

IN THE MATTER OF ISIDORE RYNHOLD, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. D. E. Fordham (in the Chair)  
Mr. J.R.C. Clitheroe  
Mrs. C. Pickering

Date Of Hearing: 27th February 1997

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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 and then a partner in the firm of Messrs. Percy Hughes & Roberts of 19 Hamilton Square, Birkenhead, Merseyside on the 2nd December 1996 that an Order be made by the Tribunal directing that as from a date specified in the Order no solicitor should, except with the 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 Isidore Rynhold of New Southgate, London N11 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 criminal offences 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.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 27th February 1997 when Jonathan Goodwin, solicitor and partner in the firm of Messrs. Percy

Hughes & Roberts of 19 Hamilton Square, Birkenhead, Merseyside appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the admission of the respondent and exhibits "IR 1" and "IR 2" (letters dated respectively 8th February and 17th February written by the respondent's wife to the applicant's firm).

At the conclusion of the hearing the Tribunal ORDERED that as from 27th February 1997 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 Isidore Rynhold of Bowes Park, London N11 a person who was or had been a clerk to a solicitor.

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

1. The respondent, who was not a solicitor, was employed as a conveyancing clerk by Messrs. Mendozas, solicitors of 13 Masons Avenue, Harrow, Middlesex.
2. The respondent had been employed in that capacity by the firm for a number of years. The partner responsible for the supervision of the respondent was Michael Howard Mendoza. The firm of Messrs. Mendoza was subject to an intervention by the Law Society.
3. At the Southwark Crown Court on 7th September 1992 in respect of offences of conspiracy, obtaining by deception and procuring the execution of a valuable security by deception the respondent was convicted and sentenced to a period of nine months imprisonment on the 18th September 1992. Upon appeal from that sentence, the respondent's term of imprisonment was reduced to four months.

#### **The submissions of the applicant**

4. The respondent who had been a solicitor's clerk had been convicted of a criminal offence and it was right that his future employment within the solicitors' profession should be controlled. In answer to the concern of the Tribunal about the delay in bringing the matter before it, the Solicitors Complaints Bureau (the Bureau) (subsequently the Office for the Supervision of Solicitors) had first become aware of concerns about Mendozas in July of 1992. It was regretted that details were not available to be placed before the Tribunal, but the respondent's conviction took place shortly after that; the police investigation must have been in train beforehand.
5. In January 1993 a statement of activities was obtained from the respondent. At that time he was assisting the Bureau.
6. When enquiry was made of the respondent's solicitors in August 1994 they had not been able to disclose his whereabouts. Efforts were made to trace him and when eventually he had been traced there had been a twelve month period of delay which could not be explained and for which the Bureau apologised.

7. The respondent had not worked since his conviction and employment within the solicitors' profession was not a matter for concern. An enquiry agent instructed to trace the whereabouts of the respondent had in due course reported that the respondent had not enjoyed the best of health and had not worked since his release from prison. At the time of the hearing it was understood that the respondent had reached the age of sixty-eight.
8. After the respondent had been traced, the matter was referred back to the appropriate committee of the Bureau and thereafter there had been another period of delay for which no explanation could be offered.
9. Despite the passage of time, it was right that the future employment of the respondent within the solicitors' profession should be controlled.

**The submissions of the respondent**

10. The respondent wrote to the applicant's firm on 6th January 1997. The Tribunal have set out here the points made therein by the respondent. He said he was sixty-eight years of age and had no desire to return to legal practice in any capacity.
11. At the hearing at the Crown Court he pleaded guilty only to drawing the documents. He was not involved nor did he participate in what occurred between his principal, his clients and the lenders. The respondent had received no financial benefit. At all times he did no more than carry out specific instructions from his principal, Michael Mendoza.
12. The original sentence of nine months on appeal was reduced to four months.
13. Prior to the disciplinary proceedings the respondent had sent to the Law Society a schedule of defalcations by Mr. Mendoza. In addition, the respondent had a judgment against Mr. Mendoza for salary in the sum of £20,000 on which he had recovered nil and according to the liquidators there was no chance of recovering one penny in the future.
14. During his final year with Mendozas, 1991, the respondent had been in hospital in May and September, each time for a total hip replacement. He had been in the position of drawing sickness benefit from 1991 until May 1994. That became no longer applicable when the respondent reached the age of sixty-five. The respondent had been able to take a sedentary stress-free job in April 1995 as a clerk with a shelving company at a wage of £120 per week. He had no other financial resources.
15. The respondent was dismayed that the Law Society had taken over four years to get to grips with the matter. He had a very traumatic time throughout the trial and the subsequent prison sentence. He had been supported by his family throughout and was distressed that the whole matter might be aired again in the public domain.

The Tribunal FOUND the allegation to have been substantiated. It regretted that it had not been given more details of the offences of which the respondent had been convicted and had not seen a copy of the sentencing remarks, nor a copy of any

judgment issued by the Court of Appeal. It was, however, clear that the sentence imposed upon the respondent was a very lenient one. Unfortunately, the Tribunal was not able to overlook the fact that the respondent had been convicted of a criminal offence. The Tribunal, in connection with an application for an Order pursuant to section 43 of the Solicitors Act 1974, had no discretion as to the nature of the sanction to be imposed and could either make the Order sought or refuse to make it. Clearly in such a case it was right that an Order should be made and the Tribunal did indeed make the Order sought. However, in view of the exceptional circumstances and the very great delay between the conviction and disciplinary proceedings and the age of the respondent, the Tribunal made no Order for costs.

DATED this 28th day of March 1997

on behalf of the Tribunal



D.E. Fordham  
Chairman

