

IN THE MATTER OF JULIAN ANDREW SPURRIER, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. D J Leverton (in the Chair)

Mr. J W Roome

Dame Simone Prendergast

Date Of Hearing: 3rd October 1996

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## FINDINGS

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

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An application was made on behalf of the Solicitors Complaints Bureau (subsequently the Office for the Supervision of Solicitors) on the 25th June 1996 by Peter Harland Cadman, solicitor of 2 Putney Hill, Putney, London SW15 that Julian Andrew Spurrier of

Whitstable, Kent (subsequently the respondent notified the Tribunal that his address was Whitstable, Kent.) 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.

The allegations were that the respondent had been guilty of conduct unbecoming a solicitor in each of the following particulars namely that he had:-

- (i) utilised clients' funds for his own purposes;
- (ii) misappropriated clients' funds.

The application was heard at the Court Room No. 60 Carey Street, London, WC2 on the 3rd October 1996 when Peter Harland Cadman solicitor and partner in the firm of Messrs.

Russell-Cooke, Potter & Chapman of 2 Putney Hill, Putney, London SW15 appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the respondent contained in a letter addressed to the Tribunal by the respondent dated the 4th July 1996.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Julian Andrew Spurrier of Whitstable, Kent (formerly of Whitstable, Kent) 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 £587.48p inclusive.

The facts are set out in paragraphs 1 to 4 hereunder:-

1. The respondent, born in 1946, was admitted a solicitor in 1970. At the material times he practised in partnership under the style of Messrs Mowll & Mowll at Canterbury, Kent.
2. On 19th February 1996 the partners of Messrs Mowll & Mowll reported to the Solicitors Complaints Bureau that the respondent had misappropriated clients' funds.
3. On 28th February 1996 the Investigation Accountant of the Law Society carried out an inspection of the books of account of Messrs Mowll & Mowll and the Tribunal had before it a copy of the Investigation Accountant's report of 8th March 1996. The books of account of the Dover office of the firm complied with the Solicitors Accounts Rules in all material respects but the books of account of the Canterbury office were not in compliance with the Solicitors Accounts Rules as they contained numerous false entries made at the respondent's instigation. The Investigation Accountant established that the minimum liability to clients not shown by the books at the Canterbury office amounted to £213,147.25. It arose in the following way:-

(i) Personal payments by the respondent	£160,240.75
(ii) Payments of a personal nature by the respondent	49,656.50
(iii) Misuse of clients' funds by the respondent	<u>3,250.00</u>
	<u>£213,147.25</u>

4. Upon being interviewed the respondent had admitted that he had withdrawn clients' funds and paid them into his own personal accounts and that false accounting entries had been made, at his instigation, in order to conceal these personal payments.

#### **The submissions of the Applicant**

5. On the 2nd October 1996 Kent County Constabulary had reported to the applicant that the respondent had appeared before Mr Justice Collins at Maidstone Crown Court on the 2nd October where he pleaded guilty to ten charges of theft, all from clients of Messrs Mowll & Mowll solicitors. He was sentenced to eighteen months imprisonment concurrent on each charge.

6. The respondent had been guilty of serious professional misconduct and, it transpired, had been convicted of criminal offences relating to the taking of clients' money.

**The submissions of the respondent (contained in his beforementioned letter of the 4th July 1996)**

7. The respondent said that he fully expected to be struck off the Roll of Solicitors and did not oppose any application made. He said that he would find it difficult to make any contribution towards the costs of the proceedings as he was currently in receipt of income support.
8. The respondent apologised for bringing the name of solicitors into disrepute.

The Tribunal FOUND the allegations to have been substantiated, it appeared that the respondent had not retained any of the clients' money taken for his own use and purposes but had passed it on to those whom he felt to be in need. Solicitors were trusted by their clients to handle monies placed in their care with the utmost integrity and honesty and the respondent had fallen down very badly in that respect. Such behaviour could not be tolerated. The Tribunal Ordered that the respondent be Struck Off the Roll of Solicitors and they further Ordered him to pay costs in a fixed sum.

DATED this 30th day of October 1996

on behalf of the Tribunal



D J Leverton  
Chairman

