

IN THE MATTER OF JANET GILL (REDA), solicitors

AND

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. A. G. Gibson (in the chair)  
Mr. I. R. Woolfe  
Ms A. Arya

Date of Hearing: 12<sup>th</sup> May 2005

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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 Law Society by Victoria Jane Hunt a solicitor employed by the Law Society at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire on 13<sup>th</sup> October 2004 that Janet Gill (also known as Janet Reda) a solicitor of Blackmore, Essex, might be required to answer the allegation contained in the statement which accompanied the application and that such order might be made as the Tribunal should think right.

The allegation was that the Respondent had been guilty of conduct unbecoming a solicitor in that she had been convicted of offences involving dishonesty.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when Victoria Hunt appeared as the applicant and the Respondent was represented by Mr I Dear of Counsel.

The evidence before the Tribunal included the admission of the Respondent and the oral evidence of Mr Noonan and Mr Dooley as to the Respondent's competence and good character.

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

The Tribunal orders that the Respondent, Janet Gill (Reda) of Blackmore, Essex, 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 £1,330.

**The facts are set out in paragraphs 1 to 6 hereunder:-**

1. The Respondent, born in 1956, was admitted as a solicitor in 2000.
2. The Respondent appeared at Blackfriars Crown Court on 1<sup>st</sup> March 2004 when she pleaded guilty and was convicted of one count of making a false statement to obtain benefit and two counts of failing to notify a change in circumstances. On 29<sup>th</sup> March 2004 the Respondent appeared before Blackfriars Crown Court and was sentenced to eighteen months imprisonment, suspended for two years plus two further periods of eighteen months imprisonment suspended for two years. The sentences were to run concurrently.
3. The conduct which resulted in the Respondent's conviction occurred between August 1997 and 28<sup>th</sup> August 2000.
4. Between 25<sup>th</sup> September 1998 and 25<sup>th</sup> September 2000 the Respondent had been employed as a trainee solicitor at the former firm of McFadden Pilkington & Ward at Basinghall Street, London.
5. At the time of the hearing the Respondent was employed as an in-house solicitor with the Randsworth Trust Plc and had also been employed as a locum with the firm of Michael Reason Solicitors in London.
6. On 1<sup>st</sup> April 2004 the Respondent wrote to the Law Society giving notification of her conviction. She pointed out that she had been convicted on three counts of Housing Benefit Fraud. She said the actual overpayment was £2,080 but as the offences had been so long ago she repaid the entire amount received as required by the regulations. There had been no order for costs. The charges pre-dated her admission as a solicitor.

**The Submissions of the Applicant**

7. The Respondent had admitted that she had been convicted of criminal offences involving dishonesty.
8. The Tribunal was invited to note the sentencing remarks of His Honour Judge Hitching when he said:-

“Soon after your arrival back in this country you had money from the DSS, or started to have it, not properly stating your assets and income”.... “what you have pleaded guilty to is counts 1, 4 and 5 obtaining some £21,000 between the periods 22<sup>nd</sup> August 1997 and 28<sup>th</sup> August 2000. In other words three years' period purposely claimed housing benefits, based on not declaring your capital and income and other sorts of financial details that you ought to be giving”.

9. The Learned Judge also said:-

“You are a woman of mature years, you have a legal qualification, you have capability and you can make your own decisions when you see something which is honest or dishonest. You may be under the influence of other people but as the documents say, you are well able to make your own decisions and decide what to do”.

10. The applicant reminded the Tribunal of the case of Bolton -v- The Law Society in which it was said that solicitors had to meet the required standard of integrity, probity and trustworthiness. It was essential to maintain the public’s well-founded confidence in the solicitors’ profession and any member of the public should be entitled to expect a solicitor to be a person of unquestionable integrity and a person who might be trusted to the ends of the earth.

### **The Submissions of the Respondent**

11. Mr Dear representing the Respondent had represented her at her criminal trial.

12. The Respondent had come late to the solicitors’ profession. She had passed her final examination in 1989. The Respondent had married and gone to Nigeria where she had had two children. The marriage broke up in 1994 when her husband became a gambler. She had considered that the only way to bring up her family in a decent environment was by returning to the United Kingdom.

13. The Respondent felt shame at the failure of her marriage and had not gone to live with her parents. She had striven to manage for herself. She had at one point been living in homeless accommodation with her two children then aged one and five years. She acquired private rented accommodation in respect of which she claimed housing benefit. The accommodation in which she lived was not satisfactory. The Respondent and her husband divorced in 1997. She realised that time was running against her and that she would not be able to qualify as a solicitor unless she obtained a training contract fairly quickly. It had proved very difficult to get a training contract. The Respondent had written to some 650 firms of solicitors. Eventually she entered a training contract with McFadden Pilkington and Ward a firm which has since been subject to an intervention by The Law Society. That firm had not paid the Respondent at the rate they had at first indicated.

14. The Respondent had managed to get an extension of her training contract when she joined Randsworth Trust Plc. There she came under the immediate practical control of Mr Holland, a barrister.

15. The Respondent had entered into an ill-fated relationship with Mr Holland who had persuaded her to act as his nominee and hold two properties in her name. These properties, from which the Respondent derived no personal benefit, were the subject of part of the non-disclosure in housing benefit applications.

16. Further on her divorce her former husband’s brother made her a payment of £10,000. She had seen that money as money that had been made available to her children and regarded it as money that could not be touched save for her children’s future in connection with education or emergencies. She had not declared this money when making housing benefit applications.

17. Mention was made in the sentencing remarks to a repayment of a sum of money. The Respondent's father had borrowed money against the security of his property and had written a cheque for £20,000. It could be said that the Respondent had paid back the overpayment of housing benefit made to her as this money would serve to reduce her eventual inheritance. It was not the case that the Respondent had been entitled to no housing benefit but it was the case that she had been paid a greater sum than that to which she was entitled. It had not been possible for a calculation to be made to identify precisely what was the amount of the overpayment.
18. The Respondent had eventually moved with her children to live with her parents. Neither of her parents enjoyed good health and the Respondent had become responsible not only for the care of her children but also for the care of her parents.
19. The Respondent's current employer and a partner in the firm where she had worked as a locum told the Tribunal that she was capable, competent, honest and trustworthy and her integrity had not been in doubt. They had both been fully aware of her circumstances when they had offered her employment. They had been very pleased with the work which she had undertaken. Her current employer did not consider that such employment could continue if the Respondent ceased to be a solicitor. It was said that although the Respondent was professionally extremely competent she had been somewhat vulnerable in her personal relationships.
20. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Hitchen in particular when he recognised the Respondent's difficult background and the fact that she had returned to the UK in about 1994 with some dependant children and no husband. He recognised that a cheque had been provided and the money relating to the counts which had been subject to a guilty plea would be repaid.
21. The sentencing judge also recognised that contributing factors included the breakdown of the Respondent's marriage and her association with Mr Holland who "appeared to have had an inclination and enthusiasm for fraud", although he did not think that Mr Holland had very much to do with the subject matter of the offences.
22. The Learned Judge went on to say "You are somebody who, when this is reported to the Law Society, everybody would expect that they would strike you off either indefinitely or at least for a period so that the public is not at risk until you, as it were, rehabilitated yourself in a practical way."
23. The Learned Judge took into account that at the time of sentencing the Respondent had not committed an offence for a period of four years. She had gone to live with her parents who she was supporting as well as her young children. It appeared that her employer would continue to employ her which might provide money to enable the Respondent to make re-payments to the local authority. He took the view that there were exceptional circumstances which justified the suspension of the custodial sentence.
24. The Tribunal was invited to give consideration to earlier decisions of the Tribunal, one where a solicitor found guilty of criminal offences had not been struck off the Roll and the other relating to the partners in the firm of McFaddens.

25. The Tribunal would also note that Mr Holland had been disbarred. He had subsequently died.
26. In all of the circumstances it was hoped that the Tribunal would feel able to exercise a degree of leniency and impose a sanction upon the Respondent that fell short of striking her off the Roll.

### **The Tribunal's Decision**

27. The Tribunal gave careful consideration to this matter. It found the allegation to have been substantiated, indeed it was not contested.
28. The Tribunal gave the Respondent credit for the fact that she had admitted the allegation, that her current, and a previous, employer had attended the hearing and spoken highly of her competence and integrity. The Tribunal had also taken account of the difficult circumstances in which she found herself at the time when the offences were committed. She had found work where she was supervised by a barrister who, it appeared, was a perpetrator of fraud. The Respondent had difficult and trying personal circumstances. Balanced against this the Respondent was at the time a mature and educated woman who had studied law.
29. The Respondent had drawn from the public purse money to which she was not entitled. The Tribunal has deep concern as to what would be the perception of the public if a solicitor who had fraudulently been in receipt of housing benefit over a period of time should be permitted to continue in practice as a solicitor.
30. The Tribunal has given the Respondent credit for the fact that she reported her conviction to the Law Society herself although in making such report she appeared not to have been as frank as she might have been about the sums of money involved.
31. The Tribunal recognises that whilst it is hard on individuals the Tribunal has a duty to protect the public and the good reputation of the solicitors' profession. In all of the circumstances of this case the Tribunal has concluded that it can only fulfil those important duties by ordering that the Respondent be struck off the Roll of Solicitors. The Tribunal made such order and further ordered her to pay the costs of and incidental to the application and enquiry in a fixed sum with which the Respondent agreed.

Dated this 24<sup>th</sup> day of June 2005  
On behalf of the Tribunal

A G Gibson  
Chairman