

Godwin Ehujor

Solicitor

417031

[**Fined Date: 10 May 2024**](#)

Decision - Fined

Outcome: Fine

Outcome date: 10 May 2024

Published date: 24 September 2024

Firm details

Firm or organisation at date of publication and at time of matters giving rise to outcome

Name: Clapham Law LLP

Address(es): 9 Bedford Road, Clapham, London, SW4 7SH

Firm ID: 542042

Outcome details

This outcome was reached by SRA decision.

Decision details

Who does this disciplinary decision relate to?

Godwin Ehujor is a solicitor. At the time of this matter he worked as a consultant solicitor at Clapham Law LLP (the firm) located at 9 Bedford Road, London SW4 7SH.

Summary of decision

We directed Mr Ehujor to pay a financial penalty for causing or allowing payments from the proceeds of sale of a conveyancing transaction held in the firm's client account in breach of an undertaking.

Facts of the misconduct

On or about 7 October 2019, the firm was instructed by a client in the sale of a property. Mr Ehujor had conduct of the matter on behalf of the

firm. A separate firm of solicitors was instructed to act for the firm's client's wife in the transaction.

On 22 January 2020, on behalf of the firm, Mr Ehujor provided an undertaking to the solicitors acting for his client's wife. He did so in return for an undertaking by his client's wife's solicitors to remove her matrimonial home rights restriction from the title of the property.

The undertaking provided by Mr Ehujor stated that the firm would hold the net proceeds of sale in its client account until the parties agreed their respective shares in the proceeds failing which the matter would be referred to court or arbitration for settlement.

The sale of the property completed on 17 February 2020. In the absence of agreement between the parties, on 20 December 2020, the firm's client issued proceedings for a declaration as to the beneficial entitlement to the net proceeds of sale.

On 13 May 2022, during a case management conference, counsel acting for the firm's client informed the court that he was professionally embarrassed and could no longer act for the firm's client. He said this was because he had been informed that his legal fees had been paid from the net proceeds of sale held under the terms of the undertaking provided by Mr Ehujor.

At the direction of the court evidence was provided by the firm about payments made from the proceeds of sale. This showed that between 27 January 2020 and 6 May 2022, the firm made 16 payments totalling £37,544.84 from the proceeds of sale held by the firm under the terms of the undertaking provided by Mr Ehujor.

This included payments to the firm and counsel for their fees for acting in the proceedings to decide the distribution of the sale proceeds, payments for costs orders made against the firm's client in those proceedings and payments to the firm's client.

It was found that Mr Ehujor:

Between 27 January 2020 and 6 May 2022, caused and/or allowed 16 payments totalling £37,544.54 to be made out of the proceeds of sale of the Property that were subject to an undertaking dated 22 January 2020.

In doing so, he breached:

Principles 2 and 5 of the SRA Principles 2019; and

Paragraph 1.3 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

Decision on sanction

Mr Ehujor was directed to pay a financial penalty of £3,478 and ordered to pay costs of £1,350.

It was decided that a financial penalty was an appropriate and proportionate sanction. This was because Mr Ehujor's conduct was serious by reference to the following factors in the SRA Enforcement Strategy:

- It had the potential to cause significant harm to the other party who relied upon him and the firm to comply with the undertaking.
- He is an experienced solicitor who had direct control and responsibility for his conduct which gave rise to a serious failure to comply with his regulatory obligations.
- He showed a reckless disregard for his regulatory obligations and for the risk of harm to the other party and to public trust and confidence in the solicitors' profession and legal services provided by authorised persons.
- The conduct only stopped when the payments out of money subject to the undertaking was notified to the court at a court hearing.

In view of the above, Mr Ehujor's conduct was placed in conduct band C which has a financial penalty bracket of between 16% to 49% of annual gross income. His conduct was placed in penalty band C4 with a basic penalty of 32% of annual gross income in light of the following aggravating factors:

- He acted without integrity by knowingly making payments from the net proceeds of sale breaching the Undertaking which he had given.
- His conduct was repeated and continued for a long time with the potential to cause serious harm. He acted with reckless disregard of his regulatory obligations.
- He has shown no insight or remorse for his conduct.
- His conduct undermined public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

There were no mitigating factors.

SRA Principles

Principle 2: You act in a way that upholds public trust and

confidence in the solicitors' profession and in legal services provided by authorised persons.

Principle 5: You act with integrity.

Code of Conduct for Solicitors, RELs and RFLs

Paragraph 1.3: You perform all undertakings given by you, and do so within an agreed timescale or if no timescale has been agreed then

within a reasonable amount of time.

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