

IN THE MATTER OF JEFFREY STEPHEN GROSSMAN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr J N Barnecutt (in the chair)

Mr W M Hartley

Ms A Arya

Date of Hearing: 21st May 2002

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 ("OSS") by Stephen John Battersby solicitor and partner in the firm of Jameson & Hill of 72-74 Fore Street, Hertford, Hertfordshire, SG14 1BY on 15th December 1999 that Jeffrey Stephen Grossman of Woodside Park, London, N12 might be required to answer the allegation contained in the statement which accompanied the application and that such order might be made as the Tribunal should think right.

The Tribunal gave leave to the Applicant to proceed by way of an amended Rule 4 Statement dated 28th February 2002.

The allegation against the Respondent contained in the amended statement was that he had been guilty of conduct unbecoming a solicitor in that he had been convicted of an offence of dishonesty.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 21st May 2002 when Stephen John Battersby solicitor and partner in the firm of Jameson & Hill of 72-74 Fore Street, Hertford, Hertfordshire, SG14 1BY appeared as the Applicant and the Respondent appeared in person.

At the conclusion of the hearing the Tribunal ordered that the Respondent Jeffrey Stephen Grossman of Woodside Park, London, N12 solicitor be struck off the Roll of Solicitors and they further ordered him to pay the legal costs of and incidental to the application and enquiry fixed in the sum of £1,721.38 together with the costs of the Investigation Accountant to be subject to detailed assessment unless agreed.

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

1. The Respondent born in 1950 was admitted as a solicitor in 1982 and his name remained on the Roll of Solicitors.
2. At the material time the Respondent carried on practice on his own account under the style of J Grossman & Co.
3. Between 1st September 1999 and 14th September 1999 the Respondent had made seven round sum cash withdrawals of monies belonging to a client totalling £82,500. During an inspection by the Monitoring & Investigation Unit of The Law Society the Respondent said that the withdrawals had been for his own use but not for his own benefit.
4. On 4th October 2001 the Respondent appeared before the Crown Court at Southwark and pleaded guilty to an offence of theft. A copy of the Certificate of Conviction was before the Tribunal.
5. On 10th January 2002 the Respondent was sentenced to a period of eighteen months imprisonment suspended for two years. A copy of the Judge's sentencing remarks was before the Tribunal.

The Submissions of the Applicant

6. The Respondent did not dispute the allegation and the Applicant was grateful to the Respondent for attending.
7. The case had earlier been adjourned at the Respondent's request to allow police enquiries to take place but the delay was not in any way the Respondent's fault. It was only late in 2001 that the Respondent had appeared before the Crown Court to enter his plea and only in 2002 that he had been sentenced.
8. In passing sentence His Honour Judge Dodgson had taken the wholly exceptional step of suspending the eighteen month prison sentence imposed on the Respondent for two years.
9. The circumstances of the Respondent about which the Tribunal had read were quite exceptional. It was impossible not to have a great deal of sympathy with the Respondent.
10. By virtue however of the very fact of conviction the Respondent was guilty of conduct unbecoming a solicitor.

11. The applicant gave the Tribunal details of his costs and those of the Investigating Accountant. The Applicant said that Mr Carnell, solicitor who had been assisting the Respondent had made strong representations on the Respondent's behalf regarding costs. The Applicant appreciated that the Tribunal had discretion as to costs.

The Submissions of the Respondent

12. The Respondent had attended the hearing as a matter of courtesy to the Tribunal. He had felt that it was the appropriate thing to do.
13. The Respondent was grateful to the Applicant for his assistance and courtesy.
14. The Respondent accepted the allegation.
15. There was some uncertainty regarding the costs of the Investigation Accountant as the Respondent understood that The Law Society had claimed in his IVA in that respect.

The Findings of the Tribunal

The Tribunal found the allegation to have been substantiated indeed it was not contested.

The Tribunal had read the correspondence and the medical reports submitted on behalf of the Respondent. The Tribunal was grateful to the Respondent for attending the hearing. The allegation was however of the most serious kind involving the misappropriation of client's funds. Such conduct went to the heart of the relationship between the solicitor and his client. The Tribunal was aware from the documentation of the Respondent's exceptionally difficult circumstances to which the Applicant had referred. The Respondent had however been convicted in criminal proceedings of an offence of dishonesty. The appropriate penalty was to strike the Respondent from the Roll.

The Tribunal ordered that the Respondent Jeffrey Stephen Grossman of Woodside Park, London, N12 solicitor be struck off the Roll of Solicitors and they further ordered him to pay the legal costs of and incidental to the application and enquiry fixed in the sum of £1,721.38 together with the costs of the Investigating Accountant to be subject to detailed assessment unless agreed.

DATED this 22nd day of August 2002

on behalf of the Tribunal

J N Barnecutt
Chairman