

IN THE MATTER OF JULIETTE ELISE GUEST, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS' ACT 1974

Mr. J. N. Barnecutt (in the chair)
Mr. J. R. C. Clitheroe
Lady Maxwell-Hyslop

Date of Hearing: 22nd November 2001

FINDINGS

of the Solicitors' Disciplinary Tribunal
Constituted under the Solicitors' Act 1974

An application was duly made on behalf of the Office for the Supervision of Solicitors (OSS) by Stuart Roger Turner solicitor and partner in the firm of Messrs Lonsdales of 342 Lytham Road, Blackpool, Lancashire, FY4 1DW on the 22nd of August 2001 that Juliette Elise Guest solicitor of Ashton on Ribble, Preston, Lancashire, solicitor might be required to answer the allegations contained in the statement which accompanied the application and that such order might be made as the Tribunal should think right.

The allegations were that the respondent had:-

- (i) Acted in breach of Practice Rule 1 in that her professional behaviour compromised or was likely to compromise or impair her duty to act in the best interests of her clients.
- (ii) Acted deceitfully towards her clients contrary to her position as a solicitor.
- (iii) During the course of a retainer she knowingly or recklessly allowed a client to deceive or mislead the court.

- (iv) During the course of a retainer deceived or misled her client.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS, when Stuart Roger Turner solicitor and partner in the firm of Messrs Lonsdales of 342 Lytham Road, Blackpool, Lancashire, FY4 1DW 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 contained in a letter she addressed to the applicant received by his firm on 5th October 2001.

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

The Tribunal Order that the respondent, Juliette Elise Guest of Ashton on Ribble, Preston, Lancashire, 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 £944.75.

The facts are set out in paragraph 1 to 9 hereunder:-

1. The respondent, born in 1970, was admitted as a solicitor in 1996. At the material times the respondent carried on practice as an assistant solicitor with Fieldings Porter solicitors at Silverwell House, Silverwell Street, Bolton, Lancashire, BL1 1PT. The respondent was employed between February 1997 and August 1998.
2. In respect of Mr A, a client of Fieldings Porter, the respondent was instructed to set aside a judgment and then a statutory demand served on the client on the 19th January 1998.
3. The respondent drafted an application to set aside the statutory demand and an affidavit on behalf of Mr A, which he then swore on the 6th February 1998.
4. Paragraph three of the affidavit stated:- “an application has been made to the High Court of Justice, Queens Bench Division, Walsall District for the judgment to be set aside.”
5. That paragraph was incorrect in that the respondent had not applied on behalf of Mr A, to set aside judgment. As a result her client unwittingly swore an affidavit that was untrue and as a consequence the court was misled.
6. The respondent acted for Mr S in a dispute with his former accountants. No progress had been made with his case between October 1997 and July 1998 when Mr S complained to a partner in the firm about the lack of progress.
7. Upon investigation into the file a document dated the 12th June 1998 was discovered which purported to be an advice from counsel. There were no instructions to counsel on the file nor any letter enclosing papers to counsel to advise.
8. The clerk to counsel confirmed that there was no record of papers being received in counsel’s chambers and counsel, after looking at the purported advice, confirmed that it was not an advice drafted by him.
9. When the respondent’s employers wrote to her on the 7th November 1998, the respondent replied on the 30th November 1998 admitting that Mr A’s affidavit was

“unwittingly incorrect” and in general that she had not “dealt with matters in the professional way that was rightly expected of me.”

The Submissions of the Applicant

10. Reading between the lines it was the applicant’s view that pressure had built up on the respondent probably because the client had been asking for details of progress in the case. In the case of Mr S, the inevitable conclusion was that the respondent had drafted her own counsel’s advice and had sent it to the client.
11. When approached by her employers the respondent had made admissions and had apologised for distress caused to her firm and to the clients.
12. The respondent had made full admissions.

The Submissions of the Respondent

13. The respondent had apologised most sincerely for her failings. She admitted the matters that were set out in the applicant’s Rule 4 statement. In her before mentioned letter to the applicant the respondent indicated that she did not intend to dispute any part of the matters alleged against her and she confirmed that she would not be appearing before the Tribunal. She said that she wished to keep costs to a minimum, setting out details of her income and outgoings.

The Findings of the Tribunal

The Tribunal found the allegations to have been substantiated, indeed they were not contested. It was not without a degree of sadness that the Tribunal made such finding against a young solicitor who was very inexperienced at the time when the matters alleged had occurred. There was however, in the light of the clear admissions by the respondent, no doubt that the respondent had acted dishonestly which was unacceptable behaviour for a solicitor who must at all times exhibit the integrity, probity and trustworthiness that the public were entitled to expect of a member of the solicitors’ profession. The Tribunal made its order striking the respondent off the Roll of Solicitors bearing in mind its foremost duty to protect the interest of the public. The Tribunal also ordered that the respondent should pay the applicant’s costs which they fixed in the sum requested by the applicant.

DATED this 28th day of January 2001

on behalf of the Tribunal

Mr Barnecutt
Chairman