

IN THE MATTER OF BRENDA ROSINA BALDWIN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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

Date of Hearing: 12th May 2005

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Law Society by Ian Paul Ryan, a partner in the firm of Bankside Law Solicitors, of Thames House, 58 Southwark Bridge Road, London, SE1 0AS on 10th November 2004 that Brenda Rosina Baldwin a solicitor of Harrow, Middlesex, 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.

On 11th April 2005 the Applicant made a supplementary statement containing a further 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 unbecoming a solicitor in the following particulars, namely:-

- 1) That she failed to comply with a condition on her Practising Certificate for the practice year 2002/2003;
- 2) She failed to comply promptly or at all with a Direction made by an Adjudicator of the Law Society acting pursuant to delegated powers;
- 3) She failed to deliver promptly or at all a "Cease to Hold" Accountant's Report for the period from 1st September 2003 to 10th June 2004 as required by Rule 36(5) of the Solicitors Accounts Rules 1998.

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

The evidence before the Tribunal included evidence as to due service of the proceedings and notices to which no response or counternotice had been received.

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

The Tribunal orders that the Respondent, Brenda Rosina Baldwin of Harrow, Middlesex, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 12th day of May 2005 and it further orders that she do pay the costs of and incidental to this application and enquiry to be subject to a detailed assessment unless agreed between the parties.

The Tribunal further Orders that the Direction made by the Law Society on 20th April 2004 be treated for the purposes of enforcement as if it were an Order of the High Court.

The facts are set out in paragraphs 1 to 7 hereunder:-

1. The Respondent, born in 1957, was admitted as a solicitor in 1983. At the material times she practised on her own account under the style of Baldwin Solicitors at 404 Alexandra Avenue, Harrow, Middlesex.
2. On 20th April 2004 an Adjudicator of the Law Society, acting pursuant to delegated powers, directed, inter alia, that the Respondent pay compensation to Mr F of £800.
3. The Respondent was informed of this Direction by letter dated 26th April 2004. The Respondent was also informed in this letter of her right to apply for a review of the Direction. The Respondent did not apply for a review of the Direction.
4. The Law Society wrote further letters to the Respondent on 13th May 2004, 21st May 2004 and 24th May 2004. The Respondent had not complied with the Direction.
5. Following the intervention into the Respondent's practice, she was required to deliver a "Cease to Hold" Accountant's Report for the period from 1st September 2003 to 10th June 2004 by 10th December 2004.
6. The Law Society sought an explanation by letters of 12th January 2005 and 15th March 2005. The Respondent did not reply.

7. The Accountant's Report had not been received and there had been no application for a waiver.

The Submissions of the Applicant

8. The facts spoke for themselves. It was right that the Tribunal should know that in view of the Law Society's intervention into the Respondent's practice, had she applied for a waiver of the requirement to file a Cease to Hold Accountant's Report, that waiver would be likely to have been granted.

The Submissions of the Respondent

9. The Respondent played no part in the proceedings and made no submissions.
10. The Tribunal found the allegations to have been substantiated. It appeared to the Tribunal that the Respondent had simply abrogated her responsibility as a solicitor and had failed to meet the requirements of her own professional body. The Tribunal concluded that in order to protect the public and the good reputation of the solicitors' profession it was right that the Respondent be suspended from practice as a solicitor for an indefinite period. The Tribunal wished to make it plain that it would be unlikely to give favourable consideration to an application to bring that period of suspension to an end unless the Respondent was able to demonstrate that she had complied with all outstanding regulatory requirements and directions as well as being able to demonstrate that she was fit to practise as a solicitor.
11. The Tribunal made the order sought that the award of compensation to Mr F should be treated as an Order of the High Court for the purposes of enforcement. It further considered it right that the Respondent should bear the costs of and incidental to the application and enquiry. Although the Applicant indicated a figure to the Tribunal, it considered that in the absence of the Respondent such costs should be subject to a detailed assessment unless agreed between the parties.

Dated this 24th day of June 2005
On behalf of the Tribunal

A G Gibson
Chairman