

IN THE MATTER OF AUDREY DONAGHUE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A N Spooner (in the chair)
Mr A Gaynor-Smith
Mr P Wyatt

Date of Hearing: 12th July 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 Iain George Miller, solicitor of Bevan Brittan LLP, Fleet Place House, 2 Fleet Place, Holborn Viaduct, London, EC4M 7RF on 11th August 2006 that Audrey Donaghue of 1 Cambria Bridge Road, Swindon, Wiltshire, SN1 5LH, solicitor, might be required to answer the allegations contained in the statement that accompanied the application and that such Order might be made as the Tribunal should think right.

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

1. she provided misleading information to prospective employers;
2. she provided a statutory declaration to The Law Society on 17th March 2004 which did not contain the true signatures of the purported witness and/or the purported certifier of it being a true copy.

The application was heard at The Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EX4M 7NS on 12th July 2007 when Iain George Miller 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 contained in her response to the Tribunal received on 14th February 2007 and her acceptance that she had been served with the proceedings and all documents.

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

The Tribunal Orders that the Respondent, Audrey Donaghue of 11 Aiken Road, Swindon, Wiltshire, 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 £8,000.00

The facts are set out in paragraphs 1 - 15 hereunder:

1. The Respondent, born in 1957, was admitted as a solicitor in 2000. At the material time the Respondent was an assistant solicitor in the practice of Fullagarbrooks at Swindon. The allegations arose from a complaint by Mr Fullagar of that firm following the Respondent's departure.

Allegation 1 - Providing misleading information to prospective employers

2. Over the period of approximately four years, the Respondent made a number of applications for employment which relied upon "CVs" that differed from the true facts in material respects. The Respondent referred prospective employers to referees who were not what she purported they were.

CVs

3. In her CVs provided to Fullagarbrooks and Avon Magistrates Courts Committee the Respondent said she qualified in 1999. In her CVs to the Citizens Advice Bureau ("the CAB"), Messrs Bevirs and Messrs Gregg Latchams Quinn she said she qualified in 1998. Her date of admission to Roll was 2nd May 2000.
4. The Respondent had been employed by Fullagarbrooks between 14th July 2000 and 13th November 2002. In her CV provided to the CAB she described that period as "time off work".
5. In her CV provided to Messrs Bevirs and Messrs Gregg Latchams Quinn the Respondent said she had been employed by Fullagarbrooks between 1999 and 2002.
6. The Respondent was employed by Messrs Townsends between 29th March 1999 and 29th February 2000. In her CV provided to the CAB she said she had been employed by Townsends between 1999 and 2001. In her CV provided to Messrs Bevirs and Messrs Gregg Latchams Quinn the Respondent described her period of employment with Townsends as between 1998 to 1999.

References

7. On 16th April 2003 the Respondent provided to the CAB an application for employment which listed as one of her referees Ms LT of Swindon. Ms LT's position was described as "personal and client". Ms LT's mobile phone number was given.
8. On 28th October 2003 the Respondent provided an application to the Avon & Somerset Magistrates Courts Committee. This gave her own mobile phone number.

9. By an exchange of emails in January 2004 the Respondent provided referees to Messrs Gregg Latcham Quinn. These included a Mrs ST BA (Hons), CIPD who was described as the "former Human Resources Officer, Thring Townsends". The Respondent went on to say with regard to Mrs ST:

"She was the Human Resources Manager at Townsends when I worked there. She has since moved to another company. Thring Townsends (being a big firm) will usually only give written references in response to written requests, so I have contacted Mrs [ST] and she has agreed and is happy to speak to you over the telephone as she knew my work etc. Otherwise it will have to be a written request direct to Thring Townsends."

10. The mobile phone number provided in the email was identical to that of another referee and that was raised by Mr D of Messrs Greg Latcham Quinn in a subsequent email. On 9th February 2004 the Respondent wrote to Mr D in the following terms:

"Turning to Thring Townsends. The telephone no. for Mrs ST who used to work there is [the same number as that given for Mrs LT at para 7 above]. I think I gave you the wrong number in previous email. Apologies for this."

11. In addition, the Respondent in an email dated 29th January 2004, told Mr D:

"I have today been able to contact the Office Manager at Fullagarbrooks, who is happy to speak to you tomorrow. She is still away from the office on a course. She has agreed that you could telephone her on [mobile number] her name is Mrs LT. She indicated to me that now as a firm they normally only give written references, but because you are going away on holiday next week, she is happy to speak to you in this instance."

12. The number given matched the mobile phone number the Respondent gave Avon & Somerset as her own personal mobile phone number.
13. Mr Fullagar had made a statement. Mr Fullagar confirmed that his firm had never employed anyone called Mrs LT. Mr Fullagar believed that the Respondent had three daughters whose names are S, K (surname T as in LT and ST).
14. Mr Fullagar also dealt with an incident where he was contacted by JG of Allianz Cornhill in July 2004. This phone call was in respect of an email he had apparently sent. Allianz Cornhill had not been able to open the attachments to the email that had been a reference for an Audrey Evans. He was asked to fax the reference to them. He contacted JG to inform her that he had not sent any email to her. He then established that Audrey Evans was the same as Audrey Donaghue or Llewellyn-Jenkins. JG informed him of the email address used. That was not an email address used either by Mr Fullagar or his firm. Allianz Cornhill subsequently confirmed in writing to Mr Fullagar that the email address had been provided by the Respondent.

Allegation 2 - False signatures on Statutory Declaration provided to The Law Society

15. With her application for a practising certificate for 2003/2004, dated 23rd February 2004, the Respondent enclosed a statutory declaration dealing with her change of name from Audrey Llewellyn Jenkins to Audrey Donaghue. The Statutory

Declaration was dated 1st November 2002 and was purportedly witnessed by AMW, a former partner at Messrs Bevirs. AMW maintained that he did not believe the signature to be his as he would not have witnessed a statutory declaration without stating where he was witnessing the same. The statutory declaration had also been certified by Mr FG, a former employee of Messrs Fullagarbrooks. Mr Fullagar's statement confirmed that Mr FG was not an employee in Messrs Fullagarbrooks on 1st November 2002 (he had left in November 2001). FG's signature did not appear to be similar to a previous example of Mr FG's signature.

The Submissions of the Applicant

16. The Respondent accepted that she had been served with all documents and she had in writing admitted the allegations.
17. Although the Tribunal might find the allegations to have been substantiated without making a finding of dishonesty, it was invited to make a finding of dishonesty. The Respondent's actions could not have been the result of a mistake and there simply could not be an honest explanation for what she did.
18. The Applicant sought the costs of and incidental to the application and enquiry. He explained his calculations to the Tribunal.

The Submissions of the Respondent

19. The Respondent did not make formal admissions but the Tribunal noted that during the course of correspondence the Respondent had indicated that she had been ill for some time and had suffered a breakdown. She had been under the Mental Health Services in Swindon for some considerable time. After her breakdown she was diagnosed with manic depression (Bi Polar Disorder).

The Findings of the Tribunal

20. The Tribunal found the allegations to have been substantiated. The Tribunal found that the Respondent had been dishonest. The Tribunal makes this decision because of the Respondent's behaviour in falsifying information that she has supplied in connection with her work as a solicitor and that any ordinary member of the public and certainly any member of the solicitors' profession would consider such activity to be dishonest. The Tribunal considers that the Respondent knew that she was dishonest at the time because she had altered and submitted untruthful CVs, that amounted to a forged statutory declaration and she had told lies about the availability of referees.
21. The Tribunal had taken into account the Respondent's email dated 10th August 2006 addressed to The Law Society in which she explained the state of her mental health. However the Tribunal had before it no formal medical evidence and certainly had no evidence that the Respondent's mental condition was such that she did not know what she was doing or did not know that what she was doing was wrong.
22. Such behaviour on the part of a solicitor cannot be tolerated and in order to fulfil its duty to protect the public and maintain the good reputation of the solicitors' profession the Tribunal Ordered that the Respondent be struck off the Roll of Solicitors. It was

right that the Respondent should pay the costs of and incidental to the application and enquiry. The Tribunal considered the Applicant's calculations and decided that it would be both appropriate and proportionate to Order the Respondent to pay costs fixed in the sum of £8,000.

Dated this 9th day of November 2007

A N Spooner
Chairman