IN THE MATTER OF JILL PAULA HOLLANDS (MARRIED NAME RADFORD) solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A H B Holmes (in the chair) Mr P Haworth Mr D Gilbertson

Date of Hearing: 5th February 2004

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 Hilary Susan Morris, a solicitor employed by The Law Society at the OSS at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV35 5AE, that Jill Paula Hollands (married name Radford), solicitor then of High Street, Horam, Heathfield, East Sussex (but whose address was subsequently notified to be Mill Road, Heathfield, East Sussex,) 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.

On 20th October 2003 the Applicant made a supplementary statement containing an additional allegation. The allegations set out below are those contained in the original and supplementary statements.

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

1. She withdrew monies out of a client account other than in accordance with the provisions of Rule 22 (1) of the Solicitors Accounts Rules 1998;

- 2. She deliberately and improperly utilised clients funds for her own purposes;
- 3. She had been convicted at Lewes Crown Court on her guilty plea on 20th June 2003 on two counts of theft and attempted theft of monies belonging to clients.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Hilary Susan Morris appeared as the Applicant and the Respondent did not appear and was not represented. The Respondent had addressed letters to the Applicant, a summary of which appears under the heading "the submissions of the Respondent".

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

The Tribunal order that the Respondent, Jill Paula Hollands (married name Radford) of Mill Road, Heathfield, East Sussex, TN21 0XE, (formerly of High Street, Horam, Heathfield, East Sussex) 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 £878.60.

The facts are set out in paragraphs 1 to 5 hereunder:-

- 1. The Respondent, born in 1948, was admitted as a solicitor in 1971. At all material times she practised as a solicitor and a salaried partner with the firm Shuttleworth & Co at their office at 17 Cooden Sea Road, Little Common, Bexhill on Sea, TN39 4SJ.
- 2. The Respondent acted in two probate matters relating to the late Mr and Mrs D. The Executors of Mrs D's Will were the partners in the firm. When Mr D died his son became the personal representative.
- 3. Between June 2001 and November 2002 the Respondent drew cheques on Shuttleworth & Co's client account to withdraw monies from the states of Mr and Mrs D. The Respondent wrote eleven cheques to herself and one cheque to pay a personal credit card debt. She completed the cheque book counterfoils to represent that the cheques had been paid to or for the benefit of the client.
- 4. A partner in the firm of Shuttleworth & Co reported the conduct of the Respondent to the OSS. Following such report an Officer of the Forensic Investigation Department of the OSS inspected the firm's books of account relevant to the Respondent's matters. The Inspection began on 17th January 2002. The Forensic Investigation Officer's report dated 31st January 2003 was before the Tribunal. The report detailed the improper withdrawals made by the Respondent from client account, which totalled £45,505.00. A further cheque for £12,000 had been stopped from being paid by the partners.
- 5. The Respondent was interviewed by the Police and made full admission to them. Following her appearance at Lewes Crown Court she was convicted on her own guilty plea on 20th June 2003 on two counts of theft and one count of attempted theft of monies belonging to clients. She was sentenced to a term of imprisonment of nine months on the first count and six months imprisonment on the second count, to run concurrently.

The Submissions of the Applicant

- 6. The Respondent's behaviour had been deliberate and improper and her actions had been dishonest.
- 7. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Hayward in the Lewis Crown Court and in particular when he said that there was no doubt that the Respondent's life had not been easy: she and her family had experienced some severe financial problems following the collapse of a hotel venture in Cornwall. He said that there were thousands of people who struggle every day with all sorts of severe problems but do not start stealing money from other people. He went on to say "what the court cannot overlook in this case is that you were a solicitor, you were in a position of trust. The public expect and the public are entitled to expect to be able to trust their solicitors to behave honestly and frankly with them. This was a very serious breach of trust, which continued over a period of eighteen months".

The Submissions of the Respondent

- 8. The Respondent admitted allegations 1, 2 and 3. She had been served with the disciplinary proceedings after her release from prison. She had been adjudicated bankrupt on 22nd September 2003.
- 9. The Respondent asked to be excused personal attendance at the hearing because she was deeply ashamed of her actions and liable to become too upset and emotional at any hearing to be able to address the Tribunal. She did not seek in any way to avoid the order which the Tribunal must inevitably make, namely that her name being struck from the Roll of Solicitors. She consented to an order for costs in the amount notified to her by the Applicant.
- 10. The Respondent made full admission to the partners of Shuttleworth & Co immediately she was challenged on a particular cheque and admitted to other earlier cheques of which they had been unaware. She voluntarily gave them all the bank and credit card statements in her possession which provided evidence against her. When the matter was reported to the Police she attended at the Police station by appointment at the earliest opportunity and made a full statement admitting her guilt and later entered a guilty plea in court. She had made full admission to The Law Society when contacted by them.
- 11. With her husband's agreement their home had been placed on the market. Upon completion of the sale in July, the Respondent's share of the proceeds was paid direct to Shuttleworths. The Respondent also agreed the release of her pension fund to Shuttleworths.
- 12. No claim had been made on The Law Society's Compensation Fund.
- 13. Shuttleworths had also pursued the Respondent in the High Court. The Respondent consented to an order for £16,264.89 on 1st October 2003. Such action had involved the Respondent in further substantial legal costs.

- 14. At the time of the hearing the Respondent was not working and saw little possibility of any reasonable employment in the future owing to her age of 55 years and her recent conviction. She had been a solicitor for 30 years and had no work experience other than as a conveyancer. The Respondent was not currently mentally strong enough to go to work and she was having psychological counselling to try to come to terms with her current situation.
- 15. The Respondent said there was no rational explanation for her criminal actions. She had for many years been under enormous personal financial stress but readily accepted that that was no excuse to steal money. Such action was totally alien to her nature and her own sense of self-disgust was such that she was finding it difficult to cope.
- 16. The Respondent had served her term of imprisonment. That had put great strain upon her family. The Respondent had always been the major earner in the family which had now to depend upon her husband's earnings to keep them both and their two dependent sons. Should the Respondent find a job then the Official Receiver would have an immediate claim on anything deemed to be "surplus income". On her discharge from bankruptcy the Respondent would be close to retirement age and would enjoy no income other than the basic state pension.

The Decision of the Tribunal

17. The Tribunal found the allegations to have been substantiated. Indeed, they were not contested. Whilst this is a sad case, the Tribunal adopts the words of His Honour Judge Hayward in his sentencing remarks. The Respondent has fallen seriously short of the high standards of probity, integrity and trustworthiness required of a member of the solicitors' profession. In order to protect the public and maintain the good reputation of the solicitors' profession the Tribunal ordered that the Respondent be Struck Off the Roll of Solicitors. It further ordered that she should pay the Applicant's costs in the agreed fixed sum.

DATED this 12th day of March 2004

on behalf of the Tribunal

A H B Holmes Chairman