

IN THE MATTER OF JEFFREY HELGE HANSEN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. R. B. Bamford (in the chair)
Mr A G Gibson
Mrs N. Chavda

Date of Hearing: 1ST October 2009

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was made on behalf of the Solicitors Regulation Authority (“SRA”) by Peter Harland Cadman, a partner in the firm of Russell-Cooke LLP of 8 Bedford Row, London WC1R 4BX, on 18 June 2008 that Jeffrey Helge Hansen, a solicitor, might be required to answer the allegations contained in the statement that accompanied the application and that such order should be made as the Tribunal should think fit.

The allegations were that Jeffrey Helge Hansen (the Respondent) had:-

1. Failed to act in the best interests of his clients.
2. Provided information to clients that had been misleading.
3. Failed promptly to deal with professional business.
4. Failed to inform his employers of a wasted costs order made against them.
5. Deliberately and dishonestly backdated correspondence.

The application was heard at the Courtroom, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7SN when Peter Cadman appeared as the Applicant and the Respondent was not present nor was he represented.

The evidence before the Tribunal included the Respondent's response to the SRA dated 18 July 2007. Although the Tribunal had made directions on 12 February 2009 that the Respondent should serve his Response to the Rule 5 Statement within 28 days, by email to the Applicant, on 12 March 2009, the Respondent had indicated that he hoped to complete his statement in Response by the end of that day, no Response had been received by either the Applicant or the Tribunal. In the circumstances, the Tribunal treated all the allegations as denied by the Respondent.

At the conclusion of the hearing the Tribunal made the following order:-

The Tribunal orders that the Respondent, Jeffrey Helge Hansen, solicitor, be struck off the Roll of Solicitors and it further orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £12,000.00.

The facts are set out in paragraphs 1-24 hereunder.

1. The Respondent, born in 1966, was admitted as a solicitor in 2000. His name remained on the Roll as at the date of the hearing.
2. At all material times the Respondent had been employed as an assistant solicitor by the firm Landons of Landon House, 9 Shenfield Road, Brentwood, Essex CM15 8AH. The Respondent had been employed as a litigation assistant solicitor for the period from June 2003 to 30 September 2005. After the Respondent's departure, the firm had reported his conduct to the SRA.
3. Messrs Landons had had concerns about the conduct of the Respondent. As a result of those concerns a disciplinary meeting had been held. The Respondent had been informed that unless he gave a satisfactory explanation as to his conduct he would be dismissed without notice. The Respondent had handed in his notice at that meeting. Messrs Landons thereafter had reported those matters and further matters that had been discovered to the Law Society by letter of 2 March 2006.
4. The Respondent had been instructed by 6 clients with regard to publicly funded litigation; Mrs B, Mrs D, Mrs L, Mr P, Mrs PH and Miss K. After the Respondent had left his employment, partially completed applications for legal funding had been discovered, not on the client files but either at the back or the side of filing cabinets or in a black rubbish sack.
5. Mrs B had complained to Landons by letter of 9 February 2006. At the request of the Respondent, Mrs B had completed an application form for public funding and she had been informed not to worry and that her application for public funding would be accepted. However, public funding had never been granted and Mrs B had never been informed of that.
6. In their report to the Legal Complaints Service Messrs Landons had confirmed that there had been a copy letter to the Legal Services Commission purporting to enclose the public funding application. However, the original of that letter had not been sent. It had not been on the file but had been amongst the papers found after the Respondent had left the firm.

7. Mrs D had complained to Messrs Landons and her concerns had been identified in her email of 11 October 2005. Mrs D, at the Respondent's request, had completed an application form for public funding. She had believed that her litigation had been covered by public funding. However, Messrs Landons' report confirmed that the original public funding application had been found after the Respondent's departure. It had never been lodged with the Legal Services Commission.
8. The Respondent had been instructed to represent Mrs L in care proceedings on a publicly funded basis. Such litigation was not means tested. An application for public funding had been completed but the Respondent had never lodged it with the Legal Services Commission. Mrs L throughout had been led to believe that all costs incurred were being covered by public funding. Messrs Landons had reported this to the Legal Complaints Service.
9. Mr P – in this matter the Respondent had been instructed to represent Mr P. Mr P had completed an application for public funding and had believed his litigation had been covered by public funding. Mr P had complained, in due course, to Messrs Landons. Messrs Landons had also reported this matter to the Legal Complaints Service.
10. The Respondent had been instructed by Miss H. In the matter an application for public funding had been completed and lodged by the Respondent with the Legal Services Commission. However, the form had been returned because the Respondent had not completed the forms MEANS 1 or APP 7. No APP 7 had ever been completed or lodged. Miss H had believed throughout that her litigation had been covered by public funding.
11. The Respondent had been instructed by Mrs K who at the Respondent's request, had completed an application for public funding. That application, however, had never been lodged with the Legal Services Commission. After the end of the Respondent's employment, Messrs Landons had written to Mrs K on 21 November 2005 setting out their understanding. On 27 December 2005 Mrs K had replied. In that letter Mrs K had stated "I believe I could fully trust the conduct of a solicitor".
12. The Respondent had been instructed by Mrs PH to defend litigation brought by the purchasers of her former property. In the matter judgment had been entered against Mrs PH in the sum of £3,000 plus costs. At that stage the client had been billed for the professional costs of her solicitors, Landons. Mrs PH had not paid and the Respondent had been instructed not to undertake any further work on her behalf.
13. Despite that instruction whenever Mrs PH had received further correspondence from the Court or from the Claimant she had forwarded that to the Respondent, as her solicitor. Mrs PH had never been informed that the Respondent was not continuing to act on her behalf or to protect her interests.
14. Further, the Respondent had informed Mrs PH that another client of the Respondent, a mortgage broker, was to obtain a remortgage of her current property to settle the outstanding judgment and costs. However, no such action was being undertaken.

15. The firm had been instructed to act on behalf of Miss M. The client had been billed for work undertaken on her behalf but that bill had not been paid. The Respondent had been instructed by his employers to recover the unpaid bill.
16. The Respondent had issued proceedings against Miss M. At the Respondent's request the Court had issued the proceedings and had returned them to the Respondent for service. Despite assurances given to his employers, the Respondent had taken no further action with regard to the matter.
17. The Respondent had been instructed to act for Mr B in divorce proceedings. That matter had also been referred to the Legal Complaints Service by Messrs Landons.
18. During the course of the litigation the Respondent had been put on notice that an application for wasted costs against Messrs Landons would be made. The Respondent had not attended the hearing of that application and a wasted costs order had been made against Landons. The Respondent had not notified his employers of that order. When the costs order had been received, the Respondent had asserted to his employers that the costs order had not been made against the firm but was against the client.
19. Without the knowledge of the firm, the Respondent had instructed Counsel to attend Court to make an application to overturn the costs order. That application had also been unsuccessful and a further costs order had been made against the firm. The firm had been unaware of the costs orders until bankruptcy proceedings had been commenced against the partners.
20. The Respondent had been instructed by Mr C in relation to a personal injury claim. Messrs Landons had referred the matter to the Legal Complaints Service. At the time of receiving instructions, the limitation period for issuing and serving proceedings had nearly expired. The Respondent had issued Court proceedings and he had paid the issue fee by way of a personal cheque. That personal cheque, however, had not been honoured. The Respondent had been instructed to issue a firm cheque to pay the issue fee and to apologise to the Court. He had not done so and in due course the Court had issued proceedings against Landons.
21. Although the Respondent had issued proceedings, he had failed to serve them prior to the limitation period expiry. As a result of that, Mr C had been referred to other solicitors either to pursue the personal injury case or to bring a case against the firm for negligence.
22. The Respondent had been instructed by JS who had bought a car from a local car dealer and the car had proved to be faulty. The Respondent had not taken any action and had not written to the car dealer. JS had been unhappy about the lack of progress and had threatened to lodge a complaint with the firm. On 4 August 2005 the Respondent had instructed BF, a secretary of the firm, to create a letter to the dealer but to backdate that letter to 22 June 2005.
23. The Respondent had been instructed in the matter of Mr D. Mr D had instructed the Respondent on 21 March 2005 alleging that his son had been abused and bullied at school. The Respondent had not written to the school but had told Mr D that he had.

A letter had been finally sent to the school on 20 June 2005. The Respondent, in his reply of 22 March 2007, had stated with regard to the matter, "I admit to backdating correspondence".

24. The matter had been considered by an adjudicator on 20 December 2007 who had referred the Respondent's duct to the Solicitors Disciplinary Tribunal. The Respondent had been notified of that decision by letter of 7 January 2008.

Evidence on behalf of the Applicant

25. Miss M K Seaman, the senior partner of Messrs Landons, gave evidence. She relied on her two statements dated 19 January 2009 and 14 September 2009 and exhibited her firm's Microsoft records to prove the allegations of backdating. Miss Seaman gave evidence as to the attendance of the process server at the firm on 30 September 2005, the disciplinary meeting with the Respondent and the discovery of the backdated letters. She explained that the Respondent's actions had resulted in a financial loss to the firm of some £80,000. Miss Seaman said that the Respondent had not appeared to be overworked or under pressure as he had tended to be late coming in to the office and had left early taking a full lunch break.
26. Andrew Worrell, the accounts and office manager at Landons solicitors, gave evidence as to the Respondent's attempts to say that matters had happened by mistake.

Submissions by the Applicant

27. Mr Cadman took the Tribunal through the allegations, the facts and the evidence. He submitted that in backdating letters the Respondent had acted dishonestly and had been aware that he was acting dishonestly. In relation to the case of Mr D, the Respondent had admitted backdating correspondence. The Applicant submitted that the Respondent, by his conduct, had misled not only his client but the school and Social Services.

The Decision of the Tribunal

28. Having considered all the evidence both oral and written and the submissions of the Applicant and the responses from the Respondent to the SRA, the Tribunal was satisfied so that it was sure that all the 5 allegations had been proved. Moreover, applying the objective and subjective tests in the case of Twinsectra v Yardley [2002] UKHL 12, the Tribunal was satisfied, so that it was sure, that when backdating letters the Respondent had sought to mislead and had been aware that such conduct would be regarded as dishonest by honest people and that when backdating the letters he himself had realised that by those standards his conduct was dishonest. In order to safeguard the public the Tribunal considered that the Respondent should be struck off the Roll of Solicitors.
29. Turning to costs, the Respondent considered the Applicant's schedule and inter alia, reduced court hearing time. The Tribunal fixed costs at £12,000. The Tribunal was satisfied that the proceedings had been properly brought and as the Respondent had indicated that all matters were to be contested, it had been necessary to call witnesses.

30. The Respondent had not provided the Tribunal with any information as to his means, other than that he was in employment. Accordingly, the Tribunal made an order that the Respondent pay costs fixed at £12,000. The Tribunal noted the policy of the SRA to pursue costs only if such were recoverable and to negotiate payments by instalments, if appropriate.

Dated this 15th day of March 2010
On behalf of the Tribunal

R. B. Bamford
Chairman