



Angelo Luiz-Barrea

Solicitor

006745

Sanction Date: 1 February 2023

Decision - Sanction

Outcome: Rebuke

Outcome date: 1 February 2023

Published date: 8 March 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Stocker & Co LLP

Address(es): 10a Buttermarket, THAME, OX9 3EW, England

Firm ID: 613628

Firm or organisation at date of publication

Name: Hunters Solicitors LLP

Address(es): Suffolk House, 54-55 The Green, High Wycombe,
Buckinghamshire, HP10 0EU England

Firm ID: 597315

Outcome details

This outcome was reached by SRA decision.

Decision details

Findings

It was found that Mr Luiz-Barrea failed to fulfil an undertaking he gave on 26 June 2019 and in doing so he breached Principle 6 of the SRA Principles 2011 and failed to achieve Outcome 11.2 of the SRA Code of Conduct 2011.

Outcome 11.2 required Mr Luiz-Barrea to perform undertakings given by him within the agreed timescale. Mr Luiz-Barrea stated on 26 June 2019 that he would provide a copy of the conveyancing file and the list of documents by the 3 July 2019. The conveyancing file was supplied sometime between 8 July 2019 and 24 July 2019. It would appear the list of

documents was not supplied, and as of 20 January 2021 remained outstanding. Therefore, it is clear that the undertaking given on 26 June 2019 was not complied with in the agreed timescale. This is a breach of the undertaking and a failure to achieve Outcome 11.2 of the SRA Code of Conduct 2011.

Undertakings are promises made by solicitors to do something by a particular date. They are widely used in the legal profession and heavily relied upon. They go to the heart of the profession as one in 'which ever member can be trusted to the ends of the earth' as stated in *Bolton v the Law Society*. It is an absolute obligation on the part of any solicitor to ensure that undertakings are complied with.

Principle 6 relates to behaving in a way that maintains the trust the public places in solicitors and in providing legal services. A solicitor's role, other than to provide fair and effective legal advice, is also to comply with their legal and regulatory obligations in a fair and transparent way. They are trusted to do so to the best of their ability. These professional standards must be adhered to at all times. The public expects that each solicitor would not do anything that would put into jeopardy that trust and adherence.

In the case of *Wingate and another v SRA* [2018] EWCA Civ 366 the court stated that: '...the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.'

The SRA issued a topic guide on Public Trust and Confidence on 25 November 2019. The guide says that:

'Public trust and confidence in the solicitors and firms we authorise is at the heart of the legal system.'

'We will therefore act where we see conduct in a legal professional or firm which could question the trustworthiness and integrity of the profession, or delivery of regulated legal services.'

The Principles define the fundamental and ethical standards expected of all solicitors. Members of the public would expect solicitors to comply with the Principles and anyone failing to do so puts at risk the trust placed in the provision of legal services. Mr Luiz-Barrea by failing to comply with an undertaking has fallen below the standards expected of him. The underlying aim of the undertaking was to ensure papers were provided to allow for effective mediation in a dispute. By failing to provide those papers promptly, he allowed the mediation process to be delayed. His failure to act undermined the trust the public would have in him and damaged the public's trust in the provision of legal services. Mr Luiz-Barrea has acted in breach of Principle 6.

Reasons:

It was decided that a rebuke was an appropriate and proportionate sanction for the following reasons:

Mr Luiz-Barrea was at all material times a qualified and experienced solicitor. He had control and influence over his actions. He willingly gave the undertaking and then proceeded to fail to comply with it. He has provided no explanation as to why he failed to comply with it.

The delay in complying with the undertaking was unacceptable. While I note the file was provided within a month from the initial due date, the list of documents remained outstanding until at least the 20 January 2021. In fact, it is unclear if the list of documents was ever provided. The breach persisted for longer than reasonable.

The delay in providing the documents jeopardised the mediation process and caused delay. There was a real risk of harm to the parties involved.

Mr Luiz-Barrea has accepted the sanction and there is no evidence of any further or continuing issues with Mr Luiz-Barrea's compliance with SRA rules.

While there is a low risk of repetition, some public sanction is required to uphold public confidence. Mr Luiz-Barrea's actions related largely to the trust placed in a solicitor and the efficacy of undertakings. It is important for the public, and the profession, to see that the SRA takes appropriate action when there is a breach of Principle 6, particularly in relation to solicitors' undertakings. Therefore, I do not consider that a warning would be appropriate or sufficient to protect the public interest in this case or act as a credible deterrent.

Search again [<https://www.sra.org.uk/consumers/solicitor-check/>]