

IN THE MATTER OF JANE LOUISE SADDLER, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr D J Leverton (in the chair)
Mr A H Isaacs
Mr D Gilbertson

Date of Hearing: 11th April 2006

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Linda Louise Rudgyard solicitor advocate employed by The Law Society at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE that Jane Louise Saddler of Lowestoft, Suffolk might be required to answer the allegations contained in the statement which accompanied the application and that the Tribunal should make such order as it thought right.

The allegations were that the Respondent had been guilty of conduct unbecoming a solicitor in each of the following respects namely:

- (a) that she has created or caused to be created documents which were false and misleading;
- (b) that she has given misleading information to mortgage providers.

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

The evidence before the Tribunal included a certificate of Mark Wayne, Peachman, a process server, as to the due personal service of the relevant documents upon the Respondent. The

Tribunal had before it two letters addressed by the Respondent to The Law Society, the first dated 1st October 2005 and the second undated but sent to The Law Society by fax on 10th April 2006.

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

The Tribunal Orders that the Respondent, Jane Louise Saddler of Grays, Essex, (formerly of Lowestoft, Suffolk) solicitor, be Struck Off the Roll of Solicitors and it further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,754.88.

The Applicant told the Tribunal that it was understood that the Respondent's name was now Jane Louise King. It was also understood that the address at Lowestoft, Suffolk, was that of the Respondent's parents. It was understood that another address supplied by the Respondent (at Grays, Essex) did not exist.

The facts are set out in paragraphs 1 to 10 hereunder:

1. The Respondent, born in 1978, was admitted as a solicitor in 2003.
2. At the times material to the application the Respondent practised as an assistant solicitor with Messrs Stanley Tee, solicitors of High Street, Bishop's Stortford, Hertfordshire and subsequently with Messrs Adams Harrison Solicitors of Havershill, Suffolk. The Respondent's employment with Stanley Tee commenced on 24th September 2003 and ended on or about 20th October 2003 when she was dismissed. Thereafter the Respondent was employed as a locum solicitor with Adams Harrison from 16th August 2004 until 10th September 2004.

Complaint by Stanley Tee

3. On 28th November 2003 Stanley Tee complained about the Respondent to The Law Society having received a letter from Intelligent Finance during the course of the Respondent's employment with the firm. On 16th October 2003 Stanley Tee was asked to verify the signature on a faxed letter of 3rd October 2003. The letter appeared to confirm the Respondent's employment and salary details. It was written on the firm's headed paper and purported to bear the signature of a partner. The signature was not that of the partner and the financial information supplied was not correct. The firm's enquiry established that the Respondent had produced the letter and had provided it to Intelligent Finance from whom she sought a mortgage advance.
4. On 16th October 2003 in an e-mail to the partner the Respondent stated:

"...I understand you won't be able to verify my salary as I did an incredibly stupid thing and lied to try and get my mortgage. I know this is unforgivable but I was truly desperate..."
5. In an undated letter to the firm's managing partner the Respondent apologised for her actions and gave an explanation and asked that The Law Society not be notified of her misconduct.

6. In an undated letter from the Respondent received by The Law Society on 27th January 2004 she said she did not deny the allegations.

Complaint by Adams Harrison

7. Adams Harrison consulted Law Consultants, a legal recruitment agency, to engage the Respondent as a locum conveyancing solicitor from 16th August 2004 until 10th September 2004.
8. On 26th October 2004 Law Consultants advised Adams Harrison that they had received a copy letter purporting to have been written on Law Consultants' letterhead and certified as a true copy by Adams Harrison. That letter dated 9th October 2004, had been received by Igroup Mortgages Limited in support of the Respondent's application for credit facilities. Law Consultants confirmed that they did not write the letter although they had written a similar letter to the Respondent on 9th September 2004 (this letter was incorrectly dated as 9th October).
9. On 29th October 2004 Adams Harrison reported the matter, including the misuse of the firm's certification stamp, to The Law Society and confirmed that the Respondent did not have authority or permission to use the stamp.
10. With regard to this matter, in an undated letter received by The Law Society on 31st March 2005 the Respondent stated "I have done nothing wrong however I have no way of proving this." She requested that her name be removed from the Roll of Solicitors but The Law Society did not accede to this request because of the ongoing disciplinary matters.

The Submissions of the Applicant

11. The Applicant did not allege that the Respondent obtained any direct financial gain from her wrongdoing. However the Respondent could not have failed to have been aware of what she was doing and must have been aware in each instance that what she was doing was wrong. The Applicant put her case on the basis that the Respondent had acted dishonestly.
12. The Applicant drew to the attention of the Tribunal a letter dated 13th January 2005 addressed by the Respondent in response to a letter to her from The Law Society of 8th December 2004 in which she said that she was not holding a practising certificate and had no intention of applying for one. She had just given birth and because she had a new baby and had become severely anaemic following a difficult delivery, she had not responded to earlier correspondence.

The Submissions of the Respondent

13. In her aforementioned letter of 1st October 2005 the Respondent asked that the Tribunal's pre-listing day be adjourned. She said that she admitted her wrongdoing at Stanley Tee and that to the best of her knowledge that had been dealt with. With regard to Adams Harrison she confirmed that she did use the certification stamp to stamp documents such as copies of passports when sending them out. She did not know that she was not allowed to do so.
14. She said that she did not mislead anyone in relation to her mortgage application. She stated that she was a locum and the mortgage broker had told her to give her salary as her daily rate of pay times 5 times 52 and to self certify her income. She said she did not create or cause to be created false or misleading documents.
15. She went on to say that she was not practising and would never again practise as a solicitor.
16. In her letter faxed on 10th April 2006 the Respondent confirmed that she would not be attending the hearing as she could not afford the train fare. She was happy to agree the costs but she would not be able to pay them. Her surname had changed to "King". With effect from 9th April 2006 she would no longer be residing at the 17 Higher Drive address. Correspondence delivered to that address would be forwarded to her.
17. The Respondent said she had no desire ever to work within the legal profession again and wanted to be left alone to get on with her life.
18. She admitted her wrongdoing at Stanley Tee and believed she had been punished accordingly. She did nothing wrong at Adams Harrison. A staff member had sanctioned the use of the firm's stamp for the purposes of certification. She had been duped by a disreputable loan/mortgage broker with whom she had been honest about her situation and status. She had no proof of her version of events and did not believe she had any hope of a fair hearing.

The Findings of the Tribunal

19. The Tribunal found the allegations to have been substantiated. The Respondent had readily admitted her wrongdoing whilst at the firm of Stanley Tee. She had provided some explanation of her action whilst at Adams Harrison and explained that she had been duped by a dishonest mortgage broker. However the Respondent does accept that she stated her salary to be her weekly locum pay times 5 times 52 when her locum engagement with that firm was for a short specified period. It was clear on its face that the information which she gave, albeit on the advice of the broker, was misleading. A solicitor has a duty to be transparently honest and the Respondent's behaviour was not excused by the fact that she acted in accordance with the mortgage broker's advice. The proper course would have been to refuse to do as he suggested.

The Tribunal's Decision and its Reasons

20. The Tribunal having found the allegations that the Respondent had created false and misleading documents and had given misleading information to mortgage providers

did demonstrate that she had been dishonest. The Tribunal had taken into account the Respondent's difficult personal circumstances but dishonesty of the type perpetrated by the Respondent could not be tolerated on the part of a member of the solicitors' profession. It was right that the Respondent be struck off the Roll of Solicitors. It was also right that she pay the costs of and incidental to the application and enquiry. The Tribunal noted that the Respondent had agreed the quantum of costs and fixed them in the agreed sum of £1,754.88 having taken note of the Respondent's indication that she would find it difficult to pay.

DATED this 24th day of May 2006
on behalf of the Tribunal

D J Leverton
Chairman