

Order filed 26.4.95.
Appeal Lodged 12.10.95

No. 6926/1995

No. 6864/1995

IN THE MATTER OF GEOFFREY ROGER LORD, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J.R.C. Clitheroe (in the Chair)

Mr. J.N. Barnecutt

Mr. M.C. Baughan

Date Of Hearing: 26th September 1995

FINDINGS

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

An application (No. 6864/1995) was duly made on behalf of the Solicitors Complaints Bureau by David Rowland Swift solicitor of 19 Hamilton Square, Birkenhead on the 18th April 1995 that Geoffrey Roger Lord of 4 Park Lane, Saffron Walden, Essex, CB10 1DA 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. A further application (No. 6926/1995) was made on behalf of the Solicitors Complaints Bureau on the 23rd June 1995 by Roger Field solicitor of 31 Wolverhampton Street, Dudley, West Midlands, that the said Geoffrey Roger Lord might be required to answer the allegations contained in the statement which accompanied that application and that such Order might be made that the Tribunal should think right.

The allegations (as appeared in both applications) were as follows, that the respondent had been guilty of conduct unbecoming a solicitor in each of the following particulars:-

- (i) that he failed to act in the affairs of his client with due diligence;

- (ii) that he failed to reply to letters from a client and/or failed to maintain reasonable contact with a client;
- (iii) that he had been guilty of unreasonable delay in dealing with a client's affairs;
- (iv) that he had failed to comply promptly or at all with a resolution of the Bureau's Assistant Director;
- (v) that he had been guilty of excessive and unreasonable delay in the conduct of professional business;
- (vi) that he had failed to honour the terms of a professional undertaking;
- (vii) that he had failed to reply to letters from other solicitors and from the Bureau.

The application was heard at the Courtroom, No.60 Carey Street, London, WC2 on the 26th September 1995, when the said Roger Field, solicitor and partner in the firm of Higgs & Sons of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands appeared on behalf of the applicant with respect to both applications, and the respondent did not appear and was not represented. The respondent had written a letter to the applicant, Mr. Field on the 23rd August 1995 in which he stated, "I admit the facts sought to be proved by you and Mr. Swift before the Solicitors Disciplinary Tribunal." Mr. Field had spoken to the respondent on the telephone at 10.10 am that morning. Mr. Field had been authorised by the respondent to inform the Tribunal that the respondent chose not to attend today. It was stated that his attendance would cause the respondent "embarrassment and trepidation".

At the conclusion of the hearing the Tribunal ORDERED that the respondent be suspended from practice for an indefinite period, to commence from the 26th September 1995 and that they further Ordered that he pay the costs of and incidental to both applications and enquiry, such costs to be taxed if not agreed.

The facts are set out in paragraphs 1 to 20 hereunder.

1. The respondent was admitted a solicitor in 1970 and at all material times carried on practice in partnership under the style of Roger Lord of 4 Park Lane, Saffron Walden, Essex.
2. The facts giving rise to allegations 1 to 3 are as follows. On the 12th January 1994 Mr. H. complained to the Solicitors Complaints Bureau that the respondent, who was then his solicitor, had not dealt with his affairs satisfactorily. On the 14th February 1992 Mr.H. instructed the respondent to act on his behalf in a claim for compensation following a road traffic accident which had occurred on the 30th January 1992. Mr.H. was a passenger in a vehicle struck by a bus, the driver of which was convicted of driving without due care and attention. The case did not present any particular problems. Mr.H. stated there had been routine correspondence with the respondent until the 21st May 1992 after which the respondent failed to respond further to correspondence or enquiry from Mr.H. Mr.H. wrote to the respondent on seven

occasions during 1993, but apart from one letter sent on the 28th April (but which took matters no further) the respondent did not reply.

3. On the 22nd March 1994 the Solicitors Complaints Bureau wrote to the respondent seeking explanation. The respondent did not reply nor did he provide any explanation. Two further letters were sent to the respondent but he did not reply. The respondent telephoned the Solicitors Complaints Bureau on the 23rd June 1994 indicating that he would apologise to Mr.H. and progress the matter but he did not do so. On 5th August 1994 the Solicitors Complaints Bureau again wrote to the respondent seeking explanation. The respondent replied on the 19th August 1994 indicating that he accepted that he had failed to deal with the matter properly but that he would complete dealing with Mr.H.'s claim.
4. On the 7th November 1994 Mr.H. again complained to the Solicitors Complaints Bureau that the respondent was not progressing the case. In particular the respondent had failed to reply to two letters. On the 15th December 1994 Mr.H. changed solicitors by which time nearly three years had passed without any real or apparent progress on the part of the respondent.
5. The facts which gave rise to allegations 4 to 7 inclusive were as follows. The respondent acted in the administration of the estates of Miss LF and Miss EF. Mrs H was a beneficiary of both estates and in November 1991 she instructed Daynes Hill Perks ("DHP") to complain to the Bureau. They did so by letter of 8th November 1991 and the thrust of the complaint was that the respondent was making inadequate progress in the administration of the estates, was not providing information sought and was not responding to communications.
6. The complaint was taken up initially with the respondent by telephone on 21st November 1991 when he indicated that he would provide DHP with a full update on both estates. Letters which the Bureau wrote to him and to DHP on 26th November 1991 confirmed the position. He wrote to the Bureau on 6th December 1991 providing limited details about both estates but DHP made clear in their letter to the Bureau of 20th December 1991 that the information was insufficient. Accordingly the Bureau wrote a further letter to him on 14th January 1992 requiring a detailed account of the administration of both estates.
7. By the beginning of April 1992 the respondent had still not provided DHP with the information they required. He did not respond to two letters from the Bureau and by letter of the 10th July 1992 the Bureau made him aware of the implications of his continuing failure to deal with the initial complaint and to reply to their letters. On 28th July 1992 he wrote to the Bureau. He claimed he was close to completing the administration of both estates and described steps which he had taken. He acknowledged that he had failed to respond to the complaints made and pointed in this respect to lack of time and information and his embarrassment over his delay. He apologised.

8. On 17th August 1992 the Assistant Director (Conciliation) of the Bureau considered the matter and decided to require the respondent to provide the Bureau with a monthly progress report in connection with both estates, the first of such reports to be received within 14 days of notification. The respondent was informed of this decision by letter of 7th September 1992. He did not comply with the decision and the Bureau sought an explanation for this by letter of 27th October 1992. He did not respond and on 27th November 1992 the Assistant Director (Conduct and Regulation) of the Bureau considered the matter and decided that a discretion should vest in the issue of his next Practising Certificate. He was notified by letter of the 3rd December 1992.
9. The respondent continued to fail to provide monthly progress reports in connection with both estates and DHP complained again about his failure to respond to their communications. The Bureau urged the respondent by telephone to take some positive steps and by letter of 13th May 1993 he confirmed that it was his intention to pass the relevant files to another person within fourteen days and to provide details. He did not provide details and by letter to the Bureau of 17th June 1993 DHP queried what the position was. On 21st June 1993 the respondent wrote to the Bureau informing them that his files had been passed, not to another solicitor, but to certified accountants.
10. DHP wrote to the Bureau again on the 3rd November 1993 enclosing a copy of a letter which they had written to the respondent on 3rd September 1993. The respondent, it was claimed, had failed to respond to a letter from the Capital Taxes Office in London of 9th September 1992 and although he had told DHP that he would address the problem he had not done so despite a further letter to him from them of 14th October 1993. Further correspondence with the Bureau revealed that the Capital Taxes Office had telephoned DHP on 8th November 1993 to say that the respondent had not contacted them.
11. The Bureau wrote to the respondent on 3rd December 1993 and in view of the continuing delays asked him for the up to date position. A reminder letter to him of 27th January 1994 required a response from him by 3rd February 1994. It was not forthcoming and a further letter was written to him on 7th February 1994. On 2nd February 1994 DHP sent to the Bureau a copy of a letter which they had written to the respondent concerning uncashed dividend warrants and in which they had expressed their near exasperation about the continuing delay in concluding the administration of the estates.
12. The respondent wrote to the Bureau on 28th March 1994 disclosing steps which he had taken. DHP acknowledged in their letter to the Bureau of 6th April 1994 that some progress was being made but maintained that matters should have been dealt with previously. Further delay was reported by DHP in their next letter to the Bureau of 12th May 1994 and its enclosure and the Bureau voiced its concern in letters to the respondent of 2nd June and 8th June 1994. DHP informed the Bureau that the certified accountants had heard nothing further from the respondent since 28th March 1994. By letter of the 21st June 1994 the respondent promised the Bureau "a full response". He regretted the continued delay but claimed that progress had been made.

13. The respondent wrote to DHP on the 12th July 1994 and DHP replied on the following day. No response was received from the respondent and the Bureau wrote to him on the 30th August, under warning, requiring his explanation for his failure to respond and for his failure to provide monthly progress reports. He did not reply to this letter or to a further letter sent to him by DHP dated 5th October 1994. The measure of their discontent was set out in their letter to the Bureau of 11th November 1994.
14. The Conduct Committee of the Adjudication and Appeals Committee considered at their meeting on 11th January 1995 and decided, inter alia, to refer the respondent's conduct to the Solicitors Disciplinary Tribunal and to require him to comply with the decision of the Assistant Director (Conciliation) described in paragraph 8 hereof. The full terms of the decision were set out in the Bureau's letter to the respondent of 19th January 1995.
15. By letter of the 16th February 1995 the respondent appealed the decision to refer his conduct to the Solicitors Disciplinary Tribunal and set out his grounds.
16. DHP wrote to the Bureau on the 20th February 1995 and by reference to enclosed copy correspondence with the respondent complained further that he had breached a professional undertaking given by him during a telephone conversation on 26th January 1995 the terms of which required him to provide to accountants by 10th February 1995 what was necessary for the preparation of accounts. The respondent's position (at that stage) was that he had not given a professional undertaking.
17. The Conduct Committee of the Adjudication and Appeals Committee considered the appeal at their meeting in 17th May 1995 and dismissed the appeal.
18. The respondent acted in the administration of the estate of P deceased. "PW" was one of the administrators and he complained to the Bureau about the standard of professional service provided to him by the respondent. A synopsis of the respondent's file was prepared by Christine Riley of the Bureau on 27th July 1993 upon which no observations were received from PW or the respondent. On 2nd October 1993 an Assistant Director of the Bureau upheld PW's complaint and decided, inter alia, that the respondent's failure to respond to the Bureau's correspondence and his delay in obtaining a remuneration certificate should be referred for further investigation.
19. Following notification of the Assistant Director's decision, PW and the respondent corresponded about his compliance and on 22nd July 1994 the Bureau wrote to the respondent and asked him to send the final estate accounts to PW. He was asked by letter of 8th September 1994 to confirm that he had done this but he did not reply and no replies were received to further letters written to him on 16th September, 24th October and 7th November 1994. On 21st November the Bureau wrote a letter under warning to the respondent requiring his explanations concerning PW's complaint, his failure to reply to Bureau letters and the matters raised in Clause 5 of the Assistant Director's decision of 2nd October 1993. No response was received.

20. This matter was considered at first instance and on appeal as specified above.

The Submissions of the Applicant

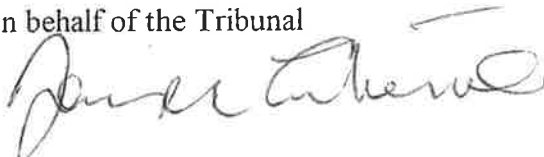
21. It was submitted that this was the all too common syndrome of failing to act upon "rogue files" but in this case the inaction was on a grand scale. For example in the F estate DHP, solicitors acting for the beneficiary Mrs H, had made a complaint to the Bureau about the respondent's failure to progress the matters as long ago as 1991. Notwithstanding attempts at conciliation and broken promises made by the respondent, the matter had eventually to go to the Committee, when the matter was still not resolved. The frustration caused by the respondent to the Bureau, the lay client and the complainant firm was incalculable. It was submitted that the respondent in this case, and in the P estate completely abdicated his responsibilities as a solicitor.
22. Although in correspondence, the respondent had denied that he was in breach of an undertaking to DHP, he now admitted all of the allegations including the allegation of breach of undertaking. It was submitted, and now accepted, that during the course of the telephone conversation of the 26th January 1995, he had declared that he would pursue a course of action and had not done so.
23. Finally, concerning the complaint of Mr. H., this was a simple compensation claim for a road traffic accident which in the hands of the respondent turned into a case involving unacceptable delay and a failure to carry out instructions.
24. The applicant's instructions were that certain matters, the subjects of these proceedings, had still not been attended to by the respondent and he did not appear to be, even now, facing up to his responsibilities.

The Tribunal were dismayed to read the catalogue of inaction and broken promises on the part of the respondent. They were also concerned to learn that even at the date of the hearing, the respondent had still not satisfactorily put all matters right and was still therefore in breach of his duties as a solicitor to his clients. Furthermore, there appeared to be little or no adequate explanation forthcoming from the respondent save that he appeared to have had difficulty in putting aside the time to deal with these cases. The damage done to the profession by this sort of dilatory and high-handed treatment was profound. Indeed, one of the lay complainants, PW, accurately reflected what must be the public view of such conduct by commenting that the respondent's total disdain of his specific requests and the Solicitors Complaints Bureau's exhortations on his behalf, to be quite incredible. It seemed to the Tribunal that the respondent had demonstrated that he was no longer fit to have the conduct of these files. He was still in breach of the Solicitors Complaints Bureau's directions in connection therewith and there appeared to be no hope on the horizon, in the short term at least, that the matters would be finalised. The respondent seemed to be saying to the Tribunal that he had neither the time nor the will to deal with these matters and seemed content to leave it at that. He had not even appeared before the Tribunal to attempt to convince them that he was taking the matter seriously. The Tribunal were

very concerned indeed about the respondent's attitude and felt that unless he could demonstrate a change of heart, he should not be permitted to continue in practice. From the evidence before the Tribunal today, there was little to suggest that the respondent had really learnt his lesson. Rather than suspend the respondent for a fixed period, the Tribunal decided that a suspension for an indefinite period was appropriate. If the respondent were, even in the near future, to demonstrate to another division of the tribunal that he had taken all active steps to deal with the completion of these matters and had put in place systems to see that such conduct could never happen again, then a Tribunal might be satisfied that he had rehabilitated himself sufficiently so as to be able to go back onto the Roll.

DATED this 6th day of November 1995

on behalf of the Tribunal



J.R.C. Clitheroe
Chairman

*Findings filed with the
Law Society on the 10th
day of November 19 95*

