

IN THE MATTER OF ANDREW CRAIG LARMAN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J.R.C. Clitheroe (in the Chair)
Mr. J.C. Chesterton
Mr. K.J. Griffin

Date Of Hearing: 14th November 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 Roger Field solicitor of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands on the 18th September 1995 that Andrew Craig Larman of Henleaze, Bristol, solicitor 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 unbefitting a solicitor in each of the following circumstances, namely that he had:-

- (i) failed to keep accounts properly written up for the purposes of Rule 11 of the Solicitors Accounts Rules 1991;
- (ii) drew money out of client account other than as permitted by Rule 7 of the said Rules, contrary to Rule 8 of the said Rules;
- (iii) utilised clients' funds for his own purposes;

(iv) utilised clients' funds for the purposes of other clients.

The application was heard at the Courtroom, No.60 Carey Street, London, WC2 on the 14th November 1995 when Roger Field solicitor and partner in the firm of Messrs Higgs & Sons of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands appeared for the applicant and the respondent did not appear and was not represented.

The respondent had been in correspondence with the applicant and with the Clerk to the Tribunal. He had sought an adjournment of the hearing. Another division of the Tribunal had considered his application for an adjournment on the 3rd November 1995, which application was opposed by the applicant. The Tribunal refused the application for an adjournment and confirmed to the parties that the substantive hearing remained scheduled to take place on the 14th November 1995.

Prior to the hearing the Tribunal received two further letters from the respondent, again seeking an adjournment.

The respondent in support of his application said he wished to place medical and psychological reports before the Tribunal. It was the applicant's view that the availability of such reports should be geared to the needs of the Tribunal, the Tribunal should not make itself available as and when those reports had been obtained.

The respondent said he had consulted a legal representative who was unavailable on the 14th November. The applicant had spoken to Mr. Nicks of Messrs. Hoole & Co. of Bristol. Mr. Nicks had on the telephone immediately before the hearing reported to the applicant that the respondent had been arrested by Bristol police on the 13th November and had been bailed to appear at a later date. Mr. Nicks had been unaware that the disciplinary hearing was to take place on the 14th November until spending most of the day at the police station with his client on the previous day. Mr. Nicks told the applicant that he had been consulted some weeks ago but the respondent had not supplied him with any papers and had not notified him of the date of the hearing.

In the submission of the applicant the fact that the respondent had been interviewed by the police only on the day prior to the proposed hearing, the Tribunal need not give consideration as to whether or not the matter should stand adjourned pending the outcome of criminal proceedings. The criminal charges had not been formulated and there was no question of the waters of justice being muddied if the disciplinary hearing were to take place immediately as it would be a very long time before a criminal trial, if any, took place.

The respondent had pointed out in one of his letters that he had recently found employment and if the disciplinary matter were to be dealt with, then his prospects would be jeopardised. The Tribunal was invited to consider that its duties to the solicitors' profession and to the public outweighed any disadvantage to the respondent.

The applicant was ready to proceed. The matter was a serious one it was not known whether the legal representative referred to by the respondent who was to undertake his representation on "a pro bono" basis was Mr. Nicks or another person. Mr. Nicks was unaware of any other

legal representative of the respondent. The applicant had received no communications from any other person.

The applicant had been informed that the respondent had been released on police bail and there was no reason why he should not attend the hearing scheduled for the 14th November.

The Tribunal refused the respondent's application for an adjournment and the matter proceeded to a full hearing.

The evidence before the Tribunal included exhibit "ACL1", a letter addressed by the respondent to the applicant of the 2nd October 1995 in which he said he admitted the facts.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Andrew Craig Larman of Henleaze, Bristol solicitor 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 £882.00 together with costs of the Investigation Accountant of the Law Society to be taxed if not agreed.

The facts are set out in paragraphs 1 to 11 hereunder.

1. The respondent, born in 1952, was admitted a solicitor in 1981. At the material times he practised in partnership under the style of Williams Mann at 5 Rodney Place, Clifton, Bristol. He ceased to be a partner on 12th April 1995.
2. Upon due notice to the respondent the Investigation Accountant of the Solicitors Complaints Bureau (the Bureau) carried out an inspection of the books of account of Messrs. William Mann. A copy of the Investigation Accountant's Report dated the 30th June 1995 was before the Tribunal.
3. That report revealed that the former partner of the respondent, Mr. Williams, had, whilst the respondent had been on holiday, discovered that certain client account cheques prepared and signed by the respondent had not been made payable to the clients indicated on the cheque book stubs. On contacting the bank, it had been ascertained that several of those cheques appeared to have been utilised by the respondent personally.
4. The respondent was interviewed by Miss Prue, the Investigation Accountant, on the 20th April 1995 when he made certain admissions.
5. Minimum liabilities not shown by the books led to there being a cash shortage on client account of £8,350.00. That was partly rectified on the 11th April 1995 by transfer from office to client bank account of £1,000.00 and by the payment into client bank account of £3,200 on the 21st April 1995 with money said to be from the respondent's personal resources.
6. The minimum cash shortage arose in the following way:-

(i)	Personal payments by the respondent	£6,350.00
(ii)	Misuse of clients funds by the respondent	<u>2,000.00</u>
		<u>£8,350.00</u>

7. During the period the 4th October 1994 to the 21st February 1995 client account had been charged, inter alia, with the undernoted items -

<u>Date</u>	<u>Payee</u>	<u>Client Ledger Account Charged</u>	<u>Amount</u>
(a)04.10.94	Winchester College	Mrs KP	£1,500.00
(b)04.10.94	Banque Parisas	Mrs KP	1,000.00
(c)28.12.94	Banque Parisas	C	1,900.00
(d)16.02.95	Cash	D	1,000.00
(e)21.02.95	Winchester College	M	<u>950.00</u>
			<u>£6,350.00</u>

8. On the 4th October client bank account had been charged with £1,500.00 and £1,000.00 in respect of Winchester College and Bank Parisas respectively. The amounts were charged to the ledger account of Mrs KP with the narrations "Legal Aid Board stat. charge monies" and "to client account a/c Abbey N. re settlement." The respondent admitted that those payments had no connection with the affairs of Mrs KP. The payment to Winchester College was for his son's schools fees and the payment to Banque Parisas was a personal payment. He admitted that false accounting entries had been made at his instigation in order to conceal the personal payments.

9. On the 16th February 1995 client bank account had been charged with £1,000.00 in respect of a cheque drawn to cash. That amount was charged to the client ledger account of "D and Others" with the narration "Mrs MD damages". The respondent admitted that the payment had no connection with the affairs of Mrs D and that the cash had been drawn by him for his own personal use and the false accounting entry had been made at his instigation to conceal it.

10. On the 28th February 1995 the following client ledgers were charged inter alia with the undernoted items:-

<u>Date Cleared Bank</u>	<u>Client Ledger Account Charged</u>	<u>Payee</u>	<u>Amount</u>
(a) 03.03.95	Mrs S and Others	Greener & Co.	£1,150.00
(b) 03.03.95	Mr and Mrs T	Greener & Co.	<u>850.00</u>
			<u>£2,000.00</u>

11. The respondent had acted in connection with a holiday claim made by Mrs S and Others. On the 28th February 1995 the relevant account in the clients' ledger was charged with a payment of £1,150.00 with the narration "Mr/Mrs S Damages". An examination of the paid cheque revealed the payee to be Greener & Co. The respondent admitted that the payment was not connected with the affairs of Mrs S, the payment and false accounting entry had been made at his instigation in order to conceal

an earlier misuse of funds held in client bank account on behalf of another unconnected client.

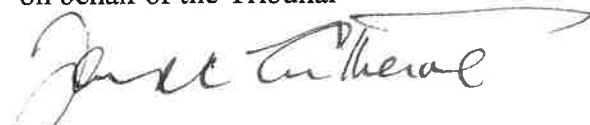
The Submissions of the Applicant

12. The Investigation Accountant's Report revealed clear misuse of clients' monies on the part of the respondent. The breaches of the Solicitors Accounts Rules alleged were clearly made out. The matter was a serious one. The respondent had utilised clients' funds for his own purposes and the applicant put the matter before the Tribunal as one involving dishonesty. It was indeed a dismal story of dishonesty on the part on the part of the solicitor.
13. Because the respondent was in partnership, such claims as were likely to be made would fall upon the Solicitors Indemnity Fund. Enquiry revealed that the total claims were likely to be in the region of £27,000.00. It was understood that the police investigation related to matters other than those revealed in the Investigation Accountant's Report and that explained why the figure claimed upon the Indemnity Fund was larger than the shortage revealed in the Investigation Accountant's Report.
14. The respondent made no submissions other than those supporting his application for an adjournment.

The Tribunal FOUND the allegations to have been substantiated. It was clear that the respondent had adopted a calculated course of dishonesty. He had abused the trust which clients placed in him with regard to the safekeeping of their monies. Such behaviour would not be tolerated and it was right that the respondent be Struck Off the Roll and he should pay the costs of and incidental to the application and enquiry to include costs of the Law Society's Investigation Accountant.

DATED this 28th day of December 1995

on behalf of the Tribunal



J.R.C. Clitheroe
Chairman

Findings filed with the
Law Society on the 15th
day of January 1996

