

IN THE MATTER OF HAZEL MANN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mrs K. Todner (in the chair)

Mr. D. J. Leverton

Mr. M. G. Taylor CBE

Date of Hearing: 12th November 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 Stephen John Battersby, solicitor and partner in the firm of Jameson & Hill of 72-74 Fore Street, Hertford, Hertfordshire, SG14 1BY, in the following terms "that an Order be made by the Tribunal directing that as from a date to be specified in such Order no solicitor shall, except in accordance with permission in writing granted by The Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Miss Hazel Mann of Belmont Terrace, Chiswick, London (service should be made on Ian Ryan at Bankside Law, Thames House, 58 Southwark Bridge Road, London SE1 0AS) a person who is or was a Clerk to a Solicitor, or that such other Order may be made as the Tribunal shall think right.

The allegation made against the Respondent Hazel Mann was that she, having been employed by a solicitor but not herself being a solicitor had, in the opinion of The Law Society, occasioned or been party to, with or without the connivance of the solicitor by whom she was employed, an act or default in relation to the solicitor's practice which involved conduct on her part of such a nature that, in the opinion of the Society, it would be undesirable for her to be employed or remunerated by a solicitor or Registered European Lawyer in connection with his or her practice or by an incorporated solicitors' practice.

The evidence before the Tribunal included the Respondent's admission and acceptance that an Order pursuant to Section 43 of the Solicitor's Act 1974 (as amended) should be made in respect of her on the following basis:-

"That the Respondent, Hazel Mann, was reckless in applying for and accepting a position as a family solicitor with Bennett Ryan Solicitors of 491 London Road, Isleworth, Middlesex TW7 4DA, without making it clear that she was not in fact qualified as a solicitor, and that the curriculum vitae that she submitted in support of her application for that post was inadvertently misleading as it did not make it clear that she was not qualified as a solicitor".

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

The Tribunal ORDERS that as from the 12th day of November 2007 no solicitor, Registered European Lawyer or incorporated solicitor's practice shall, except in accordance with permission in writing granted by The Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice Hazel Mann of Belmont Terrace, Chiswick, London a person who is or was a clerk to a solicitor and the Tribunal further Order that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £4,540.96.

**The facts are set out in paragraphs 1 - 5 hereunder:**

1. The Respondent was born on the 3<sup>rd</sup> July 1958. She was not a solicitor.
2. The Respondent's course of conduct giving rise to the allegation occurred between January and July of 2005, during which time she applied for, was offered and took up a post with a firm of solicitors, Bennett and Ryan (the Firm) at Isleworth, Middlesex. The Firm had placed an advertisement in the Law Society Gazette of the 20<sup>th</sup> January 2005 which indicated that they were seeking a family solicitor to join their growing Family Law Department. The Respondent contacted the Firm by e-mail on 31<sup>st</sup> January 2005 to say that she was interested in the vacancy. At the same time, or shortly afterwards, she sent them a copy of her curriculum vitae (CV), together with an account of her relevant experience.
3. In her CV the Respondent stated "After graduating from Durham University I spent a few years in advertising and then retrained as a solicitor, specialising in child and family law". Later in the document she referred to her articles of clerkship with a firm of solicitors and described the experience which she obtained with that firm.
4. The Firm interviewed the Respondent on two occasions before offering her the post in a letter of 10<sup>th</sup> March 2005, which was headed 'Re: Post of Assistant Solicitor in Family Law Department'. The salary for the post was commensurate with a solicitor's post. The Respondent accepted the position by signing the letter on the 16<sup>th</sup> March 2005.

5. The Respondent commenced her employment with the Firm on 20<sup>th</sup> April 2005 and remained with them for three months, during which time they added her name to their note paper under the heading 'Associate'. On 15<sup>th</sup> July 2005 the Firm received information from a third party that the Respondent was not a solicitor and raised this issue with her the same day. The Respondent expressed surprise that they were unaware of her unqualified status but tendered her resignation.

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

6. The firm was justified in believing that the Respondent was a solicitor. She had responded to an advertisement for a solicitor's post and her CV did not indicate that she was an unqualified clerk, indeed it made reference to her having served articles and her "retraining as a solicitor". It was accepted that the Firm did not directly ask the Respondent if she was a solicitor. The Respondent had not made it clear that she was not.

#### **The Submissions of the Respondent**

7. The Respondent's representative apologised that she was absent from the hearing. She intended no disrespect but she had found the whole matter both embarrassing and distressing.
8. The Tribunal was invited to make the Order sought on the basis set out in the Respondent's admission.
9. The Respondent accepted that she must pay the Applicant's costs and agreed the figure of £4,540.96.

#### **The Tribunal's Findings**

10. The Tribunal found the allegation to have been substantiated, indeed it was not contested. It was right in the somewhat extraordinary circumstances of this case that the Respondent who took no step to disabuse her prospective employers of her true status should be subject to regulation in connection with any future employment she might take up within the solicitors' profession. The Tribunal made the Order sought and further ordered the Respondent to pay the Applicant's costs in the agreed sum.

Dated this 8<sup>th</sup> day of January 2008  
On behalf of the Tribunal

K. Todner  
Chairman