

Alison John

Solicitor

117739

Fined Date: 11 January 2023

Decision - Fined

Outcome: Fine

Outcome date: 11 January 2023

Published date: 16 February 2023

Firm details

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

Name: John Farr-Davies & Company

Address(es): 3 Queen Street Carmarthen SA31 1JR

Firm ID: 48171

Outcome details

This outcome was reached by SRA decision.

Decision details

Who does this disciplinary decision relate to?

Alison John, who is a solicitor, and the manager and owner of John Farr-Davies & Company (the firm), whose head office is at 3 Queen Street Carmarthen SA31 1JR. Ms John has run the firm since May 1998.

Summary of decision

The SRA has fined Ms John £6,000 for breaching our rules by failing to recover rent owed on a property, to insure the property, to keep beneficiaries informed and deal promptly with complaints.

Facts of the misconduct

It was found that:

1. Ms John failed to progress the administration of an estate (for which she was sole executor) and to keep the beneficiaries updated. In doing so she breached: Principle 6 of the SRA Principles (in respect of conduct prior to 25

November 2019) and Principle 2 of the SRA Principles (2019) in respect of conduct on and after 25 November 2019.

2. Ms John misled the beneficiaries and the Legal Ombudsman and in doing so she failed to achieve Outcome O (11.1) of the SRA Code of Conduct 2011 (in respect of conduct prior to 25 November 2019) and breached Paragraph 1.4 of the Code of Conduct for Solicitors, RELs and RFLs (in respect of conduct on and after 25 November 2019).
3. Ms John failed to deal promptly and fairly with complaints from the beneficiaries and in doing so she failed to achieve Outcome O (11.1) of the SRA Code of Conduct 2011 (in respect of conduct prior to 25 November 2019) and breached Paragraph 8.5 of the Code of Conduct for Solicitors, RELs and RFLs (in respect of conduct on and after 25 November 2019).

Ms John's conduct was serious by reference to the following factors in the SRA Enforcement Strategy: it showed a disregard of her regulatory obligations, she was culpable for her conduct, and her conduct had the potential to cause loss to others.

Decision on sanction

It was decided that a financial penalty was an appropriate and proportionate sanction. In determining the financial penalty, regard was had to the following factors set out in the SRA's guidance on the approach to financial penalties updated on 20 July 2022:

- a. Ms John was directly responsible for her conduct, which was intentional.
- b. Her conduct did not cause any lasting or significant harm as she had rectified the loss to the estate.

In view of the above, Ms John's conduct was placed in conduct band C which has a financial penalty bracket of between £5,000 - £25,000. Her conduct was placed at the lower end of this bracket given that the actual harm caused by her conduct was minimal. It was found that a penalty at this level would act as a credible deterrent to Ms John.

In mitigation, Ms John admitted the allegations and cooperated with the SRA, which afforded her a discount of 20%.

Financial penalty and costs

Ms John was ordered to pay a £6,000 financial penalty and costs of £1,350.

SRA Principles 2011

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

SRA Code of Conduct 2011 Outcome 11.1: You do not take unfair advantage of third parties in either your professional or personal capacity.

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.

Code of Conduct for Solicitors, RELs and RFLs (2019)

Paragraph 1.4: You do not mislead or attempt to mislead your clients, the court or others, either by your own acts or omissions or allowing or being complicit in the acts or omission of others (including your client). Paragraph 8.5: You ensure that complaints are dealt with promptly, fairly and free of charge.

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