

Paul Ward
Employee
167310

[Employee-related decision Date: 26 November 2024](#)

Decision - Employee-related decision

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

Outcome date: 26 November 2024

Published date: 19 December 2024

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: James & Co

Address(es): Queensberry House, 106 Queens Road, Brighton BN1 3XF

Firm ID: 427076

Outcome details

This outcome was reached by SRA decision.

Decision details

1. Agreed outcome

1.1 Paul James Ward Ward (Mr Ward), a former employee of James & Co (the Firm), agrees to the following outcome to the investigation of his 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 Mr Ward that, from the date of this agreement:
 - i. no solicitor shall employ or remunerate him in connection with his 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



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

except in accordance with the SRA's prior permission

b. to the publication of this agreement

c. he will pay the costs of the investigation of £600.

2. Summary of facts

2.1 On 4 November 2022 Marcelo Carbonari (Mr Carbonari) paid £800 to the Firm being fees charged by Mr Ward to complete his visa application and lodge it with the Home Office.

2.2 The Home Office refused Mr Carbonari's application notifying Mr Ward by email on 14 February 2023. Mr Ward failed to inform Mr Carbonari that his application had been refused.

2.3 Mr Ward lodged an appeal on behalf of Mr Carbonari on or around 28 February 2023 but failed to inform Mr Carbonari that an appeal had been made on his behalf. He used office monies to pay the appeal fee and did not seek reimbursement from Mr Carbonari.

2.4 Court directions were made on 5 April, 26 May and 4 July 2023, which were not followed. Mr Carbonari was not informed of the directions.

2.5 Mr Ward ceased working with the Firm on 30 June 2023. Mr Ward continued to communicate with Mr Carbonari and his partner as if he continued to be employed by the Firm and was dealing with his visa application until 2 October 2023.

2.6 There is no evidence to show that Mr Carbonari was informed that his visa had been refused or that an appeal had been lodged. WhatsApp messages show that Mr Ward failed to inform Mr Carbonari or his partner that his visa had been refused or that an appeal had been lodged.

3. Admissions

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

a. There is no evidence that he informed Mr Carbonari or his partner that the visa had been refused or that an appeal on his behalf had been lodged.

b. That he ceased working with the Firm on 30 June 2023 but continued to communicate with Mr Carbonari's partner as if he was still dealing with the visa application until 2 October 2023.

c. That his dealings with Mr Carbonari and his partner about the state of his visa application or the status of his employment with the Firm involved conduct which means that it is undesirable for him 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 Mr Ward and the following mitigation which he has put forward:

- a. At the time of the conduct, he was under stresses and strains relating to private family matters.
- b. He voluntarily removed himself from the Roll of Solicitors and has no desire to return to legal practice.

4.3 The SRA and Mr Ward agree that a section 43 order is appropriate because:

- a. Mr Ward is not a solicitor
- b. by undertaking work in the name of, or under the direction and supervision of Stephen James Fanning, a solicitor, he was involved in a legal practice
- c. by failing to inform Mr Carbonari about the Home Office refusing his visa application and submitting the appeal on his behalf and by failing to inform Mr Carbonari or his partner that he ceased working with the Firm, Mr Ward has occasioned or been party to an act or default in relation to a legal practice. Mr Ward's conduct in relation to that act or default makes it undesirable for him to be involved in a legal practice.

4.4 Mr Ward's conduct makes it undesirable for him to be involved in a legal practice because he misled Mr Carbonari and his partner by omitting to inform them that the visa application had been refused, that an appeal had been submitted to the Home Office and that he was no longer working on the visa application because he had ceased working with the Firm. As a result of Mr Ward's conduct, Mr Carbonari was unable to work between September 2023 and January 2024 causing him financial loss. He suffered anxiety as additional applications were required, together with court appearances, to secure his visa. Legal costs increased as a result.

5. Publication

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

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

6.1 Mr Ward agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7. Costs

7.1 Mr Ward 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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