

Christopher Holmes

Solicitor

023384

Agreement Date: 25 January 2022

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 25 January 2022

Published date: 2 February 2022

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: DAS Law Ltd

Address(es): Trinity Quay, 2 Avon Street, Bristol, BS2 0PT

Firm ID: 423113

Firm or organisation at date of publication

Name: DAS Law Ltd

Address(es): Trinity Quay, 2 Avon Street, Bristol, BS2 0PT

Firm ID: 423113

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Christopher John Holmes ("Mr Holmes"), a solicitor of DAS Law Ltd ("the Firm"), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority ("the 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 9 November 2020, Mr Holmes submitted a settlement offer in a personal injury matter via the Ministry of Justice claims portal. The offer included a claim for care and assistance costs and was submitted without having his client's formal instruction and authority of the sums contained within the offer.

2.2 On the same day, and again on 30 December 2020, Mr Holmes signed a statement of truth to declare that his client had approved the sums contained within the offer. Despite writing to his client's authorised representative for their instruction, he had not received this before submitting the settlement offer. The statement of truth was therefore incorrect.

2.3 The settlement offer was considered by a third-party insurer. It was later removed from the Ministry of Justice claims portal because a settlement could not be agreed.

3. Admissions

3.1 Mr Holmes makes the following admissions which the SRA accepts:

- a. that by submitting the settlement offer on behalf of his client without having obtained their instruction, he failed to act in a way that upholds public trust and confidence in the solicitors' profession, in breach of Principle 2 of the SRA Principles ("the Principles"). He also breached Rule 3.1 of the SRA Code of Conduct for Solicitors, RELs and RFLs ("the Code").
- b. that by signing a statement of truth on two occasions which incorrectly declared that his client believed that the facts stated within the claim were true, and that he was authorised by them to sign the statement, Mr Holmes misled a third-party insurer. He has therefore breached Principle 2 of the SRA Principles and Rule 1.4 of the Code.

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 Holmes and the following mitigation which he has put forward:

- a. Mr Holmes does not have any prior regulatory history. There appears to be a low risk of repetition.
- b. Mr Holmes was trying to act in his client's best interests by concluding matters in their favour as quickly as possible. He

overlooked that he had not received their instructions before making the settlement offer. He has apologised for his actions and accepted full responsibility for them.

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

- a. There is no evidence of any actual or lasting harm to consumers or third parties.
- b. Mr Holmes's conduct was reckless. As an experienced solicitor, Mr Holmes would have known that he needed to obtain his client's consent before making a settlement offer on their behalf.
- c. Mr Holmes's conduct misled a third-party insurer.
- d. Some public sanction is required to uphold public confidence in the solicitor's profession.

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 Holmes agrees to the publication of this agreement.

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

6.1 Mr Holmes 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 Holmes 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 Principles and paragraph 7.3 of the Code.

7. Costs

7.1 Mr Holmes 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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