

# **SOLICITORS DISCIPLINARY TRIBUNAL**

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11894-2018

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY

Applicant

and

GEORGE JAMES STANLEY LONSDALE

Respondent

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Before:

Miss H. Dobson (in the chair)

Mr J. P. Davies

Dr S. Bown

Date of Hearing: 5 August 2019

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**Appearances**

There were no appearances as the matter was dealt with on the papers.

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**JUDGMENT ON AN AGREED OUTCOME**

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## **Allegations**

1. The Allegations against the Respondent in the Rule 5 Statement were that:-
  - 1.1. Between 18 February 2015 and 6 March 2015, he withdrew £1,500 in cash from a bank account at Barclays Bank Plc held by Mr D, a client of his employer for whom he had been appointed the sole attorney, for his own personal use. In doing so he breached all or alternatively any of Principles 2, 4, 5, 6 and 10 of the SRA Principles 2011.
  - 1.2. Between 3 October 2015 and 17 June 2016, he withdrew a maximum of £4,600 in cash from a bank account at NatWest Bank Plc held by Mr D, a client of his employer for whom he had been appointed the sole attorney, for his own personal use. In doing so he breached all or alternatively any of Principles 2, 4, 5, 6 and 10 of the SRA Principles 2011.
  - 1.3. He failed to protect, either adequately or at all, four rings given to him by Mr D, a client of his employer for whom he had been appointed the sole attorney. In doing so the Respondent breached all or alternatively any of Principles 2, 4, 5, 6 and 10 of the SRA Principles 2011.
  - 1.4. In addition, Allegations 1.1 and 1.2 were advanced on the basis that the Respondent's conduct was dishonest. Dishonesty was alleged as an aggravating feature of the Respondent's misconduct but was not an essential ingredient in proving the Allegations.

## **Documents**

2. The Tribunal had before it the following documents:-
  - Rule 5 Statement dated 23 November 2018
  - Respondent's Answer dated 4 January 2019
  - Statement of Agreed Facts and Proposed Outcome ("SAF")

## **Factual Background**

3. The Respondent was born in 1950 and was admitted to the Roll as a solicitor on 1 October 1990. At the time of the hearing the Respondent held a Practising Certificate for the 2018/2019 practice year free from conditions.
4. The Respondent was, from 1 April 2013 to 28 September 2016, an associate solicitor at W & L Legal Limited t/a Wright and Lord Solicitors (the Firm), 63 Victoria Street, Morecambe, Lancashire, LA4 4AF. From 2 December 2016 to 6 January 2017 he was a principal of Lewis Mitchell Solicitors incorporating Ruth Moores, 18 Railway View Road, Clitheroe, Lancashire, BB7 2HE. From 9 January 2017 to 31 August 2017 he was employed as an assistant solicitor at Progression Solicitors Limited (PSL), 11 Queen Street, Ulverston, Cumbria, LA12 7AF. Since 1 September 2017 he had been employed as an associate solicitor at PSL.

### **Application for the matter to be resolved by way of Agreed Outcome**

5. The parties invited the Tribunal to deal with the Allegations against the Respondent in accordance with the Statement of Agreed Facts annexed to this Judgment. The parties submitted that the outcome proposed was consistent with the Tribunal's Guidance Note on Sanctions. The Statement of Agreed Facts invited the Tribunal to permit the withdrawal of Allegation 1.4, that being the dishonesty allegation attaching to Allegations 1.1 and 1.2. The Respondent had admitted the remaining Allegation and the basis of the application to withdraw Allegation 1.4 was proportionality. The proposed sanction was that the Respondent be struck off the Roll.

### **Findings of Fact and Law**

6. The Applicant was required to prove the Allegations beyond reasonable doubt. The Tribunal had due regard to the Respondent's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
7. The Tribunal reviewed all the material before it and was satisfied beyond reasonable doubt that the Respondent's admissions were properly made. In light of those admissions the Tribunal did not consider it proportionate to require the Applicant to prove an allegation of dishonesty. The Tribunal noted that the Respondent had stated that he had stopped practising and had stated his intention not to do so again. In the circumstances the Tribunal granted leave for Allegation 1.4 to be withdrawn.
8. The Tribunal considered the Guidance Note on Sanction (December 2018). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
9. This was a serious case in which the Respondent had been acting for a client who was 85 and vulnerable. The Respondent had been in a position of trust that went beyond the usual level of trust that should exist between a solicitor and a client. The Respondent had access to his client's property and money and so the public and the profession required there to be the highest standards of transparency. The appropriate sanction for this serious breach of trust was a strike-off.
10. The Tribunal considered whether any exceptional circumstances applied in this case. None had been advanced and the Tribunal found nothing in the evidence before it that amounted to exceptional circumstances. The Tribunal determined that the Respondent should be struck-off the Roll and it therefore approved the proposed penalty in the Statement of Agreed Facts.
11. The Tribunal noted the agreed position regarding costs and saw no basis to interfere with that.

**Statement of Full Order**

12. The Tribunal Ordered that the Respondent, GEORGE JAMES STANLEY LONSDALE, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,193.50.

Dated this 15<sup>th</sup> day of August 2019  
On behalf of the Tribunal



H Dobson  
Chair

**FILED WITH THE LAW  
SOCIETY**

**16 AUGUST 2019**



Number: 11894-2018

IN THE MATTER OF THE SOLICITORS ACT 1974

SOLICITORS REGULATION AUTHORITY

Applicant

GEORGE JAMES STANLEY LONSDALE

Respondent

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**STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME**

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1. By its application dated 23 November 2018, and the statement made pursuant to Rule 5(2) of the Solicitors (Disciplinary Proceedings) Rules 2007 which accompanied that application, the Solicitors Regulation Authority ("the SRA") brought proceedings before the Solicitors Disciplinary Tribunal making three allegations of misconduct against George James Stanley Lonsdale (the Respondent).

**The allegations**

2. The allegations against the Respondent, made by the SRA within that statement are that: -
  - 2.1. between 18 February 2015 and 6 March 2015, he withdrew £1,500 in cash from a bank account at Barclays Bank Plc held by Mr D, a client of his employer for whom he had been appointed the sole attorney, for his own personal use. In doing so he breached all or alternatively any of Principles 2, 4, 5, 6 and 10 of the SRA Principles 2011.

- 2.2. between 3 October 2015 and 17 June 2016, he withdrew a maximum of £4,600 in cash from a bank account at National Westminster Bank Plc held by Mr D, a client of his employer for whom he had been appointed the sole attorney, for his own personal use. In doing so he breached all or alternatively any of Principles 2, 4, 5, 6 and 10 of the SRA Principles 2011.
- 2.3. he failed to protect, either adequately or at all, four rings given to him by Mr D, a client of his employer for whom he had been appointed the sole attorney. In doing so The Respondent breached all or alternatively any of Principles 2, 4, 5, 6 and 10 of the SRA Principles 2011.
3. In addition, dishonesty is alleged as an aggravating factor with respect to the allegations at paragraph **[2.1]** and **[2.2]** above.
4. The Respondent admits the allegations set out in paragraphs **[2.1]** to **[2.3]** above.
5. The SRA applies to withdraw the allegations further set out in paragraph **[3]** on the basis that, in light of the admissions made by The Respondent and his acceptance that he should be struck off the Roll, it is not proportionate and in the public interest to proceed to a disputed hearing in order to prove that his misconduct was also aggravated by dishonesty. In light of the Respondent's agreement that his admitted behaviour should lead to a striking off the Roll of Solicitors, proof of dishonesty will not add to penalty following such a hearing.

### **Admissions**

6. The respondent admits the allegations against him as set out in paragraphs 2.1, 2.2 and 2.3. He further accepts the factual basis of the admitted allegations as set out in this document.

## **Agreed Facts**

7. The following facts and matters are agreed between the SRA and the Respondent:

7.1. The Respondent was born in 1950 and was admitted to the Roll as a solicitor on 1 October 1990. The Respondent currently holds a Practising Certificate for the 2018/2019 practice year free from conditions.

7.2. The Respondent was:

7.2.1. from 1 April 2013 to 28 September 2016, an associate solicitor at W & L Legal Limited t/a Wright and Lord Solicitors (the Firm), 63 Victoria Street, Morecambe, Lancashire, LA4 4AF;

7.2.2. from 2 December 2016 to 6 January 2017, a principal of Lewis Mitchell Solicitors incorporating Ruth Moores, 18 Railway View Road, Clitheroe, Lancashire, BB7 2HE;

7.2.3. from 9 January 2017 to 31 August 2017, employed as an assistant solicitor at Progression Solicitors Limited (PSL), 11 Queen Street, Ulverston, Cumbria, LA12 7A; and

7.2.4. from 1 September 2017 to 5 July 2019, employed as an associate solicitor at PSL.

7.2.5. He has no adverse regulatory history.



**Allegation 1.1 of the Rule 5 Statement - withdrawing a minimum of £1,500 in cash from the personal bank account of Mr D held at Barclays Bank Plc**

7.3. Mr D was born in 1930 and was approximately 85 years of age at the time in question. He instructed the Firm in or around February 2015. On 30 March 2015 The Respondent was registered as Mr D's sole attorney under a Lasting Power of Attorney prepared by the Respondent. During the period of the Firm's instruction Mr D did not reside in his own home but in residential care. Mr D died in 2017.

7.4. Mr D had a current account with Barclays Bank Plc (the Barclays Account).

7.5. The following cash machine withdrawals, for which there are no file notes or instructions from Mr D, are identified on the Barclays Account:

7.5.1.	18.02.15	- £500.00
7.5.2.	19.02.15	- £500.00
7.5.3.	06.03.15	- £500.00

**Allegation 1.2 of the Rule 5 Statement - withdrawing a minimum of £4,600 in cash from the personal bank account of Mr D held at National Westminster Bank Plc**

7.6. Mr D had a current account with National Westminster Bank Plc (the NatWest Account).

7.7. The bank statements for the NatWest Account were scheduled by the Respondent to be sent to his home address. These were to be delivered yearly.

7.8. The following cash machine withdrawals, for which there are no file notes or evidence of instructions from Mr D, are identified on the Natwest Account:

7.8.1.	03.10.15	- £250.00 (statement date 05.10.15)
7.8.2.	12.10.15	- £250.00
7.8.3.	06.11.15	- £250.00
7.8.4.	20.11.15	- £250.00
7.8.5.	04.12.15	- £250.00
7.8.6.	22.01.16	- £250.00
7.8.7.	03.02.16	- £50.00
7.8.8.	03.02.16	- £200.00
7.8.9.	18.02.16	- £250.00
7.8.10.	27.02.16	- £100.00 (statement date 29.02.16)
7.8.11.	01.07.16	- £250.00
7.8.12.	15.07.16	- £250.00
7.8.13.	29.07.16	- £250.00
7.8.14.	12.06.16	- £250.00
7.8.15.	27.08.16	- £250.00 (statement date 30.08.16)
7.8.16.	18.03.16	- £250.00
7.8.17.	09.04.16	- £250.00 (statement date 11.04.16)
7.8.18.	21.05.16	- £250.00 (statement date 23.05.16)
7.8.19.	04.06.16	- £250.00 (statement date 06.06.16)
7.8.20.	17.06.16	- £250.00

**Allegation 1.3 of the Rule 5 Statement – failure to protect, either adequately or at all, four rings given to him by Mr D**

7.9. On or around 13 April 2015, The Respondent was given four items of jewellery, namely four rings, for safekeeping.

7.10. The Respondent stored these items in his personal safe at his residential address.

7.11. The rings do not appear on the Vendor Account for the sale of Mr D's property by auction on 5 August 2015. They were not subsequently accounted for to Mr D.

**Non-Agreed Mitigation**

8. The following, is put forward by the Respondent as mitigation for the breaches admitted above. These are not adopted or necessarily accepted by the SRA.

8.1. that the withdrawals from the Barclays Account and the NatWest Account were done with the consent of Mr D.

8.2. that the money withdrawn from the Barclays Account and the NatWest Account was returned by The Respondent when he left the Firm, along with an overpayment of £4,932.25.

8.3. that he has recently suffered medical issues which are ongoing.

8.4. he has stopped practising and does not intend to do so again.

8.5. he recognises the seriousness of his actions by acknowledging that the proper penalty is for him to be removed from the Roll.

**Penalty proposed**

9. It is therefore proposed that The Respondent should be struck off the Roll of Solicitors.

10. With respect to costs, it is further agreed that The Respondent should pay the SRA's costs of this matter agreed in the sum of £3,193.50.

**Explanation as to why such an order would be in accordance with the Tribunal's sanctions guidance**

11. At the time of the matters giving rise to the allegations against him, The Respondent was an experienced solicitor. He was directly responsible for the matters which led to the allegations against him, which span a 16 month period between February 2015 and June 2016. His culpability for his misconduct is high.

12. The Respondent's conduct will inevitably have caused significant harm to the reputation of the legal profession. The fact that he withdrew a total of £6,100 for his own personal use from the bank account of a vulnerable individual for which he had sole power of attorney is a significant departure from the standards of "*complete integrity, probity and trustworthiness*" to be expected from a solicitor. Whilst the money was repaid, the trust the public would place in him, and in the provision of legal services, would inevitably have been undermined by this behaviour.

13. The principle factors that aggravate the seriousness of the Respondent's misconduct are:

13.1. it was deliberate and repeated

13.2. it continued over a period of time

13.3. it took advantage of a vulnerable person who relied upon the Respondent to act in his best interest

13.4. the Respondent knew, or ought reasonable to have known, that his conduct was in material breach of his obligations to protect the public and the reputation of the legal profession

14. The principle factors that mitigate the seriousness of the Respondent's misconduct are:

14.1. he repaid Mr D the amount withdrawn from the Barclays Account and the NatWest Account shortly before his resignation from the Firm, as part of a larger sum of £11,282.35

14.2. he has co-operated with the SRA's investigation into his conduct.

15. Taking all the above into account, the seriousness of the misconduct is such that a reprimand, fine, a Restriction Order or a Suspension would not be a sufficient sanction. The Respondent accepts that the protection of the public and the protection of the reputation of the legal profession justifies an order that he be struck off the roll. There are no exceptional circumstances which would justify a lesser sanction.

Simon Griffiths, Legal Adviser upon behalf of the SRA

  
George James Stanley Lonsdale