

IN THE MATTER OF VINCENT JOSEPH DORAN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. A G Ground (in the chair)
Mr L N Gilford
Lady Maxwell-Hyslop

Date of Hearing: 30th 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 Ian Paul Ryan solicitor and partner in the firm of Messrs Russell Cooke Potter and Chapman of 2 Putney Hill, Putney, London SW15 6AB on 26th February 2002 that Vincent Joseph Doran solicitor of 45 Woodmansterne Road, Coulsdon, Surrey, CR5 2DJ 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 against the Respondent was that he had been guilty of conduct unbecoming a solicitor in that he had abandoned his practice.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 30th May 2002 when Ian Paul Ryan solicitor and partner in the firm of Messrs Russell Cooke Potter and Chapman of 2 Putney Hill, Putney, London SW15 6AB appeared as the Applicant and the Respondent appeared in person.

The evidence before the Tribunal included the admissions of the Respondent.

At the conclusion of the hearing the Tribunal ordered that the Respondent Vincent Joseph Doran solicitor of 45 Woodmansterne Road, Coulsdon, Surrey, CR5 2DJ solicitor be

suspended from practice as a solicitor for an indefinite period to commence on 30th May 2002 and they further ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £1,475.21.

The facts are set out in paragraphs 1 to 8 hereunder:-

1. The Respondent born in 1958 was admitted as a solicitor in 1983 and his name remained on the Roll of Solicitors.
2. At all material times the Respondent carried on practice on his own account under the style of Doran & Co, 45 Woodmansterne Road, Coulsdon, Surrey, CR5 2DJ.
3. The Respondent practised as a solicitor from his home address. On 22nd May 2001 the OSS received notification from Cannings Connolly solicitors that the Respondent was failing to answer correspondence, failing to answer the telephone, and failing to progress a probate matter, and in effect had abandoned his practice.
4. The OSS wrote to the Respondent by facsimile on 14th June 2001 and in that letter they asked the Respondent to confirm by 15th June 2001 whether the firm of Doran & Co. was still practising. The Respondent failed to reply and the OSS wrote to him again on 28th June 2001 requesting that he reply to the initial letter of 14th June 2001 within seven days of 28th June 2001.
5. On 25th July 2001 the OSS received a further letter from Cannings Connolly solicitors stating that they were awaiting a cheque from the Respondent in the sum of £42,612.18 and that they had not heard from the Respondent for several months.
6. As a result of that letter, the OSS instructed Copley Clarke & Bennett solicitors to visit the Respondent's offices. They in turn instructed an agent, Kevin Howard of Howard Wynton & CO., who visited the Respondent at 8 p.m. on Monday 16th July 2001. He reported to Copley Clarke & Bennett on 23rd July 2001 and this report was forwarded to the OSS on 25th July 2001.
7. As a result the OSS wrote to the Respondent again on 13th August 2001 referring to breaches of the Solicitors Practice Rules 1990 and putting him on notice of an intervention. The Respondent was asked to provide the OSS with an explanation within fourteen days of 13th August 2001. He failed to reply.
8. The matter was considered by the Compliance and Supervision Committee on 11th September 2001 and they resolved to intervene in the practice of the Respondent and to refer his conduct to the Solicitors Disciplinary Tribunal. The Respondent was informed of that decision by letter dated 14th September 2001.

The Submissions of the Applicant

9. The Applicant referred the Tribunal to the Respondent's letter to the Applicant of 24th March 2002 and to the two medical reports submitted by the Respondent. The Applicant said that it was clear from the documents that the Respondent had encountered difficulties in the course of 2001.

10. The Tribunal was referred to the report of Howard Wynton & Co. of 23rd July 2001 in which Mr Howard had written

“As I mentioned to you in our recent telephone conversation when I served Mr Dolan with the letter, he appeared to act in a fairly odd way in as much as he mumbled a few comments to himself and opened the letter in front of me, only to read the bottom of the letter which was folded. He then informed me that he had been suffering from ill health and had been in hospital.”

11. The allegation of abandonment of a practice was a serious matter but the Applicant accepted entirely what the Respondent had said in his letter of 24th May 2002 and accepted that the abandonment may have been outside the control of the Respondent due to his illness.
12. The firm had been intervened into but there was no suggestion of dishonesty nor of any breach of the Accounts Rules.

The Submissions of the Respondent

13. The Respondent had come to the hearing to apologise to the profession and to his former clients.
14. For whatever reason the Respondent had not acted to the standards expected of a solicitor. The Respondent thought that perhaps he had not known when to say no. He had worked seven days a week and had limited his family holiday to one week a year phoning his office daily from holiday.
15. Even when the Respondent had suffered severe chest pains he had persuaded doctors to discharge him because of the stress of not being at work.
16. At the material time the Respondent had not been able to open his post or to pay his bills. He had been unable to deal with the simplest telephone call. The Respondent had abandoned his practice but this was not intentional.
17. The Respondent accepted that the intervention had been correct in the interests of his clients. He was involved in probate work so dealt with significant sums of money.
18. The intervention had been good for the Respondent and his family. He had six months of complete rest with counselling and psychiatric help.
19. The Respondent had worked since January 2002 for the Home Office in a clerical capacity.
20. The Respondent had not applied this year for a Practising Certificate and had no current intention to apply for one. The Tribunal was asked to consider however that the Practising Certificate had meant a lot to the Respondent and his family when he had obtained it.
21. The Respondent appreciated that the allegation, which the Respondent accepted, was serious.

22. The Respondent was gradually rebuilding his working schedule and rebuilding his abilities. He accepted that some jobs would be too stressful for him. If allowed in the future to act as a solicitor this would be in an approved firm but at present the Respondent could not say whether he hoped to return to practice as it was too early in his recovery.

The Findings of the Tribunal

23. The Tribunal found the allegation to have been substantiated, indeed it was not contested.
24. The Tribunal had noted the submissions of the parties, the medical reports submitted by the Respondent and the Respondent's letter of 24th March 2002 to the Applicant. The Tribunal noted that in his letter of 24th March the Respondent had described his abandonment of his practice as being "in a mental rather than a physical respect". The Tribunal had no reason to doubt that the Respondent's conduct had been due to serious ill health and that there had been no deliberate misconduct on his part. The Tribunal was pleased to note that there was no suggestion of dishonesty or Accounts Rule breaches on the part of the Respondent.
25. The Tribunal was pleased to note that the Respondent was gradually recovering his health. The Tribunal had great sympathy for the difficulties that the Respondent had faced but in the interests of the public it would not be appropriate for the Respondent to be allowed to practise as a solicitor at the present time and indeed the Respondent had not asked to do so. The Tribunal wished the Respondent well for his future recovery.
26. The Tribunal ordered that the Respondent Vincent Joseph Doran solicitor of 45 Woodmansterne Road, Coulsdon, Surrey, CR5 2DJ be suspended from practice for an indefinite period to commence on 30th May 2002 and they further ordered him to pay the agreed costs of and incidental to the application and enquiry fixed in the sum of £1,475.21.

DATED this 22nd day of August 2002

on behalf of the Tribunal

A G Ground
Chairman