

Jacob Niall Joshua McSherry

Employee

814722

[Employee-related decision Date: 30 March 2023](#)

Decision - Employee-related decision

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

Outcome date: 30 March 2023

Published date: 6 July 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Slater Heelis LLP

Address(es): 1st Floor Crossgate House, 47-55 Cross Street, Sale, M33 7FT

Firm ID: 567155

Outcome details

This outcome was reached by SRA decision.

Reasons/basis

Who does this decision relate to?

Jacob McSherry whose last known address was in Bury, Lancashire.

A person who is or was involved in a legal practice but is not a solicitor.

Summary of decision

The SRA has put restrictions on where and how Mr McSherry can work in an SRA regulated firm. It was found that Mr McSherry:

- described himself as a solicitor in a letter to a third party dated 1 May 2021.
- signed a statutory declaration when he was not entitled to.
- dishonestly told his employer Slater Heelis on 21 May 2021, and the SRA on 24 June 2021 that the said letter and statutory declaration were part of his LPC course work when he knew they were not.



- dishonestly represented to a prospective employer Slater Heelis that he had had five years' experience in a particular law firm called Russell & Russell when he had not because he had never worked there.
- dishonestly provided to Slater Heelis a fake reference from Russell & Russell knowing it was not true.
- dishonestly provided to another prospective employer, PRD, a further fake reference knowing it was not true.

Mr McSherry's conduct, where described above as such, was dishonest.

By virtue of the above, it is undesirable for Mr McSherry to be involved in a legal practice without the SRA's prior written consent.

The facts of the case

Mr McSherry was employed by Slater Heelis (the firm) from December 2020 until 5 May 2021. The firm is a recognised body.

To obtain his position as a paralegal Mr McSherry submitted through an agency a CV which stated (amongst other things) that he had had five years' experience working in a firm called Russell & Russell Solicitors. He also supplied a reference purportedly from Russell & Russell Solicitors. Mr McSherry had never been employed at Russell & Russell Solicitors and the reference had not been supplied by anyone there.

Mr McSherry witnessed and signed a statutory declaration in which he held himself out to be a Commissioner for Oaths and/or an Officer of the Court appointed by a Judge to and/or a Justice of the Peace. Mr McSherry held none of the positions the declaration stated he held, and he had not been authorised to make the declaration by anyone at Slater Heelis. Mr McSherry sent a letter by email on a private business matter in which he described himself as a solicitor when he was not one.

Our decision on outcome

An order pursuant to section 43(2) of the Solicitors Act 1974 was imposed as Mr McSherry's conduct meant that it was undesirable for him to be involved in a legal practice without the SRA's prior approval.

This was because Mr McSherry's conduct was serious. It involved misleading people as to his employment history in the profession, holding himself out as a solicitor when he was not one and witnessing a statutory declaration when he had no right to do so.

Mr McSherry was also ordered to pay the SRA's costs of £600.

What our Section 43 order means

To make an order pursuant to section 43 that with effect from the date of the letter or email notifying Mr McSherry of this decision:

- i. no solicitor shall employ or remunerate him in connection with his/her 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; and
- vi. no recognised body or manager or employee of such a body shall permit him to have an interest in the body

except in accordance with the SRA's prior written permission.

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