

IN THE MATTER OF VIRGINIA WOOD, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr L N Gilford (in the chair)

Mr R J C Potter

Mr P Wyatt

Date of Hearing: 1st July 2009

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Solicitors Regulation Authority by Lorraine Patricia Trench, a solicitor employed by The Law Society at the Solicitors Regulation Authority ("SRA") at 8 Dorma Place, Leamington Spa, Warwickshire, CV32 5AE on 14th July 2008 that Virginia Wood, solicitor might be required to answer the allegations contained in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

The allegation was that the Respondent had breached Rule 1.06 of the Solicitors Code of Conduct 2007 as she had behaved in a way that was likely to diminish the trust that the public placed in her or the profession by virtue of her convictions and sentence at Derby and South Derbyshire Magistrates Court on 5th September 2007.

The application was heard at The Court Room, 3rd Floor, Gate House, 1 Farrington Street, London, EC4M 7NS on 1st July 2009 when Lorraine Patricia Trench appeared as the Applicant and the Respondent did not appear and was not represented.

Preliminary matter

The Respondent had addressed a letter to the Tribunal dated 26th June 2006 the first sentence of which was "I write to request an adjournment of the above disciplinary proceedings". That

sentence had been deleted. The Respondent also addressed a letter to the Tribunal dated 30th June 2009 attaching a certificate from Derby City Hospital which confirmed that she had been admitted to hospital on 28th June 2009 and was expected to remain as an inpatient for at least a further five days. In her letter she confirmed that she would be unable to attend the hearing on 1st July 2009.

The Applicant told the Tribunal that she had had a telephone conversation with the Respondent's mother who said that the Respondent had been undecided whether she would attend the hearing but she had been told that since she sent her letter of 26th June the Respondent had been admitted to hospital suffering with depression. Her mother felt that the matter should be adjourned to give the Respondent the opportunity to attend once she had recovered.

The Applicant told the Tribunal that she was ready to proceed.

The Tribunal noted that the Respondent had not formally asked for an adjournment. The Respondent's letter of 26th June amounted to an admission of the facts and the allegation and set out the Respondent's mitigating circumstances and her apology. The Tribunal did, of course, have power to conduct the hearing in the absence of the Respondent. The Tribunal noted the Respondent's illness and did not take the view that she had deliberately absented herself.

The Tribunal considered that it had before it the Respondent's full mitigating circumstances and even should she attend the hearing the outcome of such hearing was unlikely to be different from that where she had written to the Tribunal setting out the mitigating circumstances and her apology. In view of the Respondent's unfortunate state of health the Tribunal took the view that bringing the disciplinary proceedings to a conclusion would remove one burden from the Respondent's shoulders. In all of the circumstances the Tribunal concluded that it would be both proportionate and appropriate to conduct the substantive hearing in the absence of the Respondent.

The evidence before the Tribunal

The evidence before the Tribunal included the letter of 15th October 2007 addressed to the SRA by Derbyshire Constabulary and a letter from North East Derbyshire and Dales Magistrates' recorded reasons for dealing with the matter as they did.

At the conclusion of the hearing the Tribunal made the following Order

The Tribunal Orders that the Respondent, Virginia Wood, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 1st day of July 2009 and it further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,200.

The facts are set out in paragraphs 1-6 hereunder:

1. The Respondent, born in 1975, was admitted as a solicitor in December 2002. Her name remained on the Roll of Solicitors. She had been employed as a solicitor by the Crown Prosecution Service in Derbyshire but at the time of the hearing was no longer practising and did not hold a current practising certificate.

2. On 5th September 2007 the Respondent was convicted of:
 - (i) driving a motor vehicle with excess alcohol;
 - (ii) failing to stop after an accident;
 - (iii) failing to report an accident;
 - (iv) driving without due care and attention;
 - (v) using a vehicle while uninsured;
 - (vi) failing to surrender to custody at an appointed time.
3. The Respondent had been sentenced to 17 weeks imprisonment, her driving licence was endorsed and she was disqualified from driving for three years.

The Submissions of the Applicant

4. The conduct of a solicitor should be beyond reproach. The Respondent had fallen below the high standards expected of a solicitor and her conviction was particularly serious as a solicitor is an Officer of the Court. The public was entitled to expect the highest standards to be upheld by solicitors and the public need to be confident that any solicitor would be a person of the utmost probity, integrity and trustworthiness. The Respondent's behaviour would serve to diminish the trust that the public could properly place in a member of the solicitors' profession.
5. The Applicant drew the Tribunal's attention to the Magistrates' sentencing remarks namely:

"There was a high alcohol reading in the 1st offence, the 2nd offence was committed whilst on bail when an accident occurred and you left the scene. You showed a blatant disregard for the court by failing to attend and went on holiday. Due to these reasons only immediate custody is justified."
6. The Applicant sought the costs of and incidental to the application and enquiry. She handed up a schedule of costs at the hearing and confirmed that a schedule had been sent to the Respondent. The Respondent had considered that the costs were excessive and had questioned the Applicant's hotel costs. It was understood that the Respondent was on benefits but the Applicant had no details of her actual income.

The mitigation of the Respondent (contained in her before-mentioned letter)

7. In her letter of 26th June 2009 the Respondent regretted the events that led to the disciplinary proceedings and apologised for the inconvenience she had caused.
8. The Respondent had been proud to be a solicitor and hoped that she might be accepted back into the profession. She had "paid the price" but her stay in prison had served to make her feel worse about herself and she was finding it difficult to move on.
9. The Respondent had entered an unsatisfactory marriage followed by an acrimonious divorce which destroyed her confidence. She sought solace in a bottle and was

suffering from depression. Prior to that she had suffered two miscarriages which had affected her very badly. She had also admitted to her family a disturbing childhood offence against her which she had repressed for many years. She went into a downward spiral very fast.

10. At the time of the offences referred to the Tribunal she was living on her own and had little social life feeling that she was unable to change things.
11. At the time of the accident her mind had been in a turmoil and she had not realised how much she had drunk. She had panicked and telephoned her parents who were going to go to the house where she was living but before they arrived the police came and breathalysed the Respondent and she was taken to the cells.
12. She had not gone on holiday as had been suggested by the Magistrates. She had panicked like a silly child, a frightened animal and had run away in abject shame. She felt she had let people down. Any pressure still felt to the Respondent like a big threat.
13. She was now getting more professional help with her problems and she hoped to be back in the position where she in turn could help others.

The Findings of the Tribunal

14. The Tribunal found the allegation to have been substantiated indeed it was not contested.
15. The Tribunal noted the serious offences for which the Respondent had been convicted and was also deeply concerned that a member of the solicitors' profession should be required to serve a custodial sentence. The Tribunal considered this to be a very sad case. It was clear that the Respondent had endured a very difficult time and her health had suffered. The Respondent had been punished for what she had done and she had paid her debt to society. It was not for the Tribunal to inflict a further punishment upon the Respondent. The Tribunal's duty is to protect the public and maintain the good reputation of the solicitors' profession.
16. The Tribunal considers that the public protection is served by interfering with the Respondent's ability to practice until such time as she is able to demonstrate that she has returned to being a fit and proper person to be a solicitor. The Tribunal considers that such a step serves also to demonstrate to the public that the Respondent's behaviour, on the part of a solicitor, is not to be tolerated.
17. In all the particular circumstances of this case the Tribunal concluded that it would be both appropriate and proportionate to Order that the Respondent be suspended from practice for an indefinite period.
18. On the question of costs the Tribunal did consider that the figure sought by the Applicant was rather high and questioned whether the Applicant's overnight stay in London was entirely reasonable noting that one member of the Tribunal had travelled from Manchester on the day of the hearing. The Tribunal was also concerned at the imposition of a large financial burden on the Respondent at a time when she was at a

particularly low ebb. The Tribunal recognised that the Respondent should bear a responsibility for the Applicant's costs but Ordered that she pay costs fixed in the sum of £1,200.

Dated this 21st day of August 2009
On behalf of the Tribunal

L N Gilford
Chairman