

# Sana Patel

## Employee

### 666316

*Agreement Date: 2 August 2020*

### *Decision - Agreement*

Outcome: Regulatory settlement agreement

Outcome date: 2 August 2020

Published date: 11 September 2020

### *Firm details*

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

Name: Lowell Solicitors Limited

Address(es): Darwin House, 7 Savannah Way, Leeds Valley Park, Leeds, West Yorkshire, LS10 1AB

Firm ID: 622605

### *Outcome details*

This outcome was reached by SRA decision.

#### *Decision details*

##### *1. Agreed outcome*

1.1 Sana Patel, a paralegal and former employee of Lowell Solicitors Limited (the firm), agrees to the following outcome to the investigation of her conduct by the Solicitors Regulation Authority (SRA):

- a. to the SRA making an order under section 43 of the Solicitors Act 1974 (a section 43 order) in relation to Ms Patel that, from the date of this agreement:
  - i. no solicitor shall employ or remunerate her in connection with his practice as a solicitor
  - ii. no employee of a solicitor shall employ or remunerate her in connection with the solicitor's practice
  - iii. no recognised body shall employ or remunerate her
  - iv. no manager or employee of a recognised body shall employ or remunerate her in connection with the business of that body
  - v. no recognised body or manager or employee of such a body shall permit her to be a manager of the body
  - vi. no recognised body or manager or employee of such body shall permit her to have an interest in the body

except in accordance with the SRA's prior permission

- b. to the publication of this agreement
- c. she will pay the costs of the investigation of £300.

## *2. Summary of facts*

2.1 Between 1 April 2019 to 17 October 2019 Ms Patel was employed by the firm as a paralegal in its litigation department.

2.2 Ms Patel was dealing with a debt recovery matter on behalf of a client. To prevent the clients claim from being struck out she needed to ensure that a court fee was paid by 17 July 2019.

2.3 On or about 24 July 2019 Ms Patel despite thinking that she had paid the court fee could find no record of having done so. She contacted the court and was advised that no payment had been received and the clients claim had been struck out.

2.4 On 24 July 2019, Ms Patel provided the court with an email dated 9 July 2019 which had genuinely been sent to the court on another case in which she had successfully made payment of the court fee. She altered the content of this email to suggest it related to the claim that had been struck out. The court relied on Ms Patel's email, accepting that the court fee had been paid, and reinstated the clients claim.

2.5 Subsequently, the firm identified that the court fee had not been paid. Ms Patel admitted to the firm that she knew the fee had not been paid. She also admitted that she altered the email dated 9 July 2019 to make the court believe the court fee had been paid on time and ensure that the claim would be reinstated.

2.6 The firm subsequently made an application to the court in October 2019, explaining the true facts and asked that the matter is struck out. The claim was struck out in November 2019.

2.7 The firm dismissed Ms Patel on 17 October 2019 and referred her conduct to the SRA for investigation on 21 October 2019.

## *3. Admissions*

3.1 Ms Patel admits and the SRA accepts that:

- a. she misled the court about whether the court fee had been paid on time
- b. she altered the email dated 9 July 2019 and provided the altered version of the email to the court as proof that she had paid the court fee
- c. she knew the court fee had not been paid on time
- d. she acted dishonestly.

## *4. Why a section 43 order is appropriate*

4.1 The SRA's Enforcement Strategy and its guidance on how it regulates non-authorized persons, sets out its approach to using section 43 orders to control where a non-authorized person can work.

4.2 When considering whether a section 43 order is appropriate in this matter, the SRA has taken into account the admissions made by Ms Patel and the following mitigation which she has put forward:

- a. she has expressed regret and remorse to the SRA for her actions
- b. she has cooperated with the SRA investigation.

4.3 The SRA and Ms Patel agree that a section 43 order is appropriate because:

- a. Ms Patel is not a solicitor
- b. her employment or remuneration at the firm means that she was involved in a legal practice
- c. by misleading the court by stating the fee had been paid when she knew it had not, Ms Patel has occasioned or been party to an act or default in relation to a legal practice. Ms Patel's conduct in relation to that act or default makes it undesirable for her to be involved in a legal practice.

4.4 Ms Patel's conduct makes it undesirable for her to be involved in a legal practice because it demonstrates that she has a propensity to mislead others. Her conduct demonstrates that, were Ms Patel to be involved in legal practice again, she could not be trusted to act honestly in the delivery of legal services.

#### *5. Publication*

5.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory process. Ms Patel agrees to the publication of this agreement.

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

6.1 Ms Patel agrees that she will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

#### *7. Costs*

7.1 Ms Patel agrees to pay the costs of the SRA's investigation in the sum of £300 inclusive of VAT and disbursements. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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