

IN THE MATTER OF CHRISTINE AGNES DOUGLAS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mrs J Martineau (in the chair)
Mrs K Todner
Mr D Gilbertson

Date of Hearing: 30th July 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 David Elwyn Barton, solicitor of 13-17 Lower Stone Street, Maidstone, Kent, ME15 6JX on 14th January 2009 that Christine Agnes Douglas, solicitor, be required to answer the allegations contained in the statement which accompanied the application and that such Order be made as the Tribunal should think right.

The allegation against the Respondent was that she failed to comply with an undertaking given by her on 26th April 2007.

The further allegation contained in the statement dated 5th March 2009 was that the Respondent failed to comply with an undertaking given by her on 30th November 2007.

The further allegation contained in the statement dated 15th May 2009 was that the Respondent failed to comply with an undertaking given by her on 7th December 2007.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 30th July 2009 when David Elwyn Barton appeared for the Applicant and the Respondent appeared and was not represented.

The evidence before the Tribunal included the original Rule 5 Statement with accompanying bundle, the First Supplementary Statement pursuant to Rule 7(i) with accompanying bundle and the Second Supplementary Statement pursuant to Rule 7(i) with accompanying bundle.

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

The Tribunal Orders that the Respondent, Christine Agnes Douglas, solicitor, be Struck Off the Roll of Solicitors and they further Order that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,500.00.

The facts are set out in paragraphs 1 - 13 hereunder:

1. The Respondent, born in 1963, was admitted as a solicitor in September 1997. Her name remains on the Roll of Solicitors.
2. At all material times the Respondent was carrying on practice on her own account under the style of FC Solicitors of 57 Waldram Park Road, Forest Hill, London, SE23 2PW.
3. The Respondent gave a written undertaking to another firm of solicitors in a conveyancing matter on 26th April 2007 as follows:

"We therefore undertake that subject to the sale of the 3 flats.... proceeding to completion and the completion funds being received by us, the sum of £123,500 will be forwarded to you within seven days of completion, from the net proceeds of sale."
4. The sales were completed on 22nd November 2007 and the sale proceeds were thereafter received by the Respondent. The sum of £45,000.77 had been paid in accordance with the undertaking but the remainder is outstanding. In a letter dated 3rd July 2008 the Respondent acknowledged that she gave the undertaking and that it remained unfulfilled.
5. On 27th August 2008 the Adjudicator referred the Respondent to the Tribunal.
6. In another related conveyancing matter the Respondent acted for the seller. In answer to requisitions on title dated 30th November 2007 the Respondent stated as follows:

"We undertake to redeem the Charge dated 22nd December 2003 in favour of ... Bank and Charge dated 19th February 2007 in favour of [AAD]"
7. The sale was completed on 30th November 2007. The first Charge was redeemed, but the other Charge was not redeemed, apparently because of a dispute between the lender and seller.
8. By letter dated 22nd April 2008 the purchaser's solicitors complained to the Legal Complaints Service about the failure to comply with the undertaking.
9. The matter was referred to the Adjudicator and by a decision dated 21st August 2008 the Adjudicator stated that the Respondent was expected to comply with the said

undertaking within fourteen days. The Panel of Adjudicators affirmed the decision on 26th November 2008, the time for compliance being 12th December 2008. The Respondent's request for further time was refused and in the absence of compliance the Respondent was referred to the Tribunal.

10. In a further related conveyancing matter, the Respondent acted for the seller. In answer to Requisitions on Title dated 7th December 2007 the Respondent stated as follows:-

“We undertake to redeem the charge dated 22nd December in favour of...Bank plc and Charge dated 19th February 2007 in favour of [AAD]”.

11. The sale was completed on 30th November 2007 and the charge in favour of AAD has not been redeemed.
12. By letter of 14th January 2009, the purchaser's solicitors complained to the Legal Complaints Service about the failure to comply with the undertaking.
13. On 5th May 2009, the SRA decided to refer the Respondent to the Tribunal.

The Submissions of the Applicant

14. The Applicant submitted that the matter was relatively simple, involving the breach of three undertakings. The Respondent was still in breach of the undertakings and she had not been in practice since 30th September 2008.

The Submissions of the Respondent

15. The Respondent admitted all of the allegations. She apologised to both the Tribunal and the clients for the inconvenience and distress that had been caused. She told the Tribunal that all of the undertakings had arisen from matters being dealt with on behalf of one client. She had accepted his assurances and had recently travelled to Ghana where she had placed a Caution on a property belonging to him there. In addition, she was going to issue proceedings against this client.

The Findings of the Tribunal

16. The Tribunal found each of the allegations admitted and proved.
17. The Tribunal regarded any breach of an undertaking as very serious and in this case there had been three such breaches. There had also been eight previous matters relating to breaches of the Solicitors Practice Rules 1990 and the Solicitors Accounts Rules 1998 proven at a previous Tribunal hearing on 8th July 2008 for which the Respondent had been fined £4,000.00. The Tribunal had considered the matters most carefully and applied the approach taken in the case of *Beller v the Law Society* (2009) by the Divisional Court. In the circumstances the Tribunal was of the view that the appropriate penalty was that the Respondent should be struck off the Roll of Solicitors. An Order would also be made for costs in the sum of £1,500.00.

18. The Tribunal Ordered that the Respondent, Christine Agnes Douglas, solicitor, be Struck Off the Roll of Solicitors and they further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,500.00.

Dated this 3rd day of December 2009
on behalf of the Tribunal

Mrs J Martineau
Chairman