property. The parties to the dispute had operated a business account to collect income and pay



outgoings relating to the commercial property. The joint account was frozen due to contested withdrawals. Martyn Green for the parties to use the client account of Burd Ward Solicitors Ltd instead to collect rental income and pay related outgoings between February 2021 and January 2023.

In effect, the conduct of collecting rental income and making payments for outgoings relating to the commercial property used the firm's client account as a banking facility. It was found that there had been a breach of Rule 3.3 of the SRA Accounts Rules 2019 and Principle 2 of the SRA Principles 2019.

Decision on sanction

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

Martyn Green's conduct was found to fall within conduct Band C which has a penalty bracket of £5,000 - £25,000.

Martyn Green was fined £9,000 (within conduct band C2) and ordered to pay costs of £675.

This was because Martyn Green's conduct was serious by reference to the following factors in the SRA Enforcement Strategy:

The misconduct involved using a client account as a banking facility which is inherently objectionable, regardless of impact or harm. This type of misconduct carries associated risks including facilitating money laundering, avoiding obligations in an insolvency situation, and improperly hiding assets. Martyn Green had direct responsibility for the conduct, he was an experienced solicitor, the misconduct was intentional in the sense that he suggested, agreed and facilitated the arrangement (although was not motivated by financial gain), the misconduct persisted for a relatively long period of time (including for several months after the SRA first raised concerns) and showed a lack of insight into the potential consequences of the misconduct during the investigation.

The following factors were considered in mitigation: Martyn Green's unblemished regulatory history, his co-operation with the investigation. the absence of any evidence of a pattern of misconduct and an expression of apology for the time that the SRA had been put to.

SRA Accounts Rules 2019

Rule 3.3 You must not use a client account to provide banking facilities to clients or third parties. Payments into, and transfers or withdrawals from a client account must be in respect of the delivery by you of regulated services.

SRA Principles 2019

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.

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