

IN THE MATTER OF MARTYN ROWLAND NEAL, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mrs E Stanley (in the chair)
Mr S N Jones
Mr M G Taylor CBE

Date of Hearing: 28th 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 David Elwyn Barton solicitor and partner in the firm of Whitehead Monckton of 72 King Street, Maidstone, Kent, ME14 1BL on 22nd November 2001 that Martyn Rowland Neal of Oadby, Leicestershire, solicitor 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 allegations against the Respondent were as follows:-

- (a) that he had dishonestly utilised clients' money for his own purposes;
- (b) that he had acted in breach of the Solicitors' Accounts Rules 1991 in that contrary to the provisions of Rules 7 and 8 of the said Rules (Rule 22 of the Solicitors' Accounts Rules 1998) he had drawn from client account monies other than in accordance with the said Rules and utilised the same for his own benefit;
- (c) that he had been guilty of conduct unbecoming a solicitor.

By a Supplementary Statement of David Elwyn Barton dated 19th March 2002 it was further alleged against the Respondent that he had been guilty of conduct unbefitting a solicitor in that he had been convicted at Leicester Crown Court on his guilty plea on 11th February 2002 of five counts of theft of monies belonging to clients.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 28th May 2002 when David Elwyn Barton solicitor and partner in the firm of Whitehead Monckton of 72 King Street, Maidstone, Kent, ME14 1BL appeared as the Applicant and the Respondent did not appear and was not represented.

At the conclusion of the hearing the Tribunal ordered that the Respondent Martyn Rowland Neal of Oadby, Leicestershire, solicitor be struck off the Roll of Solicitors and they further ordered that he do pay the costs of and incidental to the application and enquiry fixed in the sum of £4,799.67.

The facts are set out in paragraphs 1 to 9 hereunder: -

1. The Respondent born in 1956 was admitted as a solicitor in 1980. His name remained on the Roll of Solicitors.
2. At all material times the Respondent was carrying on practice in partnership in the firm of Edwards Hands & Lewis of 3 Rectory Place, Loughborough, Leicester, LE11 1UW. As a result of the matters which were the subject of these proceedings the Respondent left the partnership on 28th September 2000.
3. A copy of a Report of the Monitoring & Investigation Unit dated 15th December 2000 was before the Tribunal together with correspondence between the OSS and the Respondent and his former partners and a Resolution of the Adjudication Panel dated 4th September 2001.
4. The Report was prepared following an investigation into the books of account of Edward Hands & Lewis commencing on 5th October 2000. The inspection followed notification by the firm to the OSS misappropriation of clients' funds by the Respondent.
5. The investigation revealed that the Respondent had misused client funds totalling £338,837.66.
6. The Respondent admitted misappropriation of clients' funds to the Investigation & Compliance Officer and confirmed this admission in a letter to the OSS dated 27th January 2001.
7. The Respondent told the Investigation & Compliance Officer that he had, during a period of some years, misappropriated various clients' funds and that in order to do this he had, amongst other things, maintained a fictitious ledger account in the clients' ledger which recorded funds received by the firm relating to other clients and payments which, in the main, were for his personal benefit. Details were set out in the Report.

8. The Respondent was convicted at Leicester Crown Court on his guilty plea on 11th February 2002 of five counts of theft of monies belonging to clients. A copy of the Certificate of Conviction together with a transcript of the Judge's sentencing remarks was before the Tribunal.
9. The Respondent was sentenced to a term of imprisonment of four years on the first count and four years on each of the remaining counts to run concurrently.

The Submissions of the Applicant

10. The Respondent was in the early stages of a term of imprisonment imposed by the Crown Court. The Applicant had heard nothing at all from the Respondent.

The Findings of the Tribunal

11. The Tribunal found the allegations to have been substantiated from the documentation before it. The Tribunal noted the sentencing remarks of His Honour Judge Hamilton in which he had drawn attention to the lengthy period over which the Respondent had been stealing clients' money, the effect on the victims (including the beneficiaries of the estate from which the Respondent had taken funds and the Respondent's own former partners) and the impact of the offences on the public and public confidence. Judge Hamilton had said:-

"You've destroyed that confidence that people should have in solicitors who were at one time and still are for the most part people of the highest standing and integrity in this community and you have reduced the confidence in such people by your dishonesty."

12. The Respondent had been convicted of offences of dishonesty and was guilty of an appalling breach of clients' trust. In the interests of the public and the reputation of the profession he could not be allowed to continue to practise as a solicitor. The Tribunal therefore ordered that the Respondent Martyn Rowland Neal of Oadby, Leicestershire, solicitor be struck off the Roll of Solicitors and they further ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £4,799.67.

DATED this 4th day of September 2002

on behalf of the Tribunal

E Stanley
Chairman