

IN THE MATTER OF ELLEN VIOLET HUGGINS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. W. M. Hartley (in the chair)
Miss T. Cullen
Mr. M. G. Taylor CBE

Date of Hearing: 4th December 2007

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Robert Simon Roscoe a solicitor and partner in Victor Lissack, Roscoe & Coleman of 70 Marylebone Lane, London W1U 2PQ on the 25th April 2007 that Ellen Violet Huggins (also known as Ellen Violet Brooks) formerly of The Avenue, Southampton, Hampshire 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.

At the hearing the Tribunal was notified that the Respondent might be reached at Longfellow Avenue, Abingdon, Oxfordshire.

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

- a) That she failed to act in the best interests of her clients in breach of Rule 1(c) of the Solicitors' Practice Rules 1990;
- b) That her conduct was likely to compromise or impair her good repute as a solicitor or of the solicitors' profession in breach of Rule 1(d) of the Solicitors' Practice Rules 1990;

- c) That she failed to disclose to The Law Society that she had been adjudged bankrupt in breach of Rule 1(a) of the Solicitors' Practice Rules 1990;
- d) That she withdrew money from client account in excess of money held on behalf of a client in breach of Rule 22(5) of the Solicitors' Accounts Rules 1998;
- e) That she failed to keep accounts properly written up and recorded in compliance with Rule 32 of the Solicitors' Accounts Rules 1998;
- f) That she failed to deal promptly and substantively with correspondence from The Law Society;
- g) That she failed to deliver to The Law Society an Accountant's Report in respect of her practice as a solicitor for the period ending 30th April 2005, contrary to Section 34 of the Solicitors Act 1974;
- h) That she failed to deliver to The Law Society an Accountant's Cease to Hold Report in respect of her practice as a solicitor for the period ending 23rd June 2005 or thereafter, contrary to Section 34 of the Solicitors Act 1974.

The application was heard at The Court Room, Third Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when Robert Simon Roscoe appeared as the Applicant. The Respondent did not appear and was not represented.

Preliminary Matter

The Respondent had taken no part in the proceedings. She no longer resided at her former home address which had been used in the application. The SRA had located the address of the Respondent's former husband and the Applicant had written to her there. He received a telephone call from the Respondent when he explained that he needed to serve papers upon her. She had provided the 1 Longfellow Avenue, Abingdon address explaining that it was a temporary address and she would receive papers there. The Applicant had sent all papers to that address by first class mail and none had been returned to him. The Applicant held a telephone number for the Respondent. He had tried to telephone her but had received only a voicemail response stating "this is Ellen." The Tribunal accepted that all papers had been properly served upon the Respondent.

The evidence before the Tribunal included the papers annexed to the Applicant's statement made pursuant to Rule 4 of the Solicitors' Disciplinary Proceedings Rules 1994. Civil Evidence Act Notices had been served upon the Respondent in respect of these documents and no counter notice had been received.

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

The Tribunal ORDERS that the respondent, ELLEN VIOLET HUGGINS of Longfellow Avenue, Abingdon, Oxfordshire, 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 £3,689.59 inclusive.

The facts are set out in paragraphs 1 to 9 hereunder:-

1. The Respondent, born in 1951, was admitted as a solicitor in 1994. Her name remained on the Roll of Solicitors. She practised on her own account under the style of Huggins Jensen at Southampton, Hampshire.
2. On or before 21st June 2005 clients of the Respondent complained to The Law Society that they could not contact her at her office. The Law Society wrote to her on 21st June 2005. The Respondent replied on 24th June saying that her firm was not closed but that she was experiencing “temporary staff difficulties.” She did not mention that a bankruptcy order had been made against her on 23rd June 2005. The Law Society sought to clarify whether her firm remained open to the public by letter dated 30th June 2005.
3. On 29th June 2005 The Law Society learned of the Respondent’s bankruptcy and wrote to the Respondent, on 30th June 2005, reminding her that her practising certificate had been automatically suspended under the provisions of Section 15(1) of the Solicitors Act 1974. The Respondent wrote indicating that she was applying to have the order revoked. It was not. The bankruptcy order expired at the end of the normal period in June 2006.
4. The Respondent did not respond to letters from The Law Society sent on 7th July, 18th July and 8th September 2005.
5. The Law Society received a complaint on behalf of her former client, Mrs SMLB. On 17th June 2005 The Law Society raised the matter with the Respondent. The Respondent did not respond. She did not respond to a chasing letter sent on 6th July 2005.
6. The Law Society intervened into the Respondent’s practice on 4th August 2005. The intervention agent discovered a shortfall on the Respondent’s client account. The credit balance on client account of £1,521.52 was paid to The Law Society.
7. The Respondent had been excluded from her offices and her books of account had been removed by her Trustee in Bankruptcy, who delivered them to the intervention agent who found that the Respondent’s accounts were not up to date.
8. Since the intervention The Law Society had made a number of payments out of its Compensation Fund to clients of the Respondent. The total of the payments was in the region of £5,700.
9. The Respondent’s annual Accountant’s Report for the year ending 30th April 2005 was due to be lodged with The Law Society on or before 31st October 2005 but had not been received. No “Cease to Hold” Report had been delivered to The Law Society.

The Submissions of the Applicant

10. The Applicant recognised that at the material time the Respondent might have been suffering from marital difficulties. The Tribunal would note that by the time of the disciplinary proceedings the Respondent appeared not to have any settled address.

11. The Respondent had been adjudicated bankrupt but by the time of the hearing had achieved an automatic discharge.
12. The facts spoke for themselves.
13. The Applicant sought the costs of and incidental to the application and enquiry. He provided a note of the calculation of his costs and had with a letter of the 19th October 2007 provided a copy to the Respondent who had not responded.

The Findings of the Tribunal

14. The Tribunal found all of the allegations to have been substantiated.

The Tribunal's Decision and its Reasons

15. The Tribunal found this to be a sad case. The Respondent, possibly following difficulties in her private life, appeared to have "hit the buffers." The Respondent continued to have important responsibilities in her capacity as a solicitor even though she had suffered personal difficulties. She appeared simply to have abdicated those responsibilities. Such behaviour on the part of the solicitor cannot be tolerated as it flies in the face of the fundamental principle that a solicitor must put his or her clients' interests first and must at all times maintain a proper stewardship over client monies entrusted to him or her. The Tribunal concluded that the proportionate and appropriate sanction to impose upon the Respondent was that she be struck off the Roll of Solicitors. The Tribunal considered it appropriate to Order the Respondent to pay the Applicant's costs. The Tribunal considered that the costs sought by the Applicant were entirely reasonable and ordered the Respondent to pay the costs in the fixed sum of £3,689.59 inclusive.

Dated this 7th day of February 2008
On behalf of the Tribunal

W. M. Hartley
Chairman