

IN THE MATTER OF GRAHAM PETER OSBORN-KING, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. J C Chesterton (in the chair)  
Mr. P Kempster  
Mr. M C Baughan

Date of Hearing: 10th April 2003

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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 Peter Harland Cadman, solicitor and partner in the firm of Russell-Cooke of 8 Bedford Row, London, WC1R 4BX on 19<sup>th</sup> December 2002 that Graham Peter Osborn-King of West Hagbourne, Didcott, Oxfordshire, 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 that he had been guilty of conduct unbecoming a solicitor in each of the following particulars namely:-

- (a) That he improperly forwarded correspondence with the intention of soliciting services from persons who were not his client;
- (b) That contrary to the Solicitors Publicity Code 1990 he made comparisons and criticisms in relation to the charges and the quality of services of other solicitors;

- (c) That in correspondence with third parties, he made improper statements concerning the competence and integrity of three other firms of solicitors including the solicitors retained by that third party;
- (d) That in correspondence with third parties he made offensive comments concerning solicitors;
- (e) That during a telephone conversation with a solicitor he made offensive remarks to that solicitor, accusing him of criminal activity and subjecting the solicitor to offensive language;
- (f) That in correspondence with a non-client the Respondent indicated that he had been retained to represent the interests of a particular person when he had not;
- (g) That he failed to inform The Law Society that he had entered into a voluntary arrangement with his creditors;
- (h) That when entering into a voluntary arrangement with his creditors he failed to disclose that he had taken possessions away from the property, failed to disclose that he was in possession of three antique rings and failed to disclose that he had been gifted a Mercedes motor car in a will.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 10<sup>th</sup> April 2003 when Peter Harland Cadman, solicitor and partner in the firm of Russell-Cooke of 8 Bedford Row, London, WC1R 4BX appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included the pro forma notification returned to the Tribunal (received in the Tribunal office on 22<sup>nd</sup> January 2003) in which the Respondent gave notice that he admitted the allegations, a letter confirming personal service of documents upon the Respondent from the Central Group of Companies International Limited dated 21<sup>st</sup> January 2003 and a letter dated 21<sup>st</sup> January 2003 addressed by the Respondent and his wife to The Law Society at Victoria Court, Leamington Spa.

At the conclusion of the hearing the Tribunal ordered that the Respondent Graham Peter Osborn-King of West Hagbourne, Didcott, Oxfordshire, solicitor be suspended from practice as a solicitor for an indefinite period to commence on the 10<sup>th</sup> day of April 2003 and they further ordered that he do pay the costs of and incidental to the application and enquiry fixed in the sum of £2,218.06.

The facts are set out in paragraphs 1 to 11 hereunder: -

1. The Respondent, born in 1950, was admitted as a solicitor in 1975. At the material times the Respondent appeared not to have been in practice as a solicitor. He had been employed by English Partnerships until October 1995. The last practising certificate issued by The Law Society to the Respondent was for the year 1999/2000 and was terminated on 10<sup>th</sup> January 2001 owing to the Respondent's ill health.

2. Messrs Stevens & Bolton by letter of 28<sup>th</sup> January 2000 complained to the OSS about the behaviour of the Respondent.
3. The Respondent had forwarded letters to Ms M on 4<sup>th</sup> September 1999, 19<sup>th</sup> November 1999, 6<sup>th</sup> December 1999 and 31<sup>st</sup> January 2000 (copies of these letters were before the Tribunal). The Respondent made unsolicited approaches to Ms M for her to instruct him. In particular, he wrote:-

“If there is need for another lawyer, I hope he would engage me (at say £65 ph CF to their £110/£120).

I also believe that I could have and still could do a much better job legally for you if you were to engage me to act for you in the place of Blandy and Blandy...

Do let me act for you and I again can ensure that the huge legal fees which Farley, Blandy and Perryman are sliced to a fraction of that which they are now drooling to whack against the estate.

On the face of it, its breathtaking incompetence/negligence by all three sets of solicitors, including Blandy in travelling naively down an expensive legal path (raising the hopes of all concerned) for which all three were professionally ill equipped to pursue and did not take the most elementary of legal precautions.

If I am correct it reveals breathtaking legal naivete of approach to the development of any backland, wrecks of professional negligence/incompetence”.

4. The Respondent wrote to Ms VB on 18<sup>th</sup> February 2000 and to Mr HR on 24<sup>th</sup> January 2000. In both letters (copies of which were before the Tribunal) the Respondent offered his unsolicited services as solicitor.
5. The Respondent described Ms M’s solicitor “Who is in up to his rather scrawny but finely chisled and fed neck”. During a conversation with a member of Blandy and Blandy the Respondent accused him of criminal activity. When the member of Blandy and Blandy returned the Respondent’s telephone call he was met with an abusive tirade including the following “I am sorry you got involved in this but you have come up a bit short with your list. You will be getting a writ. I am sick to fucking death with you lot...”.
6. In a letter to Mr S of Centre Pensions the Respondent said:-

“As I have told you, I have managed to perform the final task of spearing stepdaughter P (and her flunky apparently inexperienced solicitor B, who I know from old – don’t quote me) quite magnificently and comprehensively – the least I can do”.

He went on to say that:-

“One B of Blandy and Blandy of your home town whom I might yet sue for professional negligence on the estate – it is a long story”.

7. The Respondent wrote to Mr P on 16<sup>th</sup> December 2000 in the following terms:-

“In fairness, Bill would have been appalled at the mess as he thought he was doing the right thing and always thought P (as old as you and I) a veritable sponger. (All her life she wrote whinging, begging for money letters). That and a lesbian which always depressed M”.
8. In a letter of 16<sup>th</sup> February 2000 to Mr R of Crown Hall Estates the Respondent stated that the Respondent was acting on behalf of a Ms VB. However, Ms VB had never been a client of the Respondent, although he did try to solicit instructions from her in a letter of 18<sup>th</sup> February 2000, a copy of which was before the Tribunal.
9. In his letter of 24<sup>th</sup> January 2000 to Mr R the Respondent represented himself as being the solicitor acting in the estate of his late aunt. In earlier correspondence he admitted that he was not acting in the matter.
10. Following a meeting with his creditors on 26<sup>th</sup> September 2000 the Respondent entered into a voluntary arrangement with his creditors. The Respondent did not notify The Law Society of this.
11. During the course of the voluntary arrangement the Respondent failed to disclose information relevant to the voluntary arrangement as follows:-
  - (a) The Respondent initially said that he had not taken any possessions from the property called Crossways. Subsequently he admitted that he was in possession of three antique rings.
  - (b) Under the terms of his late aunt’s will the Respondent had been gifted a Mercedes motor vehicle. The Respondent failed to bring this fact to the attention of his creditors.

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

12. In correspondence addressed to Ms M the Respondent breached the Solicitors Publicity Code by making comparisons and criticisms in relation to the charges and quality of service of other solicitors.
13. Further, in the course of the same correspondence to Ms M, the Respondent improperly questioned the competence and integrity of three firms of solicitors. The content of letters written by the Respondent and telephone conversations were considered to be offensive by the recipients.
14. The other matters alleged against the Respondent spoke for themselves; he had admitted all of the allegations.

15. The Respondent had questioned the jurisdiction of the Tribunal saying that he had sought voluntarily to be removed from the Roll of Solicitors. The Law Society had not permitted his name to be removed from the Roll in view of the fact that disciplinary proceedings were extant.
16. References had been made to the Respondent's ill health but no formal medical evidence had been produced. The Applicant accepted that there was no reason to believe that the Respondent had not suffered the ill health which he claimed.

**The submissions on behalf of the Respondent (contained in the above-mentioned letter addressed to The Law Society dated 21<sup>st</sup> January 2003)**

17. "I do certainly share his dismay at your lack of compassion. I have read briefly through the envelopes papers and simply do not understand your jurisdiction over him an uncertificated former member of the Law Society and what you want to achieve. Since nowhere in any papers have you done so nor explained why you see any purpose in pursuing him as if he was a practising solicitor continuing to earn his income as one. Or seeking to do. He will never work again as anything least of all in the law. ....his memory is appalling enough to have been prescribed Aricept 10mg for several years by the leading Oxford memory specialist ...

We have taken advice from CAB who have been most helpful. Kindly ensure my earlier letter above and this is included in your paperwork. As there is utterly no useful purpose to be achieved. This letter has been prepared to be helpful as we have no money and Graham can make himself available if you really need him.

None of his or my letters to the Registrar at the Law Society their replies nor your official guidance paperwork on continuing membership of the Law Society has been mentioned or included on which he and I together relied. Just as we have relied on her verbal assurances so with the letters to and from the Registrar and continue to do so as and along with the advice I have received on your jurisdiction to pursue him as you have. Which you still have still not mentioned.

I would also point out that when my husband concluded his Individual Voluntary Agreement he was presented with and signed a Compromise Agreement with the complainant through her solicitors for all outstanding matters and legal redress against the other. As was explained to him. In consideration for this as well as the effect of the IVA for the parties (and it was discussed at the IVA) he was forced to forego the entitlement to further complain or recover from the complainant a much needed and substantial sum of money. Being sale proceeds which the complainant had personally received from the sale of Graham's godmother's personal clothing and possessions which they unbeknown to him and without any right to do had part sold and part apparently given to jumble I recall the lawyers' letter said. Indeed as if this was not offensive enough the complainant's lawyers seemingly took unnecessary glee at pointing this Compromise Agreement out later when Graham in writing asked at least for the money proceeds if not the clothes and personal possessions belonging to his godmother. Again I can see nothing about this in the papers.

It was sadly this exceptional behaviour by the complainant that was the catalyst for his anger. Coupled apparently with the professional trustees choosing to refuse to admit their error on their own trust deed which meant that his godmother had gone without much money in her last few years and which instead had been paid out to the complainant stepdaughter in complete error. Even in court and their pleadings they chose not to admit this to the Judge. Only conceding the trust's construction and backdated effect after the written verdict and after Graham as executor losing all legal claim to insist upon it by being obliged to in the IV A apparently. I couldn't understand it but the Inland Revenue were so alarmed at this tactic bringing on the need for the Individual Voluntary Arrangement to force its extraction from them that their Capital Head Office exceptionally allowed my husband the right to set the court costs in full against the monies recovered which in any event all but wiped out what was recovered. They had apparently never done this before. It helped a bit.

Despite all this Graham repeats the admission to all the facts and allegations as he did at my insistence in writing immediately following our receipt of the first letter of complaint from you and asks that this also not be ignored as again by not replying because he was frightened after your involvement he gave up all right to defend his actions. Again this letter as with the above has not been even mentioned. He is as upset as I am and is genuinely very sorry and sorry for his foolish actions and for conducting himself so badly. And for failing himself and me. I am not now again letting him go down to the toilet at night, that's how frightened I am.

He apologises to the stepdaughter since she has only ever acted on advice and it was very stupid for him to continue the antagonism that existed between stepdaughter and his godmother beyond the grave. Particularly when the actions and mistakes complained of were not hers. Even his attempts to finally reconcile them have been misconstrued. Through his stupidity and the effects his memory problems have on his life. It is not easy living on tenterhooks as the carbon monoxide affected his personality just as much as his memory .

This is written on his behalf with the help of CAB and is signed by him. To explain but not excuse his actions. Please help us this time.”

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

18. The Tribunal found the allegations to have been substantiated, indeed they were not contested.
19. The Respondent's behaviour has been extraordinary. There are indications in the papers that he has suffered from ill health and the Applicant, even in the absence of formal medical evidence, accepts that to have been the case. The Tribunal concludes that the Respondent who appears to have been a solicitor for many years without any serious complaint about his behaviour arising, has only recently adopted this extraordinary course of action. The Tribunal has borne in mind its duty to protect the public and the good reputation of the solicitors' profession, both of which could be damaged if the Respondent were permitted to continue to behave in this way. In all of the circumstances, the Tribunal considered it right to order that the Respondent be

suspended from practice as a solicitor for an indefinite period. He was also ordered to pay the costs of the application and enquiry. The Tribunal fixed the costs in order to save further time and cost.

DATED this 16<sup>th</sup> day of May 2003  
on behalf of the Tribunal

J C Chesterton  
Chairman