

IN THE MATTER OF PHILIP LANGTREE REDSTONE, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. G.B. Marsh (in the Chair)  
Mr. A.H. Isaacs  
Mr. G. Saunders

Date Of Hearing: 30th July 1996

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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 Law Society by David Rowland Swift solicitor of 19 Hamilton Square, Birkenhead on the 8th May 1996 that an Order be made by the Tribunal directing that as from a date specified in the Order no solicitor should except with permission of the Law Society for such a period and subject to such conditions as the Law Society might think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Philip Langtree Redstone of Shoreham-by- Sea, West Sussex, (whose address was subsequently notified to be Lancing, West Sussex, BN15 ) a person who was or had been a clerk to a solicitor within the meaning of the Solicitors Act 1974 or that such Order might be made as the Tribunal should think right.

The allegation was that the respondent had been convicted of a criminal offence which disclosed such dishonesty that in the opinion of the Law Society it would be undesirable for him to be employed by a solicitor in connection with his practice, namely that he had been convicted of an offence of using a false instrument with intent at the Lewes Crown Court on the 7th August 1995 and sentenced to 160 hours of community service.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 30th July 1996 when David Rowland 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.

Immediately prior to the hearing the respondent telephoned the Tribunal's office to say that he was not well enough to attend the hearing and to ask for an adjournment. He had been told that he must supply a medical certificate and prior to the hearing a fax was received in the Tribunal's office. The fax transmission had not produced a very clear document but it appeared to be in the following terms:

"dated 30th July

Re: No.7124/1996 - P L Redstone

I refer to my telephone call this morning due to illness I am unable to attend the hearing today.

I attach details of my medical condition, (July/August 1995) from which I am suffering as can be confirmed by a GP.

I hereby request the Tribunal to take the above into account and grant an adjournment for say 14 days as I wish to be heard in this matter in relation to my current self employment as a process server (I have now heard from the SCB regarding this point).

I would please ask the Tribunal to consider my application for an adjournment.

Yours faithfully, Signed Philip Redstone"

Attached to the letter were two medical reports respectively dated 21st July 1995 and 25th August 1995. Those reports were about one year old and in any event did not state that the respondent was unfit to attend the hearing.

On the 11th July 1996 the respondent had appeared before the Tribunal explaining that the disciplinary proceedings had been sent to a previous address and there had been a delay in his receipt of the papers. He had only shortly before the hearing sought advice.

At the time of that adjournment hearing the respondent was a self employed process server. He received instructions from solicitors who served the papers. The respondent said he needed more time to research his position. He said he would be deprived of his ability to earn his livelihood if he could not continue to operate as a process server.

The Tribunal then said that it was reluctant to grant an adjournment in view of that fact that it had a duty to deal expeditiously with matters both in the interests of the public and to preserve the good reputation of the solicitors' profession. On that occasion they felt it appropriate, however, to adjourn for a short period of time so that the respondent could take steps to seek to agree with the Law Society the practicalities of his continued work as a process server. The Tribunal then agreed that the case might stand adjourned until the 30th July 1996 to enable the respondent to clarify the position with the Law Society.

The Tribunal takes the view that it had granted a brief adjournment to the respondent for a specific purpose. The respondent was aware that because he had been convicted of a criminal offence involving dishonesty it was more than likely that an Order pursuant to Section 43 of the Solicitors Act 1974 would be made in respect of him. It appeared from the respondent's faxed letter that he had heard from the Solicitors Complaints Bureau with regard to potential difficulties which he might encounter in continuing to earn his living as a process server if he was subject to that Order of the Tribunal. That in itself was not a valid reason for an adjournment. Also, there was no medical evidence to support a view that the respondent was unfit to attend today.

Accordingly, the Tribunal refused to grant a further adjournment and the matter went to a full hearing.

The evidence before the Tribunal included the certificate of conviction.

At the conclusion of the hearing the Tribunal ORDERED that as from the 30th July 1996 no solicitor should except in accordance with permission in writing granted by the Law Society for such a period and subject to such conditions as the Society might think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Philip Langtree Redstone of Lancing, West Sussex, BN15 (formerly of Shoreham by Sea, West Sussex, BN43 a person who is or was a clerk to a solicitor and the Tribunal further Ordered that he pay the costs of and incidental to the application and enquiry fixed in the sum of £921.96 inclusive.

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

1. The respondent, who was a not a solicitor, was employed as a conveyancing clerk by David Graham solicitor of 27 High Street, Rottingdean, East Sussex. The respondent continued to employed in that capacity from 13th September 1993 until May 1994.
2. The respondent had been convicted of an offence of using false instrument with intent. That offence arose from the following facts. The respondent borrowed money from Mr B. saying that it was to be invested in the solicitor's practice. £25,000 was to be repaid with interest in six months. Mr. B had been a client of the firm by which the respondent had been employed. The respondent produced to Mr. B a letter of guarantee purporting to have been written and signed by the respondent's mother. Such letter was not genuine and indeed the respondent's mother had no knowledge of it. The letter had been forged. The applicant accepted that there may have been some substance in the contention that the money was to be involved in the solicitor's practice.
3. The loan had not been repaid and the forged guarantee, of course, was worthless. The respondent had been convicted at Lewes Crown Court of an offence of using a false instrument with intent and had been sentenced to 160 hours of community service.

#### **The Submissions of the Applicant**

4. The Tribunal was invited to consider the sentencing remarks of Mr. Recorder Morris-Coole in the Crown Court at Lewes on the 1st September 1995 in which he

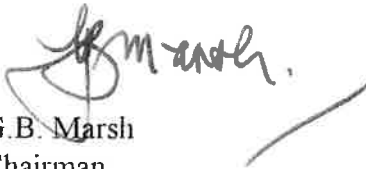
said "it is one of those cases where the case is so serious as to justify a custodial sentence. I have looked at the only other option and that is whether in all the circumstances I can impose a community service order. I have come to the conclusion that I can."

5. The respondent's offence was aggravated by the fact that it was carried out whilst he was employed as a solicitor's clerk. It was right that an Order controlling his future employment within the solicitors' profession should be made in respect of the respondent.

The Tribunal FOUND the allegation to have been substantiated. There was no doubt that it was entirely right that an Order pursuant to Section 43 of the Solicitors Act 1974 should be made in respect of the respondent and that he should pay costs in a fixed sum.

DATED this 30th day of August 1996

on behalf of the Tribunal

  
G.B. Marsh  
Chairman

Findings filed with the  
Law Society on the 4<sup>th</sup>  
day of September 1996