

# Francis Hutchinson

## Solicitor

### 545689

*Agreement Date: 2 December 2022*

#### *Decision - Agreement*

Outcome: Regulatory settlement agreement

Outcome date: 2 December 2022

Published date: 8 December 2022

#### *Firm details*

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

Name: Markel Law LLP

Address(es): 11th Floor 82 King Street Manchester M2 4WQ

Firm ID: 459781

#### *Outcome details*

This outcome was reached by agreement.

#### *Decision details*

##### *1. Agreed outcome*

1.1 Francis Hutchinson, a solicitor of Markel Law LLP, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is rebuked
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £300.

##### *2. Summary of Facts*

2.1 On 5 June 2022, Mr Hutchinson was apprehended by the police because he was driving erratically. Mr Hutchinson was breathalysed and charged as his alcohol level was above the prescribed limit.

2.2 On 7 June 2022, Mr Hutchinson notified the SRA that he had been charged and that he intended to plead guilty.

2.3 On 1 July 2022, Mr Hutchinson pleaded guilty at Craigavon Magistrates' Court to the offence of driving a motor vehicle when his alcohol level was above the prescribed limit.

2.4 Mr Hutchinson received the following sentence:

- a. He was disqualified from driving for a period of 12 months to be reduced by 3 months if he completed a drink driving awareness course.
- b. He was ordered to pay a £350 fine.
- c. He was ordered to pay a £15 offender levy.

### 3. *Admissions*

3.1 Mr Hutchinson makes the following admission which the SRA accepts:

- a. By virtue of his conduct and conviction for driving with a motor vehicle when his level of alcohol was above the prescribed limit, he failed to act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, in breach of Principle 2 of the SRA Principles.

### 4. *Why a written rebuke is an appropriate outcome*

4.1 The SRA's Enforcement Strategy sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements.

4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr Hutchinson and the following mitigation which he has put forward:

- a. He has shown insight and remorse and pleaded guilty at the first opportunity.
- b. He promptly reported the matter to the SRA and co-operated fully with its investigation.
- c. No harm was caused to persons or property because of the offence.
- d. This was an isolated incident.
- e. He has taken steps to amend his behaviour and avoid any future repetition.

4.3 The SRA considers that a written rebuke is the appropriate outcome because:

- a. Mr Hutchinson demonstrated a disregard for the potential risk of harm.
- b. Mr Hutchinson was directly responsible for his actions.

4.4 A rebuke is required to uphold public confidence in the delivery of legal services. Any less serious sanction would not deter Mr Hutchinson and others from similar behaviour in future. A rebuke therefore meets the requirements of rule 3.1 of the Regulatory and Disciplinary Procedure Rules.

#### *5. Publication*

5.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Mr Hutchinson agrees to the publication of this agreement.

#### *6. Acting in a way which is inconsistent with this agreement*

6.1 Mr Hutchinson agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

6.2 If Mr Hutchinson denies the admissions or acts in a way which is inconsistent with this agreement, the conduct which is subject to this agreement may be considered further by the SRA. That may result in a disciplinary outcome or a referral to the Solicitors Disciplinary Tribunal on the original facts and allegations.

6.3 Denying the admissions made or acting in a way which is inconsistent with this agreement may also constitute a separate breach of principles 2 and 5 of the SRA Principles and paragraph 7.3 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

#### *7. Costs*

7.1 Mr Hutchinson agrees to pay the costs of the SRA's investigation in the sum of £300. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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