

Mabel Clarke

Employee

7159091

Sanction Date: 7 June 2024

Decision - Sanction

Outcome: Rebuke

Outcome date: 7 June 2024

Published date: 8 July 2024

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Chattertons Legal Services Limited

Address(es): 5 South Street, Horncastle, LN9 6DS, England

Firm ID: 631531

Outcome details

This outcome was reached by SRA decision.

Reasons/basis

1. Agreed outcome

1.1 Mabel Pamela Clarke (Ms Clarke), a former employee of Chattertons Legal Services Ltd (the Firm), agrees to the following outcome to the investigation of her conduct by the Solicitors Regulation Authority (SRA):

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

2. Summary of Facts

2.1 We received a report from the Firm on 13 October 2023. The report raised concerns that Ms Clarke, a paralegal at the Firm, had misled a client around the progress of their land purchase.

2.2 The client in this matter had instructed the Firm to deal with the purchase of land from the client's neighbour, which completed on 15



June 2020. The client's neighbour completed the purchase without properly identifying restrictions which would prevent the client from using the land as he intended. This was subject to a formal complaint, and the matter was referred to the Firm's insurers in September 2020 as a negligence claim. The Firm's insurers advised them to seek an informal remedy with payment of £10,000 to be made to the client from the neighbour. The appropriate application was made by the Firm to HM Land Registry (HMLR) to deal with this issue. A requisition was subsequently raised by HMLR but was not dealt with by the Firm. This resulted in the application being cancelled by HMLR. No further work was carried out on the file until it was picked up by Ms Clarke on 22 August 2023

2.3 Upon reviewing the file on 22 August 2023, Ms Clarke noted that there was a £502 balance to be returned to the client, and that the HMLR application needed to be resubmitted.

2.4 Ms Clarke dealt with the resubmission at around 14:50 on 22 August 2023. Ms Clarke then sent the client an email at 16:00 that same day, advising them that their application was still pending at HMLR, and that she would be chasing them for updates as the matter had been processing for 'some time'. In making this comment, Ms Clarke's email did not accurately reflect the position on the file relating to the HMLR application.

2.5 On Wednesday 4 October 2023 the Firm initiated an investigation into Ms Clarke's conduct. Ms Clarke was then invited to a disciplinary meeting on 12 October 2023, where the Firm decided that she had misled the client. Ms Clarke was subsequently dismissed by the Firm for gross misconduct.

3. Admissions

3.1 Mabel Pamela Clarke makes the following admissions which the SRA accepts:

- a. That on 22 August 2023, Ms Clarke sent an email to the client which contained a misleading statement around the status of a HMLR application, breaching Principle 5.

Principle 5: You act with integrity.

3.2 Ms Clarke has demonstrated a lack of integrity by misleading the client as to the status of the HMLR application. Our guidance states that we are likely to take disciplinary action against a lack of integrity where a client has been misled. *Malins v SRA* [2018 ECWA Civ 3666] Lord Justice Jackson confirms that 'integrity...involves more than mere honesty', and that a member of the legal profession will take particular care not to mislead. He goes on to explain that 'Such a professional is expected to be even more scrupulous about accuracy than a member of the public in daily discourse. The duty to act with integrity applies not only to what



professional persons say but what they do'. This principle applies to all those working across the legal profession. In this instance Ms Clarke sent her client an email which she knew did not accurately represent the position on the file and was therefore misleading.

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 Ms Clarke and the following mitigation which she has put forward:

- a. Ms Clarke was not responsible for the HMLR issues on the file before inheriting the matter. The misleading statement was not given to protect her own position, or for her own personal gain.
- b. The conduct concerns a single email communication. No other actions were taken to mislead the client or any other person.
- c. Ms Clarke admitted her actions when this was raised by the firm and demonstrated insight.
- d. No actual loss or harm was caused to the client.
- e. There is a low risk of repetition.

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

- a. No lasting significant harm to consumers or third parties.
- b. Some public sanction required to uphold public confidence 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 and disciplinary process. Ms Clarke agrees to the publication of this agreement.

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

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

6.2 If Ms Clarke denies the admissions, breaches the undertakings referred to in paragraph 3 above 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, 4 and 5 of the principles.

7. Costs

7.1 Ms Clarke 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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