

IN THE MATTER OF EDMUND WILLIAM VALPY KNOX, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. G B Marsh (in the Chair)  
Mr. D J Leverton  
Dame Simone Prendergast

Date Of Hearing: 31st October 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 Gerald Malcolm Lynch solicitor and partner in the firm of Messrs Drysdales & Janes of 16 Warrior Square, Southend on Sea Essex on the 22nd May 1995 that Edmund William Valpy Knox a solicitor who address was Colombo 5, Sri Lanka 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:-

- (a) failed to respond, alternatively failed with reasonable expedition to respond to correspondence and enquiry addressed to him by clients, other solicitors and the Solicitors Complaints Bureau;
- (b) been guilty of unreasonable delay in dealing with the affairs of clients;
- (c) failed to observe the terms of an undertaking given by him in the course of his practice as a solicitor;
- (d) failed to pay Counsel's fees incurred pursuant to instructions given by him in his practice as a solicitor;

- (e) by virtue of each and all of the aforementioned been guilty of conduct unbefitting a solicitor.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 31st October 1995 when Gerald Malcolm Lynch solicitor and partner in the firm of Messrs Drysdales & Janes of 16 Warrior Square, Southend on Sea, Essex appeared for the applicant and the respondent did not appear and was not represented. He had however addressed a letter to the Tribunal dated the 20th October 1995 which is referred to in greater detail here-under.

The evidence before the Tribunal included the admissions of the respondent contained in his beforementioned letter of the 20th October 1995.

At the conclusion of the hearing the Tribunal ORDERED that the respondent be Struck Off the Roll of Solicitors and that he do pay the costs of and incidental to the application and enquiry fixed in the sum of £1,448.38p.

The facts are set out in paragraphs 1 to 16 hereunder:-

1. At all material times the respondent practised as a solicitor on his own account under the style of William Knox at Arquen house, 4/6 Spicer Street, St Albans, Hertford and later at 208 Riverside Road, St Albans. He was admitted as a solicitor on the 1st June 1977 and was aged 47 years. The Law Society had intervened in the practice of the respondent.
2. On the 4th January 1993 Messrs. Linford Browns, solicitors of Exmouth wrote to the Solicitors Complaints Bureau (the Bureau) to complain about the respondent, who had given an undertaking to pay their reasonable costs incurred by them but had failed to do so. Linford Brown wrote on the 29th January 1993 to the respondent giving him full details of costs incurred.
3. On the 6th August 1993 the Bureau wrote to the respondent asking for explanation as to his failure to observe the undertaking. Further letters were sent on the 13th September, the 27th October 1993 the 18th January and the 10th March 1994 without response. The respondent did write on the 6th April suggesting that the matter had been settled. (In his letter to the Tribunal, the respondent admitted delay but his recollection was that his clients had settled). Further correspondence with the Bureau ensued in April and May. On the 2nd June the respondent wrote to say that he thought his clients had settled the amount due. On the 20th June the Bureau wrote to say that if the costs were considered to be unreasonable, then procedures were available to challenge them, but the respondent had failed to do so. A further letter was sent by Linford Browns to the respondent on the 27th June 1994 urging his settlement of the undertaking but he had failed to do so.
4. On the 22nd July 1993 Abbey National PLC wrote in complaint against the respondent. He had failed to respond to correspondence and enquiry and had retained title deeds in respect of a conveyancing transaction where completion had taken place on the 20th November 1991.
5. On the 13th September 1993 the Abbey National wrote to say that they had heard from the respondent and asked that further action in relation to the complaint be suspended. However, on the 11th February 1994 the Company wrote again to the

Bureau to say that they had received no further communication from the respondent and they had instructed solicitors to act on their behalf. Those solicitors, Bretherton & Co., wrote to the Bureau on the 2nd March 1994 reiterating the complaint and the respondent had not replied to them.

6. The Bureau wrote to the respondent on the 14th April 1994 asking for explanation in the matter. A further letter was sent on the 13th May indicating that the respondent was required to deliver documents to the Law Society's Agent. No response was received but on the 13th June the respondent in a telephone conversation with the Bureau said that the deeds concerned were at the Land Registry and he had sent them some two to three months previously. There was a requisition raised thereon. He would deal with the matter urgently. In his letter the respondent said he had to obtain and lodge at H M Land Registry an additional Form 53. By letter of the 16th June, the respondent forwarded the file to the Bureau and it was passed on to Bretherton & Co.
7. On the 12th November 1993 Messrs Paul Leggat & Co., solicitors of St. Albans wrote to the Bureau to complain about the respondent. The respondent had given certain undertakings in relation to the sale of a leasehold property at St Albans as to the handing over of keys, supply of insurance and discharge of an existing mortgage. The Bureau wrote to the respondent on the 23rd November asking for explanation. Messrs Paul Leggat wrote on the 24th November to say that they had attended personally at the respondent's offices when he had given some assurance of progress. On the 12th January they wrote to say that the respondent remained in breach of his undertaking.
8. The Bureau wrote again on the 15th February with a further letter on the 8th May. The respondent finally replied by letter of the 27th May referring to difficulties and his intention to wind up his practice. No satisfactory explanation was given. The complainants wrote again on the 27th June reiterating their complaint. In his letter, the respondent agreed he had been slow in dealing with this matter. After the 20th October 1993, the only outstanding complaint related to his failure to reimburse the purchaser for the cost of changing the locks on the property. The respondent did not think the purchasers security had been at risk and this had not been a grave matter.
9. On the 28th February 1994 Messrs. Wyles & Co. solicitors of Devizes wrote to the Bureau making complaint in respect of the purchase by their clients of property at Harlow. Completion had taken place in October 1993 and the respondent on completion had undertaken to arrange to discharge the vendor's mortgage. The Deeds had not been sent until November 1993 with the undertaking. Letters had been sent to the respondent on numerous occasions. The respondent had not dealt with the matter with any expedition. In his letter, the respondent accepted that.
10. On the 24th May 1994 the Chief Executive of the General Council of the Bar wrote in complaint against the respondent. Counsel's fees were due to Miss Pamela Radcliffe of Counsel in the sum of £1,997.50. Correspondence addressed by Counsel's Clerk and by the Vice Chairman of the Bar had not led to response or payment.
11. On the 17th June 1994 the Bureau wrote to the respondent in the matter asking that the account be settled. No response had been received nor payment made. The respondent said he had anticipated that funds would be available following the sale of property. The sale was delayed, but funds were available by the time the Law Society intervened in his practice.

12. On the 3rd June 1994 Alliance and Leicester Building Society wrote to complain. Title deeds in respect of a property at St Albans had been outstanding since April 1992. The respondent said he operated from a room in that building, but he had never held any deeds. He had not acted for his landlord in connection with Alliance & Leicester Building Society. He said he had held deeds on behalf of the Building Society in other matters. Four letters had been sent to the respondent without response being made. The Bureau wrote to the respondent on the 14th June asking that the matter be dealt with. There was no response and a further letter was sent on the 21st July, again without response.
13. On the 7th June 1994 Messrs. Anthony Gold, solicitors of London SW2 wrote in complaint against the respondent who had acted for their client's former wife. In the matrimonial proceedings an order had been made that the former matrimonial home be sold at a price to be agreed and the net proceeds of sale divided in accordance with the order. The petitioner's solicitors were to have conduct of the conveyancing and there was provision in respect of the costs of the application and the hearing.
14. The complainant's previous solicitors had written to the respondent enclosing a breakdown of costs due to the wife. There was no response from the respondent to those enquiries. The respondent was to act in the sale but difficulties arose in relation thereto and the respondent had not kept in touch with Anthony Gold. Telephone messages were ignored. A deduction had been made from the proceeds of sale which was not authorised and was in breach of the undertaking given by the respondent to forward the husband's share of the net proceeds of sale. The respondent agreed he had made the deduction which related to a sum owed to his client. There had been a history of Anthony Gold's client not making payments to his former wife. The proceeds of sale had been despatched by telegraphic transfer on the day of completion.
15. The Bureau wrote to the respondent on the 22nd July seeking explanation and a duplicate letter was sent on the 28th July.
16. All the above matters were considered by the Conduct Committee of the Adjudication & Appeals Committee of the Bureau and the Committee resolved on the 5th October 1994 to refer all matters of complaint to the Tribunal. The respondent appealed and the appeal was rejected. The respondent was so notified by letter of the 23rd March 1995.

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

17. The picture which emerged was clear. A number of complaints had been made about the respondent and he had on many occasions failed to respond to enquires made of him and in particular had failed to respond to letters addressed to him by the Bureau.
18. In his letter addressed to the Tribunal the respondent said that he had run his practice in a chaotic way. In the submission of the applicant the respondent's practice had been "a shambles."
19. Claims had been made upon the Law Society's Compensation Fund and at the time of the hearing nineteen applications had been made to the Fund, the total paid out was £14,858. and there were pending claims in the sum of £9,499.13p. No recoveries had been made.

**The submissions of the respondent (contained in his beforementioned letter of the 20th October 1995.)**

20. The respondent apologised for not responding earlier to the disciplinary proceedings. His work in Sri Lanka was exhausting but rewarding. He was dealing with the matter making use of the first day curfew in Sri Lanka following the blowing up of the island's own oil refinery.
21. The respondent had been sent details of various applications made to the Compensation Fund, but he had received insufficient information on which he could make any proper comment. He felt powerless in that process but accepted that he had to let it proceed, although under protest.
22. After the Law Society intervened in his practice the respondent remained in the United Kingdom for six weeks waiting to be called upon to provide help in reconciling his accounts, recovering outstanding bills and so on. The respondent's assistance had not be sought at any time. He had believed that monies owing to the practice could be used to offset valid claims on the Compensation Fund.
23. The respondent apologised for the way in which his practice had come to an end and for the bother and distress caused to clients, solicitors, the Law Society, the Tribunal and others. With hindsight the respondent said that he was unable to understand why he had persevered with it for so long.
24. The respondent had taken up the position which he held at the time of the hearing as a volunteer working in Sri Lanka for peace and reconciliation in a war torn country. He had never enjoyed a job more since leaving University.
25. The respondent said he still had not paid the fine imposed upon him at the previous Tribunal hearing. He had no funds with which to do so. He did not hold a bank account. He did not receive a salary but only accommodation and living expenses.
26. The respondent said that he realised that his contentment with his new life would have been enhanced if he could do what he could to lay the shambles of his practice to rest. He had offered his help to clear up the mess but it had not been sought. He said that he was still prepared to be of help where his fading memory could be of assistance.

The Tribunal FOUND all of the allegations to have been substantiated, indeed they were not (except in the one small area as to which deeds had been held on behalf of Alliance & Leicester Building Society) contested.

On the 10th May 1994 the following allegations were substantiated against the respondent. The allegations were that the respondent had:-

- a) failed with reasonable expedition to reply to correspondence and enquiry addressed to him by the Solicitors Complaints Bureau;
- b) acted in breach of the Solicitors Accounts Rules 1986 and 1991 in that he drew from clients account monies other than permitted by Rules 7 and 8 of the said Rules and utilised the said monies improperly so drawn for the benefit of other clients not entitled thereto;

- c) in breach of Rule 11 of the Solicitors Accounts Rules 1986 and 1991 failed to keep properly written up his books of account as by the said Rule required and to effect reconciliations with client bank account as therein required;
- d) by virtue of each and all of the aforementioned been guilty of conduct unbecoming a solicitor.

On that occasion the Tribunal accepted that the respondent had not been guilty of dishonesty. He appeared to have got things in a muddle. The Tribunal said that its view was well known in that it deprecated the failure of a solicitor to deal with correspondence addressed to him by his own professional body. The Tribunal gave the respondent credit for the fact that he had appeared before them to answer the allegations and had apologised. The respondent then told the Tribunal that he had decided to give up his career as a lawyer. The Tribunal had on that occasion imposed a fine of £2,000 together with costs in a sum of £4,397.91.

In his earlier submissions to the Tribunal the respondent had told the Tribunal that he had found himself "fire fighting" in his attempt to keep matters under control. The matters alleged before the Tribunal are further evidence of his singular failure in that respect. It was clear that the respondent was totally unsuited to practise as a solicitor. He had clearly given up any intention of so doing and was undertaking charitable work overseas. Although no dishonesty was alleged against the respondent, his cavalier, irresponsible and reckless attitude to his clients affairs and his responsibilities as a solicitor were unacceptable. He was not fit to remain on the Roll. The Tribunal Ordered him to be Struck Off the Roll of solicitors and further Ordered him to pay the costs of the application and enquiry.

DATED this 23rd day of November 1995

on behalf of the Tribunal

  
G B Marsh  
Chairman

Findings filed with the  
Law Society on the 27th  
day of November 1995