

IN THE MATTER OF STEPHEN RICHARD OUTRAM, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. N. Pearson (in the chair)
Mr I. R. Woolfe
Mrs C. Pickering

Date of Hearing: 16th February 2010

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was made on behalf of the Solicitors Regulation Authority (SRA) by David Elwyn Barton, Solicitor Advocate, on 14th September 2009 that Stephen Richard Outram, solicitor, of 66 Robin Hood's Walk, Boston, Lincolnshire, PE21 9ES 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 consider appropriate.

The allegations were that Stephen Richard Outram (the Respondent) had:-

1. Submitted misleading applications to renew practising certificates for the years 2006/07, 2007/08 and 2008/09 which had indicated that he had met the requirements for Continuing Professional Development (CPD) when in fact he had not done so.
2. Submitted applications to renew practising certificates for the years 2006/07, 2007/08 and 2008/09 in which he had certified that he had operated a complaints handling procedure in accordance with Rule 15 of the Solicitors Practice Rules (for the 2006/07 application) and Rule 2.05 of the Solicitors Code of Conduct 2007 (for the 2007/08 and 2008/09 applications) whereas he had not had a written complaints procedure.

3. Contrary to Rule 2.03 of the Solicitors Code of Conduct 2007, failed to give his clients written information about costs.
4. Failed to comply with the training requirements contained in Rule 5.02 of the Solicitors Code of Conduct 2007.

The application was heard at the Court Room, 3rd Floor, Gate House, 1, Farringdon Street, London, EC4M 7NS when David Barton appeared as the Applicant. The Respondent was neither present nor represented.

The evidence before the Tribunal included letters to the Tribunal from the Respondent (12th October 2009) and from Mr D Outram.

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

The Tribunal Orders that unless, by 31st March 2010, the Respondent has, to the satisfaction of the Solicitors Regulation Authority, (1) drafted a suitable complaints procedure in compliance with the provisions of Rule 2.05 of the Solicitors Code of Conduct 2007 (SCC), (2) drafted suitable client care letters in compliance with the provisions of Rule 2.03 of the SCC, (3) arranged requisite management training to comply with Rule 5 of the SCC and (4) arranged requisite training to acquire the necessary 16 hours of CPD training in the current training year, he will be suspended indefinitely and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,288.00.

The facts are set out in paragraphs 1-10 hereunder:-

1. The Respondent, born in 1952, was admitted as a Solicitor in 1983. His name remains on the Roll of Solicitors.
2. At all material times the Respondent was carrying on practice on his own account under the style of S.R. Outram & Co from offices at 66 Robin Hood's Walk, Boston, PE21 9ES.
3. On 28th and 29th October 2008 the Practice Standards Unit of the SRA had visited the Respondent's Practice and had compiled a Report.
4. The Report had noted that the Respondent had not had a written complaints procedure. Moreover, the Respondent had not had any standard client care letters and there had been no client care letters on any of the files inspected during the visit. Further, none of the files inspected had contained any costs estimates or updates.
5. The Respondent had stated, during the course of the inspection, that he had not attended any formal continuing professional development since starting practice on his own account in 1986.
6. By letter dated 25th February 2009, the SRA had written to the Respondent to ask him questions about the regulatory issues arising from the Report.
7. The Respondent had replied on 26th March 2009. His reply had enclosed copies of his applications for practising certificates for the years 2006/7, 2007/08 and 2008/09. On

page 15 of each application the Respondent had stated, in section 7.4, that he had met his continuing professional development requirements. On page 20 of each of the three application forms, the Respondent had stated that the information provided had been correct and complete. However, the Respondent had not undertaken any of the required training.

8. On page 20 of each of the three application forms, the Respondent had also certified that his firm operated a complaints handling procedure in accordance with Rule 15 Solicitors Practice Rules 1990 (for the application for the certificate 2006/07) and thereafter in accordance with the requirements of Rule 2.05 of the SCC 2007. Both required a written complaints handling procedure which the Respondent did not have in place.
9. In his letter of 26th March 2009, the Respondent had confirmed that he had not attended any training, having relied upon the “information contained in the Law Society’s Gazette and other magazines and correspondence over the years”. The Respondent had not been qualified to supervise his office in accordance with the requirement in Rule 5.02 of the Code.
10. On 27th July 2009 the Adjudicator had decided to refer the Respondent to the Tribunal.

The Submissions of the Applicant

11. The Tribunal was concerned that the Respondent was not present and had not made submissions as to his position on each of the four serious allegations against him. At the Tribunal’s request and acting as an Officer of the Court, Mr Barton telephoned the Respondent’s office to ensure that he was aware of the proceedings.
12. Having spoken to the Respondent and previously, when the Respondent was engaged, to his Father, a Senior Executive at the firm, the Applicant was able to report back to the Tribunal.
13. The Applicant explained that the Respondent had confirmed that while he clearly understood both the allegations against him and the powers of the Tribunal, he was unable to attend and could not afford representation. The Respondent had explained that he was unable to leave his parents and that had also been the reason why he could not attend any training courses.
14. The Respondent had also stated that the position he found himself in was the fault of the SRA. He hoped that the Applicant would present the matter fairly and that the Tribunal would deal with him fairly.
15. In the circumstances the Tribunal considered that it was appropriate to proceed with the hearing in the absence of the Respondent.
16. The Applicant then took the Tribunal through the four allegations and the relevant facts. He referred the Tribunal both to the Practice Standards Report for S R Outram & Co and to the Respondent’s letter of response dated 26th March 2009.

17. He submitted that in completing three applications for practising certificates with incorrect information as to both meeting the requirements for CPD and in relation to a complaints handling procedure, the Respondent had sought to mislead his Regulator.
18. The Applicant sought an order for costs in the sum of £1,288. He confirmed that he had told the Respondent, during their telephone conversation, that he would be seeking such an order.

The Decision of the Tribunal

19. Having considered all the evidence, including letters from and on behalf of the Respondent, together with the submissions of the Applicant, the Tribunal found all the allegations proved.
20. The Tribunal was extremely concerned that the Respondent appeared to be ignoring both his Regulator and some key rules of the Profession. The Tribunal noted that written complaints procedures, written information about costs, management training requirements and Continuing Professional Development contributed both to the protection of the public and to the maintenance of the reputation of the Profession.
21. If the Respondent wished to continue as a member of the Profession, the Tribunal considered that it was vital that he worked with the SRA to rectify his omissions. It considered that the Practice Standards Report had been extremely helpful and constructive and the Tribunal stressed that its Orders were made to ensure that the Respondent complied with his Profession's regulation in the same way as all other members of the Profession.
22. Accordingly the Tribunal Ordered that unless, by 31st March 2010, the Respondent had, to the satisfaction of the Solicitors Regulation Authority, (1) drafted a suitable complaints procedure in compliance with the provisions of Rule 2.05 of the Solicitors Code of Conduct 2007 (SCC), (2) drafted suitable client care letters in compliance with the provisions of Rule 2.03 of the SCC, (3) arranged requisite management training to comply with Rule 5 of the SCC and (4) arranged requisite training to acquire the necessary 16 hours of CPD training in the current training year, he would be suspended indefinitely and it further Ordered that he should pay the costs of and incidental to the application and enquiry fixed in the sum of £1,288.00.

Dated this 16th day of March 2010
On behalf of the Tribunal

N. Pearson
Chairman