



## **Eleanor Barber**

### **Solicitor**

### **381675**

**[Fined Date: 27 June 2024](#)**

### **Decision - Fined**

Outcome: Fine

Outcome date: 27 June 2024

Published date: 8 July 2024

### **Firm details**

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

Name: MSB Solicitors Ltd

Address(es): 1st Floor4 St. Pauls SquareLiverpoolL3 9SJ

Firm ID: 670087

#### **Firm or organisation at date of publication**

Name: POCA Solicitors

Address(es): 315C Oriel Chambers, 14 Water St, Liverpool, P2 8TD

Firm ID: 824991

### **Outcome details**

This outcome was reached by SRA decision.

#### **Decision details**

We have fined Mrs Barber for failing to provide a specimen of breath for analysis when requested by the police.

#### **Facts of the misconduct**

On 13 July 2023, Mrs Barber was involved in a minor road traffic accident. She provided a sample of breath to the police at the roadside and was subsequently arrested and taken into custody. While in custody, Mrs Barber was asked to provide a further breath sample and refused to do so.



On 16 August 2023, Mrs Barber pleaded guilty to and was convicted of a failure to provide a specimen of breath for analysis without reasonable excuse.

She was sentenced to:

1. Disqualification from driving for 17 months (reduced by 17 weeks following completion of an awareness course)
2. A community service order with an unpaid work requirement of 80 hours
3. Costs of £85 and a victim surcharge of £114.

It was found that:

1. On 13 July 2023, Mrs Barber failed without reasonable excuse to provide a specimen of breath for analysis when requested by the police.
2. In doing so, she breached Principles 1 and 2 of the SRA Principles 2019.

#### **Reasons/basis**

#### **Decision on sanction**

It was decided that a financial penalty was an appropriate and proportionate sanction. This was because Mrs Barber's conduct was serious by reference to the following factors in the

SRA Enforcement Strategy:

- Any lesser sanction would not be appropriate.
- To send a signal to those we regulate more widely with the aim of preventing similar behaviour by others.
- Some public sanction is required to uphold public confidence in the delivery of legal services.

Aggravating factors included that Mrs Barber's conduct was a wilful disregard of her regulatory obligations and she had direct control over her actions.

There were also mitigating factors, including Mrs Barber's self-report to the SRA, her guilty plea, and her expressions of remorse.

In view of the above, Mrs Barber's conduct was placed in conduct band C which has a financial penalty bracket of between 16% and 49% of her gross annual income.

Her conduct was placed in the middle of the bracket at C3 (27% of gross annual income). A discount of 25% was applied to the penalty to take account of factors including Mrs Barber's admissions and co-operation.

Mrs Barber was directed to pay a financial penalty of £5,569 and ordered to pay costs of £1,350.

**SRA Principles 2019**

SRA Principle 1: You act in a way that upholds the constitutional principle of the rule of law, and the proper administration of justice.

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.

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