

IN THE MATTER OF KAREN SILMAN,
A person (not being a solicitor) employed or remunerated by a solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D. Glass (in the chair)
Mr. J. R. C. Clitheroe
Mrs N. Chavda

Date of Hearing: 11th June 2009

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Patrick Matthew Bosworth, a solicitor in the firm of Russell-Cooke LLP of 8 Bedford Row, London WC1R 4BX on 14th July 2008 that Karen Silman, a solicitor's clerk have an Order be made by the Tribunal directing that, as from a date to be specified in such Order, no solicitor, Registered European Lawyer or incorporated solicitor's practice shall, except in accordance with permission in writing granted by the Society for such period and subject to such conditions as The Society may think fit to specify in the permission, employ or remunerate, in connection with his practice as a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice, the person with respect to who the Order is made, or any such other Order as the Tribunal should think right.

The allegations against the Respondent were that she:

1. Dishonestly fabricated and/or manufactured documentation in an attempt to mislead AA and/or her employer.
2. Dishonestly misled AA as to the service of a Notice and stated that they had received such Notice by making reference to a fabricated notice of receipt.
3. Dishonestly misled AA by referring to alterations made on her employers IT system knowing that such was not the case.

4. Occasioned or was party to an act or default which involved conduct of such a nature that it would be undesirable for her to be employed or remunerated by a solicitor or in connection with a solicitor's practice.

The application was heard at The Court Room, Gate House, 3rd Floor, 1 Farringdon Street, London EC4M 7NS on 11th June 2009 when Patrick Matthew Bosworth appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the Respondent in a letter to the Applicant dated 16th January 2009.

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

The Tribunal Orders that as from 11th day of June 2009 no solicitor, Registered European Lawyer or incorporated solicitor's practice shall, except in accordance with permission in writing granted by The Law Society for such period and subject to such conditions as The Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice Karen Silman, a person who is or was a clerk to a solicitor, and the Tribunal further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,550.

The facts are set out in paragraphs 1 – 7 hereunder:

1. At all material times the Respondent was employed by Davis Wood Solicitors, 884 Fishponds Road, Bristol BS16 3XB as a legal executive in the property department.
2. The Respondent was made the subject of a complaint by AA on 21st August 2007 in respect of fraudulent documentation being produced by the Respondent in the course of her employment at Davis Wood Solicitors. The relevant documents were before the Tribunal. The complaint related to the fraudulent manufacturing of a Notice of transfer of property and other documentation, and subsequently giving false and misleading information.
3. On 30th October 2007 a caseworker at the Solicitors Regulation Authority (SRA), wrote to Davis Wood solicitors regarding the allegations of misconduct and requesting a full response to the allegations.
4. On 12th November 2007, Davis Wood Solicitors wrote to the SRA confirming the dishonest manufacture of documentation by the Respondent. The letter went on to state that the appropriate disciplinary action had been taken against the Respondent.
5. On 3rd December 2007, Davis Wood Solicitors wrote to the SRA with a report stating that the findings of the Davis Wood disciplinary process were that: "Effectively Karen Silman would appear to have falsified the signature on the receipt on the Notice".
6. On 10th December 2007, the Respondent wrote to the SRA, denying producing false documents or dishonestly signing documents.
7. On 7th January 2008 Davis Wood Solicitors wrote to the SRA enclosing a full set of notes relating to the internal disciplinary process undertaken in relation to the matter. The notes in relation to the disciplinary hearing of 27th November 2007 stated the Respondent

accepted responsibility on the basis that the letter from Davis Wood was signed by her and was recorded as saying in relation to the manufactured documentation: "It does look like my handwriting, if I did do it I apologise, it was most unlike me." Copies of these were before the Tribunal.

The submissions of the Applicant

8. The Applicant referred the Tribunal to a letter from the Respondent to the Applicant dated 16th January 2009 in which she had stated "I admit the allegations wholly and unequivocally, as I cannot afford to take independent legal advice." The Applicant confirmed the Respondent had informed him she would not be attending the Tribunal today.
9. The Applicant requested an Order for his costs which had been agreed with the Respondent in the sum of £3,550.

The Findings of the Tribunal

10. The Tribunal had considered carefully all the documentation before it and the submissions of the Applicant. The Tribunal found the allegations to have been substantiated. Indeed it was clear from the letter from the Respondent to the Applicant dated 16th January 2009, that the allegations were not contested.
11. Given that the Respondent had admitted she had acted dishonestly, it was clear that she had brought the profession into disrepute. She had betrayed the trust of her employers and had tried to mislead AA by providing fraudulent documents and incorrect information. She had severely damaged her own reputation and that of the profession. She could not be trusted and the public needed some protection from her conduct. In all the circumstances, the Tribunal granted the Order sought and Ordered the Respondent pay costs of £3,550 as agreed.
12. The Tribunal Orders that as from 11th day of June 2009 no solicitor, Registered European Lawyer or incorporated solicitor's practice shall, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice Karen Silman, a person who is or was a clerk to a solicitor, and the Tribunal further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,550.00.

Dated this 18th day of January 2010
On behalf of the Tribunal

Mr D Glass
Chairman