

IN THE MATTER OF DENISE LESLEY HUGGETT, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A H Isaacs (in the chair)
Mr A G Ground
Mr G Fisher

Date of Hearing: 16 May 2002

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 Jonathan Richard Goodwin solicitor and partner in the firm of JST Mackintosh of Colonial Chambers, Temple Street, Liverpool, L2 5RH on 6th December 2001 that Denise Lesley Huggett of Rhiwbina, Cardiff, South Glamorgan, 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.

In addition the Applicant sought an order that compensation for inadequate professional services directed by the Adjudicator [at the OSS] dated 18th April 2001 be treated for the purposes of enforcement as if it was an Order of the High Court.

The allegations were that the Respondent had been guilty of conduct unbecoming a solicitor in each of the following particulars namely:-

- (i) that she had failed and/or delayed in complying with a direction made by an Adjudicator dated 18th April 2001;
- (ii) that she had failed and/or delayed in the delivery of an Accountant's Report for the period ending 31st August 2000, due for delivery on 28th February 2001, notwithstanding Section 34 of the Solicitors Act 1974 and the Rules made hereunder.
- (iii) that she had failed and/or delayed in replying to correspondence from the OSS.

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

The Respondent had e-mailed the Tribunal's office on 15th May 2002. The contents of the e-mail are set out under the heading "The Submissions of the Respondent" below.

At the conclusion of the hearing the Tribunal ordered that the Respondent be suspended from practice for an indefinite period of time and they further ordered that she should pay the costs of and incidental to the application and enquiry fixed in the sum of £2,200.

The Tribunal also made the following Order:-

"The Tribunal order that having regard to the failure by the Respondent Denise Lesley Huggett of Rhiwbina, Cardiff, South Glamorgan, solicitor, to comply with a direction made by an Adjudicator of the Office for the Supervision of Solicitors dated 18th April 2001, the said direction be treated for the purposes of enforcement as if it were contained in an Order made by the High Court.

The facts are set out in paragraphs 1 to 11 hereunder: -

1. The Respondent, born in 1955, was admitted as a solicitor in 1994. The Respondent did not hold a current Practising Certificate, her Certificate having expired on 27th January 2000. At the material time the Respondent practised on her own account under the style of D L Huggett & Co from offices at Rhiwbina, Cardiff, South Glamorgan.
2. The Respondent had been instructed by Mrs T in connection with a personal injury claim arising out of a road traffic accident. In or around October 1999 the third party insurers made an offer in settlement to Mrs T which she accepted. By letter dated 29th October 1999 the Respondent wrote to Mrs T enclosing a cheque in that sum and advising that the costs would be dealt with separately and that any monies paid on account would be refunded. Mrs T did not hear anything further from the Respondent who failed to respond to Mrs T's various requests for information. Mrs T made complaint to the OSS.
3. The OSS wrote to the Respondent on 11th July 2000 and 1st September 2000 seeking her explanation. She did not reply.
4. By letter dated 26th October 2000 the OSS wrote to the Respondent enclosing a formal decision requiring production of the file of papers relating to Mrs T's matter pursuant to Section 44B of the Solicitors Act 1974. The Respondent did not reply or deliver up the file. By letter dated 17th November 2000 the OSS again wrote to the Respondent enclosing a copy of the caseworker's report. A further letter was sent to the Respondent dated 12th December 2000 enclosing a copy of Mrs T's observations on the report. The Respondent did not reply.
5. By letter dated 23rd May 2000 the Respondent had written about an unrelated matter when she advised that her practice had closed and that she had not renewed her Practising Certificate owing to her ill health.

6. On 18th April 2001 an Adjudicator at the OSS considered the complaint of Mrs T and found that the services provided by the Respondent were inadequate because:
- a) she failed to account to Mrs T for monies paid to her by Mrs T;
 - b) she failed to reply to Mrs T's communications regarding the reimbursement of her legal fees and other payments; and
 - c) she failed to deal with Mrs T's complaint in accordance with her obligations under Solicitors Practice Rule 15.
7. The Adjudicator made the following direction:-
- "I therefore direct Mrs Huggett to pay to Mrs T compensation in the sum of £200.
- I further direct Mrs Huggett to pay to Mrs T the additional sum of £646.87 in reimbursement of the monies paid to her by Mrs T."
8. The Respondent did not appeal and took no action to comply.
9. By letter dated 28th June 2001 the OSS wrote again to the Respondent allowing a further fourteen days to comply with the directions. She did not respond or comply.
10. By letter dated 20th April 2001 The Law Society wrote to the Respondent indicating that her Accountant's Report for the period ending 31st August 2000 due for delivery on 28th February 2001 was outstanding.
11. The Respondent did not reply. By letter dated 15th August 2001 The Law Society wrote to the Respondent in respect of the outstanding Accountant's Report requesting her explanation in respect of the same. The Accountant's Report had not been filed.

The Submissions of the Applicant

12. The Applicant understood that the Respondent had been ill but had received no formal evidence. The Law Society had intervened into the Respondent's practice. The Applicant understood that there had been no other complaints save by that made by Mrs T.

The Submissions of the Respondent
(her e-mail received by the Tribunal's Office on 15th May 2002)

13. "I Denise Lesley Huggett of 163 Pen Y Dre, Rhiwbina, Cardiff CF14 6EN will say:
- I retired from practice at the end of April 2000 due to ill health and stress related illnesses.
- I have not practised as a solicitor since this time. My clients were transferred to other solicitors of their choice.
- Shortly after I ceased to practise I suffered a breakdown and became unable to cope with daily life let alone deal with the administrative problems following the closure of my business.

Since that time I have found it very difficult to deal with any administrative duties and I found that the problems that this caused contributed to my ill health and as a result ignored many of the duties that I should have carried out. I believe that it was only due to my young daughter that I survived.

I still find it very difficult to deal with these problems even to the extent of not opening mail.

Thankfully due to the treatment by my doctor and my husband's support I am recovering and making every effort to confront and deal with the many problems that have arisen due to my ill health.

I am aware that the final accounts due regarding my practice for the period 1st September 1999 to the 31st April 2000 when the business closed. I will make an effort to have these prepared however I have very little by way of capital and only a small income.

I am unable to attend the Tribunal due to the cost of travelling to London to arrive at 9.30 a.m. and should be grateful if this can be taken as my statement to the Tribunal.

(Signed) Denise Lesley Huggett
Dated 14th May 2002"

The Findings of the Tribunal

The Tribunal found the allegations to have been substantiated. It appeared that they were not contested. The Tribunal have noted what the Respondent has indicated about her health but it did not have before it any formal medical evidence.

The Tribunal found that, the Respondent probably by reason of ill health, had failed to finalise Mrs T's claim by properly accounting to her, and failed to provide compensation ordered to be paid. It appeared to the Tribunal that the Respondent was not fit to practise as a solicitor and in view of that it ordered that she should be suspended from practice for an indefinite period of time. The Tribunal ordered that the compensation of £200 directed to be paid to Mrs T be recoverable as if ordered to be paid by the High Court. The Respondent was also ordered to pay the costs of and incidental to this application and enquiry. In order to save time and expense the Tribunal ordered that they be fixed.

DATED this 14th day of August 2002

on behalf of the Tribunal

A H Isaacs
Chairman