

Emma Burns
Employee
7012561

[Fin ed Date: 13 November 2024](#)

Decision - Fined

Outcome: Fine

Outcome date: 13 November 2024

Published date: 6 January 2025

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Askews Solicitors

Address(es): 92-94 Borough Road, Middlesbrough, TS1 2HJ, England

Firm ID: 615546

Outcome details

This outcome was reached by SRA decision.

Decision details

Who does this disciplinary decision relate to?

Emma Burns, who is CILEX qualified and previously a senior paralegal at Askews Solicitors, 92-94 Borough Road, Middlesborough TS1 2HJ.

Final Decision

Short summary of decision

We have issued Ms Burns with a financial penalty for breaching Principle 2 of the SRA Principles 2019.

Facts of the misconduct

On 13 May 2023 Ms Burns was arrested on suspicion of driving under the influence of excess alcohol following a road traffic accident on Longlands Road in Middlesbrough. She had been drinking at home before driving to

a supermarket. As she turned into the supermarket car park a third-party vehicle collided into the rear of her vehicle.

On 30 May 2023 Ms Burns was convicted of driving a motor vehicle with the alcohol concentration above the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

It was found that in committing the offence, Ms Burns failed to behave in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, in breach of Principle 2 of the SRA Principles 2019.

Decision on sanction

It was decided that a financial penalty was an appropriate and proportionate sanction.

This was because Ms Burns' conduct was serious by reference to the following factors in the SRA Enforcement Strategy:

- Any lesser sanction would not be appropriate.
- To send a signal to those we regulate more widely with the aim of preventing similar behaviour by others.
- Some public sanction is required to uphold public confidence in the delivery of legal services.

Aggravating factors included that Ms Burns' conduct was reckless and had the potential to cause harm. She had direct control over her actions. She had a previous conviction for driving with excess alcohol in 2020 as a result of which she received a financial penalty for committing professional misconduct.

The mitigating factors were Ms Burns' self-report to her employer, her co-operation with the SRA and her guilty plea.

In view of the above, Ms Burns' conduct was placed in conduct band C which has a financial penalty bracket of between 16% and 49% of her gross annual income. Her conduct was placed in the middle of this bracket, at C4 (32% of gross annual income). A discount of 25% was applied to the penalty to take account of factors including Ms Burns' self-reporting, early admission and co-operation.

Financial penalty and costs

Ms Burns was ordered to pay a financial penalty of £7,780 and costs of £600.

SRA Principles 2019

Principle 2: You must act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

Fined Date: 20 December 2022

Decision - Fined

Outcome: Fine

Outcome date: 20 December 2022

Published date: 26 January 2023

Firm details

Firm or organisation at date of publication and at time of matters giving rise to outcome

Name: Askews Solicitors Limited

Address(es): 92-94 Borough Road, Middlesbrough, TS1 2HJ

Firm ID: 615546

Outcome details

This outcome was reached by SRA decision.

Decision details

Fined

Fine of £2,000 and SRA costs of £300.

Reasons/basis

Summary of facts

Miss Burns is an advanced paralegal and since 4 May 2021 she has been employed by Askews Solicitors Limited. Ms Burns is involved in a legal practice but is not a solicitor.

Following an arrest which occurred on 1 March 2020, Ms Burns was convicted of:

- a. driving whilst unfit through excess alcohol, contrary to section 5(1) (a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988, on 19 August 2020, and

- b. assault on an emergency worker, contrary to Section 39 of the Criminal Justice Act 1998 and Section 1 of the Assaults on Emergency Workers Offences Act 2018, on 17 December 2021.

Findings

1. By driving on 1 March 2020 with a level of alcohol above that of the legal limit, Ms Burns failed to behave in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, in breach of Principle 2 of the SRA Principles 2019.
2. By assaulting a police officer on 1 March 2020, Ms Burns failed to behave in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, in breach of Principle 2 of the SRA Principles 2019, and failed to act with integrity, in breach of Principle 5 of the SRA Principles 2019.

Ms Burns was directed to pay a financial penalty of £2,000 and costs of £300.

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