

IN THE MATTER OF ROBERT WALTER HOOD RICHMOND - SOLICITOR

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. FORDHAM (in the Chair)
Mr. YEAMAN
Mr. SAUNDERS

Date Of Hearing: 11th August 1995

FINDINGS

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

An application was duly made on behalf of the Solicitors Complaints Bureau by David Roland Swift, solicitor of 19 Hamilton Square, Birkenhead, on the 27th March 1995, that Robert Walter Hood Richmond, 45 Ealing Road, Wembley, Middlesex, might be required to answer the allegations set out in the statement that 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 particulars. Namely that he had:-

- (1) failed to keep accounts properly written up for the purposes of Rule 11 of the Solicitors' Accounts Rules 1991.
- (2) contrary to Rule 8 of the Solicitors' Accounts Rules 1991 drew money out of client account other than as permitted by Rule 7 of the said Rules.
- (3) utilised clients' funds for his own purposes.
- (4) misappropriated clients' funds.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on the 11th August 1995 when David Roland Swift, solicitor and partner in the firm of Messrs Percy Hughes & Roberts of 19 Hamilton Square, Birkenhead appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included exhibit "RWHR1", a letter dated 18th July 1995, written by the respondent to the applicant, in which he said "I received your letter dated 13th June. I do not propose to contest any of the facts in your affidavit. I will not be represented."

At the conclusion of the hearing the Tribunal ORDERED that Robert Walter Hood Richmond, solicitor, of _____, Carpenters Park, Hertfordshire (formerly of 45 Ealing Road, Wembley, Middlesex) 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 £508.33p. and the costs of the Investigation Accountant of the Law Society to be taxed if not agreed.

The facts are set out in paragraphs 1 to 7 hereunder.

1. The respondent, born in 1944, was admitted as a solicitor in 1971. At the material time he practised in partnership under the style of Richmond & Partners at Premier House, 45 Ealing Road, Wembley, Middlesex. He retired from the partnership on the 13th December 1994 following discovery of matters supporting the allegations.
2. Upon due notice to the respondent the Investigation Account of the Law Society carried out an inspection of the partnership's books of account. The Tribunal had before it a copy of the Investigation Accountants' report dated 18th January 1995 in which it was reported that the respondent's former firm had maintained two offices.
3. Mr. Lakhani and Mr. Kurtha had practised in partnership with the respondent since 1993 and 1994 respectively. The firm conducted a general practice assisted by an unadmitted staff of two. The partners were not controlled trustees. The firm was regulated by the Law Society in the conduct of investment business.
4. On the 13th December 1994, the respondent had resigned as a partner following discovery that he had misappropriated clients' funds. Details of the firm's bank accounts were set out. One set of books was maintained in respect of both offices, and it was reported that such books were not in compliance with the Solicitors Accounts Rules 1991 as they contained numerous false entries which the respondent had instigated in order to conceal his misuse of client funds for his own personal benefit.
5. In view of the false entries, the Investigation Accountant accepted the respondent's view that the balances of the client account as then last prepared could not be correct. However from available documents and information gathered after interviewing the respondent, the Investigation Accountant ascertained that a minimum shortage of £119, 715.63 existed on client bank account as at 30th November 1994. The respondent admitted that that had been caused entirely by improper payments having been made from client bank account at his instigation. The respondent had made a number of cash drawings on client account and other more substantial payments by cheque which had been utilised for the respondent's own benefit. One payment out had

been made in respect of an unrelated client, in respect of whom the respondent admitted that he misappropriated funds on an earlier occasion, and the payment had been made to put right that earlier misappropriation.

6. The minimum cash shortage was partly rectified on the 6th December 1994 by the receipt of £13,000 from the respondent and £15,675.22 from Mr. Lakhani. Sums of money had been received from the Solicitors' Indemnity Fund and a partial reimbursement of the shortfall had been achieved. At the time of the hearing the sum of £50,000 remained outstanding.
7. The Investigation Accountant reported upon other irregularities which were not the direct concern of the respondent and have not been set out here in detail. Nor has the Investigation Accountant's comments upon the firm's own Accountant's Annual Report to the Law Society.

The submission of the Applicant

8. The respondent had admitted taking large sums of clients' money for his own use and benefit. That was a dishonest act of the utmost seriousness.

The Tribunal FOUND the allegations to have been substantiated, indeed they were not contested.

The taking of clients' money to use for his own purposes is a dishonest act of the utmost seriousness on the part of a solicitor. It represents a serious breach of trust which will not be tolerated. Such action places the good reputation of the Solicitors' Profession and the confidence which members of the public have in the Profession in jeopardy, and it is right that the public should be protected from a solicitor prepared to act in this way. The Tribunal made an Order striking the respondent off the Roll of Solicitors and Ordered that he pay the costs of and incidental to the application and enquiry together with the costs of the Investigation Accountant to be taxed.

DATED this 18th day of September 1995

on behalf of the Tribunal



D.E. Fordham
Chairman



