

IN THE MATTER OF GRAHAM GILL, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. P. Hodson (in the Chair)  
Mr. D.E. Fordham  
Lady Bonham-Carter

Date Of Hearing: 15th June 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 David Rowland Swift, solicitor of 19 Hamilton Square, Birkenhead, Merseyside on 24th January 1995 that Graham Gill, solicitor of Castor, Peterborough might be required to answer the allegations set out 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 unbefitting a solicitor in each of the following particulars, namely that he had -

- (i) contrary to Rule 8 of the Solicitors' Accounts Rules 1991 drawn money out of client account other than as permitted by Rule 7 of the said Rules;
- (ii) contrary to Rule 17 of the Solicitors' Accounts Rules 1991 drawn money out of a controlled trust other than as permitted by Rule 16 of the said Rules;
- (iii) utilised clients' funds for his own purposes;
- (iv) utilised controlled trust funds for his own purposes;
- (v) misappropriated both clients' funds and controlled trust funds.

(vi) been convicted of offences of dishonesty in course of his practice as a solicitor

(The allegations were contained in the originating statement and in a supplementary statement dated 2nd May 1995)

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 15th June 1995 when David Rowland Swift, solicitor and partner in the firm of Messrs. Percy Hughes & Roberts of 19 Hamilton Square, Birkenhead, Merseyside appeared for the applicant and the respondent did not appear and was not represented.

The Tribunal had received a letter dated 14th June 1995 from Messrs. Murdochs, solicitors of 45 High Street, Wanstead, London E11 2AA who represented the respondent. That letter is referred to hereunder.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Graham Gill, solicitor of Castor, Peterborough 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 £1,109.50 inclusive together with the costs of the Investigation Accountant of the Law Society, to be taxed by one of the Taxing Masters of the Supreme Court.

The facts are set out in paragraphs 1 to 3 hereunder.

1. The respondent, born in 1949, was admitted a solicitor in 1974. At the material times he practised in partnership under the style of Buckle Mellows at which firm he was the partner in charge at an office of that firm at 9 High Causeway, Whittlesey, Peterborough. The respondent resigned from the partnership on 9th January 1994.
2. Upon due notice to the then partners in the firm of Buckle & Mellows, the Investigation Accountant of the Law Society carried out an inspection of the firm's books of account. A copy of the Report was before the Tribunal. It was dated 17th June 1994 and it revealed that the respondent was responsible for the serious misuse of clients' funds in a total sum of £26,018.07 and a serious misuse of controlled trust funds to the extent of £1,744.25.
3. On 28th April 1995, the respondent appeared before the Crown Court sitting at Cambridge and was convicted on his own admission of offences of dishonesty involving theft of monies in the course of his practice as a solicitor. The respondent was sentenced to a term of twenty-one months imprisonment in respect of the offences.

#### **The submissions of the applicant**

4. The respondent had been guilty of many misappropriations of clients' money. The other partners of the firm conducted an enquiry and it had transpired that a disbursement received from clients had been paid to the respondent. He had in fact retained balances after the payment of clients' bills.
5. The respondent had pleaded guilty to the indictment containing twenty-one counts of theft.

- 6 The respondent had been sentenced to twenty-one months imprisonment and the Tribunal was invited to consider the sentencing remarks of His Honour Judge Sheerin in which he said, inter alia, "the dishonesty involved ... was aggravated by the very special trust which is put into the hands of a solicitor who has to administer the estates of deceased persons". He also said that the respondent had perpetrated individual acts of dishonesty to his clients, to their relatives, to his partners and to the solicitors' profession.

**The submissions of he respondent (contained in the before-mentioned letter addressed to the Tribunal from Messrs. Murdochs dated 14th June 1995)**

7. At his trial, the respondent candidly admitted his disgraceful behaviour and realised he would serve a period of imprisonment. The respondent was aware that the only proper penalty the Tribunal could impose was to strike him off the Roll of Solicitors.
8. The respondent was in prison and unable to work and the Tribunal was invited to limit any financial penalty to the very minimum and any contribution towards the Law Society's costs might also be limited.
9. The Tribunal was invited to note that the Investigation Accountant of the Law Society had referred to a Mr. G.S.C. deceased in which case it was alleged that some £8,999.55 had been stolen from the client. That was in fact amended on the indictment and referred to as a theft of office account monies.
10. The Tribunal was also invited to take note that in the extracts from the Judgement of His Honour Judge Sheerin, the respondent's personal matters, which had been expressed in detail before the Learned Judge, were clearly considered to constitute mitigating circumstances.
11. The respondent apologised, not only to the clients whom he had deceived, but to the solicitors' profession as a whole which he believed he had disgraced.

The Tribunal FOUND the allegations to have been substantiated, indeed they were not contested. The respondent had been guilty of the theft of clients' monies. Such behaviour on the part of a solicitor was wholly unacceptable and any solicitor who had been guilty of such crime had abused the position of trust in which he had been placed by the solicitor and client relationship and his partnership. The Tribunal would not tolerate such behaviour. The Tribunal Ordered that the respondent be struck off the Roll of solicitors and the pay the costs of and incidental to the application and enquiry.

DATED this 31st day of July 1995

on behalf of the Tribunal

*Philip Hodson*

August 4<sup>th</sup> 95

P. Hodson  
Chairman

