

IN THE MATTER OF WILLIAM MOTTRAM, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. D.E. Fordham (in the Chair)

Mr. K.I.B. Yeaman

Dame Simone Prendergast

Date Of Hearing: 6th April 1995

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## FINDINGS

of the Solicitors' Disciplinary Tribunal  
constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Solicitors Complaints Bureau by Geoffrey Williams, solicitor of 36 West Bute Street, Cardiff on 1st December 1994 that William Mottram, solicitor of Walsall, West Midlands might be required to answer the allegations contained in the statement which 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 each of the following respects, namely that he had -

- (a) made or caused to be made false entries in his books of account;
- (b) drawn monies out of a client account otherwise than in accordance with Rule 7 of the Solicitors' Accounts Rules 1986 and 1991 contrary to Rule 8 of the said Rules;
- (c) used clients' funds for his own purposes or, in the alternative, misappropriated the said funds for the benefit of a party or parties other than the clients entitled to the said funds;

- (d) failed to pay clients' funds into a client account contrary to Rule 3 of the Solicitors' Accounts Rules 1986 and 1991;
- (f) failed to maintain properly written books of account contrary to Rule 11 of the Solicitors' Accounts Rules 1986 and 1991.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 6th April 1995 when Geoffrey Williams, solicitor and partner in the firm of Messrs. Cartwrights Adams & Black of 36 West Bute Street, Cardiff appeared for 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 a letter dated 6th March 1995 addressed to the Chairman of the Tribunal. Details of that letter are set out under the heading below "The submissions of the respondent".

At the conclusion of the hearing the Tribunal ORDERED that the respondent William Mottram, solicitor of Walsall, West Midlands be struck off the Roll of Solicitors and they further Ordered him to pay the costs of and incidental to the application and enquiry, fixed in the sum of £2,055.67 inclusive.

The facts are set out in paragraphs 1 to 8 hereunder.

1. The respondent, born in 1929, was admitted a solicitor in 1978. At the material times he practised as a solicitor on his own account under the style of William Mottram & Co. at 33 Lichfield Street, Walsall, West Midlands. He ceased so to practice when he abandoned his practice on or about 5th September 1994. The Law Society resolved upon an intervention into his practice on 12th September 1994.
2. The Investigation Accountant of the Law Society started an inspection of the respondent's books of account at his offices at Lichfield Street, Walsall on 7th September 1994. It was reported that the respondent had abandoned his practice on 5th September 1994 leaving two letters, one dated 4th September 1994 and one dated 5th September 1994, which letters were to be faxed by his secretary to the Solicitors Complaints Bureau (the Bureau) on 5th September 1994 and were in the following terms.

**Letter dated 4th September 1995**

"Dear Sirs,

My accountants Ridsdale Cozens & Purslow could not have known about the shortages. It in no way involves the general client accounts. The files affected are on my office floor and are mainly Estates, the funds being paid (in the main) into the Cheltenham & Gloucester Building Society account "William Mottram & Co. for Mrs. P" Book with the files."

**Letter dated 5th September 1995**

"Dear Sirs,

There are certain financial irregularities in my practice and work that requires to be carried out.

I have left the practice and I hope that you will contact my secretary, Marion Gee, without delay. I have left my secretary a letter informing her of the position asking her to post this letter and await your contacting her. She is informing clients that I am away for a few days. Please contact her without delay."

3. It was understood that the respondent had since contacted both his secretary and his wife and was believed to be in Spain.
4. The Investigation Accountant reported that the books were not in compliance with the Solicitors' Accounts Rules as they contained numerous false entries made at the instigation of the respondent. In particular, he had disguised numerous client account payments, made between February 1991 and July 1994, totalling in excess of £190,000.00 made from client bank account to the building society account held at Cheltenham & Gloucester in the name of William Mottram & Co. on behalf of Mrs. P. It appeared that the funds in that account had not been applied to the benefit of the clients concerned and had almost certainly been misappropriated by the respondent. The respondent had, however, indicated that he did not admit the misappropriation of Mrs. P's funds.
5. The Investigation Accountant considered it impractical to attempt to compute the respondent's total liabilities to clients as at 31st August 1994. However, a minimum shortage of £199,871.28 was established in respect of five clients.
6. In one matter where the respondent acted for himself and his sister-in-law as co-executors in an estate, the respondent had received £11,000.00 from his sister-in-law to cover estate duties and costs. There was no evidence that that money had ever been paid into client bank account.
7. In the matter of Mrs. P, the respondent acted for her in a property sale and a subsequent investment on her behalf of part of the proceeds amounted to £37,000.00. No evidence could be found to show that funds had been paid into client bank account or to Mrs. P and although building society accounts were opened only a very small balance remained.
8. In another matter the respondent had acted for a client to whom he wrote on 25th July 1994 saying, "I write to acknowledge receipt of the Building Society cheque for £27,000.00 and as arranged I have invested this with the Lloyds Money-maker Investment Scheme for a 3 year term ...." No such investment had been made, but £22,060.87 had been paid to his Cheltenham & Gloucester Building Society account and £4,939.13 had been transferred from client to office bank account in respect of costs, no bills having been delivered.

**The submissions of the applicant**

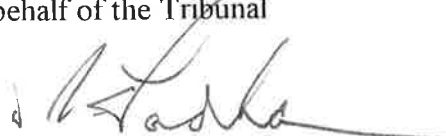
9. The respondent accepted all matters alleged against him. He said he had made progress towards repaying Mrs. P and said that he, at the time of the hearing, owed her £5,000.00 only. The practice which took over that of the respondent in succession to him said the position was unclear.
  
10. Fifteen applications had been made to the Compensation Fund and the sum of £202,161.28 had been paid out. In the main, that figure was represented by a subvention grant paid to the successor practice (there were claims pending in the sum of £204,667.20). The sum of £4,800.00 had been recovered, representing costs due to the respondent. The respondent had been dishonest and had betrayed the trust placed in him. The respondent had been guilty of the most serious professional misconduct over a period of some three years and five months and eventually had abandoned his practice and left the profession to pick up the pieces. The respondent had been guilty of longstanding dishonesty and in the submission of the applicant the Tribunal should regard the matter as being at the highest end of the scale when considering conduct unbecoming a solicitor.

**The submissions of the respondent**

11. In his letter of 6th March 1995 addressed to the Chairman of the Tribunal the respondent offered his sincere regret, sorrow and apologies to those clients of his for the hurt and anguish they had personally suffered due to his dishonesty and his betrayal of their trust, to apologise also to his wife and close relatives, his friends and associates. He said he had had fifty years in the legal profession and found it hard to explain the lapse which led him to dishonest dealings.
  
12. He went on to say he did not seek or expect sympathy for his behaviour but he hoped he could convey the depth of his mental distress for the terrible thing which he had done to the many people whose trust in him was misplaced and the forgiveness he sought in his mind daily.

The Tribunal FOUND the allegations to have been substantiated, indeed they were not contested. The respondent's behaviour had been extraordinary but it was undoubtedly dishonest and despicable. Not only had clients who had trusted the respondent apparently both as a solicitor and a friend been let down badly but the respondent's actions could only serve seriously to damage the good reputation of the solicitors' profession. It was right that he should be Struck Off the Roll of Solicitors and ordered to pay the costs of and incidental to the application and enquiry.

DATED this 1st day of May 1995  
on behalf of the Tribunal

  
D.E. Fordham  
Chairman

