

IN THE MATTER OF PETER NORMAN BUCKNALL, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. K I B Yeaman (in the Chair)
Mr. D W Faull
Mr. Dr. Z U Khan

Date Of Hearing: 20th May 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 Gerald Malcolm Lynch of 16 Warrior Square, Southend on Sea, Essex on the 18th October 1996 that Peter Norman Bucknall of Staffordshire, ST15 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 allegation was that the respondent had failed, alternatively failed with reasonable expedition, to deliver an Accountant's Report in respect of his practice as a solicitor, had failed to act in accordance with a decision of the Adjudication and Appeals Committee of the Solicitors Complaints Bureau in this regard and consequently had been guilty of conduct unbefitting a solicitor.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 20th May 1997 when Gerald Malcolm Lynch solicitor and partner in the firm of Messrs. Drysdales (formerly Drysdales & Janes) of Cumberland House, 24/28 Baxter Avenue, Southend on Sea. The respondent did not appear and was not represented.

The evidence before the Tribunal included that satisfying them that the documents had been duly served as had Civil Evidence Act Notices and Notices under the Tribunal's rules of procedure.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Peter Norman Bucknall of Stone, Staffordshire, (address subsequently notified to be Cold Meece, Stone, Staffordshire, ST15) be suspended from practice as a solicitor for an indefinite period to commence on the 20th May 1997 and they further ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £2,498.78 inclusive.

The facts are set out in paragraphs 1 to 6 hereunder.

1. The respondent, 52 years of age, was admitted a solicitor in 1973. At the material times he practised on his own account under the style of Peter Bucknall at Stone, Staffordshire.
2. The respondent's Accountant's Report was due for his financial period ending on the 30th April 1995 not later than the 30th October 1995. On the 27th October the respondent wrote to the Law Society seeking an extension of one month. On the 2nd November he was granted an extension of time until the 30th November. On that date the respondent wrote to the Law Society requesting a further extension of time owing to his accountant's absence. The Law Society agreed that the time for the filing of his Accountant's Report might be extended until the 31st December. The report was not delivered within that period of time.
3. On the 8th January 1996 the Law Society wrote to the respondent pointing out that the report had not been filed and he was subject to section 12 of the Solicitors Act 1974.
4. The matter was referred to the Solicitors Complaints Bureau (the predecessor of the Office for the Supervision of Solicitors) who wrote to the respondent on the 19th February 1996 requesting explanation within 14 days. The respondent replied on the 20th June saying that he had no satisfactory explanation.
5. On the 17th July 1996 the appropriate Committee decided to rebuke the respondent for his late delivery of his Accountant's Report and required him to submit the outstanding report to the Society within 28 days of being notified of the decision.
6. No Accountant's Report had been filed.

The Submissions of the Applicant

7. The respondent, despite assistance to him by the Law Society and reminders had failed to comply with the professional requirement that he file an Accountant's Report with the Law Society in time.

8. The applicant had checked to establish that there had been no claim on the Law Society's Compensation Fund.
9. Because an Accountant's Report had not been filed the situation was entirely unsatisfactory. It was not clear that the respondent's books of account were properly and satisfactorily kept and that clients' money had not been placed in jeopardy. As well as no claims on the Law Society's Compensation Fund there was no evidence that the respondent had any dissatisfied clients. The only contact which the respondent had made with the applicant was a telephone call to clarify his new address. The Tribunal was notified that the respondent's new address was Cold Meece, Stone, Staffordshire, ST15

The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated. They found it extremely difficult to decide how to deal with the respondent. It was difficult not to infer that the respondent's accounts were unsatisfactory and probably in a mess. A solicitor might not choose whether or not he complied with professional requirements. The respondent would remain in continuing breach of his obligation to file an Accountant's Report until he did so. The Tribunal could not condone such failure and would be doing so if it allowed a solicitor to continue to practise knowing that he was in breach. For that reason the Tribunal ordered that the respondent be suspended from practice for an indefinite period of time and wished to point out to the respondent that he could apply for the period of time to be determined when he was able to demonstrate to the Tribunal that he had put his house in order. In view of the respondent's failure and his lack of any explanation the Tribunal invited the Law Society to consider whether the respondent was in any event a person who should be permitted to practise as a sole principal.

DATED this 16th day of September 1997

on behalf of the Tribunal



K I B Yeaman
Chairman

*Findings filed with the
Law Society on the 23rd
day of September 1997*