

IN THE MATTER OF FOLASHADE MOJISOLA OLOWU, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr J N Barnecutt (in the chair)  
Ms A Banks  
Mr G Fisher

Date of Hearing: 27th March 2007

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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 Michael Robin Havard, solicitor and partner in the firm of Morgan Cole, solicitors of Bradley Court, Park Place, Cardiff, CF10 3DP on 23<sup>rd</sup> December 2005 that Folashade Mojisola Olowu of Croydon, Surrey, solicitor, 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.-

The allegation against the Respondent was that she had been guilty of conduct unbefitting a solicitor and/or in breach of the Solicitors Accounts Rules 1998 in the following respects namely that she had failed to comply with Rule 32 of the Solicitors Accounts Rules 1998.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 27<sup>th</sup> March 2007 when Michael Robin Havard appeared as the Applicant and the Respondent did not appear and was not represented.

At the commencement of the hearing the Applicant gave details of his attempts to effect service upon the Respondent including various advertisements following the Tribunal's Order for substituted service dated 24<sup>th</sup> October 2006. The advertisements had contained the date of the substantive hearing. The Tribunal was satisfied that the Applicant had made every

reasonable attempt to bring the proceedings to the notice of the Respondent and that the substantive hearing should proceed.

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

The Tribunal Orders that the Respondent, Folashade Mojisola Olowu of address unknown (formerly of Croydon, Surrey), solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 27th day of March 2007 and they further Order that she do pay 25% of the costs of and incidental to this application and enquiry up to and including 27th June 2006 and all of the costs from 28th June 2006, to be subject to a detailed assessment unless agreed between the parties to include the costs of the Investigation Officer of the Law Society.

**The facts are set out in paragraphs 1-10 hereunder:**

1. The Respondent, born in 1969 was admitted as a solicitor in 1999 and her name remained on the Roll of Solicitors.
2. At the material time the Respondent practised in partnership in the firm of O S Johnson & Co. Subsequently she practised as an assistant solicitor in that firm. Her last practising certificate had expired on 13<sup>th</sup> March 2007.
3. On 25<sup>th</sup> May 2004 an Investigation Officer of The Law Society had began an inspection of the practice and his resulting Report dated 2<sup>nd</sup> August 2004 was before the Tribunal. The Respondent had not been in the office during the inspection and had not been interviewed in respect of the contents of the Report.
4. At the commencement of the inspection the Investigation Officer was told by the Respondent's former partner, Mr Ogunrinde, that the firm's accounting records were held on the bookkeeper's personal computer and the bookkeeper was away on holiday.
5. On 22<sup>nd</sup> June 2004 the Investigation Officer was provided with books of account written up to 30<sup>th</sup> April 2004 but the books were not in compliance with the Solicitors Accounts Rules 1998.
6. On 22<sup>nd</sup> June 2004 when provided with a list of liabilities the Investigation Officer was able to determine that as of 30<sup>th</sup> April 2004 there were debit balances on 113 client ledger accounts which amounted cumulatively to £430,954.40. This was accepted by Mr Ogunrinde although he stated that it was entirely due to mispostings and that the firm's books did not reflect the true position.
7. In an interview on 6<sup>th</sup> July 2004 Mr Ogunrinde said that the bookkeeper had again left the country with the firm's accounting records which were therefore not available. He said that in view of the state of the books he had appointed new accountants to bring the firm's books up to date and he hoped they would be able to achieve this by the end of August 2004. On 8<sup>th</sup> July 2004 however the new accountants had only reconciled figures to March 2003.

8. By letter dated 9<sup>th</sup> August 2004 The Law Society wrote to Mr Ogunrinde and the Respondent asking for their comments in relation to the Report.
9. By letter of 17<sup>th</sup> August 2004 Mr Ogunrinde provided an explanation in reply which he stated was on behalf of both himself and his then partner. He accepted that he bore full responsibility for the accounts of the practice but sought to blame his bookkeeper for the inadequacies of the accounting records. To illustrate his intention to put matters right Mr Ogunrinde indicated his intention to liaise with the firm's accountants and also to invest in Law Society recommended accounting software. In a further letter of 8<sup>th</sup> September 2004 Mr Ogunrinde indicated the investment being made to ensure there was no repetition of the shortcomings in relation to maintaining proper books of account and on the same day Mr Ogunrinde's accountants wrote to The Law Society informing them of the progress they had made in bringing the books of account up to date.
10. The firm had been intervened on 27<sup>th</sup> February 2006.

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

11. The allegation had originally been made jointly against the Respondent and Mr Ogunrinde. A Civil Evidence Act Notice had been served on both Respondents on 13<sup>th</sup> February 2006.
12. A substantive hearing had been listed for 27<sup>th</sup> June 2006 when the Respondent did not appear. Mr Ogunrinde had expected her to attend. The proceedings had been severed and the matter had proceeded against Mr Ogunrinde on 27<sup>th</sup> June 2006 and a penalty of a two years suspension had been imposed on him by the Tribunal.
13. At the material time when the Investigation Officer attended the firm the Respondent had been named as a partner of the firm but at the time the proceedings were brought she had become an assistant solicitor.
14. It was clear that it had been impossible for the Investigation Officer to understand the true financial status of the firm.
15. It was right to say that at no stage had the Investigation Officer ever met the Respondent. Mr Ogunrinde's submissions at the hearing on 27<sup>th</sup> June 2006 had been that the Respondent had played a secondary role in administration. Mr Ogunrinde had been the signatory on the accounts. This was however a two partner firm and the Respondent should have been aware of her responsibilities and of the shortcomings in the accounts.
16. The Respondent's practising certificate had expired and there had been no contact from her with The Law Society at any stage in the recent past.
17. After the intervention the practice had been wound up and the funds distributed. No client had claimed any loss. Mr Ogunrinde had lodged an appeal against the intervention although it was not certain whether the appeal was continuing. The Respondent had taken no part in the appeal.

18. After the Report had been produced there had been no response from the Respondent. Mr Ogunrinde had responded twice.
19. No one involved in the investigation proceedings had ever heard, seen or spoken to the Respondent but she had been a partner at the material time. The Tribunal had concluded in June 2006 that the firm's finances had been in disarray.
20. In relation to costs, the Tribunal in June 2006 had ordered Mr Ogunrinde to pay 75% of the Applicant's costs. There were also costs since that date which related to the Respondent alone. The Tribunal was asked to make an Order that the Respondent pay the Applicant's costs to be subject to a detailed assessment if not agreed.

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

21. The Tribunal considered the documentation and the submissions of the Applicant and noted that the Applicant had served a Civil Evidence Act Notice on the Respondent. The Tribunal was satisfied that the allegation was substantiated.
22. The Respondent had not appeared today. It seemed that her practising certificate had expired. Although at the time of the hearing against Mr Ogunrinde the Respondent had been an assistant solicitor in O S Johnson & Co she had taken no part at all in the proceedings against her.
23. The allegation, which was proved, was serious and the Tribunal would make an appropriate Order with the protection of the public in mind. Although Mr Ogunrinde had asserted in June 2006 that she had a secondary role, the Respondent had had responsibilities as a partner for the serious accounting failures which had occurred. In the absence of any information or explanation from the Respondent, the Tribunal would impose an Order for an indefinite suspension from practice.
24. The Tribunal wished to make it clear that they were not closing the door to the Respondent. It was possible that the Respondent might appear and say that she had known nothing of the proceedings and it would be open to her in those circumstances to seek to apply to determine the indefinite suspension at an early stage. The indefinite suspension was not intended to indicate a more serious penalty than that which had been imposed on Mr Ogunrinde. The Applicant had however made more than reasonable attempts to bring the proceedings to the notice of the Respondent. In the absence of any information from her, it was right that the Tribunal should act to protect the public.
25. In relation to costs, the Tribunal noted the Order made against Mr Ogunrinde in June 2006 and considered it right that the Respondent should pay the remaining 25% of the costs up to and including the hearing date in June 2006. She would also be liable for all the subsequent costs of the Applicant.
26. The Tribunal Ordered that the Respondent, Folashade Mojisola Olowu of address unknown (formerly of Croydon, Surrey), solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 27th day of March 2007 and they further Ordered that she do pay 25% of the costs of and incidental to this

application and enquiry up to and including 27th June 2006 and all of the costs from 28th June 2006, to be subject to a detailed assessment unless agreed between the parties to include the costs of the Investigation Officer of the Law Society.

DATED this 18<sup>th</sup> day of May 2007  
on behalf of the Tribunal

J N Barnecutt  
Chairman