

IN THE MATTER OF SUZANNAH KWOK, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS' ACT 1974

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Mr. L N Gilford (in the chair)  
Mr. W M Hartley  
Lady Bonham Carter

Date of Hearing: 10th October 2002

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## FINDINGS

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Office for the Supervision of Solicitors (the "OSS") by Stuart Roger Turner solicitor and partner in the firm of Lonsdales Solicitors of 342 Lytham Road, Blackpool, Lancashire FY4 1DW on 24<sup>th</sup> April 2002 that Suzannah Kwok of Cotham Park, Bristol, Avon (now of Newton Street, Manchester) 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 against the Respondent were that she had been guilty of conduct unbecoming a solicitor in each or all of the following circumstances namely:-

- (i) That she failed to comply with an Undertaking to remove a Charge;
- (ii) That she misled a third party and his solicitors;
- (iii) That she took unfair advantage of a third party;
- (iv) That she failed to reply promptly or substantively to correspondence from the OSS;
- (v) That she failed to comply in all respects with Directions made by the OSS;
- (vi) That she had failed to file an Accountant's Report for the period ended 31<sup>st</sup> September 1999 contrary to Section 34 of the Solicitors Act 1974 (as amended);
- (vii) That she failed to maintain her books of accounts in compliance with the Solicitors Accounts Rules;

- (viii) That she failed to write up to date her books of accounts;
- (ix) That she failed to comply with obligations relating to accounts inspections.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 10<sup>th</sup> October 2002 when Stuart Roger Turner solicitor and partner in the firm of Lonsdales Solicitors of 342 Lytham Road, Blackpool, Lancashire FY4 1DW appeared as the Applicant and the Respondent was represented by Mr N Syfret of Counsel.

The evidence before the Tribunal included the admissions of the Respondent together with a bundle of letters of reference in her support.

At the conclusion of the hearing the Tribunal ordered that the Respondent Suzannah Kwok of Newton Street, Manchester (formerly of Cotham Park, Bristol, Avon), solicitor be struck off the Roll of Solicitors and they further ordered that she do pay the costs of and incidental to the application and enquiry fixed in the sum of £3,200.

The facts are set out in paragraphs 1 to 50 hereunder:-

1. The Respondent born in 1968 was admitted as a solicitor in 1994 and her name remained on the Roll of Solicitors.
2. At all material times the Respondent carried on practice on her own account in the firm of Kwok and Company of Saville Court Business Centre, 10 – 11 Saville Place, Bristol, Avon, BS8 4EJ.
3. On the 15<sup>th</sup> May 1995 Mr and Mrs S sold a property to Mr Y. Mr Y did not have sufficient funds for the purchase and so Mr and Mrs S loaned him £40,000. In order to secure that loan, a charge was registered against the property in Mr and Mrs S's favour secured by Mr Y assigning various life policies to Mr and Mrs S to the value of £40,000.
4. In 1999 Mr and Mrs S agreed with Mr Y that the Charge would be redeemed by Mr Y paying Mr and Mrs S the sum of £35,000. Mr and Mrs S instructed the Respondent in the matter. In relation to that £35,000 Mr Y was to provide £30,000 himself whilst the remaining £5,000 plus the Respondent's fee was to come from the surrender of the life policies. The surrender monies were to be paid directly to the Respondent who would deduct the £5,000 and her fees forwarding the balance to Mr Y.
5. The Respondent wrote to Mr Y on the 4<sup>th</sup> October 1999 to put the agreed proposal to him. With regard to her fees, she stated that these would be charged at £100.00 per hour on a time recorded basis and the Respondent recommended that Mr Y obtain independent legal advice regarding the matter.
6. Prior to 13<sup>th</sup> October 1999 Mr Y paid over to the Respondent £30,000.
7. The Respondent wrote to Mr Y on the 12<sup>th</sup> November 1999 and acknowledged receipt of the £30,000. She also confirmed that once the redemption monies and her fees had been paid, her Clients would provide him with a Certificate of Discharge in relation to the mortgage. The Respondent again recommended that Mr Y obtain independent legal advice.

8. The Respondent wrote to Mr and Mrs S on the 23<sup>rd</sup> November 1999 confirming that she had applied for office copy entries and that she would draft a Statutory Declaration and Undertaking regarding their application for a new Charge Certificate (which had been lost by them), an application which would take approximately one month and cost £40.00.
9. On 19<sup>th</sup> January 2000 the Respondent spoke to the Land Registry who confirmed that a Statutory Declaration and form DS1 were required. A draft letter to Gloucester District Land Registry and a draft Statutory Declaration were prepared although no final copies were sent.
10. On the 14<sup>th</sup> March 2000 the Respondent wrote to Mr Y to advise him that she expected to receive the proceeds within a week. The Respondent subsequently received the sum of £11,573.78 from J Rothschild Insurance on the 3<sup>rd</sup> April 2000.
11. The Respondent then costed the file based upon the £100.00 per hour quoted on a time recording basis and reached a total of £330.00. In addition there was a further attendance of twenty minutes and fifteen minutes spent drafting documents making a total of £388.34 which with VAT and the HMLR fee of £40.00 made a total of £496.30. The Respondent rounded the figure up to £575.00 plus VAT to which she added the HMLR fee of £40.00 and charged Mr Y £715.63. This was a difference of £219.33 over and above the fee she should have charged Mr Y according to the proposal put to him on the 4<sup>th</sup> October 1999 and represented a more than 44% increase.
12. On 2<sup>nd</sup> May 2000 the Respondent wrote to Mr Y and on the 5<sup>th</sup> May to Mr and Mrs S enclosing a copy of her invoice and the completion statement. The Respondent sent a cheque in the sum of £5,000 to Mr and Mrs S. She confirmed to Mr Y that of the £11,573.78 received, £5,000 plus her fees of £715.63 had been deducted leaving a balance of £5,858.15 due to him.
13. The Respondent confirmed to Mr Y that Mr and Mrs S had signed the release to their Charge and that she had submitted this to the Land Registry on his behalf. Additionally she stated that once she had received the Land Certificate back (which would take about a month) she would forward it on to him by recorded delivery. The Respondent did not submit that documentation to the Land Registry as she said she had.
14. Later that year Mr Y attempted to sell his property. He instructed Mr J Solicitor to act for him and Mr J found that the Charge was still registered against the property.
15. On the 22<sup>nd</sup> November 2000 Mr J contacted the Respondent to enquire what had happened regarding the Charge Certificate and discharge of the Charge. The Respondent did not respond to that letter and Mr J wrote to her once again on the 1<sup>st</sup> December 2000.
16. The Respondent responded on the 12<sup>th</sup> December 2000 stating that her Clients had executed form DS1 to discharge the Charge and in the light of the Charge Certificate

having been mislaid an application had been made to the Land Registry in that regard and the Land Certificate would be sent to the Mr Y as soon as it had been received.

17. Mr J wrote to the OSS on the 27<sup>th</sup> December 2000. This was following a telephone call made by Mr J to the Land Registry who informed him that they had no trace of any application by the Respondent either for a new Charge Certificate or of any other sort.
18. Mr Y's position was prejudiced because the office copy entries showed that the Charge in favour of Mr and Mrs S was still registered against the property despite Mr Y having already paid £35,000 to Mr and Mrs S in order to discharge it. Any sale by Mr Y would have to be subject to an undertaking that he would discharge the outstanding Charge on completion.
19. The OSS sought the Respondent's formal explanation of this matter by letter of 20<sup>th</sup> February 2001 and asked her to respond by 6<sup>th</sup> March 2001 requiring delivery up of the file of papers on a voluntary basis.
20. On the 8<sup>th</sup> March 2001 failing a response from the Respondent a further letter was sent reminding her of her obligations regarding the need to respond to letters from the OSS and requesting her response by 16<sup>th</sup> March 2001.
21. On 9<sup>th</sup> March 2001 the Respondent telephoned the OSS and confirmed she would provide her substantive response and the papers by 16<sup>th</sup> March 2001 at the latest. The Respondent then wrote on 15<sup>th</sup> March 2001 saying that she would provide a substantive reply within the next fourteen days. The Respondent then sent a further letter by fax on the 29<sup>th</sup> March 2001 to request a further fourteen days to respond.
22. On the 3<sup>rd</sup> April 2001 the OSS wrote to the Respondent confirming that a Direction under Section 44B of the Solicitors Act 1974 (as amended) had been made in order to obtain her file of papers which she had failed to provide voluntarily and that a discretion had been vested with regard to her next Practising Certificate under Section 12(1)(e) of the Solicitors Act 1974 (as amended), on the basis that the Respondent had failed to provide a sufficient and satisfactory explanation of her conduct. The Respondent was requested to provide her entire original file of papers including ledger sheets together with a substantive response by 10<sup>th</sup> April 2001. The Respondent failed to do this.
23. On 20<sup>th</sup> April 2001 a further letter was sent by the OSS to the Respondent. This advised her that if she did not provide her substantive response and the papers requested by 4 p.m. on the 24<sup>th</sup> April 2001 the matter would be referred for further action, namely that an agent would be appointed to collect the papers, and that her conduct would be referred to an adjudicator in order for fast track disciplinary proceedings to be brought against her before the Solicitors Disciplinary Tribunal, given her failure to respond.
24. The Respondent failed to comply with the deadline and despite attempts to contact her on the 25<sup>th</sup> April 2001 the Respondent returned the Case Worker's message on the 26<sup>th</sup> April 2001 stating that she had prepared a response and that the file had been copied and sent on or about 17<sup>th</sup> April 2001. As the file had not been received in the

OSS the Case Worker asked the Respondent to fax a copy of her response that afternoon which the Respondent did. As this was not a substantive response as had been requested a further letter was sent to the Respondent on 30<sup>th</sup> April 2001 requesting that she provide her substantive response by return and that she provide a copy of her file, the original having not been received.

25. The original of the Respondent's letter of the 17<sup>th</sup> April 2001 and the Respondent's file of papers was received by the OSS on the 1<sup>st</sup> May 2001. The file appeared to have been sanitised. It did not contain office copy entries or other title documents on the file. No copy forms DS1 appeared on the file nor did it contain correspondence between Mr J and the Respondent towards the end of the year.
26. As the file appeared to be incomplete and the Respondent had not provided either the ledger sheet or a substantive response to previous letters from the OSS it wrote once again to her on the 11<sup>th</sup> May 2001 raising both the matter of the purported application to the Land Registry and the matter of the DS1. The DS1 supplied to Mr J by the Respondent was dated 2<sup>nd</sup> May 1995. This pre-dated the date of the Charge 19<sup>th</sup> October 1995 and pre-dated the introduction of the DS1 form by some three years. The form was introduced from 1<sup>st</sup> April 1998 under the Land Registration Rule 1997.
27. The letter of the 11<sup>th</sup> May 2001 required the Respondent to explain her actions regarding the purported application to the Land Registry, given that she had warranted to both Mr Y and Mr J that an application had been made when in fact it had not. The letter also raised the allegation that the Respondent appeared to be in breach of an Undertaking regarding the discharge of the Charge, and the allegation that the Respondent had taken unfair advantage of Mr Y in relation to her fees.
28. The Respondent had not to date acknowledged the letter.
29. The OSS wrote to the Gloucester District Land Registry on the 11<sup>th</sup> May 2001 requesting clarification of the purported applications made by the Respondent both in relation to the lost Charge Certificate and the discharge of Mr and Mrs S's Charge. The Land Registry confirmed by telephone on the 16<sup>th</sup> May 2001 and by letter of the 17<sup>th</sup> May 2001 that they did not have any records of any previous applications from the Respondent but they had received an application from the Respondent dated 9<sup>th</sup> April 2001 received 1<sup>st</sup> May 2001 comprising a Statutory Declaration (dated 19<sup>th</sup> January 2000) regarding the lost Certificate and form DS1. The Land Registry confirmed that the application in fact consisted of the two documents contained in draft on the file. The Land Registry also confirmed that the documents provided were not sufficient and that they would be raising requisitions with the Respondent. These requisitions were subsequently raised and the Land Registry wrote to Mr J on the 9<sup>th</sup> July 2001 to confirm that the response was still awaited to those requisitions and if a response was not received by 22<sup>nd</sup> July 2001, the Application would be cancelled. On the 1<sup>st</sup> October 2001 the OSS spoke to the Land Registry who confirmed that the Application was cancelled on the 28<sup>th</sup> July 2001. As at the 29<sup>th</sup> August 2001 Mr and Mrs S's Charge was still registered against Mr Y's property.
30. On 14<sup>th</sup> December 2001 a First Instance Decision was made by the Adjudicator to refer the Respondent's conduct to the OSS.

31. The Respondent began to practise on her own account in 1998. Her Firm's accounts for the year ended 30<sup>th</sup> September 1999 were due six months later on or about 31<sup>st</sup> March 2000. On 28<sup>th</sup> March 2000 the Respondent wrote to the Law Society confirming a telephone conversation in which she had requested an extension to 30<sup>th</sup> April 2000 in which to file her Firm's accounts.
32. The Law Society confirmed the extension to the 30<sup>th</sup> April 2000 by letter on 29<sup>th</sup> March 2000.
33. On 28<sup>th</sup> April 2000 the Respondent wrote to the Law Society requiring a further extension to 31<sup>st</sup> May 2000 which was confirmed under cover of a letter from the Law Society dated 2<sup>nd</sup> May 2000.
34. On 28<sup>th</sup> April 2000 the Respondent wrote again to the Law Society requesting an extension to 30<sup>th</sup> June 2000 for the filing of her Firm's accounts and confirmation of her extension being granted was communicated to the Respondent by the Law Society by letter of 2<sup>nd</sup> June.
35. On 19<sup>th</sup> July 2000 the Law Society wrote to the Respondent stating that they had not yet received her Firm's Accountant's Report which was due for delivery by 30<sup>th</sup> June. A further letter was sent on 6<sup>th</sup> November to the Respondent pointing out that the Accountant's report for the period ending 30<sup>th</sup> September 1999 was still outstanding. The Respondent replied by letter and fax of 20<sup>th</sup> November 2000. She apologised for the lateness in submitting the accounts and confirmed that they were being finalised and she was liaising with her accountant and auditor.
36. On 9<sup>th</sup> January 2001 the Respondent wrote to the OSS explaining her delay. This she said was due to a breakdown in her personal and business relationship with her former partner. However, she confirmed she had engaged the services of another accountant who was finalising the accounts for the year ended 30<sup>th</sup> September 1999 and preparing accounts for the period 30<sup>th</sup> September 2000.
37. On 16<sup>th</sup> February 2001 the Respondent wrote to the OSS requesting a further extension of twenty eight days to deliver the outstanding Accountant's Report.
38. On 30<sup>th</sup> March 2001 the Respondent wrote to the Law Society requesting an extension of one month to 30<sup>th</sup> April 2001 to file her Firm's accounts for the year ended 30<sup>th</sup> September 2000.
39. On the 27<sup>th</sup> April 2001 the Respondent wrote to the Law Society requesting an extension to the time for filing her Firm's accounts for the year ended 30<sup>th</sup> September 2000 to the end of May 2001.
40. On 30<sup>th</sup> May 2001 the Respondent wrote to the Law Society requiring an extension of the time for filing her Firm's accounts for the year ended 30<sup>th</sup> September 2000 to the end of June 2001 and on the 29<sup>th</sup> June 2001 the Respondent wrote to the Law Society requesting an extension to the end of July 2001.
41. On the 15<sup>th</sup> August 2001 the Review Panel referred the Respondent's conduct to the Solicitors Disciplinary Tribunal which the Respondent sought to review and on the

29<sup>th</sup> November 2001 the Complaints Board Adjudication Panel resolved to dismiss the Review.

42. On the 28<sup>th</sup> September 2001 an inspection report was sent to the Head of Investigation and Enforcement of the OSS. An inspection of the Respondent's firm should have taken place on the 23<sup>rd</sup> July 2001 but on the morning of the inspection the Respondent telephoned the OSS stating she was in Manchester and unable to attend. The letter notifying her of the inspection was dispatched on the 16<sup>th</sup> July 2001 by recorded delivery however she maintained she had not seen the notification letter until the 22<sup>nd</sup> July.
43. The Inspector when speaking to the Respondent was given her mobile telephone number. He tried to contact her three times that day without success despite leaving messages and twice the following day before a letter was sent to her by recorded delivery. Further attempts were made two days later again without success.
44. On the 30<sup>th</sup> July the Inspector tried to contact the Respondent at her place of work and on her mobile telephone without success. Later that day the Respondent contacted the Inspector and the following day arrangements were made for the inspection to start on the 28<sup>th</sup> August 2001.
45. The inspection revealed that the books of accounts were not in compliance with the Solicitors Accounts Rules in that the Practice Accounts were not written up-to-date. The Respondent told the Inspector that she was in the process of running down her practice and that her accounts were written up to April 2000 but that no records had been properly maintained since then, a period of sixteen months. The Respondent admitted to not attempting to have her books written up during the intervening period between the initial arrangements for the inspection on 23<sup>rd</sup> July 2001 and the date of inspection 28<sup>th</sup> August 2001.
46. The following day 29<sup>th</sup> August 2001 the Inspector contacted the Respondent by telephone to request that she attend the Office. The Respondent informed the Inspector that she was no longer in Bristol and had returned to her employment in Manchester. The inspection had to be postponed until 13<sup>th</sup> September 2001. At a final meeting with the Respondent on the 13<sup>th</sup> September she informed the Inspector that some work had been done on the books of account but they were still not yet ready.
47. The inspection was terminated with the Inspector being unable to consider attempting to calculate the Respondent's total liabilities to clients as at 30<sup>th</sup> June 2001. The Respondent had not delivered any Accountant's Reports since the commencement of her practice in 1998.
48. On the 16<sup>th</sup> October 2001 the Head of Investigation and Enforcement at the OSS wrote to the Respondent. In that letter he sought an explanation from the Respondent concerning matters raised within the Inspection Report requiring a reply within fourteen days. In particular the Respondent was asked to comment upon:-
  - (i) Why her practice accounts were not in compliance with the Solicitors Accounts Rules;

- (ii) Why her practice books of accounts were not written up-to-date for the time of inspection;
  - (iii) An explanation as to why the Inspection Officer found himself unable to calculate the Respondent's total liabilities to clients as at 30<sup>th</sup> June 2001;
  - (iv) Explanation why the Respondent had not filed an Accountant's Report with the Law Society since commencing her practice in 1998;
  - (v) Why the Inspection Officer was not able to start his inspection as intended.
49. No response was ever received from the Respondent save that on 7<sup>th</sup> December 2001 the OSS received two letters from Lindley Johnstone, solicitors, one of which confirmed that they had been instructed by the Respondent. Those solicitors explained that the Respondent had since January 2001 been working in Manchester for a recruitment agency, she had no intention of applying for a Practising Certificate in the future and that a firm of accountants had been instructed to prepare the accounts. They indicated that the first year's accounts, ie for the year ended 30<sup>th</sup> September 1999, should be ready by the 14<sup>th</sup> December 2001 and that the accounts for the year ending 30<sup>th</sup> September 2000 should be available by the end of January. Neither sets of accounts had been submitted.
50. On the 17<sup>th</sup> December 2001 it was resolved amongst other things to intervene into the Respondent's Practice and to refer the Respondent's conduct to the Solicitors Disciplinary Tribunal.

#### **The Submissions of the Applicant**

51. The allegations, which had been admitted, arose from three distinct matters namely the release of the charge of Mr and Mrs S, the failure to file Accountant's Reports and the Accounts Rules breaches.
52. In relation to Mr Y, in fairness to the Respondent she had suggested that he obtain independent legal advice and he had chosen not to do so. Her letter to him of 12 November 1999 included effectively an undertaking that once redemption monies and her fees had been paid her clients would provide Mr Y with a certificate of discharge in respect of the mortgage.
53. The Respondent did not until at least May 2001 lodge the documents with the Land Registry.
54. On 2<sup>nd</sup> May 2000 the Respondent had written to Mr Y:-
- “Mr and Mr S have signed a release to their charge over your property and I have submitted this to the Land Registry on your behalf”.
55. It was submitted that the Respondent had not done that in spite of making such a concrete statement.
56. The Tribunal was referred to the letter of 11<sup>th</sup> May 2001 from the OSS to the Respondent setting out details of the fees which had been charged to Mr Y. It was submitted that the increase of 44% amounted to taking advantage of a third party namely Mr Y.



57. The Tribunal was also asked to note that the £40 was not a charge by the Land Registry for the Application but rather for the replacement charge certificate which should not have been paid for by Mr Y.
58. Mr Y had been unable to sell his property and his position was therefore prejudiced by the Respondent's conduct.
59. A letter of 22<sup>nd</sup> November 2000 from Mr J to the Respondent was important. He had sought a response and received none and wrote again on the 1<sup>st</sup> December. In her reply of 12<sup>th</sup> December the Respondent had said that the application "has been made to the Land Registry". It had not been made and it was submitted that the Respondent had misled Mr Y's solicitors.
60. The Tribunal was asked to note various letters from the OSS to the Respondent. By any standards her letter of 17<sup>th</sup> April 2001 to the OSS did not deal with the questions raised by previous correspondence. The OSS letter of 11<sup>th</sup> May 2001 remained unanswered.
61. The Respondent had sought various extensions in respect of the Accountant's Report for the year ending 30<sup>th</sup> September 1999. In her letter of 9<sup>th</sup> January 2001 to the OSS she had written:-

"This will not be repeated for the year ending 30<sup>th</sup> September 2000".

62. She had then sought extensions in relation to the second Report. As of the date of the hearing both Accountant's Reports remained outstanding.
63. In relation to the Investigation Accountant's Report it had been difficult for the Investigating Officer to make any headway at all as the Respondent had not kept her accounts written up. It was not possible to consider whether there were any liabilities to clients.

**The Submissions of behalf of the Respondent**

64. The Respondent fully recognised the purpose of the Tribunal and its duty to protect above all the reputation of the profession.
65. The Respondent had started her career in general practice in 1994 working with three firms in total and finishing in 1998. In the last firm she had met someone who was to become her future partner, a Mr K from the Chinese community. Both Mr K and the Respondent had been married to people from outside the Chinese community, in the case of the Respondent against the wishes of her parents.
66. In October 1998 Mr K and the Respondent had planned that she should become a sole practitioner until they could enter a joint business together. It had never been the Respondent's intention to be a sole practitioner but that had appeared to be a relatively straight forward way of earning an income until both their divorces had gone through.
67. During the first six months of the Respondent's own practice the accounts had been properly kept.

68. The work load had increased and the time for administration had decreased.
69. The Respondent's reliance on Mr K had been misplaced and they had fallen out.
70. This had been a very difficult time for the Respondent who was under pressure to keep up appearances with Mr K because he was Chinese. The Respondent had not wanted to upset her parents by saying that this relationship had failed.
71. At the same time the Respondent's first husband was trying to get back with her. She had broken up with Mr K but was not declaring this publicly. It had been a difficult eighteen months. The Respondent had moved offices and there had been allegations of assault of the type commonly dealt with by injunction.
72. By mid July 2000 the Respondent had decisively broken both from Mr K and from her ex husband. She had decided that her future lay elsewhere and that her talents were in networking in recruitment.
73. In January 2001 she had found employment with a legal recruitment firm for whom she had worked ever since.
74. During the last few months of the events before the Tribunal the Respondent had been starting her new work in Manchester. Over the last few months she simply did not find time to deal with administrative matters and the OSS's letters. The Respondent accepted that she should have done so. There had been no discourtesy but she had been burying her head in the sand and then the intervention had taken place.
75. There were draft accounts with a Mr A who had questions which required inspection of the files which were currently with the intervention solicitors.
76. The events before the Tribunal had occurred at a time of very considerable personal difficulty for the Respondent with all sorts of pressures and at a time when she was unhappy with the work she was doing. The Respondent had no intention at any time in the future of applying for a Practising Certificate.
77. The file of Mr and Mrs S and of Mr Y had gone wrong. There was no doubt that it was a relatively straight forward piece of work which began at the end of 1999 when the Respondent was breaking up with Mr K and was moving offices.
78. Rothchilds had not acted particularly quickly. The Respondent had been well aware that she needed to be in touch with the Land Registry. She had drafted the documents which were on the file ready to be sent on receipt of the money.
79. The letter of 2<sup>nd</sup> May 2000 which suggested that she had sent the documents was erroneous. The Respondent had assumed that she had done so as she had done the paperwork. She believed she had either done it or was about to do it. She was not aware of her mistake until she received a letter from Mr J.
80. This had come at a time when she was heavily involved in her new work in Manchester and was running down her practice and she had not dealt as quickly as

she should with the matter. The Land Registry had then returned the documents because they were in the wrong form.

81. The Respondent accepted that from April or May 2001 she had put her head in the sand.
82. In relation to fees, Mr and Mrs S had had other work with the Respondent. They were not easy clients who needed a great deal of “hand holding”. It had seemed to the Respondent that her notes on the file did not represent the work done. She was frequently telephoned by Mr and Mrs S on her mobile telephone. This was part of the feeling in the Chinese community that if someone was instructed you could contact them at any time.
83. The Respondent had not intended to overcharge anyone rather she felt she was charging a fair price for the work done.
84. This was a sad story as in her own field the Respondent was a thoroughly competent and professional person.
85. The Tribunal was asked to note the references in support of the Respondent.
86. The Respondent recognised the force of the allegations and had not attempted to dispute the evidence. She was now well established in a profession which suited her abilities. She had no intention of practising as a solicitor and this was a closing of that part of her life.
87. The Tribunal was given details of the Respondent’s financial position.
88. The Respondent had considerable publicity in her present job and her name appeared regularly as a contact in the back of the Law Society Gazette.
89. The Respondent had not been dishonest but had rather failed in her administration. If she was struck off the Roll she would not be able to continue in her present job as in the eyes of her present clients striking off would imply dishonesty.
90. The Tribunal was asked to accept the submission that the Respondent had been incompetent for personal reasons. It was submitted that an appropriate penalty would be suspension.

#### **The Findings of The Tribunal**

91. The Tribunal found the allegations to have been substantiated, indeed they were not contested. The Tribunal regarded this matter as extremely serious. Counsel had referred to the Tribunal’s duty to protect the reputation of the profession. The Tribunal was also there however to protect the public. The Respondent had admitted very serious allegations. She had totally failed to fulfil her professional responsibilities whilst a sole practitioner. She had disregarded the Accounts Rules. She had misled a client and another firm of solicitors. She had failed to respond to the OSS. The profession could not function if solicitors disregarded the professional body. The Respondent had left the profession without making any attempt to put her house in order. Her Accountant’s Reports remained outstanding for the whole of her

period as a sole practitioner. The Investigating Accountant had been unable to establish whether there were any liabilities to clients. The personal difficulties outlined in mitigation were not supported by any evidence to suggest that the Respondent was unable because of those difficulties to fulfil her professional responsibilities. It had been submitted that the Respondent had not been dishonest and that a suspension would be the appropriate penalty. Whilst noting that the Respondent had in fact admitted misleading Mr Y and his solicitors, the Tribunal emphasised that the ultimate sanction was not limited to cases of proven dishonesty but was also appropriate for cases of extremely serious professional misconduct. In the view of the Tribunal this was such a case. The Tribunal ordered that the Respondent Suzannah Kwok of Newton Street, Manchester (formerly of Cotham Park, Bristol, Avon) solicitor be struck off the Roll of Solicitors and they further ordered her to pay the costs of and incidental to the application and enquiry fixed in the sum of £3,200.

DATED this 18th day of November 2002

on behalf of the Tribunal

L N Gilford  
Chairman