

David Ferraby

Solicitor

117639

Agreement Date: 24 April 2023

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 24 April 2023

Published date: 10 May 2023

Firm details

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

Name: DF Legal LLP

Address(es): Avonside, 63 High Street, Tewkesbury, GL20 5BJ

Firm ID: 420956

Outcome details

This outcome was reached by agreement.

Reasons/basis

1. Agreed outcome

1.1 Mr David Ferraby, a solicitor, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- i. he is rebuked
- ii. to the publication of this agreement
- iii. he will pay the costs of the investigation of £300.

2. Summary of Facts

2.1 On 11th May 2022, Mr Ferraby was stopped by Gloucester Police while driving on the B4073 from the Painswick direction and heading towards Gloucester. He was seen by the Police driving in excess of the speed limit. He was breathalysed at the scene, arrested and taken into custody after his alcohol level exceeded the prescribed limit. A station breath test procedure was carried out while Mr Ferraby was in custody. This returned a reading of



60 mg of alcohol in 100ml breath. Mr Ferraby was charged with driving while over the prescribed legal limit for alcohol.

2.2 On 27 May 2022, Mr Ferraby pleaded guilty at Gloucester Magistrates Court to driving while over the prescribed legal limit for alcohol.

2.3 The sentence was:

- i. He was disqualified from holding or obtaining a driving licence for 17 months to be reduced by 129 days if by 17 April 2023 Mr Ferraby completes a driving rehabilitation course
- ii. a fine of £672.00
- iii. Mr Ferraby was also ordered to pay costs of £85 and a victim surcharge of £67.00.

2.4 Mr Ferraby promptly notified the SRA that he had been convicted of this offence.

3. Admissions

3.1 Mr Ferraby admits, and the SRA accepts, that by virtue of his conduct and conviction for driving with excess alcohol, he has failed to behave in a way that upholds trust and public confidence in the solicitors' profession in breach of Principle 2 of the Standards and Regulations.

4. Why the agreed outcome is appropriate

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 Ferraby and the following mitigation which he has put forward:

- i. He promptly reported his conviction to the SRA and co-operated fully with its investigation
- ii. he has shown insight and remorse for his actions and pleaded guilty at the first opportunity
- iii. no harm was caused to persons or property because of the offence
- iv. this is an isolated incident.

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



- i. There was a disregard by Mr Ferraby to the potential risk of harm
- ii. there was direct responsibility on the part of Mr Ferraby for his conduct.

4.4 A rebuke is appropriate to maintain professional standards and uphold public confidence in the solicitors' profession and in legal services delivered by authorised persons. Any lesser sanction would not provide a credible deterrent to Mr Ferraby and others. 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 Ferraby agrees to the publication of this agreement.

6. Acting in a way which is inconsistent with this Agreement

6.1 Mr Ferraby 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 Ferraby denies the admissions, or acts in a way which 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 Principles and paragraph 7.5 of the Code of Conduct for Solicitors, RELs and RFLs.

7. Costs

7.1 Mr Ferraby 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.