

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12501-2023

BETWEEN:

JENNIFER HALLAM

Applicant

and

SOLICITORS REGULATION AUTHORITY LTD

Respondent

Before:

Ms A Kellett (Chair)

Ms T Cullen,

Ms J Rowe

Date of Hearing: 21 August 2024

Appearances

Aleksandra Manning-Rees, counsel of 5 St Andrew's Hill, London, EC4V 5BZ instructed by Brett Wilson LLP for the Applicant.

Inderjit Johal, barrister in the employ of the Solicitors Regulation Authority of The Cube, 199 Wharfside Street, Birmingham B1 1RN for the Respondent.

JUDGMENT

Application

1. The Applicant submitted an application dated 23 August 2023 for Restoration to the Roll, having been struck off the Roll by the Tribunal on 26 November 2002.
2. The Tribunal's Judgment (case number 8594-2002) was dated 24 January 2003.

Documents

3. The Tribunal considered all the documents in the case which were contained in the electronic bundle.

Relevant Background

4. The Applicant was born in June 1951 and admitted as a Solicitor on 15 January 1982.
5. The Applicant had appeared before, or been subject to Tribunal proceedings, twice previously, in November 1998 where she received a Fine and Reprimand and November 2002 which resulted in the Applicant being Struck off.

The Application

6. The Applicant set out detailed written submissions relating to her past circumstances and the matters which resulted in her being struck off the Roll of solicitors.
7. She said that twenty years ago, she was a qualified solicitor with an excellent reputation, following a career in which she worked extremely hard. She was also a mother of three young children.
8. However, at that time she became the victim of unrelenting domestic abuse at the hands of her former partner. The abuse formed the backdrop to the collapse of her professional career, and it was a real and contributing factor to matters which had previously brought her before the Tribunal.
9. She said that she had fought every day to keep her home and children safe from harm and matters became so acute that police intervention was required to protect her from her abusive partner and later there were many court hearings. She and her children were left with no choice but to flee their home, becoming homeless, moving from place to place pursued by her violent ex-partner who breached injunctions and protective court orders.
10. Whilst caught in a cycle of extreme domestic violence, coercive and controlling behaviour from her ex- partner she committed the errors of professional judgment that led to her strike off.
11. In hindsight she accepted that instead of continuing to struggle on she should have contacted the Law Society and explained the extreme difficulties she was facing and sought advice and help. However, her focus had been to protect her family and continue to work to provide for them. She said that looking back she had not been functioning

with a logical mind due the serious and continuing domestic abuse and the related financial difficulties.

12. The offer of the loan from Ms S came at a time when the Applicant said she was completely bereft and desperate. She said that she should have declined the offer of the loan, and having accepted the loan, she should have advised Ms S to seek independent advice. This was now clear to her.
13. The Applicant said that the professional mistakes she made at the time continued to haunt her and she now realised she should not have continued to work in circumstances where she had been physically and mentally broken. She reached a level where she had not engaged in the proceedings that lead to her strike off and so she had never put her side of events to the Tribunal.
14. The Applicant stated that the error of judgment would never happen again as the disgrace of losing her career and reputation, and the impact upon her children had been immense.
15. The experience, whilst something she would not wish anyone to go through, had provided her with great insight and perspective as to how one's life and career is extremely fragile and can be destroyed in a moment. It made the Applicant more vigilant.
16. Having reflected over the course of years the Applicant considered she had gained a much greater understanding of people, their words, and their conduct, and that of her own. The most significant reflection arising from this experience was not thinking like a lawyer and not looking at the possible consequences of her decisions. It had been a very long and arduous journey to reach the point of deciding to seek a return to legal practice and she had been humbled by the level of open and unsolicited support she had received in making the application and to which the character references (*before the Tribunal*) made on her behalf attested.
17. The Applicant considered that her experience would aid her in her return to the profession as she had a deep and empathetic understanding of what it is like to have to flee home to protect one's family and she wished to have the opportunity to use this experience positively to assist people in the future and to make a difference to people experiencing manipulation, coercion, and duress.
18. She was now established in academia and the Applicant had devised and taught black letter law and professional skills preparing students to enter legal practice.
19. The Applicant's expertise had been in civil litigation, family law and contested wills and probate and she had worked in legal academia for the past 20 years, an adjacent profession to the legal profession. She had gained experience in teaching employment law to HR staff, and medical law in one- and two-day seminars to medical practitioners, consultants surgeons and nurses at various venues throughout the country.
20. The Applicant had acted as a personal and pastoral tutor, member of university health and safety committees and relevant academic committees. She had taught several modules on the LPC course, mentored, and taught interviewing skills, mediation,

negotiation and advocacy skills and in recent years teaching modules to prepare students to sit the new SQE examinations.

21. The Applicant's experience as an external examiner for several different universities and acting as a Judge on several occasions in the national student negotiation competition exemplified the close and relevant connection she had maintained with the profession.
22. As to future intentions, the Applicant had been offered an opportunity to work at a pro bono Law Clinic should she be restored to the Roll. A letter vouching for this offer was before the Tribunal.
23. The Applicant confirmed that she had no interest in being involved in any management of junior colleagues or handling of client money and she was content to be subject to conditions preventing her from handling client money directly and holding any positions of management responsibility and any other conditions the Tribunal considered appropriate.
24. The Applicant stated she was still able to make a valuable and positive contribution to the profession and she should once again be regarded as someone who was fit to be a solicitor.

Submissions

25. Ms Manning-Rees set out that the factual context of the Applicant's domestic circumstances leading up to and at the time of her strike off. Ms Manning-Rees submitted that such circumstances should be viewed by the Tribunal as mitigating factors.
26. Due to her personal circumstances at the time, it had not been possible for the Applicant to make submissions to the Tribunal regarding the domestic abuse she had endured.
27. Following her strike off, she had concentrated on building her academic career and making a safe and stable life for her family. Her children were now adults. Such actions were to be commended.
28. Throughout her teaching career, there had been no concerns about her professionalism or integrity. This had been made clear by John Fairhurst, who was her employer for four years recently and who was willing to re-employ her in a qualified role should she be restored to the Roll.
29. If readmitted to the Roll, the reputation of the solicitors' profession would be maintained and enhanced by the Applicant who wished to undertake work for the vulnerable members of society as a solicitor. It was submitted that it would be in the public interest to permit her restoration and that based on the what the Applicant's character now is, she was fit to be on the Roll of solicitors, albeit with restrictions. The Applicant did not object to conditions being placed upon her practise indefinitely.

30. It was clear that the Applicant's previous wrongdoings were the product of the impossible situation she had been in with her ex-partner, his controlling and coercive behaviour. She was now free of him and the Applicant was able to conduct herself in her personal and private life with the required integrity and probity demanded by the profession.
31. A member of the public, with full knowledge of the circumstances of the Applicant's case, would not be concerned to learn that she has been readmitted to the Roll of Solicitors.

The Period which has elapsed since the Order of Strike Off was made

32. This was not a premature application, far from it. The Applicant had waited over 20 years before making the application.

Evidence of Rehabilitation and Future Employment Intentions

33. Ms Manning-Rees submitted that the Tribunal could be satisfied that the Applicant had been suitably rehabilitated. It was accepted that while she had not obtained employment within the legal profession directly, she had maintained substantial and satisfactory employment within an adjacent sphere, namely by teaching law and legal practice. This had ensured that her knowledge of the law remained current and up to date.
34. The Applicant confirmed that she wishes to practise in a charity for children and/or domestic abuse victims and her intentions in this regard were laudable. She had been given the offer of work in a pro bono Law Clinic if restored to the Roll.

Repayment of Losses, Fines or Costs from Original Misconduct

35. The losses, fines and costs from the original case had not been repaid as the Applicant had not been in a position to do so.

Formal Requirements to Advertise in accordance with the Tribunal Rules

36. The Applicant had complied with this requirement and the hearing of the application had been advertised in the Law Society Gazette on 19 July 2024 and in the Lancashire Telegraph on 24 July 2024, and it was satisfied that it had been advertised in accordance with Rule 17 (6) of the Solicitors (Disciplinary Proceedings) Rules 2019 ("the Rules").
37. No objections to her application had been received from any source.

Conclusion

38. Ms Manning-Rees submitted that to restore the Applicant to the Roll, the Tribunal must be satisfied that the Applicant had been totally rehabilitated and that public confidence in the profession would not be damaged. Ms Manning-Rees submitted that given the efforts made by the Applicant over the years since strike off, the Tribunal had no reason other than to be satisfied that the Applicant was fully rehabilitated and that public confidence in the profession would not be damaged by her restoration to the Roll.

Respondent's Submissions

39. In written submissions Mr Johal said the Respondent did not oppose the Applicant's application for restoration to the Roll but this was with the proviso that, if the Tribunal granted the application, it would also impose the appropriate restrictions on an indefinite basis.
40. In this respect Mr Johal said that the Respondent took into account various matters, including:
- i. The nature of the conduct which led to the striking of the Applicant from the Roll, i.e. accepting or obtaining a loan inappropriately and failing to deal with client money transparently and appropriately.
 - ii. The lack of work by the Applicant within a regulated environment for over 20 years, arguably increasing the need for regulatory control at this stage if the Applicant is to return to practising as a solicitor notwithstanding that lack of practical work experience.
 - iii. The nature of the Applicant's proposed work being areas of work with potentially vulnerable clients or other stakeholders.
 - iv. The Respondent's view being that, if the Applicant is to be readmitted to the Roll of Solicitors then it would be appropriate and proportionate, given the above factors, that controls are in place as to the type of role she may undertake and to ensure any employer is aware of the background and the potential need for some increased supervision.
41. In conclusion Mr Johal said that the Tribunal would, first, need to be satisfied that the Applicant is a fit and proper person to have her name restored to the Roll and that readmission would not undermine public confidence in the profession. The following matters would be relevant to the Tribunal's assessment:
- The applicant was struck off for misconduct relating to financial dealings with her clients and her handling of client money. The Tribunal found that she had behaved improperly in a conflict-of-interest situation and failed to pay client monies into a client account. She was not struck off for dishonesty, but the Tribunal found a lack of probity.
 - Although there is an issue of insight into her conduct (in relation to the monies received from client Mr. T), she was not present at the original Tribunal hearing as she says she was unaware of the hearing and therefore did not have a chance to proffer her explanation at the time.
 - The application for restoration was made over 20 years after she was struck off, so from a time perspective it is not premature.
 - The Tribunal usually requires detailed evidence of substantial and satisfactory employment within the legal profession in the period since strike off. However, the Applicant has many years of work in academia and training. The Tribunal may

consider that is sufficient mitigation for her lack of recent work in a regulated environment.

- The applicant has an offer of employment as a solicitor in a law clinic.
- The applicant agrees to conditions/restrictions which mitigate the risks posed by her original misconduct and practising as a solicitor given the passage of time since she was struck off.

The Tribunal's Decision

42. The Tribunal carefully considered the representations made on the Applicant and Respondent's behalf, and the documents submitted, including character references. It noted that it was for the Applicant to satisfy the Tribunal that:
- the Applicant had been totally rehabilitated and
 - public confidence in the reputation of the profession would not be damaged by readmitting the Applicant to the Roll.
43. The Tribunal considered that in order to reach a decision on these two matters the core question to determine was whether the Applicant had established that she was a fit and proper person to have her name restored to the Roll.
44. The Tribunal noted the matters which had resulted in the Applicant's strike off had taken place over 20 years ago, against a background of traumatic domestic abuse at the hands of her ex-partner.
45. The Tribunal observed that in the Applicant's case there had been no finding of dishonesty by any court or tribunal and consequently there was no requirement for the Tribunal to find exceptional circumstances to justify a decision to restore the Applicant to the Roll.
46. The Tribunal referred to its own guidance set out in the Guidance Note on Other Powers of the Tribunal (6th Edition) and it would take as its lodestar guidance the matters set out in Bolton v Law Society [1994] 1 WLR 512 and 2 All ER 486 that any solicitor to whom the public turns for help must be of unquestionable integrity, probity and trustworthiness.
47. That said, the Tribunal was mindful of the following matters set out by Lord Donaldson in Re a Solicitor No.5 of 1990 in which he said:

“There is Parliamentary intention that in some circumstances it must be possible for somebody to have been involved in a situation which justified their being struck off the Roll for having brought the profession into disrepute and been unfit to be solicitors, but in which, nevertheless, thereafter, by their own efforts or - otherwise, a different situation would arise in which it is right that they should be permitted to be restored to the Roll. That is clearly the Parliamentary intention.”

48. Additionally, the Tribunal considered the comments of Collins J in Ellis-Carr v Solicitors Regulation Authority in which it was stated that in an application for restoration to the Roll, the Tribunal, in its discretion must consider:

“the present and the future ... he should be judged on the basis of what he now is and whether there is any real prospect that ... he can be regarded as someone who is fitted to be on the Roll of solicitors?”

49. The Tribunal was therefore faced with balancing the seriousness of the conduct which had resulted in the Applicant’s strike off from the Roll in 2002 and the steps the Applicant had taken over many years up to the date of the hearing in seeking to rehabilitate herself and reacquire her integrity.
50. The Tribunal reminded itself that over two decades had elapsed since the time the Applicant was struck off the Roll and the Tribunal accepted that the timing of the application was not premature, and that sufficient time had elapsed since the date of the strike off.
51. With respect to rehabilitation the Tribunal accepted that evidence of her rehabilitation was compelling and her journey towards rehabilitation had been a long and one, but one which demonstrated persistence, tenacity and perseverance in the face of very difficult circumstances.
52. The Tribunal accepted that the Applicant’s commitment to teaching law, along with her involvement in the various incarnations of the legal practice course for solicitors had been sufficient to ensure that she had kept abreast of changes and updates within the profession. Her skills and knowledge would no doubt continue to be enhanced by the role she had been offered in the pro bono Law Clinic. Her aspirations to help vulnerable people using her legal knowledge and her empathy gained from personal experience was laudable and encouraging.
53. The Tribunal was prepared to accept the testimonials presented to it as significant evidence of the Applicant’s rehabilitation and that she was a fit and proper person to be restored to the Roll.
54. The question of insight was also central to the balancing exercise which the Tribunal had to carry out between the seriousness of the conduct leading to strike off and a finding of total rehabilitation.
55. The Tribunal considered that the Applicant had clearly reflected on her conduct and had gained a much clearer understanding of her own limitations. The Applicant did not wish to seek out roles with management responsibility, nor be in the position of handling client money and she did not object to restrictions which would prevent her from doing so.
56. The Tribunal considered the genuine insight the Applicant showed and the steps she had taken to seek rehabilitation, along with the length of time since the matters giving rise to the misconduct had taken place, were sufficient on this occasion to tip the balance in the Applicant’s favour, and for the Applicant to be restored to the Roll.

57. The particular circumstances presented by the Applicant in this case allowed the Tribunal to exercise its discretion with an element of compassion. The Tribunal was satisfied that this was one of those narrow category of cases where there was a route back into the profession for those who had made demonstrable, credible and real steps to rehabilitate themselves as the Applicant had done.
58. Therefore, having carefully considered all the evidence presented to it, the Tribunal was satisfied that the Applicant had been totally rehabilitated and that public confidence in the reputation of the profession would not be damaged by readmitting the Applicant, albeit with restrictions.
59. The application for restoration was granted.
60. However, as said in other such cases, restoration to the Roll was a first step and the Tribunal considered that the public would expect extra safeguards to be set in place. To this end the Tribunal would impose restrictions on the Applicant's future practice as set out later in the judgment.
61. The Tribunal decided that the restrictions should be indefinite in relation to particular areas of risk (sole practice, employment approved by the Respondent and provisions related to financial control and management) unless relaxed in the future by an application under the liberty to apply provision.

Tribunal's Final Observations

62. The Applicant had not attended the hearing at which she had been struck off the Roll and the Tribunal had never had the opportunity of hearing from her about the matters surrounding those events. At this remove in time it was not possible to say whether this information would have altered the outcome, however, it would certainly have been considered. The Tribunal urges those in similar situations to engage openly with their regulator and the Tribunal.
63. The Tribunal paid respect to the Applicant for protecting herself and her children through traumatic times, her dedication to the profession and her tenacity in bringing the application.
64. The Tribunal wished the Applicant well in the next chapter of her professional life.

Costs

65. The parties agreed costs in the sum of £5,400.00.

The Tribunal's Decision

66. The Tribunal noted the agreement as to costs and it ordered the Applicant to pay the Respondent's costs in full, as agreed.

Statement of Full Order

67. The Tribunal Ordered that the application of JENNIFER HALLAM for Restoration to the Roll of Solicitors be **GRANTED** and it further Ordered that she do pay the costs of the response of the Law Society to this application fixed in the sum of £5,400.00.
68. The Tribunal further Ordered that the Applicant shall be subject to conditions indefinitely as follows:
- The Applicant may not:
 - practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body; or as a freelance solicitor;
 - be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other authorised or recognised body;
 - be a Compliance Officer for Legal Practice/Head of Legal Practice or a Compliance Officer for Finance and Administration/Head of Finance and Administration;
 - Hold client money;
 - Be a signatory on a client account;
 - Work as a solicitor other than in employment approved by the Solicitors Regulation Authority Ltd.
 - There be liberty to either party to apply to the Tribunal to vary the conditions set out at paragraph 2 above.

Dated this 24th day of September 2024
On behalf of the Tribunal

A Kellett

A Kellett
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
24 SEPT 2024