

IN THE MATTER OF HONOR LAMONT,  
A person (not being a solicitor) employed or remunerated by a solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. D. J. Leverton (in the chair)  
Mr. J. P. Davies  
Mr. M. G. Taylor CBE

Date of Hearing: 17th October 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 Jonathan Richard Goodwin of Jonathan Goodwin Solicitor Advocate, 17E Telford Court, Dunkirk Lea, Chester Gates, Chester CH1 6LT on 11 May 2007 that an Order be made by the Tribunal directing that, as from a date specified in the Order, no solicitor should, except with permission of The Law Society for such period and subject to such conditions as The Law Society might think fit to specify in the permission, employ or remunerate in connection with the practice of the solicitor Honor Lamont of Applecroft, Maidenhead, Berkshire a person who was or had been a clerk to a solicitor within the meaning of the Solicitors Act 1974, or 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 of such a nature that in the opinion of The Law Society it would be undesirable for her to be employed or remunerated by a solicitor in connection with his/her practice as a solicitor namely:-

The Respondent was formerly employed by Thompsons Solicitors dealing with personal injury claims. On 22<sup>nd</sup> and 23<sup>rd</sup> May 2006 the Respondent made two payments of £10,000.00 and £5,000.00 respectively from her own funds to a client of Thompsons (Mr H) purporting to be in respect of interim payments (the interim payment had previously been requested from the Defendant's Solicitors, and was not received into Thompsons' account until 7<sup>th</sup> June 2006). On or around 9<sup>th</sup> June 2006 the Respondent improperly created and signed a form of authority, purportedly from the client and authorising the release of a £15,000.00 interim payment, and to be paid direct to the account of the Respondent. The client did not provide the authority.

The application was heard at The Court Room, Third Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 17<sup>th</sup> October 2007 when Jonathan Richard Goodwin appeared as the Applicant and the Respondent did not appear and was not represented.

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

At the commencement of the hearing the Applicant confirmed to the Tribunal that the Respondent was aware of the hearing and that she had sent an email the previous day explaining why she was unable to attend the hearing although she had not sought an adjournment. The Tribunal was satisfied that the Respondent had been duly served with the proceedings and was aware of the hearing date and that the matter should proceed in her absence.

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

The Tribunal ORDERS that as from 17<sup>th</sup> day of October 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 Honor Lamont of Applecroft, Maidenhead, Berkshire 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 £2,243.80.

**The facts are set out in paragraphs 1 - 3 hereunder:-**

1. The Respondent who is not a solicitor was employed as a personal injury executive by Thompsons solicitors of Chelmsford.
2. By letter dated 23<sup>rd</sup> October 2006 Thompsons wrote to The Law Society to report the conduct of their former employee Ms Honor Lamont (also known as Honor Armsdon). Ms Lamont had previously acted in connection with a personal injury claim on behalf of a client of Thompsons, Mr H, arising out of an accident at work. Thompsons provided a chronology of events to include:-
  - April 2006 Thompsons requested an interim payment in respect of damages to pay for Mr H's treatment.

- On 22<sup>nd</sup> May 2006 and 23<sup>rd</sup> May 2006 Mr H received two payments of £10,000.00 and £5,000.00 from the firm paid direct into his Abbey National account from monies paid from an account of Mrs I H Armsdon (the Respondent).
  - On 30<sup>th</sup> May 2006 the Respondent telephoned the Defendant's Solicitors requesting that the cheque be payable to Thompsons.
  - The Respondent collected the cheque by hand on 6<sup>th</sup> June 2006 and paid the same into Thompsons' account on 7<sup>th</sup> June 2006.
  - A form of authority dated 19<sup>th</sup> May 2006 purportedly signed by the client Mr H was sent to the firm's accounts department requesting the sum of £15,000.00 be paid direct to Mrs Armsdon. The form was not signed by Mr H.
3. By letter dated 14<sup>th</sup> December 2006 The Law Society wrote to the Respondent seeking her explanation. The Respondent failed to reply.

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

4. The Respondent had made admissions in her letter of 11<sup>th</sup> June 2007.
5. Section 43 (1) (b) of the Solicitors Act 1974 (as amended), was regulatory in nature, designed to afford safeguards and exercise control when in any given case that was considered appropriate. It was not a punishment and should not be viewed as such. A fundamental principle was to maintain the reputation of the profession in the interests of both the profession and the public, upon whom the profession relied. The profession's most valuable asset was the collective reputation and the confidence that inspired not only in respect of Solicitors, but also in respect of those they employed whether qualified or not. The facts giving rise to this complaint demonstrated that it would be both desirable and appropriate for the Tribunal to make an order pursuant to Section 43 of the Solicitors Act 1974 (as amended).
6. It was accepted that no loss had been sustained by the client or Thompsons and that no benefit had been obtained by the Respondent. No explanation had been advanced by the Respondent and the Applicant could only speculate as to why she had done what she had.
7. However, notwithstanding no loss had been caused, the Respondent's conduct was of concern. The Respondent took the conscious and improper decision to pay the client the sum of £15,000.00 in May 2006 (the £10,000.00 and £5,000.00) from her own funds, and thereafter to seek to recoup the same from receipt of the interim payment from the Defendant's insurers by falsely signing an authority form in order to have the funds paid direct into her account. Such conduct was serious and sufficient for it to be undesirable for the Respondent to be employed or remunerated by a Solicitor.
8. The Applicant sought his costs in the fixed sum of £2,243.80. As the Applicant had expected the Respondent to attend he had not served a schedule on her. The Applicant invited the Tribunal however to make a fixed order for costs to avoid the further costs of detailed assessment.

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

9. The Tribunal had considered the documentation and heard the submissions of the Applicant. The Respondent had put forward no explanation for her conduct and it was right that an Order under Section 43 of the Solicitors Act 1974 be made. The Tribunal having considered the Applicant's schedule of costs and found it to be reasonable would also order that the Respondent pay the Applicant's costs in the fixed sum sought.
  
10. The Tribunal Ordered that as from 17th day of October 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 Honor Lamont of Applecroft, Maidenhead, Berkshire a person who is or was a clerk to a solicitor and the Tribunal further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,243.80.

Dated this 14<sup>th</sup> day of December 2007  
On behalf of the Tribunal

D J Leverton  
Chairman