

IN THE MATTER OF LORRAINE MARIE FORREST

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr J P Davies (in the chair)
Mr A Spooner
Mrs C Pickering

Date of Hearing: 16th December 2003

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 (the OSS) by Sarah Jane Lakeman a solicitor employed by the OSS on 6th August 2003 that Lorraine Marie Forrest of Bousfield Road, London SE14 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 been guilty of conduct unbecoming a solicitor in that:-

- i) On 3rd April 2002 she was convicted (subsequent to a guilty plea) of making a false instrument.
- ii) The Respondent had been in breach of the provisions of Rule 1 of the Solicitors Practice Rules 1990 in that she compromised or impaired her good repute as well as that of the solicitors' profession.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when Sarah Jane Lakeman appeared as the Applicant and the

Respondent appeared in person. The evidence before the Tribunal included the Admissions of the Respondent. Letters from SJ Berwin and Lewis Silkin were handed up by the Applicant at the hearing.

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

The Tribunal order that the Respondent, Lorraine Marie Forrest of Bousfield Road, London SE14 (formerly of Ballina Street, London SE23) 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 £1,096.20.

The facts are set out in paragraphs 1 to 8 hereunder:-

1. The Respondent, born in 1969, was admitted as a solicitor in 1998.
2. Having commenced her career as a legal secretary the Respondent gained employment as a trainee solicitor at the firm of SJ Berwin where she dealt with immigration matters. She left her employment with SJ Berwin in November 1999.
3. Whilst in the employ of SJ Berwin the Respondent forged work permits for clients of the firm. At the time when the Respondent left the employ of SJ Berwin, the forgeries had gone undetected.
4. After working for six months from November 1999 to May 2000 as an assistant solicitor at the firm of CMS Cameron McKenna, the Respondent moved her employment to the practice of Lewis Silkin where she specialised in immigration matters.
5. Whilst in the employ of Lewis Silkin further offences of the same nature as those committed whilst at SJ Berwin were carried out.
6. In total six forgeries were committed.
7. The Respondent pleaded guilty to six offences which took place between January 1999 and November 2001 and between June 2001 and December 2001. She asked for other offences to be taken into account.
8. The Tribunal had before it the Memorandum of Conviction dated 4th July 2003. The Respondent had been convicted of six offences contrary to Section 1 of the Forgery and Counterfeiting Act 1981. The Respondent was sentenced to serve a community punishment order of 100 hours and a community rehabilitation order for two years with a condition that she attend the "Think First" programme as directed by her probation officer. She was required to pay £100 costs. She had been given credit for her timely guilty plea.

The Submissions of the Applicant

9. The Respondent had admitted the allegations. She would say that she had been subjected to great pressure whilst working for firms of solicitors. In the submission of the Applicant no amount of pressure would excuse the Respondent's behaviour.
10. In view of the Respondent's submissions the Applicant considered that there might be an issue with regard to the supervision of the Respondent while she was employed by firms of solicitors and the Tribunal was invited to consider letters from two firms which were handed up at the hearing which dealt with the supervision aspect.
11. In answer to a question by the lay member of the Tribunal as to why the matter had taken so long to come before the Tribunal, the Applicant explained that there were backlogs at the OSS and expressed regret that such a straightforward matter could not have been placed before the Tribunal more quickly. It was recognised that 13 months had elapsed between the conviction and the decision to refer the Respondent to the Tribunal.

The Submissions of the Applicant

12. The Respondent admitted the allegation and confirmed that she had committed the crime of fraud during her work as a solicitor.
13. The Respondent had decided whilst studying for her A level examinations that she wished to become a solicitor. She had obtained a law degree and had taken the legal practice course. She began working as a legal secretary. She had found it difficult to obtain a training contract. When she moved firms she took over some immigration cases while continuing to work as an employment department legal secretary. The Respondent had been permitted to give up her work as a legal secretary in order to undertake immigration work as a fee earner full time. The Respondent had gained considerable expertise as an immigration specialist. She was allowed to join a new intake of trainees at that firm. The Respondent applied to The Law Society to have her secretarial paralegal work experience taken into account and obtained permission to complete her training contract in one year instead of two.
14. The Respondent experienced conflicts between her need to gain training in a wide range of fields and the need to continue to be a fee earner. When she qualified as a solicitor she continued to undertake immigration work.
15. The Respondent's immigration workload was large and she found herself caught up in office politics. The Respondent was at one point told that she was to drop all client work to do only billing, which meant that she missed deadlines and one crucial one in particular where a client coming into Waterloo Immigration would be deported unless his work permit had been ready.
16. Whilst working in the early hours as usual after everyone else in the firm had gone home the Respondent panicked and decided to produce a forged work permit which she planned to rectify within a few days. She never got the chance to rectify the position

when a substantial amount of new work came in. The Respondent said she had been under enormous pressure and had not received appropriate support. She worked very long hours.

17. The Respondent moved to another firm in November 1999 but had been forced to resign when the firm became suspicious about her position following a police raid on her flat when she had been held for a day's questioning.
18. The Respondent returned to a firm where she had previously worked in June 2000 and remained there until December 2001. Again the Respondent had to undertake a high volume of work without any appropriate support.
19. The Respondent took full responsibility for what she had done; she recognised that she had been seriously at fault. She had served her community service and had attended the course required by her probation officer. She had found it helpful.
20. The Respondent was at the time of the hearing working as a secretary and had successfully enjoyed that employment from March 2002 up to the date of the hearing.
21. Throughout her ordeal the Respondent had enjoyed the support of her family and friends.
22. The Tribunal was invited to give due weight to the testimonials written in support of the Respondent.
23. The Respondent accepted that the Tribunal would be likely to impose the ultimate sanction upon her but she hoped that due cognisance would be taken of the circumstances in which she found herself and that no other young and/or inexperienced solicitor would be forced to resort to unacceptable behaviour as a result of pressure.

The Findings of the Tribunal

24. The Tribunal found the allegations to be substantiated, indeed they were not contested.
25. The Tribunal gave careful consideration to the Respondent's description of the pressures to which she had been subjected. The Tribunal had no power to investigate the allegations which she made. The Law Society, through the OSS, was a party to the proceedings and no doubt would take due cognisance of the complaints made by the Respondent.
26. The Respondent herself recognised that the forgeries of work permits which she made represented a serious breach and demonstrated that she had not on a number of occasions acted with the probity, integrity and trustworthiness required of a member of the solicitors' profession. The Respondent had not been in a position to claim that she had fallen from grace on a single aberrational occasion. She had when put under pressure by her employers or by her clients succumbed on several occasions to adopting the easy way out, namely forging the work permit required rather than pursuing the appropriate steps to obtain one from the authorities.

27. The Tribunal accepts that the Respondent's genuine perception had been that she had been under extreme pressure but it adopted and endorsed the Applicant's submission that no pressure was so great that it could excuse the action taken by the Respondent. The Respondent was to be given credit for appearing before the Tribunal and conducting her case on her own behalf as competently as she did. She was given credit in the magistrates' court for having made early admissions and the Tribunal similarly has given her credit for her early admissions of the disciplinary allegations. However the Respondent's behaviour was so grave that it did serve severely to damage the good reputation of the solicitors' profession. The Tribunal was mindful of its primary duty to protect the interests of the public and in all the circumstances it concluded that it was right that the Respondent should be struck off the Roll of Solicitors. The Tribunal ordered the Respondent to pay the Applicant's costs. The Respondent agreed the figure and indicated that she would wish to make full payment of the costs by way of instalments.

DATED this 16th day of February 2004
On behalf of the Tribunal

J P Davies
Chairman