

IN THE MATTER OF SWEE FONG WONG, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

---

Mr A G Gibson (in the chair)  
Mr A Gaynor-Smith  
Mrs S Gordon

Date of Hearing: 18th 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 Stuart Roger Turner solicitor and partner in the firm of Lonsdales, Solicitors, 5 Fishergate Court, Fishergate, Preston, PR1 8QF on 19<sup>th</sup> August 2005 that Swee Fong Wong of West Green Road, London, N15 a solicitor might be required to answer the allegations contain in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

On 19<sup>th</sup> August 2005 the Applicant made a supplementary statement containing further allegations.

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 any or all of the following circumstances namely:

1. That the Respondent failed provide to adequate client care information to clients;

2. That the Respondent failed properly to account for client account money received, contrary to Rule 14(1) and 15(1) of the Solicitors Accounts Rules 1998;
3. That the Respondent failed to send her client a bill of costs before withdrawing the firm's fees contrary to Rule 19(2) of the Solicitors Accounts Rules 1998;
4. That the Respondent allowed the firm's client account to become overdrawn by withdrawing from it fees in excess of the monies held in the client account contrary to Rule 22(5) of the Solicitors Accounts Rules 1998;
5. That the Respondent failed to, at all times to keep, establish and maintain proper accounting systems and records contrary to Rules 1(f) and (g) and 32(1) and (2) of the Solicitors Accounts Rules 1998.
6. That the Respondent has breached Section 1(a) of the Solicitors Publicity Code 2001 by using notepaper for her firm that contained information that was misleading and/or inaccurate.

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

The evidence before the Tribunal included an affidavit of a process service as to due service of all of the relevant documents upon the Respondent including Civil Evidence Act Notices and Notices under the Tribunal's rules of procedure. No counternotices had been received. The Tribunal confirmed that it was satisfied that due service had been achieved and that the Applicant might rely on the documents placed before the Tribunal.

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

The Tribunal Orders that the Respondent, Swee Fong Wong of West Green Road, London, N15, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 18th day of April 2006 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 facts are set out in paragraphs 1 to 8 hereunder:**

1. The Respondent, born in 1951, was admitted as a solicitor in 2002. At the material times she practised under the style of Cosmos Solicitors at 457R West Green Road, London, N15 3PW.
2. On 26<sup>th</sup> and 27<sup>th</sup> January 2004 an officer of The Law Society (the LSO) visited the firm of Cosmos Solicitors and carried out an Assigned Risks Pool monitoring visit. The principals of the firm were the Respondent and Mr A P who practised in partnership.
3. The Tribunal had before it the LSO's Report dated 17<sup>th</sup> March 2004.
4. The Report revealed:

- (i) the Respondent, at the time of the monitoring visit, did not have three years post qualification experience;
  - (ii) The firm had ten clients. Six client files were selected for examination. In all six cases inadequate client care information was provided to the clients. The client care letters stated that the retainers were on an agreed fee basis but there were no details as to what the agreed fee was. There were also no details provided in relation to disbursements, hourly charge rates or overall costs estimates;
  - (iii) In four of the files the client matter ledger recorded client monies that had been received when the firm's client account had not been opened. The firm was formed on 10<sup>th</sup> November 2003 but the client account was not opened until the week commencing 19<sup>th</sup> January 2004;
  - (iv) In the matter of the client Mr P an invoice for costs of £300 dated 15<sup>th</sup> December 2003 had not been sent to the client prior to the withdrawal of the firm's costs from client account;
  - (v) In the matter of the client Mr V, the client matter ledger showed that the firm transferred fees in the sum of £200 from client to office account on 12<sup>th</sup> January 2004 at a time when the matter ledger recorded a credit of £100.
  - (vi) In the four client matters, entries in the client ledgers were incorrect as they were made at a time when the firm's client account had not been opened.
5. The Law Society wrote separately to the Respondent and Mr A P on 22<sup>nd</sup> June 2004, requesting an explanation of the matters raised in the LSO's Report.
  6. On 25<sup>th</sup> June 2004 the Respondent replied in connection with an enquiry made about supervision of the office, and a full response was sent to The Law Society on 1<sup>st</sup> July. Attached to the response was a revised client care letter.
  7. On 20<sup>th</sup> September 2005 The Law Society wrote to the Respondent enclosing copies of her own letters dated 25<sup>th</sup> August and 8<sup>th</sup> September 2005 which displayed the names of the Respondent and Mr WNR as partners at the Respondent's firm. The Law Society records showed that Mr WNR ceased to be a partner on 16<sup>th</sup> March 2005 when the Respondent became a sole practitioner.
  8. The Respondent replied to The Law Society's letter of 20<sup>th</sup> September on 30<sup>th</sup> September and in that letter she stated inter alia that:

"... under compliance reasons due to Rule 13 I have not deleted Rodrigo from my letterhead for this reason only. Therefore, in order to avoid breach of Rule 13 I am in breach of publicity code according to your letter which is not fair and under appeal structure due to no deliberate breach at all apart from prejudice.... I cannot delete Rodrigo from my letterhead due to Rule 13 compliance reasons only with conditions...."

That response letterhead also held out Mr WNR as a partner in the Respondent's firm.

### **The Submissions of the Applicant**

9. The Respondent had not responded to letters addressed to her by the Applicant nor had she answered telephone calls. The Respondent had been in breach of the Solicitors Accounts Rules which was a serious matter.
10. She had failed to provide her clients with proper client care information. She had not informed her clients of the amount of her agreed fee and had not notified clients that their right to challenge her fees where her fee had been agreed was restricted. She had not set out the precise nature and extent of the instructions she had been given. No details of likely disbursements were given, indeed she had provided clients with inadequate costs information.

### **The Findings of the Tribunal**

11. The Tribunal found the allegations to have been substantiated, indeed they were not contested.

### **The Tribunal's Decision and its Reasons**

12. The Tribunal was very concerned at the behaviour of the Respondent. She was an inexperienced solicitor who appeared to have set up in partnership with another but had failed to comply with important rules governing the solicitors' profession. The Tribunal was particularly concerned that clients had not been given the full information to which they were properly entitled, in particular with regard to the Respondent's level of remuneration. The Tribunal had read a volume of letters produced by the Respondent and the members were concerned by the quality of the Respondent's written English. The Tribunal was aware that conditions had been placed on the Respondent's practising certificate but the nature of the matters found to have been substantiated against the Respondent led the Tribunal to conclude that conditions on her practising certificate did not provide sufficient protection to the public from this inexperienced solicitor who had not complied with important rules governing practice as a solicitor.
13. The Tribunal was concerned that some of her failures might have amounted to dishonesty but made no finding in this connection.
14. In all of the circumstances the Tribunal considered that it was an appropriate and proportionate sanction to impose an indefinite period of suspension upon the Respondent. It would, of course, be open to the Respondent to seek to have that period of suspension brought to an end by making an application to the Tribunal. The Respondent should note that the Tribunal would be unlikely to determine the period of suspension imposed upon her unless it was satisfied that she was fully aware of all of the rules and regulations both statutory and otherwise which governed the practice of a solicitor and that her command of the English language was such that she was able clearly to communicate to clients and others when in practice in England and Wales.

15. The Applicant sought the costs of and incidental to the application and enquiry. Whilst the Tribunal considered that it was right that the Respondent should meet the Applicant's costs, as she had made no representations on the question of quantum the Tribunal considered it right to order that such costs be subject to a detailed assessment unless agreed between the parties.

DATED this 12th day of June 2006  
On behalf of the Tribunal

A G Gibson  
Chairman