

IN THE MATTER OF BEVERLEY LAIALA RYALL, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. A.N. Spooner (in the chair)  
Mrs. E. Stanley  
Mr. G. Fisher

Date of Hearing: 19th September, 2002

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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 Office for the Supervision of Solicitors ("OSS") by Ian Paul Ryan, solicitor and partner in the firm of Russell-Cooke of 2 Putney Hill, Putney, London SW15 6AB on 26<sup>th</sup> February 2002 that Beverley Laiala Ryall of Fishbourne, Nr Chichester (formerly of West Pallant, Chichester,) 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.

On the 9<sup>th</sup> August 2002 the Applicant made a supplementary statement. The allegations set out below are those contained in the original and supplementary statements.

The allegations were that the Respondent had been guilty of conduct unbecoming a Solicitor in each of the following particulars, namely:-

- (i) That she failed to keep accounts properly written up for the purposes of Rule 11 of the Solicitors Accounts Rules (the 1991 Rules) or for the purposes of Rule 32 of the Solicitors Accounts Rules 1998 (the 1998 Rules).

- (ii) That she failed to carry out reconciliations as required by either the 1991 Rules or the 1998 Rules.
- (iii) That she failed to deliver or has delivered late Accountant's Reports notwithstanding Section 34 of the Solicitors Act 1974 and the Rules made thereunder.
- (iv) That she failed to redeem a mortgage on behalf of a client; and
- (v) That she practised without a valid current Practising Certificate as required by Section 1 of the Solicitors Act 1974.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 19 September 2002 when Ian Paul Ryan, solicitor and partner in the firm of Russell-Cooke of 2 Putney Hill, Putney, London SW15 6AB appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included an affidavit of service of Brenda Thain dated the 2<sup>nd</sup> September 2002.

#### Preliminary Application

The Applicant invited the Tribunal to abridge time in respect of the service of the supplementary statement. The statement had been served upon the Respondent by post on the 18<sup>th</sup> August 2002. It had been sent by recorded delivery, but the Respondent had not collected it from the Post Office. It was subsequently served personally on the 28<sup>th</sup> August 2002. The Respondent had confirmed her identity and had accepted service.

In the circumstances, the Tribunal agreed that the time for the service of the supplementary statement be abridged and confirmed that the allegation contained therein would be dealt with at the substantive hearing on the 19<sup>th</sup> September 2002.

The Tribunal noted that Notices to Admit had been served upon the Respondent and oral evidence would not be called. No counter-notices had been received.

At the conclusion of the hearing the Tribunal ordered that the Respondent Beverley Laijala Ryall of Fishbourne, Nr Chichester (formerly of West Pallant, Chichester) solicitor be struck off the Roll of Solicitors and they further ordered that she pay the costs of and incidental to the application and enquiry fixed in the sum of £5,753.60.

The facts are set out in paragraph 1 to 12 hereunder.

1. The Respondent, born in 1946, was admitted as a solicitor in 1989. At the material time she carried on practice on her own account under the style of Beverley Ryall Solicitors at West Pallant Court, 10 West Pallant, Chichester, PO19 1TD.
2. Upon due notice to the Respondent the investigating accountant of the Law Society inspected the Respondent's books of account. A copy of the investigating accountant's report of 30<sup>th</sup> March 2001 was before the Tribunal. The investigating accountant noted, inter alia, that at the inspection date of 14<sup>th</sup> March 2002 the following position existed:-

- (i) There was a minimum cash shortage of £15,707.13.
  - (ii) That no reconciliation of the client account had been carried out since 31<sup>st</sup> March 1999.
  - (iii) That no entries had been made in the clients' ledger since 6<sup>th</sup> December 2000 and that several clients ledger accounts contained errors and omissions.
  - (iv) That the Respondent's Accountant's Report for the year ended 31<sup>st</sup> March 2000 and due on 30<sup>th</sup> September 2000 remained outstanding as at the inspection date.
  - (v) That the Respondent had failed to redeem a mortgage of £27,237.89 for her clients, Mr and Mrs S, due to errors in the completion statement and the fact that she had insufficient funds to do so. The mortgage, which should have been redeemed on 23<sup>rd</sup> February 2001, remained outstanding as at 27<sup>th</sup> March 2001.
3. The Respondent applied for her 2000/2001 Practising Certificate by letter dated 13<sup>th</sup> March 2001 enclosing a completed Notice of Intention to apply for a Practising Certificate (Form RFS 12). She used a referee who was subject to Section 12(1) of the Solicitors Act 1974 (as amended) and therefore not eligible. The Respondent was informed of this by letter dated 26<sup>th</sup> March 2002. This letter also asked her to re-submit her application.
  4. The Respondent did not re-submit her application and was written to again on 30<sup>th</sup> April 2001, 18<sup>th</sup> July 2001, 28<sup>th</sup> August 2001 and 3<sup>rd</sup> October 2001.
  5. The Respondent replied by letter dated 10<sup>th</sup> October 2001 in which she requested an extension to re-submit her application until 17<sup>th</sup> October 2001. This was granted by the OSS in a letter dated 12<sup>th</sup> October 2001.
  6. The Respondent did not re-submit her application and her Practising Certificate was terminated with effect from 31<sup>st</sup> October 2001. The Respondent was informed of this by letter of the same date.
  7. The OSS was concerned that the Respondent was continuing to practise as a solicitor as she operated on her own account. The OSS wrote to the Respondent on 3<sup>rd</sup> December 2001 putting her on notice of a possible intervention. The Respondent was asked to provide the OSS with an explanation within 14 days of 3<sup>rd</sup> December 2001.
  8. The Respondent replied by letter dated 19<sup>th</sup> December 2001 stating that she was winding down her practice with a view to retirement in the very near future.
  9. The OSS telephoned the firm on 24<sup>th</sup> January 2002 and was told that the Respondent was on holiday, but that the firm still operated as a firm of solicitors and was due to be wound down within the next couple of months.

10. The OSS wrote to the Respondent on 12<sup>th</sup> February 2002. She replied by letter dated 13<sup>th</sup> February 2002 stating that she had ceased to practise on 31<sup>st</sup> January 2002. The OSS wrote to the Respondent again on 18<sup>th</sup> March 2002 asking for information with respect to the current position of her live and dead client files and client accounts. The letter again warned of the possibility of an intervention.
11. The Respondent did not reply to that letter and the matter was considered by the Professional Regulation Casework Sub Committee on 18<sup>th</sup> April 2002 and they resolved to intervene in the practice of the Respondent and to refer her conduct to the Tribunal. The Respondent was informed of that decision by letter dated 7<sup>th</sup> May 2002.
12. The OSS was subsequently contacted by Biscoe Solicitors of 83 Kingston Crescent, North End, Portsmouth, Hants who were dealing with a conveyancing transaction where the Respondent was acting on the other side. Biscoe Solicitors had discovered that the Respondent's firm had been intervened and that she had no current Practising Certificate. She continued to write to Biscoe Solicitors under the style of Beverley Ryall Solicitors and was therefore continuing to hold herself out as a solicitor despite being without a valid current Practising Certificate.

#### **The Submissions of the Applicant**

13. In correspondence the allegations arising from the investigating accountant's inspection were accepted by the Respondent. She accepted that she had failed to keep her firm's books of accounts up-to-date and pointed out the circumstances of her personal life. She accepted that she had failed to redeem a mortgage. The allegations following the investigating accountant's report really spoke for themselves.
14. With regard to the allegation relating to the Respondent's practice whilst not holding a Practising Certificate, despite constant correspondence she had failed to apply for a Practising Certificate but nevertheless continued in practice when her current Practising Certificate had terminated. She had written to another firm of solicitors using a letterhead upon which she was described as "Solicitor and Mediator" when she was not entitled to describe herself in that way.
15. The Law Society had been left with no choice but to intervene into the Respondent's practice. She had not co-operated in any way with the matters complained of or the bringing of the matter before the Tribunal. Considerable costs had been incurred.

#### **The Submissions of the Respondent**

16. Although the Respondent took no part in the disciplinary proceedings, the Tribunal noted the contents of the letter written by the Respondent to the OSS dated 19<sup>th</sup> May 2001.
17. The Respondent had not kept up-to-date with her books of account owing to a combination of events and circumstances which placed intolerable constraints upon her time and resources. The Respondent set out in great detail the difficulties her children had faced and the serious ill-health of her husband. The Respondent herself

also had suffered from ill-health. She had tried to recruit new employees to assist in the practice, but had not been successful.

18. The Respondent said she was convinced that the clients' matters had been conducted properly and when her cashier had completed bringing the books of account up-to-date she was in no doubt that any discrepancies coming to light would be clerical or mathematical mistakes.
19. An arithmetical error occurred on the shortfall in connection with the matter where the mortgage was not redeemed. The Respondent was unable to offer an explanation as to why that should have happened. The clients had paid the Respondent the shortfall. It had taken a little while to deal with redemption because when she contacted the mortgagees to explain what had happened, their computers were not working and they could not produce a current redemption statement.
20. The Respondent apologised for the situation which she had allowed to arise.

### **The Findings of the Tribunal**

21. The Tribunal found all of the allegations to have been substantiated, indeed they were not contested. Whilst the Tribunal had some sympathy for the difficult personal circumstances in which the Respondent found herself, the reality was, so far as her responsibilities towards her profession and, more importantly, towards her clients were concerned, that she had simply abrogated them. That was an unacceptable position for a solicitor to adopt and in all the circumstances the Tribunal decided it was right that the Respondent should be struck off the Roll of Solicitors and they further ordered her to pay the costs of and incidental to the application and enquiry fixed in the sum of £5,753.60.

DATED this 23rd day of October 2002

on behalf of the Tribunal

A.N. Spooner  
Chairman