

IN THE MATTER OF ANTHONY STEPHEN BAKER, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J C Chesterton (in the Chair)

Mr. J W Roome

Mr. K J Griffin

Date Of Hearing: 17th April 1997

FINDINGS

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

An application was duly made on behalf of the Office for the Supervision of Solicitors by Peter Harland Cadman solicitor of 2 Putney Hill, Putney, London SW15 on the 9th September 1996 that Anthony Stephen Baker of Acocks Green, Birmingham 27 a solicitor might be required to answer the allegation 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 that he failed to deliver Accountant's Reports notwithstanding Section 34 of the Solicitors Act 1974 and the Rules made thereunder.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 17th April 1997 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. In a letter addressed to the Tribunal addressed to the applicant dated the 24th February 1997 the respondent asked if he might make written submissions to the Tribunal as he was unable to afford to travel to London to attend the hearing.

The evidence before the Tribunal included the admission of the respondent contained in his beforementioned letter.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Anthony Stephen Baker of Edgbaston, Birmingham 17 (formerly of Acocks Green, Birmingham 27) solicitor be suspended from practice as a solicitor for an indefinite period to commence on the 17th day of April 1997 and they further Ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £789.08p.

The facts are set out in paragraphs 1 to 5 hereunder:-

1. The respondent, born in 1955 was admitted as a solicitor in 1980. At the material times he practised on his own account under the style of Anthony Baker at the Whitehouse, 111 New Street, Birmingham.
2. The respondent had not provided an Accountants Report to the Law Society for the whole period of his sole practice between the dates 1st July 1992 and 2nd June 1993.
3. That omission was drawn to the respondent's attention by a letter dated 20th February 1995 from the Solicitors Complaints Bureau (The Bureau) with a further reminder. In response the respondent said that he believed that the Accountant's Report had been received by the Law Society and he had asked his accountant to let him know what was outstanding. Further letters were sent to the respondent and on the 4th February 1996 the respondent said that he had not realised that the matter was still outstanding because of his personal circumstances. A major problem had been that his car had been broken into and a great deal of his records and accounts had been in the boot. He was expecting his accountant to submit a qualified report on the 25th February. In a letter he said that he expected his Accountant's Report to be available shortly.
4. On the 27th March 1996 the Conduct Sub-Committee of the Solicitors Complaints Bureau resolved to rebuke the respondent for the delay in lodging his Accountant's Report and expected him to lodge with the Law Society the outstanding Report within fifty six days. That decision was communicated to the respondent by letter dated the 15th April 1996.
5. At the date of the hearing the Report still had not been lodged.

The Submissions of the applicant

6. The respondent had failed to file an Accountant's Report for the whole of the period during which he practised as a sole principal. He had been rebuked for his failure by the Sub-Committee of the Solicitors Complaints Bureau.
7. The applicant was unable to assist the Tribunal other than to say that he had understood that the respondent was seeking employment and that the Investigation Accountant of the Law Society had carried out an inspection and had not reported any material irregularities.

The submissions of the respondent (contained in his before-mentioned letter of the 24th February 1997.)

8. The respondent said that his accountants were a very reputable Birmingham firm who had known the respondent for seventeen years and he was sure that they would be able to confirm that all was in order so far as his practice was concerned at the time he amalgamated into a larger practice. The respondent apologised for the problems he had caused.

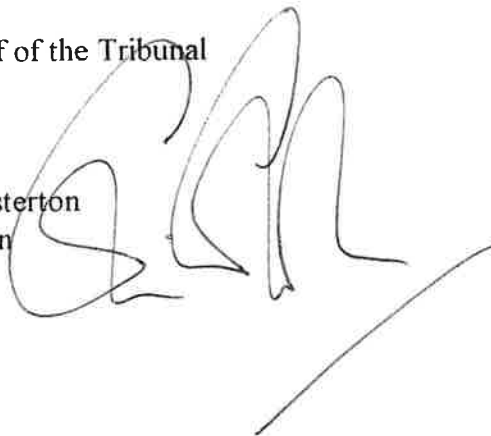
The Findings of the Tribunal

The Tribunal found the allegation to have been substantiated. Clearly it was of great importance that a solicitor should comply with the statutory requirement to file an annual Accountant's Report. Unless the Law Society had a satisfactory Report in its possession, it was not able to offer an assurance to clients and, indeed, to the other members of the solicitors' profession, that there was no question of clients' monies being placed in jeopardy if placed in the trust of the reporting solicitor. The Tribunal was disadvantaged by having very little information before it. It appeared clear to the Tribunal that the respondent was in financial difficulty and clearly his accountants would not feel able to undertake the investigatory work leading to the provision of a formal Accountant's Report. The Tribunal could not condone the continuing breach. The Tribunal decided to impose a period of indefinite suspension upon the respondent and wished to make it plain that they would consider an application for the period of suspension to be determined when the respondent was able to show either that he had filed a satisfactory Accountant's report or had obtained an appropriate waiver of the need so to do from the Law Society. The Tribunal further Ordered that the respondent should pay the applicant's costs in a fixed sum.

DATED this 27th day of June 1997

on behalf of the Tribunal

J C Chesterton
Chairman



Findings of the
Law Society on the 2nd
day of July 1997