

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12730-2025

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

GAVIN CLARKE

Respondent

Before:

Mrs F Kyriacou (Chair)

Mr E Nally

Mr D Kearney

Date of Hearing: 12 November 2025

Appearances

Jonathan White, Solicitor, Blake Morgan LLP, 6 New Street Square London EC4A 3DJ,
Instructed by the Applicant.

The Respondent attended and represented himself.

JUDGMENT

Allegations

1. The Allegations made against the Respondent, Gavin Clarke made by the SRA, were that:
 - 1.1 Between 1 February 2022 and 31 August 2022, he misled Person A by agreeing to act as a solicitor for her partner, Person B, in conducting Person B's criminal appeal proceedings, and implying that he could undertake the work, in circumstances where he did not hold a practising certificate and was therefore not authorised to act as a solicitor, and thereby breached any or all of Principles 2, 4 and 5 of the SRA Principles 2019 ("the Principles") and Paragraph 1.4 of the SRA Code of Conduct for Solicitors 2019 ("the Code").
 - 1.2 Between 18 February 2022 and 11 April 2022, he obtained funds from Person A in the sum of £4,525 for him to act as a solicitor in relation to Person B's potential criminal appeal proceedings in circumstances where he did not hold a practising certificate and was therefore not authorised to act as a solicitor, and thereby breached any or all of Principles 2, 4 and 5 of the Principles and Paragraph 1.4 of the Code.
 - 1.3 Between 18 February 2022 and 31 August 2022, having obtained funds from Person A in the sum of £4,525 for work to be undertaken in relation to Person B's potential criminal appeal proceedings, he failed to return the money to Person A and thereby breached any or all of Principles 2, 4 and 5 of the Principles.
 - 1.4 Between 18 February 2022 and 31 August 2022, he personally held client monies when he was not permitted to do so, in breach of Paragraph 4.3 of the Code of Conduct for Solicitors 2019

ALLEGATIONS 1.1 – 1.4 PROVED

Executive Summary

2. The Tribunal considered allegations that, between February and August 2022, the Respondent acted as a solicitor without holding a practising certificate, misleading a member of the public, Person A, about his professional status and the progress of her partner's criminal appeal. He obtained £4,525 from Person A, failed to return the funds, and held client monies in his personal account.
3. Although the Respondent had not engaged with the proceedings prior to the substantive hearing, he attended, made full admissions, and expressed remorse. He accepted the Tribunal's findings in full and did not seek to justify his conduct. In mitigation, he stated that his misconduct occurred during a period of significant personal and professional difficulty, including serious health problems, loss of accommodation, and the effects of the national lockdown. He is now in supported accommodation, undertakes voluntary work, and receives state benefits reflecting his limited capacity for work. He expressed an intention to make restitution to Person A by repaying the £4,525 when financially able.
4. The Tribunal found that the Respondent had knowingly misrepresented his status, falsely claimed to have instructed counsel, and undertaken no genuine work on the

appeal, demonstrating dishonesty and a serious lack of integrity. All allegations were proved on the balance of probabilities.

5. Given the deliberate and dishonest nature of the misconduct, its impact on a member of the public, and the need to maintain public confidence in the profession, the Tribunal concluded that striking the Respondent off the Roll of Solicitors was the only proportionate sanction. Having considered his financial circumstances, the Tribunal made no order as to costs.

Sanction

6. Strike off from the Roll. The Tribunal's sanction can be found [\[here\]](#)

Documents

7. The Tribunal considered all the documents in the case which were contained in the electronic bundle including:

The Applicant's Rule 12 Statement can be found [\[here\]](#)

Preliminary Matters

8. At the commencement of the hearing, the Tribunal was informed that the Respondent was in attendance. His attendance was unexpected as he had not previously engaged with the proceedings. The Tribunal treated this as a preliminary issue.
9. The Respondent explained that he had been street homeless for a considerable period, moving from place to place, and had only recently become aware of the proceedings and contacted the SRA.
10. The Tribunal explained the nature of the hearing, the allegations, and the procedure. The Respondent was invited to consider whether he wished to apply for an adjournment to allow further preparation. He confirmed that he did not wish to delay the matter, that he understood the seriousness of the allegations, and that he wished to proceed. The Tribunal was satisfied that he made that decision freely and with understanding and accordingly decided to proceed.

Factual Background

11. The Respondent was admitted to the Roll on 1 August 2003. At the material time, the Respondent did not hold a Practising Certificate.

Findings of Fact and Law

12. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent's right to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

13. The Tribunal had due regard to the following and applied the various tests in its fact-finding exercise:

Dishonesty

The test set out at paragraph 74 of [Ivey v Genting Casinos \(UK\) Ltd t/a Crockfords \[2017\] UKSC 67](#).

Integrity

The matters set at paragraphs 97 to 107 of [Wingate v SRA \[2018\] EWCA Civ 366](#),

NOTE: While all the evidence was carefully considered the Tribunal does not refer to each and every piece of the evidence or submissions in its judgment and findings.

14. The Applicant's Case

- 14.1 Mr White appeared for the SRA. He referred to matters set out in the Rule 12 Statement. It was alleged that the Respondent misled a member of the public, Person A, and acted without authorisation as a solicitor between February and August 2022. During this period, the Respondent did not hold a practising certificate and was therefore not permitted to carry out reserved legal activities or to describe himself as a practising solicitor.
- 14.2 The Respondent had previously held a practising certificate for the 2020–2021 year, but it was revoked on 31 January 2022 after he failed to renew it despite receiving several reminders. He made a further application in late 2022 but did not complete the payment, and so the application was marked as withdrawn. He did not obtain a practising certificate again until December 2023.
- 14.3 Ms Kinman gave evidence regarding the renewal and revocation of practising certificates. At the relevant time she had been employed by the SRA in the role of Team Leader, Practising Certificates and Registration in the Authorisations Department. Her evidence confirmed that the Respondent's practising certificate had been revoked on 31 January 2022 and that he did not hold a valid practising certificate at any time between February and August 2022. She was not cross-examined.
- 14.4 In February 2022, Person A contacted the Respondent about assisting her partner, Person B, with an appeal against his criminal conviction. The Respondent told Person A that he was a solicitor and that although criminal appeal work was not his area of expertise, he had a group of barristers who could assist. He later stated that a barrister named "Darren Zelazelason" of Lincoln House Chambers in Manchester was handling the matter. No record of such a barrister existed, either online or with the Bar Council.
- 14.5 Between February and April 2022, Person A made a series of payments to the Respondent totalling £4,525. This included an initial £600 payment, followed by £1,000 and £2,800 in March 2022, and a further £125 in April 2022. The Respondent stated that £3,000 was for counsel's fees and £800 was his own fee. All of the funds were paid directly into the Respondent's personal bank account rather than a client account.
- 14.6 The Respondent told Person A that he had prepared and submitted an application for leave to appeal and sent her a photograph of a partially completed appeal form dated

10 March 2022. The form bore his name and the description “Mr Gavin Clarke, GC Legal”, but it was later found that no such firm appeared to exist. When Person A later contacted the Court of Appeal, she was informed that no application had been received in relation to Person B’s case.

- 14.7 From June 2022 onwards, Person A repeatedly asked the Respondent to provide evidence of the application or to refund the money. The Respondent sent a number of text messages assuring her that he would return the funds and hand deliver the case file, but he failed to do so. By August 2022, Person A and Person B had concluded that no work had been undertaken, and Person A reported the matter to the SRA.
- 14.8 The SRA alleged that the Respondent had acted dishonestly and without integrity. It was said that he knew his practising certificate had been revoked, knew he was not authorised to act, and nevertheless held himself out as a solicitor, took client money, and failed to return it. His conduct was alleged to have breached Principles 2, 4 and 5 of the SRA Principles 2019, and Paragraph 1.4 and Rule 4.3 of the SRA Code of Conduct for Solicitors 2019.
- 14.9 The SRA wrote to the Respondent on several occasions in 2022 and 2023 inviting a response to the complaint. Although he made brief contact by telephone and referred to personal difficulties and health issues, he did not provide any substantive reply. The SRA therefore proceeded to refer the matter to an Authorised Officer, who decided on 31 October 2024 that the Respondent’s conduct should be referred to the Solicitors Disciplinary Tribunal.

15. The Respondent’s Case

- 15.1 The Respondent confirmed that he accepted all the allegations in full. There were no factual disputes between him and the SRA. He offered brief explanations of his personal circumstances, indicating that he had been homeless and struggling to maintain stability, but accepted that these matters did not excuse his conduct. His admissions were recorded as unequivocal.

16. The Tribunal’s Findings

- 16.1 The Tribunal reviewed all the evidence before it and considered the submissions made by the Respondent and the Applicant. The Tribunal applied the civil standard of proof, as it was required to do. The burden of proof lay entirely with the Applicant.
- 16.2 The Tribunal was satisfied that the Respondent’s admissions were properly made. The Tribunal found the facts proved on the balance of probabilities.
- 16.3 The Tribunal found that the Respondent knew that his practising certificate had been revoked and that he was not authorised to act as a solicitor. The Tribunal accepted Ms Kinman’s evidence as clear and reliable in this regard.
- 16.4 The Respondent nevertheless chose to present himself as a solicitor, to accept instructions from a member of the public, and to receive and retain client money for legal work that he was not permitted to undertake. His statements to Person A about his status, about the involvement of a barrister, and about the submission of an appeal were

knowingly false. The Tribunal was satisfied that his conduct was dishonest according to the standards of ordinary decent people, and that it demonstrated a serious lack of integrity.

- 16.5 The Tribunal also found that the Respondent failed to cooperate with his regulator. Despite repeated invitations from the SRA to respond to the complaint and to account for his conduct, he provided only brief and uninformative communications. He referred on one occasion to personal and health difficulties but offered no further detail, evidence, or engagement. He did not respond substantively to the allegations and did not file an Answer although his attendance before the Tribunal was noted.
- 16.6 In light of the evidence, and in the absence of any contrary material or explanation from the Respondent, the Tribunal was satisfied that all four allegations had been proved. The Respondent had misled Person A by holding himself out as a solicitor when he was not authorised to practise; he had obtained £4,525 from her for that purpose; he had failed to return those funds; and he had personally held client monies contrary to the rules.
- 16.7 The Tribunal concluded that the Respondent's conduct involved dishonesty and a clear lack of integrity, and that it constituted serious professional misconduct in breach of Principles 2, 4 and 5 of the SRA Principles 2019 and Paragraph 1.4 and Rule 4.3 of the Code of Conduct for Solicitors 2019.

Previous Disciplinary Matters

17. There were no previous findings from the Tribunal.

Mitigation

18. The Respondent stated that he accepted the findings of the Tribunal in full. He expressed remorse for his conduct and for the consequences that arose from it. He indicated that he did not seek to justify or excuse his actions and that he admitted all matters before the Tribunal. He further stated that he wished to bring these proceedings to a conclusion.
19. The Respondent referred to his previous professional record and experience. He stated that he had practised as a solicitor for approximately 19 years, primarily undertaking criminal legal aid work both for the defence and prosecution. He explained that this had involved dealing with a broad range of cases, including serious and complex matters, often under considerable pressure and in challenging working environments.
20. The Respondent submitted that his misconduct occurred during a period in which he was experiencing significant personal and professional difficulties. He stated that the demands of his workload had become considerable and that the effects of the national lockdown in 2020 had exacerbated these pressures. He referred to personal losses and other private circumstances that had adversely affected his wellbeing during that period.
- 21.. He indicated that his health had deteriorated and that he had experienced a decline in his ability to manage his professional and personal affairs. He explained that, over time,

these issues contributed to impaired judgement and decision-making, which in turn led to the conduct that is the subject of these proceedings.

22. The Respondent stated that his circumstances had become unstable over an extended period. He had experienced significant disruption to his living arrangements and had, for a time, been without settled accommodation. He also experienced serious health difficulties which required hospital treatment and a period of rehabilitation.
23. The Respondent informed the Tribunal that since early 2024 he had undertaken a structured programme of rehabilitation and support. He stated that he had successfully completed that programme and had maintained stability since doing so. He is presently living in supported accommodation and undertakes voluntary work for charitable organisations on a regular basis.
24. He further stated that he is in receipt of state benefits reflecting his limited capacity for work. The Respondent expressed an intention to make restitution to the individual affected by his conduct. He stated that he wished to make arrangements to repay the sum of £4,525 and proposed that a schedule of repayment could be agreed, commencing when his financial position allows.

Sanction

25. The Tribunal applied the Guidance Note on Sanction (11th Edition) (“the Sanctions Guidance”) and the proper approach to sanctions as set out in Fuglers and others v SRA [2014] EWHC 179. In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.

Stage one: seriousness of the misconduct (culpability and harm).

26. The Tribunal considered first the seriousness of the misconduct, assessing both the Respondent’s culpability and the harm caused. The Respondent’s culpability was high. He had deliberately held himself out as a practising solicitor when he knew he was not entitled to do so, and he had continued to act for a member of the public over a period of several months. He knowingly misled Person A into believing that he was properly authorised, that he had instructed counsel, and that an appeal had been lodged on behalf of her partner. These actions were calculated to give the impression of legitimacy and to secure her trust and her money.
27. The Respondent’s conduct was not a single lapse of judgment but a sustained course of dishonest behaviour. He misrepresented his professional status, received money for work he was not entitled to carry out, and then failed to return those funds despite repeated promises to do so.
28. The harm caused was both individual and public. Person A suffered financial loss and considerable distress in believing that legitimate legal work was being undertaken on behalf of her partner. More broadly, the Respondent’s actions undermined public confidence in the profession and in the system of regulation that protects clients from precisely this type of misconduct. The Tribunal regarded the Respondent’s dishonesty and misuse of his professional status as among the most serious forms of misconduct that can come before it.

29. The Tribunal was therefore satisfied that this was a case of the highest level of seriousness, involving deliberate dishonesty, exploitation of a member of the public, and significant harm to the standing of the profession.

Stage two: the purpose of sanctions

30. The Tribunal had regard to the observation of Sir Thomas Bingham MR (as he then was) in Bolton v Law Society [1994] 1 WLR 512 that the fundamental purpose of sanctions against solicitors was:

“to maintain the reputation of the solicitors’ profession as one in which every member, of whatever standing, may be trusted to the ends of the earth”.

31. The Tribunal considered that the integrity of the solicitors’ profession depends on the absolute trust that the public is entitled to place in those who hold themselves out as solicitors. Any solicitor who acts dishonestly, particularly towards a member of the public, undermines that trust and damages the collective reputation of the profession as a whole.
32. The Tribunal therefore approached its decision on sanction with those principles firmly in mind: to protect the public, to uphold confidence in the profession, and to maintain proper standards of behaviour among solicitors.

Stage three: the most appropriate sanction

33. Having determined the seriousness of the misconduct and the overarching purpose of sanctions, the Tribunal considered the appropriate sanction in this case.
34. The Respondent’s misconduct was deliberate, sustained, and dishonest. He knowingly acted without a practising certificate, misled a member of the public regarding his professional status, accepted and retained client money for work that he was not authorised to perform, and made false representations about the progress of the supposed appeal. In addition, he failed to respond meaningfully to repeated requests from the SRA. These factors indicated a disregard for professional obligations.
35. The Tribunal noted that the misconduct was aggravated by the fact that it involved financial exploitation of a vulnerable client, deception over several months, and a deliberate attempt to frustrate regulatory oversight. However, it was noted that the Respondent had latterly provided substantial mitigation. He explained that he had suffered significant personal difficulties, including periods of homelessness and instability, which had contributed to his previous non-engagement with the SRA. He provided a character reference verifying certain matters and his on-going volunteering at a Sheffield based charity.
36. The Tribunal accepted that the Respondent’s mitigation, including his explanations, acknowledgment of wrongdoing, and demonstration of genuine insight and remorse was relevant and creditworthy. These factors were taken into account in considering whether the case might fall into the exceptional circumstances category, as set out in the relevant caselaw.

37. The Tribunal carefully considered whether any exceptional circumstances existed that could justify a sanction less than striking off. Exceptional circumstances must relate directly to the dishonesty itself, and relevant factors include the nature, scope, and extent of the dishonesty. While the Respondent's personal difficulties were serious and relevant to his overall conduct, they did not negate the deliberate and sustained nature of the dishonesty, nor its impact on the client and public confidence in the profession.
38. Accordingly, the Tribunal concluded that there were no exceptional circumstances sufficient to justify a lesser sanction. The misconduct involved clear dishonesty, deliberate exploitation of a member of the public, and a misuse of professional status over an extended period.
39. The Tribunal concluded that the conduct was fundamentally incompatible with continued membership of the profession. It considered that lesser sanctions, such as suspension or fines, would not adequately reflect the gravity of the misconduct, protect the public, or maintain the reputation of the profession. The only proportionate sanction was removal from the Roll.
40. Accordingly, the Tribunal determined that the Respondent should be struck off the Roll of Solicitors. This sanction served the dual purpose of protecting the public from future harm and upholding confidence in the solicitors' profession.

Costs

41. The Tribunal heard submissions from the Applicant in relation to costs, followed by representations from the Respondent concerning his means and his expressed intention to prioritise repayment to the victim of his misconduct.
42. On behalf of the SRA, Mr White made an application for the Applicant's costs. He explained that the preparation of the case had been undertaken on the basis that a full hearing would be required, notwithstanding the Respondent's more recent engagement with the proceedings and his admissions to the allegations. The schedule of costs, set out a total of £1,950 for investigation and £24,400 plus VAT for the costs of the proceedings.
43. Mr White submitted that the costs claimed were reasonable and proportionate and had been properly incurred. The preparation work included steps necessary to ensure that the hearing could proceed effectively, including engaging with the Respondent once he became involved in the process and making an application for substituted service at an earlier stage when he had not been participating. Although the estimate for the final hearing had been based on a two-day hearing (120 units), Mr White accepted that the hearing had gone short in view of the Respondent's cooperation. He acknowledged that the Tribunal would have to take the Respondent's means into account when determining the appropriate order as to costs.
44. In response, the Respondent accepted that the SRA had incurred the costs set out and indicated that he understood the reasons for them. He explained that his previous chaotic lifestyle, including a period of street homelessness and the need for the Applicant to trace him through agents, had not been the result of any attempt to avoid the proceedings. The Respondent stated that his personal priority was to make

restitution to Person A, to whom he accepted he owed £4,525. He told the Tribunal that he hoped to begin repaying that sum in January 2025, when he anticipated securing part-time employment, and asked whether any arrangement could be made to enable him to begin making those payments alongside any contribution to costs that might be ordered.

Tribunal's Decision on Costs

45. The Tribunal noted that under Rule 43(1) of the Solicitors (Disciplinary Proceedings) Rules 2019 it has discretion to make such order as to costs as it thinks fit, including the payment by any party of costs or a contribution towards costs of such amount (if any) as the Tribunal considers reasonable. Under Rule 43(4), when deciding whether to make an order for costs, against whom and in what amount, the Tribunal must take into account all relevant factors, including the parties' conduct, compliance with directions, the reasonableness and proportionality of time spent and rates claimed, and the means of the paying party.
46. The Tribunal was satisfied that the proceedings had been properly brought by the Applicant and that the costs claimed were, in principle, reasonable and proportionate. The preparation undertaken was appropriate in the circumstances of the case, and the Applicant's suggestion of a revised figure represented a sensible and pragmatic adjustment to reflect the reduced length of the hearing.
47. In considering whether an order should nevertheless be made against the Respondent, the Tribunal had regard to his statement of means. The evidence showed that the Respondent's sole source of income was Universal Credit. He is classified as having Limited Capability for Work and Work-Related Activity, lives in supported accommodation, and undertakes voluntary work. There was no indication that his financial position was likely to improve in the foreseeable future.
48. The Tribunal reminded itself of the principles set out in *R v Northallerton Magistrates' Court, ex parte Dove* [1999] 163 JP 894, that an order for costs is compensatory, not punitive, and must not exceed costs reasonably incurred. It also had regard to *Solicitors Regulation Authority v Davis and McGlinchey* [2011] EWHC 232 (Admin), *Agyeman v Solicitors Regulation Authority* [2012] EWHC 3472 (Admin), and *Barnes v Solicitors Regulation Authority Ltd* [2022] EWHC 677 (Admin), which confirm that a costs order should not be made where it is unlikely ever to be satisfied on any reasonable assessment of a respondent's current or prospective means.
49. Applying those principles, the Tribunal accepted that while the Applicant was entitled in principle to recover its costs, the Respondent was clearly of limited means and effectively impecunious. In view of his circumstances, and having considered the matter in the round, the Tribunal determined that it would make no order as to costs against the Respondent.

Statement of Full Order

50. The Tribunal ordered that the GAVIN CLARKE solicitor, be STRUCK OFF the Roll of Solicitors. The Tribunal made no order as to costs.

Dated this 28th day of November 2025
On behalf of the Tribunal

F Kyriacou

F Kyriacou
Chair