

Jacobus Johannes Swart

Employee

7001177

[Employee-related decision Date: 24 June 2024](#)

Decision - Employee-related decision

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

Outcome date: 24 June 2024

Published date: 10 July 2024

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Clifford Chance LLP

Address(es): 10 Upper Bank Street London E14 5JJ

Firm ID: 447778

Outcome details

This outcome was reached by SRA decision.

Decision details

Who does this decision relate to?

Jacobus Johannes Swart whose last known UK address was in London.

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 Jacobus Johannes Swart can work in an SRA regulated firm. It was found that Mr Swart, who is not a solicitor, was involved in a legal practice and has occasioned or been a party to an act or default which involved such conduct on his part that it is undesirable for him to be involved in a legal practice in any of the ways described in the order below.

Reasons/basis

The facts of the case

Mr Swart is a South African lawyer. He is not an England & Wales qualified solicitor and is not a Registered Foreign Lawyer.

He was employed by Clifford Chance LLP in its London office as an associate or equivalent between 10 January 2022 and 11 March 2022.

The firm held a social event on 25 February 2022. At that event, it was found that Mr Swart engaged in conduct towards a colleague that was inappropriate and/or unwanted and/or sexually motivated.

The firm launched an investigation and suspended Mr Swart while this was ongoing. However, Mr Swart resigned from the firm before the disciplinary hearing took place. The firm reported the matter to the SRA on 14 March 2022. No current address is held for Mr Swart. It is believed that he may have moved back to South Africa.

Decision on outcome

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

Mr Swart's conduct was serious because during a work event he touched a colleague in an inappropriate and/or unwanted and/or sexually motivated manner without consent, causing them distress. His behaviour had a long term impact on them.

Mr Swart was also ordered to pay a proportion of the SRA's costs of £1,350.

Other information

What our Section 43 order means

- i. no solicitor shall employ or remunerate Mr Swart in connection with his practice as a solicitor;
- ii. no employee of a solicitor shall employ or remunerate Mr Swart in connection with the solicitor's practice;
- iii. no recognised body shall employ or remunerate Mr Swart;
- iv. no manager or employee of a recognised body shall employ or remunerate Mr Swart in connection with the business of that body;
- v. no recognised body or manager or employee of such a body shall permit Mr Swart to be a manager of the body; and
- vi. no recognised body or manager or employee of such a body shall permit Mr Swart to have an interest in the body

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

[Search again \[https://www.sra.org.uk/consumers/solicitor-check/\]](https://www.sra.org.uk/consumers/solicitor-check/)