

Paul Ibbotson
Solicitor
099661

Agreement Date: 25 April 2022

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 25 April 2022

Published date: 4 May 2022

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Metcalfe David Eyres

Address(es): Queens Buildings, 55 Queen Street, Sheffield, S1 2DX

Firm ID: 61041

Outcome details

This outcome was reached by agreement.

Reasons/basis

1. Agreed outcome

1.1 Paul Clough Ibbotson (Mr Ibbotson), a solicitor, 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 Mr Ibbotson drafted a Will on behalf of Client A, who died on 13 November 2018.

2.2 The Will is dated 23 December 2002 and appointed Mr Ibbotson as one of two executors.

2.3 Client A was personally known to Mr Ibbotson and Client A wished for his family member to be included as a beneficiary.

2.4 Under the terms of the Will, the family member of Mr Ibbotson's would inherit 50% of the residue of Client A's estate.

2.5 Despite the value of the intended gift being a significant sum, Mr Ibbotson did not advise Client A to seek independent legal advice, nor did he cease to act for Client A.

3. Admissions

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

That in circumstances whereby Client A intended to make a gift of a significant amount to a family member, he failed to advise Client A to seek independent legal advice and cease to act. He has breached:

- a. Rule 15.05 from the Guide to the Professional Conduct of Solicitors 1999.

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 Ibbotson and the following mitigation which he has put forward:

- a. The conduct was not intentional.
- b. It is an isolated incident with a low risk of repetition.
- c. Mr Ibbotson has no prior regulatory history.
- d. He has shown insight into his conduct.
- e. Mr Ibbotson was a friend of Client A for over 50 years at the time the Will was prepared.

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

- a. The breach was of moderate seriousness.
- b. Some public sanction is required to uphold public confidence in the delivery of legal services.
- c. There is no indication that Client A made their decision regarding the gift to Mr Ibbotson's family member in any other way than voluntarily.
- d. Client A's capacity does not appear to be in question on or around the time that they gave their instructions.

- e. There is nothing to indicate that had Client A appointed an independent solicitor, the distribution of the estate would have been any different.
- f. Mr Ibbotson has co-operated fully with our investigation.

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 Ibbotson agrees to the publication of this agreement.

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

6.1 Mr Ibbotson 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 Ibbotson 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 of Conduct for Solicitors, RELs and RFLs.

7. *Costs*

7.1 Mr Ibbotson 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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