

IN THE MATTER OF RUTH ELAINE BUTLER, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Miss J. Devonish (in the chair)
Mr. J. R. C. Clitheroe
Mr. M. C. Baughan

Date of Hearing: 9th February 2010

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 Linda Louise Rudgyard, a Solicitor, employed by the SRA of 8 Dormer Place, Leamington Spa, CV32 5AE, on 30th April 2009 that Ruth Elaine Butler of Flat 4, 12 St. Gabriels Road, London NW2 4RY might be required to answer the allegation contained in the Statement that accompanied the application and that such Order might be made as the Tribunal should consider appropriate.

The allegation against Ruth Elaine Butler (the Respondent) was that she had failed and/or delayed in delivering to the SRA the Accountant's Report for the period ending 29th February 2008 in breach of the condition imposed on her Practising Certificate for the 2007/2008 practice year and contrary to Section 34 of the Solicitors Act 1974 (as amended) and the Rules made thereunder.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Linda Louise Rudgyard appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included a letter, dated 22nd July 2008, written by the Respondent to the SRA stating that she regretted that the reports were outstanding and that she hoped that they would be filed shortly.

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

The Tribunal ORDERS that the Respondent, Ruth Elaine Butler, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 9th February 2010 and it further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,660.75.

The facts are set out in paragraphs 1-5 hereunder:-

1. The Respondent, born in 1959, was admitted as a Solicitor in 1985. At all times material to the application, the Respondent had carried on practice on her own account under the style of Ruth Butler & Co at Sanellan Court, 1 Mapesbury Road, London NW2 4HX.
2. A condition of the Respondent's 2007-2008 practising certificate had been that she should provide half yearly Accountant's Reports to the SRA. The Accountant's Report for the six month period ending 29th February 2008 had been due to be delivered to the SRA on or before 30th April 2008. Not having received such Report, the SRA had written to the Respondent on 8th July 2008 seeking an explanation for its late delivery.
3. The Respondent had replied by way of letter dated 22nd July 2008 in which she had stated "*I very much regret that the reports are outstanding and hope that they will be filed shortly.*"
4. The matter had been considered by an Adjudicator on 7th October 2008 who had resolved that she expected the Respondent to deliver the outstanding Accountant's Report within 28 days failing which the Respondent's conduct was to be referred to the Tribunal.
5. The Respondent had been notified of the Adjudicator's decision by way of letter dated 15th October 2008. No further explanation had been received from the Respondent and the Report remained outstanding.

The Submissions of the Applicant

6. The Applicant took the Tribunal through the facts relevant to the allegation. She explained that she had two postal addresses for the Respondent, one in London and one in Morocco. She also had an e-mail address. The Applicant explained that the Respondent had participated in the proceedings to the extent that she had responded both from her London address and by way of e-mail. Notice of the hearing had been sent to both addresses and a reference to the date, together with a schedule of costs, had been sent by the Applicant by e-mail and by post to the London address.

7. The Respondent's practice had closed on 30th September 2008. She was not currently practising. Although she had admitted the allegation by her letter of 22nd July 2008, the Respondent had failed to file the outstanding Report.
8. The Applicant explained that in June 2009 the Respondent had told the SRA that she was in financial difficulties but that her accountants had all the papers and that they were preparing all reports together.
9. The Applicant sought an Order for costs in the sum of £1,660.75. She explained that she had no information as to the financial means of the Respondent.

The Tribunal's Decision

10. Having considered all the evidence and the submissions of the Applicant, the Tribunal was satisfied that the Respondent had been properly served and was aware of the proceedings. The Tribunal found the allegation proved.
11. The Tribunal was informed by the Deputy Clerk that there had been a previous appearance before it by the Respondent on 24th January 2008. There had been two allegations of conduct unbefitting a solicitor, in that the Respondent had failed to submit Accountant's Reports for the periods ending 28th February 2006 and 31st August 2007.
12. The Respondent had admitted the allegations and had been fined £500 together with costs.
13. In the light of the previous Findings and the fact that there were now two outstanding Accountant's Reports, the Tribunal considered it appropriate for the Respondent to be suspended from practice as a solicitor indefinitely. If the Respondent wished to apply for that suspension to be lifted, she would have, as an initial step, to file the outstanding Accountant's Reports.
14. The Tribunal also made an Order for costs fixed in the sum of £1,660.75

Dated this 16th day of March 2010
On behalf of the Tribunal

Miss J. Devonish
Chairman