

Elaine Marshall

Employee

662140

[Employee-related decision Date: 18 March 2020](#)

Decision - Employee-related decision

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

Outcome date: 18 March 2020

Published date: 18 March 2020

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Waldrons Solicitors Ltd

Address(es): Capstan House, The Waterfront, Brierley Hill WEST
MIDLANDS DY5 1XL

Firm ID: 564439

Outcome details

This outcome was reached by SRA decision.

Decision details

ORDER FOR PUBLICATION

In the matter of:

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

The Facts

Ms Marshall is a fellow of the Chartered Institute of Legal Executives. She was employed by Waldrons Solicitors Ltd from April 2017 until 6 March 2018, when she was dismissed, with immediate effect, for gross misconduct.

In order to cover up a mistake on a personal injury matter, Ms Marshall created a court claim form and a court order and misled her client and her colleagues as to the true nature of the settlement.

Ms Marshall paid £1,200 from her own funds to increase the settlement to her client. When her employers became suspicious she admitted to forging the documents. She admitted acting dishonestly.

Finding

I find that Elaine Marshall is or was involved in a legal practice (as defined by section 43 (1A) of the Solicitors Act 1974) but is not a solicitor and has occasioned or been a party to, with or without the connivance of a solicitor, an act or default in relation to a legal practice which involved conduct on her part of such a nature that in the opinion of the Society it would be undesirable for her to be involved in a legal practice in any of the ways set out in the Order below.

ORDER

To make a section 43 Order that with immediate effect:

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

except in accordance with an SRA permission.

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