

IN THE MATTER OF JEREMY PAUL ANDREW REICHELT, Solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J W Roome (in the Chair)

Mr. A H Isaacs

Mrs. C Pickering

Date Of Hearing: 9th January 1997

FINDINGS

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

An application was duly made on behalf of the Solicitors Complaints Bureau (subsequently The Office for the Supervision of Solicitors) by David Swift solicitor of 19 Hamilton Square, Birkenhead on the 23rd July 1996 that Jeremy Paul Reichelt of Brighton Marina, Brighton 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 allegation was that the respondent had been guilty of conduct unbecoming a solicitor in the following particulars namely that he:-

failed to deliver an Accountant's Reports required pursuant to a Condition imposed upon his Practising Certificate and/or an Accountant's Report confirming that he had ceased to hold clients' funds.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 9th January 1997 when Jonathan Goodwin solicitor and partner in the firm of Percy Hughes & Roberts of 19 Hamilton Square, Birkenhead appeared for the applicant and the respondent did not appear and was not represented.

By letter dated the 24th October 1996 received by the Tribunal's office on the 28th October 1996 the respondent, referring to the Tribunal's case number 7188/1996, said "I am part of a crew on a sailing yacht for six months and will not be contactable. I will contact you on my return".

It appeared that the documents sent to the respondent by recorded delivery mail had been returned to the office, but notice of the proceedings had also been served upon the respondent by first class post which letter had not be returned to the Tribunal's office. Clearly the respondent was aware of the proceedings as he had quoted the Tribunal's case number. In the circumstances the Tribunal accepted that the respondent had been properly served with the proceedings and agreed that the matter should go to a full hearing.

The evidence before the Tribunal included the respondent's beforementioned letter.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Jeremy Paul Andrew Reichelt of Brighton Marina, Brighton solicitor be suspended from practice as a solicitor for an indefinite period to commence on the 9th day of January 1997 and they further Ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £917.34p inclusive.

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

1. The respondent, born in 1957, was admitted as a solicitor in 1983. At the material times he practised on his own account under the style of Jeremy Reichelt & White at 219A Rye Lane, Peckham, London SE15. On 2nd January 1995 the respondent closed his practice and was not practising as a solicitor at the time of the application and the hearing.
2. The respondent's Practising Certificate for the practice year commencing from November 1994 was subject to the condition that he lodge half yearly Accountant's Reports within three months of the end of the period to which they related. The respondent's six monthly accounting periods ended on the 31st March and the 31st October each year. The respondent delivered accountant's reports for the periods up to the 31st October 1994 but delivered no accountant's report for any accounting period thereafter and no "cease to hold" report for the accounting period ending on the 2nd January 1995, the date upon which he closed his practice.
3. On the 7th August 1995 the Solicitors Complaints Bureau (The Bureau) wrote to the respondent requiring delivery of the outstanding Accountant's Reports.
4. On the 22nd November 1995 the Conduct Committee of the Adjudication and Appeals Committee of the Law Society directed that the respondent file his outstanding "cease to hold" report within twenty eight days failing which disciplinary proceedings would be commenced. No such report had been filed.

The submissions of the applicant

5. The facts made the respondent's position very plain. The applicant accepted that there was no reason to suppose that the respondent had been guilty of any financial

irregularity or that there was any shortfall on his client account. He had simply not complied with regulatory requirements.

The findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated.

On the 5th May 1994 the Tribunal found the following allegations to have been substantiated against the respondent:-

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) failed to comply with a direction made by the Assistant Director of the Solicitors Complaints Bureau acting pursuant to delegated powers;
- (ii) failed to reply to letters from the Solicitors Complaints Bureau.

On that occasion the Tribunal noted the apology of the respondent and his explanation that he appeared to have suffered from a mental block at a time when he was experiencing matrimonial difficulties and the client with whom he dealt had been somewhat difficult. The Tribunal said that it could not overlook a solicitor's failure to deal properly with enquiry addressed to him by his own professional body and they took a particularly serious view of the failure of a solicitor to comply with a Direction made by his own professional body. The Tribunal Ordered the respondent to pay a fine of £1,000 and further Ordered him to pay the costs of and incidental to that application and enquiry.

In connection with the matters before them on the 9th January 1997, the Tribunal regretted that the respondent appeared to have abandoned all responsibility. He did not appear to have acted dishonestly, however. The respondent's failure to recognise the considerable burden of responsibility falling on his shoulders as a solicitor was unacceptable and the Tribunal considered it right that they should impose upon the respondent an indefinite period of suspension and ordered him to pay costs in a fixed sum. It was, of course, open to the respondent to make application to the Tribunal for the period of suspension to be determined when he would be required to show that he was an entirely fit and proper person to practise as a solicitor and that he recognised and was fully aware of the considerable responsibilities that being a member of the solicitors' profession entailed.

DATED this 6th day of March 1997

on behalf of the Tribunal



J W Roome
Chairman

