

Lydia Cleary
Employee
7025980

[Employee-related decision Date: 19 July 2024](#)

Decision - Employee-related decision

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

Outcome date: 19 July 2024

Published date: 5 September 2024

Firm details

Firm or organisation at date of publication and at time of matters giving rise to outcome

Name: DAS Law Limited

Address(es): Trinity Quay, 2 Avon Street, Bristol, BS2 0PT

Firm ID: 423113

Outcome details

This outcome was reached by SRA decision.

Decision details

Who does this decision relate to?

Lydia Cleary who works at DAS Law, Trinity Quay, 2 Avon Street, Bristol BS2 0PT (the firm).

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 Ms Cleary can work in an SRA regulated firm. It was found that:

Ms Cleary, who is not a solicitor, is or was involved in a legal practice and has occasioned or been a party to an act or default which involved such conduct on her part that it is undesirable for her to be involved in a legal practice in any of the ways described in the order below.

The facts of the case

Ms Cleary is a paralegal at the firm, which is a licensed body.

On 8 January 2023 and 6 February 2023, Ms Cleary created attendance notes on a client file which suggested she had made telephone calls that in fact she had not made.

In doing so, Ms Cleary breached rule 1.4 of the Code of Conduct for Firms 2019 and Principles 2, 4 and 5 of the SRA Principles 2019.

Decision on outcome

An order pursuant to section 43(2) of the Solicitors Act 1974 was imposed as Ms Cleary's conduct meant that it was undesirable for her to be involved in a legal practice without the SRA's prior approval. The order pursuant to section 43 was made with effect from 28 days after the date of the letter or email notifying Ms Cleary of this decision.

Ms Cleary's conduct was serious because it was dishonest and showed a lack of integrity. The notes gave the misleading impression that Ms Cleary had worked on the file, which allowed Ms Cleary to move the file from her inactive list.

In mitigation, it was noted that the client had not suffered any loss as a result of the misconduct and, at the time of these events, Ms Cleary had raised concerns about her workload with her immediate supervisor at the firm.

Ms Cleary was also ordered to pay a proportion of the SRA's costs of £600.

What our Section 43 order means

- 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 (vi) 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 the SRA's prior written permission.

SRA Standards and Regulations breached

SRA Code of Conduct for Firms 2019

Rule 1.4 You do not mislead or attempt to mislead your clients, the court or others, either by your own acts or omissions or allowing or being complicit in the acts or omissions of others (including your client).

SRA Principles 2019

Principle 2 You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

Principle 4 You act with honesty.

Principle 5 You act with integrity.

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