

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF ANGELA RUTH BROOKWELL, solicitor (the Respondent)

Upon the application of Lorraine Trench  
on behalf of the Solicitors Regulation Authority

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Mr L N Gilford (in the chair)  
Ms A Banks  
Mrs L Barnett

Date of Hearing: 18th January 2011

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**FINDINGS & DECISION**

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**Appearances**

The Applicant, Ms Lorraine Trench, a solicitor of the Solicitors Regulation Authority (“SRA”) of 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE appeared on behalf of the SRA. The Respondent did not appear, and was not represented, but had sent to the Tribunal in advance of the hearing a number of letters, in which representations were made.

The application and Rule 5 Statement were made on 20 August 2010.

**Preliminary matter**

By way of a letter from the Respondent, recently received at the Tribunal, and a letter from her solicitor, Gareth Edwards dated 14 January 2011, the Respondent had requested an adjournment of the hearing. The request for an adjournment was made on the basis that the Independent Police Complaints Commission (IPCC) was carrying out an investigation into the circumstances surrounding the Respondent’s conviction. The Tribunal was referred to a letter from the IPCC dated 11 January 2011 which confirmed that the matter was “live and ongoing” but had not yet been concluded. The Respondent had indicated that when the IPCC investigation is complete she may lodge an appeal against her convictions. It was further submitted by the Respondent that she was unable to attend the hearing on 18 January due to work commitments.

The Applicant opposed the application to adjourn the proceedings. It was not known when the IPCC investigation would be completed or if the outcome would be favourable to the Respondent or not. Being unable to attend today's hearing due to work commitments was not in itself a good reason to adjourn the hearing. The Applicant submitted that the Tribunal would need to consider whether it was in the interests of justice to adjourn the substantive hearing. The interests of justice included dealing with the matter expeditiously. Further, the Tribunal's duties were to protect the public and the reputation of the profession and neither of those would be assisted by granting an adjournment.

The Tribunal decided that the matter should proceed. It accepted the Applicant's submissions. There was no ongoing appeal in the criminal matter and it would not be in the interests of justice, nor of the public or profession, to adjourn the hearing. The Respondent had received proper notice of the proceedings and the matter would be heard in her absence.

### **Allegation**

The allegation against the Respondent was that she had breached Rule 1.06 of the Solicitors Code of Conduct 2007 ("SCC") as she had behaved in a way that was likely to diminish the trust the public placed in her or the legal profession by virtue of her conviction at Manchester Crown Court on 3 November 2009.

### **Factual Background**

1. The Respondent was born in 1981 and was now 29 years old. She was admitted as a solicitor in September 2006. At the date of the hearing her name remained on the Roll of Solicitors. The Respondent was not practising as a solicitor, her last practising certificate having been terminated on 9 December 2009. The Respondent's last practice as a solicitor had been at Stephenson's LLP in Wigan.
2. The Respondent had not formally indicated whether she admitted the allegation made in these proceedings but accepted that she had been convicted at Manchester Crown Court on 3 November 2009 of two criminal offences.

### **Findings of Fact and Law**

3. The Tribunal noted the Certificate of Conviction which showed that at Manchester Crown Court on 3 November 2009 the Respondent was upon her own confession convicted upon indictment of harbouring an escaped prisoner and possessing a Class A controlled drug with intent to supply heroin. On 8 January 2010 the Respondent had been sentenced to 12 months imprisonment concurrent on the charge of harbouring an escaped prisoner and 33 months imprisonment in relation to possession of a Class A controlled drug. The total sentence was thus 33 months imprisonment.
4. The Tribunal noted and took account of the remarks of the Crown Court Judge who had dealt with sentencing in January 2010. From these remarks it was clear that the Respondent had become involved with a client of her former firm, a man with a very substantial criminal record. The sentencing Judge had commented that this man had been manipulating the Respondent but that she must have realised that he was on the fringes of drug supply. The drugs found in the Respondent's possession when she

was stopped by the police had a street value of about £1,000 in the Judge's view. Although the Respondent had not received any direct reward for assisting Mr H, money had been provided for her. The sentencing Judge had noted that from her work as a solicitor the Respondent should have been aware of the effects of heroin on society.

5. In determining the sentence the Judge had taken into account the Respondent's pleas of guilty but he had noted that it was necessary to impose a prison sentence in order to deter others. The case could be characterised as a sad case, given that the trial Judge had described the Respondent as of positively good character prior to the events leading to her conviction. She had had an unhappy personal life in the period before these events. The sentencing Judge had commented that the Respondent's career as a lawyer would be finished as a result of these matters.
6. The Tribunal noted that what the Respondent said in a letter to the Tribunal of 23 November 2010 concerning the circumstances in which drugs had been found in her possession was not in line with comments in the Judge's sentencing remarks.
7. The Tribunal noted that this case had been subject to an amount of newspaper and other publicity in the North West of England. The Respondent had suggested that the media reports had been controlled by the police, but in any event the publicity was adverse to the Respondent and to the profession.
8. The Tribunal found, so that it was sure, that the Respondent had been convicted of two serious offences. These offences clearly brought the profession into disrepute. The Respondent had exercised poor judgment and had fallen below the standards which the public had the right to expect of members of the solicitors' profession. The public needed to be confident that solicitors were of unquestionable probity and integrity and their conduct was beyond reproach. Although the Tribunal was aware that the Respondent had an intention to appeal against the convictions, there was no appeal in process at the moment. The Tribunal could not look behind the convictions, which were for offences of a serious nature. The Tribunal was sure that the convictions would diminish the reputation of the Respondent and the solicitors' profession and found the allegation against her proved.

### **Mitigation**

9. A second letter from the Respondent's solicitor, also dated 14 January 2011, dealt with some additional matters in mitigation.
10. It was submitted that the background to this case was unusual and that the Respondent's position had yet to be finally determined. It was submitted that it would be appropriate for the Tribunal to suspend the Respondent indefinitely from practice. This would have the effect of ensuring that she was unable to practise in any capacity until the suspension was lifted by further order of the Tribunal. This would fulfil the requirement of protecting the public interest and the profession.

### **Costs Application**

11. The Applicant submitted a schedule of costs totalling £1,955.96 and requested an Order that the Respondent should pay those costs. Clarification was sought by the Tribunal of the circumstances in which the hearing listed for 15 November 2010 had been adjourned. It was agreed by the Applicant that the costs for that day should be omitted from the schedule, as the adjournment was through no fault of the Respondent. It was noted that the SRA does not charge VAT on its costs.
12. The Tribunal considered the correspondence from the Respondent and her solicitor. It was submitted on her behalf that her means were modest and that the Tribunal should consider the principles in the case of D'Souza v The Law Society [2009] EWHC 2193 (Admin).

### **Previous Disciplinary Sanctions before the Tribunal**

13. None.

### **Sanction and Reasons**

14. The Respondent had been convicted of two serious offences, as a result of which she had received a sentence of imprisonment. Although the Respondent had expressed an intention to appeal against the convictions, the convictions stood at this time and the Tribunal could not go behind them. The Respondent had brought herself and the profession into disrepute. The Tribunal had a duty to protect the public and to safeguard the reputation of the profession, the members of which should be beyond reproach and of the utmost integrity.
15. In the circumstances, it was reasonable and appropriate for the Tribunal to Order that the Respondent be struck off the Roll. Indeed, there was no other sanction the Tribunal could reasonably have imposed.

### **Decision as to Costs**

16. The Applicant's costs were reasonable in amount, particularly when a deduction was made from the figures in the schedule to remove the costs and expenses associated with the adjourned hearing on 15 November 2010.
17. It was appropriate and reasonable to Order the Respondent to pay the Applicant's costs. Although the Tribunal had been told that the Respondent was of limited financial means, very little information had been given about that. Accordingly, the Tribunal had no clear basis on which to reduce further the already modest costs figure which were sought by the Applicant.
18. In the circumstances it was appropriate to Order the Respondent to pay the Applicant's costs assessed at £1,551.30.

**Order**

19. The Tribunal Ordered that the Respondent, ANGELA RUTH BROOKWELL, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,551.30.

Dated this 14<sup>th</sup> day of February 2011  
On behalf of the Tribunal

L N Gilford  
Chairman