

Richard Gregory Barca

Solicitor

133593

Prosecution Date: 13 March 2023

Decision - Prosecution

Outcome: Referral to Solicitors Disciplinary Tribunal

Outcome date: 13 March 2023

Published date: 11 March 2024

Firm details

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

Name: Wilson Barca LLP

Address(es): Carlisle Buildings, 18 Carlisle Street, London NW1D 3BX

Firm ID: 420605

Outcome details

This outcome was reached by SRA decision.

Reasons/basis

Outcome of SDT Hearing

This notification relates to a Decision to prosecute before the Solicitors Disciplinary Tribunal. This is an independent Tribunal which reaches its own decision after considering all the evidence, including any evidence put forward by the Respondent. The Tribunal had certified that there was a case to answer.

The matter was heard on 15-17 April 2024.

Mr. Barca was fined £30,000.

The SDT judgment will be available at www.solicitorstribunal.org.uk
[<http://www.solicitorstribunal.org.uk/>]

Sanction Date: 14 December 2021

Decision - Sanction

Outcome: Rebuke

Outcome date: 14 December 2021

Published date: 17 January 2022

Firm details

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

Name: Wilson Barca LLP

Address(es): Carlisle Buildings, 18 Carlisle Street, London W1D 3BX

Firm ID: 420605

Outcome details

This outcome was reached by SRA decision.

Decision details

Richard Barca is a solicitor and a manager of the recognised body, Wilson Barca LLP, whose office is at Carlisle Buildings, 18 Carlisle Street, London, W1D 3BX, England.

The following findings were made against him:

1. By retaining the sum of £1,200 in the client account of client A after the client withdrew her instructions in or about February 2018, Mr Barca:
 - a. In respect of conduct before 25 November 2019:
 - i. breached rule 14.4 of the SRA Accounts Rules 2011
 - ii. breached principle 6 of the SRA Principles 2011.
 - b. In respect of conduct on and after 25 November 2019:
 - i. breached rule 4.3 of the SRA Accounts Rules (2019)
 - ii. breached principle 2 of the SRA Principles (2019).
2. By retaining the sum of £1,005 in the client account of client B after the client withdrew his instructions in July 2019 Mr Barca:
 - a. In respect of conduct prior to 25 November 2019:
 - i. breached rules 14.3 and 14.4 of the SRA Accounts Rules 2011
 - ii. breached principles 4 and 6 of the SRA Principles 2011.
 - b. In respect of conduct on and after 25 November 2019:



- i. breached rule 2.5 of the Accounts Rules (2019)
- ii. breached principles 2 and 7 of the SRA Principles (2019).

The SRA Accounts Rules 2011

Rule 14.3: client money must be returned to the client (or other person on whose behalf the money is held) promptly, as soon as there is no longer any proper reason to retain those funds. Payments received after you have already accounted to the client, for example by way of a refund, must be paid to the client promptly.

Rule 14.4: You must promptly inform a client (or other person on whose behalf the money is held) in writing of the amount of any client money retained at the end of a matter (or the substantial conclusion of a matter), and the reason for that retention. You must inform the client (or other person) in writing at least once every twelve months thereafter of the amount of client money still held and the reason for the retention, for as long as you continue to hold that money.

SRA Accounts Rules (2019)

Rule 2.5: You ensure that client money is returned promptly to the client, or the third party for whom the money is held, as soon as there is no longer any proper reason to hold those funds.

Rule 4.3: Where you are holding client money and some or all of that money will be used to pay your costs:

- a. you must give a bill of costs, or other written notification of the costs incurred, to the client or the paying party;
- b. this must be done before you transfer any client money from a client account to make the payment; and
- c. any such payment must be for the specific sum identified in the bill of costs, or other written notification of the costs incurred, and covered by the amount held for the particular client or third party.

SRA Principles 2011

SRA Principle 4: act in the best interests of each client.

SRA Principle 6: behave in a way that maintains the trust the public places in you and in the provision of legal services.

SRA Principles (2019)

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

person

SRA Principle 7: you act in the best interests of each client. Mr Barca was issued with a written rebuke and was ordered to pay costs of £600.

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