

Benjamin Lewis Clark

Employee

669736

[Employee-related decision Date: 22 June 2020](#)

Decision - Employee-related decision

Outcome: Control of non-qualified staff (Section 43 / Section 99 order)

Outcome date: 22 June 2020

Published date: 8 July 2020

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Bridge Mcfarland Llp

Address(es): 9 Cornmarket, Louth, Lincolnshire, LN11 9PY, DX 27554
Louth

Firm ID: 657877

Outcome details

This outcome was reached by SRA decision.

Decision details

1. Agreed outcome

1.1 Benjamin Lewis Clark, a legal assistant and former employee of Bridge McFarland LLP (the firm), agrees to the following outcome to the investigation of his 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 Mr Clark that, from the date of this agreement:
 - i. no solicitor shall employ or remunerate him in connection with his practice as a solicitor
 - ii. no employee of a solicitor shall employ or remunerate him in connection with the solicitor's practice
 - iii. no recognised body shall employ or remunerate him
 - iv. no manager or employee of a recognised body shall employ or remunerate him in connection with the business of that body



- v. no recognised body or manager or employee of such a body shall permit him to be a manager of the body
- vi. no recognised body or manager or employee of such body shall permit him to have an interest in the body

except in accordance with the SRA's prior permission

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

2. Summary of facts

2.1 Between 15 October 2015 and 31 March 2020 Mr Clark was employed by the firm as a legal assistant in its commercial department.

2.2 The firm agreed to support Mr Clark with his CILEx qualifications by confirming it would reimburse the cost of his course fees if he passed his examinations.

2.3 On or about 27 February 2020 Mr Clark failed his CILEx examinations. He told the firm that he had passed them and asked for the cost of his course fees to be reimbursed.

2.4 The firm asked for written confirmation of Mr Clark's results and he provided it with a letter from CILEx dated 27 February 2020 confirming that he had passed his examinations. Relying on this, the firm paid him £1,275.25.

2.5 Subsequently, the firm contacted CILEx to discuss the next stage of Mr Clark's studies. CILEx advised the firm that Mr Clark had failed his exams. It provided the firm a copy of its letter of 27 February 2020 to Mr Clark, which confirmed he had failed his exams. Mr Clark subsequently admitted to the firm that he had altered the letter to him from CILEx to induce the firm to reimburse him.

2.6 Mr Clark was suspended from his employment at the firm on 9 March 2020 and his employment ended on 31 March 2020. The firm referred the matter to the SRA for investigation on 23 March 2020.

3. Admissions

3.1 Mr Clark admits, and the SRA accepts that:

- a. He misled the firm about whether he had passed his CILEx examinations so that his course fees would be reimbursed.
- b. He altered the letter he had received from CILEx dated 27 February 2020 and provided the altered version of the letter to the firm as proof that he had passed the examinations.
- c. He knew the firm would not refund his course fees if it became aware that he had failed his examinations.
- d. His conduct was dishonest.

4. Why a section 43 order is appropriate

4.1 The SRA's Enforcement Strategy and the Guidance on how we regulate 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 Mr Clark and the following mitigation which he has put forward:

- a. He fully admitted his conduct to the firm and to the SRA.
- b. He has expressed regret and remorse for his actions.
- c. He was in debt at the time of the misconduct and struggling to keep up with the repayments he needed to make under a debt management plan.
- d. The firm has confirmed he was held in high regard prior to this incident.

4.3 The SRA and Mr Clark agree that a section 43 order is appropriate because:

- a. Mr Clark is not a solicitor
- b. his employment or remuneration at the firm, a recognised body, means that he was involved in a legal practice
- c. by misleading his employers, Mr Clark has occasioned or been party to an act or default in relation to a legal practice. Mr Clark's conduct in relation to that act or default makes it undesirable for him to be involved in legal practice.

4.4 Mr Clark's conduct makes it undesirable for him to be involved in a legal practice because it demonstrates he has a propensity to mislead his employers and alter documents to induce them to make payments to him.

5. Publication

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

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

6.1 Mr Clark agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7. Costs

7.1 Mr Clark 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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