

IN THE MATTER OF MARGARET UGO NWOJO, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr L N Gilford (in the chair)
Mr R B Bamford
Mr J Jackson

Date of Hearing: 16th November 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 George Marriott, solicitor advocate and partner in the firm of Gorvins, 4 Davy Avenue, Knowlhill, Milton Keynes, MK5 8NL, on 17th May 2006 that Margaret Ugo Nwojo (also known as Margaret Chaudhari) of Arlingtons Solicitors, 145 Islingword Road, Brighton, BN2 9SH (now of Belgrave Place, Brighton), solicitor, 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 against the Respondent was that she had been guilty of conduct unbefitting a solicitor in that she was convicted on her own admission on an indictment in the Crown Court containing allegations of theft, making false instruments and obtaining money transfers by deception, and was sentenced to a Community Punishment Order for 200 hours and ordered to pay costs.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 16th November 2006 when George Marriott appeared as the Applicant and the Respondent was represented by Mr Simon Farrell of Queen's Counsel.

The evidence before the Tribunal included the admission of the Respondent.

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

The Tribunal Orders that the Respondent Margaret Ugo Nwojo (aka Margaret Chaudhari) of Belgrave Place, Brighton (formerly of Arlington Solicitors, 145 Islingword Road, Brighton, East Sussex, BN2 9SH), 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 £3,177.79.

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

1. The Respondent, born in 1968, was admitted as a solicitor in 1994 and her name remained on the Roll of Solicitors.
2. At all material times the Respondent was an assistant solicitor and then a salaried partner until November 2002 of Beardsell's practising from 25 Ship Street, Brighton, BN1 1AD.
3. The Respondent had then become a sole practitioner in Arlingtons Solicitors, practising from 145 Islingword Road, Brighton, East Sussex, BN2 9SH.
4. Between 1997 and 2002 the Respondent worked for and then became a salaried partner in Beardsell's. During the course of her employment, a dispute arose between her and her employers relating to the amount of salary and benefits she was to receive from the firm. The dispute revolved around car expenses, insurance and bonus triggers.
5. In April 2002 the firm received a letter from a mortgage company seeking details about the Respondent's employment. It appeared that she had stated her income for the year ending 5th April 2002 to be £95,000 when in fact it was £37,850. Accordingly the firm decided to make enquiries. As part of those enquiries, a Search Order in the Civil courts was obtained to discover which files the Respondent had at her home. As a result of an inspection of those files, a number of clients were contacted about payments they had made to the firm for immigration work carried out by the Respondent.
6. As a result of that, the police became involved and criminal proceedings were commenced against the Respondent. At Lewes Crown Court she faced an indictment containing 19 counts. The counts covered forgery, theft, obtaining money transfers by deception and false accounting.
7. The modus operandi adopted by the Respondent was to take cheques payable for the firm's costs, change the name of the firm to her name, and bank the cheques (forgery). She also took the monies represented by the cheques and in some cases cash (theft). In addition, by changing the name of the firm to her own name on the cheques, she committed the further offences namely obtaining money transfers by deception. Finally she failed to insert figures in internal documents within the firm relating to bonus sheets (false accounting).

8. The Respondent reported the matter to the Law Society by her letter dated 2nd December 2005. The Respondent conceded in the letter what she had done, that it was wrong and that it was the result of a continuing dispute between herself and the firm.
9. On 16th March 2006 before His Honour Judge Haywood at Lewes Crown Court, the Respondent having earlier entered a plea of guilty to 13 counts of theft, forgery and deception, the Judge sentenced her to 200 hours unpaid work for the community (a Community Punishment Order) and ordered her to pay £1,017 costs within three months. Confiscation proceedings were adjourned until 5th June 2006 and were settled in September 2006 in the sum of £48,000.
10. The basis of her plea accepted that the total loss to the firm by her criminal actions amounted to £6,297.29.

The Submissions of the Applicant

11. The Respondent had admitted the allegation.
12. The Respondent's employment with Beardsell's had been terminated because of the events which had led to the conviction.
13. Conditions imposed on the Respondent's Practising Certificate from April 2006 meant that she had to work in approved employment. From 19th September 2006 her Practising Certificate had been suspended for six months by virtue of the conviction.
14. The Tribunal was referred to the sentencing remarks of the Learned Judge and invited to take careful note of them. It was clear from the sentencing remarks that the civil claim by the Respondent's former employers had been settled in the sum of £130,000.
15. There had been a Newton hearing in which the Learned Judge had accepted the evidence of Mr W, a partner in Beardsell's, that the Respondent had not told him that she was dealing with the dispute between herself and the firm by keeping payments from fees received by her. The sentencing remarks stated:-

“I accept that you felt a grievance and that you did have a claim for breach of contract. But, as a solicitor, you were in a unique position to know precisely how you should have set about resolving that breach. I do not accept, however, that you told Mr W that you intended to direct monies to yourself.”
16. The Tribunal was asked to consider the case of Bolton -v- The Law Society 1994 1 WLR 512. The reputation of the profession had to be maintained.

The Submissions on behalf of the Respondent

17. It was accepted that the Respondent's appearance in criminal proceedings was a very serious matter. This was however a highly unusual situation. The prosecution's opening note which was before the Tribunal was a long way from the case for which the Respondent had actually been convicted, and the opening note needed to be

treated with caution. The prosecution and the Learned Judge had accepted that £6,300 was the amount for which the Respondent was criminally liable.

18. On 2nd December 2005 the Respondent had herself reported the matter and had set out the history of her time at Beardsell's. Her contract had given her a number of benefits but after the death of the senior partner the contract had not been honoured.
19. The Applicant had referred to the Newton hearing. The other part of that hearing related to whether or not there was a genuine contractual dispute. The Judge had accepted that the Respondent was owed £8,000 in benefits.
20. The Respondent had taken the law into her own hands and this was a serious case of dishonesty but on any view it was out of character. A large number of references had been put forward in support of the Respondent, many of them from clients and the Tribunal was referred to particular points made in those references. All spoke of her in the same vein.
21. The Respondent had served her community service working in a charity shop and her community punishment case manager had written to say that the Respondent had exceeded the minimum requirement of hours to be worked.
22. The Tribunal would take any conviction seriously but was asked to take an exceptional course. The Tribunal was asked to consider suspending the Respondent, perhaps for a period of five years. This would meet the requirements of justice. The Respondent would be severely punished but her time as a solicitor would not be completely ended. Given the circumstances, justice could be met by the Tribunal not taking the ultimate step. Since 2002 the Respondent had been acting as a solicitor without complaint. This was a very unusual case.

Submissions as to Costs

23. The Applicant sought his costs in accordance with his schedule in the sum of £3,177.79. Liability to pay was different from ability and the Law Society would look carefully at whether or not the Respondent could pay.
24. On behalf of the Respondent it was submitted that she was without employment and had two children. The confiscation order had been for £48,000. The Respondent was completely reliant on her husband who had given up his job to take over the firm of Arlingtons.
25. Further, this case went back some six years and the proceedings involving the Law Society had been somewhat tortuous. Even in the latter stages of the investigation in early 2006 the Law Society had been accepting that the Respondent should be allowed to practise. The imposition of conditions meant that she could no longer work at Arlingtons. Only in May 2006 had proceedings been issued.
26. The civil case had been settled with both sides to bear their own costs. The settlement had been because the Respondent had run out of funds. The sum agreed, £130,000, effectively amounted to paying the other side's costs.

27. It was accepted that the Applicant's costs were reasonable but the Tribunal was asked to exercise discretion because of the Respondent's impecuniosity. Leading Counsel was acting pro bono.

The Findings of the Tribunal

28. The Tribunal found the allegation to have been substantiated, indeed it was not contested.
29. The Tribunal had considered carefully the submissions made on behalf of the Respondent and the references in her support. Nevertheless the Respondent had engaged in a planned course of dishonesty. Whatever her dispute with her former employers, she as a solicitor knew how to deal with that dispute by proper means but she had not done so. She had been found guilty of clear offences of dishonesty. In the case of Bolton -v- The Law Society it was said of the orders of the Tribunal that:-

“The second purpose is the most fundamental of all: to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth ... the essential issue ... is the need to maintain among members of the public a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness.”

The Tribunal had a duty to uphold the reputation of the profession and to maintain public confidence in the profession. A period of suspension as suggested by Leading Counsel was not appropriate in such a case. It was right that the Respondent's name be struck off the Roll of Solicitors. It was also right that the Respondent be ordered to pay the Applicant's costs. Enforcement of those costs was a matter for the Law Society, not the Tribunal.

30. The Tribunal made the following order:-

The Tribunal Orders that the Respondent Margaret Ugo Nwojo (aka Margaret Chaudhari) of Belgrave Place, Brighton (formerly of Arlington Solicitors, 145 Islingword Road, Brighton, East Sussex, BN2 9SH), 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 £3,177.79.

Dated this 12th day of January 2007
On behalf of the Tribunal

L N Gilford
Chairman