

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF VICTORIA ADDIS, solicitor's clerk (The Respondent)  
A person (not being a solicitor) employed or remunerated by a solicitor

Upon the application of Patrick Matthew Bosworth  
on behalf of the Solicitors Regulation Authority

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Mr. D. J. Leverton (in the chair)  
Mr A H B Holmes  
Mr. M. C. Baughan

Date of Hearing: 24th January 2011

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**FINDINGS & DECISION**

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**Appearances**

Patrick Michael Bosworth of Russell-Cooke LLP Solicitors was the Applicant.

The Respondent was not present or represented at the hearing. She had previously informed the Clerk to the Tribunal that she would not be attending.

The original application to the Tribunal, on behalf of the SRA, was made on 30 September 2009.

**Allegations**

The allegations against the Respondent were that she had: -

- (a) [Allegation not proceeded with]
- (b) Misled clients of Cordner Lewis Solicitors as to the conduct of their personal injury litigation and had been party to an act or default which involved conduct of such

nature that it would be undesirable for her to be employed or remunerated by a Solicitor or in connection with the Solicitors practice.

- (c) Attempted to mislead other Solicitors involved in litigation matters with her by dishonestly manufacturing emails and sending them to those firms knowing that they were fabricated and had been party to an act or default which involved conduct of such nature that it would be undesirable for her to be employed or remunerated by a Solicitor or in connection with the Solicitors practice.

### **Factual Background**

1. At all material times the Respondent was employed by Cordner Lewis solicitors, 25-26 Neptune Court, Vanguard Way, Cardiff, CF24 5PJ.
2. Following an investigation by Cordner Lewis Solicitors matters had arisen as to the conduct of work undertaken by the Respondent during her time of employment at that firm.
3. In the matter of JR the Respondent had been the subject of a complaint received from JR in respect of her handling of his potential negligence claim against a previous firm of solicitors that he had instructed. The Respondent had stated that she had sent a letter of claim to that firm and that Counsel had been instructed to advise. It had later come to light that no letter of claim had been sent and that Counsel had not been instructed. As a result of her conduct an ex gratia payment had been made to the client by the firm of Cordner Lewis.
4. Following the Respondent's departure from the firm of Cordner Lewis contact had been made by the firm with the client AM by the new file handler to introduce herself and to confirm the next stages in that matter. The client had indicated that she had been told by the Respondent that a letter of claim had been sent in 2006. After reviewing the file, it had been noted that no letter of claim had been sent nor had there been any indication that the client had been told that a letter of claim had been sent. The client had also stated that she had been advised by the Respondent that an independent witness had been proofed and had given a statement on the matter. There was no entry on the file of Cordner Lewis to suggest that had ever happened.
5. In the matter of JG the client had been involved in a road traffic accident and general damages had been settled by the Respondent. However, the Respondent had stated that she had arranged for the client to sign Particulars of Claim and the Respondent had led the client to believe that Court proceedings had been issued in relation to his outstanding special damages. The client had also been under the misapprehension that judgment had been obtained as a result of one Court hearing but that the matter was still before the Court because of non-payment by third party insurers. On a review of the file by Cordner Lewis Solicitors it had been clear that Court proceedings had not been commenced and that there had been no Court hearings in respect of special damages.
6. In the matter of GB, the Respondent had deliberately amended an email from a defendant solicitors firm attempting to dishonestly mislead that firm that they had confirmed a grant of an extension in relation to medical evidence in the matter. No

such email had been sent by the defendant's representatives and the Respondent had manufactured the email deliberately and dishonestly to mislead all parties. The Respondent had then attempted to retrieve the email that had been sent.

7. On 5 January 2009 an Adjudicator had resolved that the conduct of the Respondent be referred to the Solicitors Disciplinary Tribunal.

### **Preliminary Matters**

8. The Applicant explained that the matter had been before the Tribunal on two occasions for directions and that substantive hearings, listed in both June and November had been adjourned because of the Respondent's health and personal circumstances.
9. Prior to an email dated 18 January 2010 from the Respondent to the Tribunal, copied to the Applicant, the Respondent had denied all the allegations. However, the Applicant noted that in her email the Respondent now admitted allegations (b) and (c) but continued to deny allegation (a).
10. The Applicant sought the leave of the Tribunal to seek an Order under Section 43 of the Solicitors Act (as amended) by proceeding with allegations (b) and (c), the Applicant having decided not to pursue allegation (a).
11. The Tribunal allowed the application.

### **Documentary Evidence before the Tribunal**

12. The Tribunal reviewed the Rule 8 Statement, dated 30 September 2009, together with the documentary exhibits. The Tribunal also had the benefit of the Respondent's email of 18 January 2011 containing admissions to allegations (b) and (c).

### **The Tribunal's Findings as to Fact and Law**

13. Having considered all the evidence, the submissions of the Applicant and the Respondent's email of 18 January 2010, the Tribunal found allegations (b) and (c) fully substantiated on the facts as presented by the Applicant, indeed they had been admitted.

### **Application for Costs**

14. The Applicant referred the Tribunal to his schedule and sought an order for costs totalling £5380.25. He confirmed that the Respondent had been served with a copy of the schedule.
15. In response to an enquiry from the Tribunal, the Applicant explained that he had no information about the means of the Respondent other than that she was on maternity leave but intended to return to work with a firm of solicitors in Cardiff, who were aware of the proceedings.

### **Sanction and Reasons**

16. In seeking to mislead clients and in manufacturing and sending a fabricated or “doctored” email, the Tribunal was satisfied that the Respondent’s conduct had been such that it would be undesirable for her to be employed or remunerated by a Solicitor in connection with the Solicitor’s practice except in accordance with Law Society permission and accordingly it made an Order under Section 43 of the Solicitors Act (as amended).

### **The Tribunal’s Decision as to Costs**

17. The Tribunal was satisfied that the proceedings had been properly brought and that an order for costs should be made in the sum claimed of £5,380.25.

### **The Orders of the Tribunal**

18. The Tribunal Ordered that as from 24th day of January 2011 except in accordance with Law Society permission:-
- (i) no solicitor shall employ or remunerate, in connection with his practice as a solicitor Victoria Addis
  - (ii) no employee of a solicitor shall employ or remunerate, in connection with the solicitor’s practice the said Victoria Addis
  - (iii) no recognised body shall employ or remunerate the said Victoria Addis
  - (iv) no manager or employee of a recognised body shall employ or remunerate the said Victoria Addis in connection with the business of that body;
  - (v) no recognised body or manager or employee of such a body shall permit the said Victoria Addis to be a manager of the body;
  - (vi) no recognised body or manager or employee of such a body shall permit the said Victoria Addis to have an interest in the body;

And the Tribunal further Ordered that the said Victoria Addis do pay the costs of and incidental to this application and enquiry fixed in the sum of £5,380.25.

Dated this 10<sup>th</sup> day of February 2011  
On behalf of the Tribunal

D J Leverton  
Chairman