

Phoebe Bird
Employee
7258674

[Agreement Date: 4 December 2024](#)

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 4 December 2024

Published date: 3 January 2025

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Ashfords LLP

Address(es): Ashford House Grenadier Road Exeter EX1 3LH

Firm ID: 508761

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Phoebe Bird, a former employee of Ashfords LLP (the Firm), agrees to the following outcome to the investigation of her 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 Ms Bird that, from the date of this agreement:
 - i. no solicitor shall employ or remunerate her in connection with his practice as a solicitor
 - ii. no employee of a solicitor shall employ or remunerate her in connection with the solicitor's practice
 - iii. no recognised body shall employ or remunerate her
 - iv. no manager or employee of a recognised body shall employ or remunerate her in connection with the business of that body
 - v. no recognised body or manager or employee of such a body shall permit her to be a manager of the body



vi. no recognised body or manager or employee of such body shall permit her to have an interest in the body

except in accordance with the SRA's prior permission

b. to the publication of this agreement

c. she will pay the costs of the investigation of £300.

2. Summary of facts

2.1 Ms Bird was employed by the Firm as a paralegal from 19 February 2021 until 6 November 2023 in the Firm's Commercial Team. Part of Ms Bird's role was to send regular reminders to clients about the renewal of their trademarks.

2.2 On 20 April and 3 October 2023, Ms Bird was copied into reminder emails sent to the Firm about the upcoming expiration of a client's trademark. On 3 October 2023, Ms Bird replied to the emails stating that the Firm had not received any instructions from the client.

2.3 On 17 October 2023, Ms Bird's supervisor emailed her to ask if the client had responded and requested that she save the email reminders which had been sent to the client, to the file.

2.4 Ms Bird had not sent any email reminders to the client. On 18 October 2023, Ms Bird amended a draft email to make it appear that it and two additional emails had been sent to the client on 20 December 2022, 9 January 2023 and 22 March 2023 respectively. She sent this email chain to herself and added it to the client's file. Ms Bird then replied to her supervisor telling her that she had not received any response from the client.

2.5 During a review of the client file, the Firm became concerned about the chain of emails and launched an internal investigation. On 1 November 2023, the Firm's IT department confirmed that the emails had not been sent.

3. Admissions

3.1 Ms Bird makes the following admissions which the SRA accepts:

- a. she amended a draft email to make it appear that she had sent it and two additional emails to the client when she knew she had not
- b. she placed copies of those emails on the client file to mislead anyone reading them into thinking she had sent the emails when she had not done so
- c. she misled her supervisor that she had sent the client emails on 20 December 2022, 9 January 2023 and 22 March 2023, when she had not.
- d. that her conduct as described above was dishonest



- e. that her dishonest conduct was an act or default in relation to a legal practice which means that it is undesirable for her to be involved in a legal practice

4. Why a section 43 order is appropriate

4.1 The SRA's Enforcement Strategy and its guidance on how it regulates non-authorised persons, sets out its approach to using section 43 orders to control where a non-authorised 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 Ms Bird and the following mitigation which she has put forward:

- a. She has shown insight and remorse for her actions and has accepted responsibility for her conduct. She accepts that she should not have amended the emails to make it look like they had been sent when they had not.
- b. Her conduct caused no actual harm to the client concerned.
- c. Her conduct was isolated to one matter, and she has not acted in this way before or since.

4.3 The SRA and Ms Bird agree that a section 43 order is appropriate because:

- a. Ms Bird is not a solicitor
- b. her employment or remuneration at the Firm means that she was involved in a legal practice
- c. by amending an email in the way described at paragraph 2.4, and knowingly misleading her supervisor and anyone reading the file that she had sent the emails, when she had not, Ms Bird has occasioned or been party to an act or default in relation to a legal practice. Ms Bird's conduct in relation to that act or default makes it undesirable for her to be involved in a legal practice.

4.4 Ms Bird's conduct makes it undesirable for her to be involved in a legal practice because her conduct was dishonest and diminishes the public's trust and confidence in those who are involved in and responsible for the safe delivery of legal services. She did not rectify her error and instead misled her supervisor into believing that the emails had been sent. As a registered paralegal member of the Chartered Institute of Trade Mark Attorneys at the time, Ms Bird was aware of the seriousness of her conduct.

5. Publication

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

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

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

7. Costs

7.1 Ms Bird 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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