

Andrew James Thomas

Non-lawyer manager

828833

Employee-related decision Date: 2 March 2023

Decision - Employee-related decision

Outcome: Control of non-qualified staff (Section 43 / Section 99 order)

Outcome date: 2 March 2023

Published date: 29 March 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Elvetham Law Limited

Address(es): 1 The Wharf, 16 Bridge Street, B1 2JS

Firm ID: 835434

Outcome details

This outcome was reached by SRA decision.

Decision details

Summary of decision

The SRA has disqualified Mr Thomas from holding any of the following roles in law firms regulated by the SRA:

- Head of Legal Practice
- Head of Finance and Administration
- A manager
- An employee.

The facts of the case

Mr Thomas, who is not a solicitor, was an owner, manager, and Head of Finance and Administration (HOFA) at Elvetham Law Limited (the firm). The SRA intervened into the firm on 7 September 2022.

It was found that:



1. In or around April 2022, Mr Thomas fabricated a solicitor's signature on an undertaking and a witness statement and impersonated the same solicitor on the telephone and in written correspondence with another firm of solicitors. In doing so, Mr Thomas acted dishonestly and in breach of Principles 2 and 4 of the SRA Principles 2019.
2. Mr Thomas caused or allowed to be caused withdrawals from Elvetham Law Limited's client account which led to a minimum cash shortage of £20,809.12 as at 31 May 2022. In doing so, Mr Thomas breached rules 2.4, 5.1(a), 5.3 and 6.1 of the SRA Accounts Rules 2019, paragraph 5.2 of the SRA Code of Conduct for Firms 2019 and Principle 2 of the SRA Principles (2019).
3. From 8 March 2022 to 7 September 2022, Mr Thomas failed to carry out client account reconciliations in breach of rule 8.3 of the SRA Accounts Rules and failed to properly maintain the firm's accounting records in breach of rule 8.1 of the SRA Accounts Rules. In doing so, he breached Principles 2 and 7 of the SRA Principles 2019.

Mr Thomas' conduct was serious by reference to the following factors in the SRA Enforcement Strategy: it was deliberate, it was dishonest and it posed a risk to the reputation of the firm and the wider profession.

Our decision on sanction

Mr Thomas' conduct breached relevant duties that applied to him as a manager of the firm, namely SRA Principles 2, 4 and 7 (2019), rules 2.4, 5.1(a), 5.3, 6.1, 8.1 and 8.3 of the SRA Accounts Rules 2019 and paragraph 5.2 of the SRA Code of Conduct for Firms 2019.

It was found that it would be undesirable for him to act as a head of legal practice, head of finance and administration, a manager or an employee of a body licensed in accordance with section 99 of the Legal Services Act 2007.

Mr Thomas was disqualified from holding any of these roles.

Mr Thomas was also ordered to pay the SRA's costs of £600.

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.

Principle 4 You act with honesty.

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

SRA Accounts Rules 2019

Rule 2.4 You ensure that client money is available on demand unless you agree an alternative arrangement in writing with the client, or the third party for whom the money is held.

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

Rule 6.1 You correct any breaches of these rules promptly upon discovery, Any money improperly withheld or withdrawn from a client account must be immediately paid into the account or replaced as appropriate

Rule 8.1 You keep and maintain accurate, contemporaneous, and chronological records to:

- a. record in client ledgers identified by the client's name and an appropriate description of the matter to which they relate:
 - i. all receipts and payments which are client money on the client side of the client ledger account;
 - ii. all receipts and payments which are not client money and bills of costs including transactions through the authorised body's accounts on the business side of the client ledger account;
- b. maintain a list of all the balances shown by the client ledger accounts of the liabilities to clients (and third parties), with a running total of the balances; and
- c. provide a cash book showing a running total of all transactions through client accounts held or operated by you.

Rule 8.3 You complete at least every five weeks, for all client accounts held or operated by you, a reconciliation of the bank or building society statement balance with the cash book balance and the client ledger total, a record of which must be signed off by the COFA or a manager of the firm. You should promptly investigate and resolve any differences shown by the reconciliation

SRA Code of Conduct for Firms 2019

Paragraph 5.2 You safeguard money and assets entrusted to you clients and others