

IN THE MATTER OF LESLIE JAMES VERNON JONES, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr A G Ground (in the chair)  
Mrs K Todner  
Mrs V Murray-Chandra

Date of Hearing: 27th January 2004

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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 Emma Grace solicitor and partner in the firm of Nelson & Co, St Andrews House, St Andrews Street, Leeds, LS3 1LF on 25th June 2003 that Leslie James Vernon Jones of Port Sunlight, Wirral, Merseyside, 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 unbefitting a solicitor in that he:-

- (i) failed to file an Accountant's Report for the period ending 31st August 2001, contrary to Section 34 of the Solicitors Act 1974 and Rule 35 of the Solicitors Accounts Rules 1998;
- (ii) delayed in filing an Accountant's Report for the period ending 31st August 2000, contrary to Section 34 of the Solicitors Act 1974 and Rule 35 of the Solicitors Accounts Rules 1998;

- (iii) failed to file a cease to hold report for the period ending 28th April 2002, contrary to Rule 36 (5) of the Solicitors Accounts Rules 1998;
- (iv) failed to deal promptly and substantively with correspondence from the OSS contrary to principle 30.04 of the Guide to the Professional Conduct of Solicitors 1999.

By a supplementary statement of Emma Grace dated 2nd December 2003 it was further alleged against the Respondent that he had been guilty of conduct unbecoming a solicitor in that he:-

- (v) failed to honour an undertaking dated 5th October 1999;
- (vi) failed to deal promptly and substantively with correspondence from the OSS contrary to principle 30.04 Guide to Professional Conduct of Solicitors 1999.

By a second supplementary statement of Emma Grace dated 8th December 2003 it was further alleged against the Respondent that he had been guilty of conduct unbecoming a solicitor in that he:-

- (vii) failed to deal promptly or substantively with correspondence from the OSS;
- (viii) failed to operate a proper complaints handling procedure contrary to Rule 15 of the Solicitors Practice Rules 1990;
- (ix) failed to deal promptly with communications relating to the matter of a client and/or former client;
- (x) failed to deliver to a client all papers and property to which a client and/or former client is entitled on termination of a retainer when requested to do so.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 27th January 2004 when Emma Grace appeared as the Applicant and the Respondent did not appear and was not represented.

Immediately prior to the hearing the Tribunal heard evidence of service of documents upon the Respondent and was satisfied that service had been duly effected. During the hearing the Respondent submitted a copy of an extract from the Land Charges Register.

At the conclusion of the hearing the Tribunal made the following Order:-

The Tribunal Order that the Respondent, Leslie James Vernon Jones of Port Sunlight, Wirral, Merseyside, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 27th day of January 2004 and they further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,274.

**The facts are set out in paragraphs 1 to 25 hereunder:-**

1. The Respondent, born in 1953, was admitted as a solicitor in 1980 and his name remained on the Roll of Solicitors.

2. The Respondent carried on practice as a principal in the firm of Leslie Jones Toni Moran of 24 Hamilton Square, Birkenhead, Merseyside, CH41 6AY. The Respondent was no longer practising. His practice closed in April 2002.

**Allegations (i) to (iv)**

3. The Respondent's Accountant's Report for the period ending 31st August 2000 was due for delivery to The Law Society by 28th February 2000. No such report was filed within this period, and the report was not filed until 4th May 2001, when it was filed with the Society by way of letter from Neil Wright & Co, on behalf of the Respondent. On 19th June 2001 a further letter was sent from Neil Wright & Co to the Society with further details relating to the report. This letter was sent with the report to the OSS for consideration.
4. The Respondent's Accountant's Report for the period ending 31st August 2001 was due for delivery to the Society by 28th February 2002. No such report was received by the Society within this period. On 19th March 2002 the Society wrote to the Respondent, notifying him that the report was late and thus that S12(1)(ee) would apply when he sought to renew his next practising certificate.
5. On 10th July 2002 the Society wrote to the Respondent, noting that his Report had not been filed, and that no response had been received to the letter of 19th March 2002. The Society sought an explanation within 14 days. The Society further sought explanation for the late filing of the report for the period ending 31st August 2000, and further noted that the records indicated that the Respondent's firm had closed on 29th April 2002, and thus that a cease to hold report was due if he had ceased to hold client's money and/or controlled trust money. His explanation for all the above matters was sought within 14 days.
6. On 20th August 2002 the Society wrote again to the Respondent noting that he had not replied to the letter of 10<sup>th</sup> July 2002. The Society sought a response within 8 days, failing which the matter of his failure to reply could result in disciplinary proceedings.
7. On 20th December 2002, having had no reply from the Respondent, the matter was sent for adjudication and the Respondent was advised of this by way of letter. His comments were sought within 14 days of the date of the letter.
8. On 27th January 2003 the adjudicator considered the matter and resolved to refer the matter to the Tribunal. The Respondent was informed of this decision by way of letter dated 12th February 2003.
9. The Accountant's Report for the period ending 31st August 2001 and the cease to hold report for the period ending 28th April 2002 remained outstanding and had not been delivered to The Law Society.

**Allegations (v) and (vi)**

10. On 20th January 2003 the Society received a complaint from the NatWest Bank in relation to the Respondent. The Bank alleged that the Respondent had failed to comply with an undertaking to register a Transfer Deed and a Legal mortgage following monies being advanced by the Bank to a customer in reliance on that undertaking. The Bank enclosed various correspondences, showing the original undertaking; the efforts they had made to contact the Respondent about this; the fact that the charge had not been registered; and the failure of their efforts to contact the Respondent.
11. On 13th August 2003 the OSS wrote to the Respondent sending a copy of the complaint received and seeking his response within 14 days.
12. No response was received, and the OSS wrote again on 27th August 2003, seeking a response within seven days. Again no response was received, and the OSS wrote again on 3rd September 2003, enclosing further copies of the previous letters, and seeking a response within eight days, warning the Respondent that his failure to respond could, in itself, run the risk of disciplinary proceedings.
13. On 12th September 2003 the OSS wrote a final time, confirming to the Respondent that unless he replied to the allegations raised with him on 13th August 2003 within 10 days of the date of the letter sent to him, then a recommendation would be made that his conduct be referred to the Tribunal.
14. No response was received to any of the correspondence sent by the OSS, and on 30th September 2003 it was agreed that the matter should be referred to the Tribunal, to be heard together with the existing disciplinary proceedings against the Respondent.

**Allegations (vii) to (x)**

15. On 14th January 2003 Messrs DLA wrote to the OSS with a complaint on behalf of the Abbey National plc, in relation to a conveyancing transaction. They alleged that the Respondent had acted for their client and the borrowers in a conveyancing transaction and had failed to deal with the registration of the transaction at HM Land Registry. Their attempts to contact the Respondent directly had failed and they sought the OSS's assistance in obtaining the title deeds.
16. The OSS wrote to the Respondent at his then employers on 1st April 2003 enclosing details of the complaint and seeking the Respondent's comments. The firm replied on 4th April 2003 stating that the Respondent had worked for their firm for a brief period after the closure of his own practice, but only criminal files had been taken over by the firm. They further stated that the Respondent had left their practice on 4th April 2003.
17. On 13th May 2003 Mr M, one of the owners of the property in question, contacted the OSS stating that they were unable to sell their house until the matter of the deeds was resolved and seeking assistance.

18. On 30th June 2003 the OSS wrote to the Respondent sending a copy of the complaint from DLA and seeking a response within two weeks. They sent a further letter confirming that costs of investigations could be recovered.
19. No response was received, and on 16th July 2003 the OSS chased up their previous letter, seeking a response by 23rd July 2003. No response was received, and a further letter was sent on 28th July 2003, warning the Respondent that his failure to reply was a matter of professional conduct, and seeking a response within 10 days.
20. On 8th August 2003 the OSS rang the Royal Mail Track and Trace Customer Services, and were informed that the recorded delivery letter was delivered on 28th July 2003 and had been signed for.
21. On 15th August 2003, Messrs DLA wrote to the OSS confirming that the file of papers had not been forwarded by the Respondent and that they were going to issue delivery up proceedings against him if the file was not produced within 14 days. They enclosed a copy of their letter to the Respondent stating this.
22. On 20th August 2003 the OSS appointed an agent to take possession of all files relating to the conveyancing transaction and vesting a discretion in relation to the Respondent's next Practising Certificate. They further wrote to the Respondent enclosing these decisions and seeking the file in question.
23. On 27th August 2003 a further letter was sent to the Respondent seeking his response to the previous letter and an explanation in respect of the complaint immediately.
24. The OSS then received a formal complaint from the owners of the property in relation to the failure to register their purchase of the property in question and also the Respondent's previous handling of Mrs M's divorce.
25. Having received no response or explanation from the Respondent, on 10th October 2003 the matter was authorised to be referred to the Tribunal to be heard together with the other matters before the Tribunal.

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

26. The Applicant had served the appropriate Civil Evidence Act Notice and No Counter Notice had been received.
27. On an occasion when the Applicant had arranged for the Respondent to be served with certain documents by a process server the Respondent had sent a message to her through the process server stating that he was not working as a solicitor and did not intend to do so in the future. The message said that the Respondent had had a nervous breakdown at the time of the closure of his practice. He had tried working for a period as an assistant solicitor but had been unable to cope. He was now living on the breadline but was happier than he had ever been.
28. Although it was clear from the affidavits of the process servers that the Respondent was aware of the documentation, there had been no communication by the Respondent with the OSS.

29. The Applicant submitted a copy of an extract from the Land Charges Registry which indicated that the NatWest Bank charge had been registered in October 2003. The position was not clear. NatWest Bank when contacted had had no idea of the current position. It seemed unlikely that the Respondent had effected the registration. The registration had probably taken place due to the creation of a second charge. There had been a considerable failure by the Respondent to comply with his undertaking.

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

30. The Tribunal had considered carefully the documentation. The Respondent had chosen not to make any contact with the Applicant or the Tribunal and the Tribunal found the allegations substantiated on the documentation. The Respondent was in continuing breach of his obligations and had totally failed to respond to proper enquiries. In the absence of any explanation or mitigation from the Respondent the Tribunal considered that the appropriate penalty was an indefinite suspension. The Applicant had submitted a schedule of costs and the Tribunal would order the Respondent to pay her fixed costs.

31. The Tribunal made the following Order:-

The Tribunal order that the Respondent, Leslie James Vernon Jones of Port Sunlight, Wirral, Merseyside, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 27th day of January 2004 and they further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,274.

DATED this 18<sup>th</sup> day of March 2004  
on behalf of the Tribunal

A G Ground  
Chairman