

John Kelsall

Solicitor

106176

Sanction Date: 31 August 2023

Decision - Sanction

Outcome: Rebuke

Outcome date: 31 August 2023

Published date: 1 September 2023

Firm details

No detail provided:

Outcome details

This outcome was reached by SRA decision.

Decision details

1. Agreed outcome

1.1 John Kelsall (Mr Kelsall) 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 £600.

2. Summary of Facts

2.1 Mr Kelsall was the owner of Kelsall & Company (the firm), a recognised sole practice, that closed on 1st November 2019. He was made bankrupt on 8 February 2021 and his practising certificate (PC) was suspended. The suspension was lifted on 13 April 2021 and he was issued a PC with conditions. He then obtained a role as consultant. with another firm.

2.2 In June 2021, the SRA received a report from Mr Kelsall's Trustee in Bankruptcy that Mr Kelsall was engaging in legal work for clients, in contravention of the conditions on his PC.



2.3 During the investigation, Mr Kelsall provided 14 letters (the letters) relating to 4 matters, which he wrote to clients, the Court and third parties on letterheaded paper of his former firm. The letters are dated between 12 April 2021 and 26 July 2021.

2.4 Some of the letters related to his role as an executor, in which he was continuing in a personal capacity, one to Counsel confirming their engagement, and another to a former client of Kelsall & Co. This could potentially mislead the recipients to believe that they are liaising with a solicitor in a professional capacity.

3. Admissions

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

- a. He wrote and sent the letters after the closure of the firm.
- b. The recipients may have believed that the letters were from the firm, that was in fact no longer authorised or regulated by the SRA.
- c. By sending correspondence on the firm's letterheaded paper, after the firm had closed, he breached Principle 2 of the SRA Principles.

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 Kelsall and the following mitigation which he has put forward:

- a. he has recognised that he should have used non letterheaded paper for correspondence and has stopped using the letterheads.
- b. There has been no financial gain made from the conduct for Mr Kelsall.
- c. Mr Kelsall's conduct was reckless to the risk of harm.
- d. There is a low risk of repetition as Mr Kelsall is no longer practising and has shown insight and remorse.
- e. Some public sanction is required to uphold public confidence in the delivery of legal services. Public confidence would be damaged by regulated individuals using letterheaded paper of a firm which had closed and was no longer authorised by the SRA.

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 Kelsall agrees to the publication of this agreement.

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

6.1 Mr Kelsall 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 Kelsall 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 Kelsall agrees to pay the costs of the SRA's investigation in the sum of £600. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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