

IN THE MATTER OF TIMOTHY ROBIN FARRANT, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

---

Mr R B Bamford (in the chair)  
Mr A N Spooner  
Lady Maxwell-Hyslop

Date of Hearing: 8th January 2004

---

## **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 Gerald Malcolm Lynch solicitor and consultant to the firm of Drysdales of Cumberland House, 24-28 Baxter Avenue, Southend-on-Sea, Essex, SS2 6HZ on 31<sup>st</sup> July 2003 that Timothy Robin Farrant of c/o Mr W O Waddington, Williamsons, Lowgate, Hull, HU1 1EN 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 by virtue of the following:-

- (1) he dishonestly misappropriated client's funds and utilised the same for his own benefit or for the benefit of other clients not entitled thereto;
- (2) he acted in breach of the Rules 7 and 11 of the Solicitors' Accounts Rules 1991 in that he drew from client account monies other than in accordance with the provisions of the said Rule 7 and failed to maintain adequate or proper records as required by the said Rule 11;

- (3) he acted in breach of the Solicitors' Accounts Rules 1998 in that he drew from client account monies contrary to the provisions of Rule 22 and failed to maintain proper records as required by Rule 32.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 8<sup>th</sup> January 2004 when Gerald Malcolm Lynch appeared as the Applicant and the Respondent did not appear and was not represented.

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

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

The Tribunal Order that the Respondent, Timothy Robin Farrant C/o Williamsons Solicitors, Lowgate, Hull, HU1 1EN solicitor, be struck off the Roll of Solicitors and they further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £13,108.78.

**The facts are set out in paragraphs 1 to 12 hereunder: -**

1. The Respondent, aged 52, was admitted as a solicitor in 1976 and his name remained on the Roll of Solicitors.
2. At all material times, the Respondent was a partner in the firm of Pinkney Grunwells, solicitors, carrying on business at 64 Westborough, Scarborough, North Yorkshire, YO11 1TS. The firm practised from three other offices also in the Scarborough region. The Respondent was expelled from the partnership on 15<sup>th</sup> September 2002 and his practising certificate terminated on 10<sup>th</sup> February 2003.
3. Pursuant to statutory authority and notice, the Forensic Investigation Department of The Law Society undertook the inspection of the accounts of Messrs Pinkney Grunwells starting on 6<sup>th</sup> November 2002 and reporting on 31<sup>st</sup> January 2003. A copy of the Report was before the Tribunal. The following matters were noted in the Report.
4. The Respondent had implemented improper withdrawals of client money which had been reported by the remaining partners to the OSS during the Respondent's absence on holiday. The Respondent had been dismissed from the partnership on 15<sup>th</sup> September 2002.
5. The Investigating Officer interviewed the Respondent who said that, from his own recollection, he had personally benefited from around £150,000 of clients' money. This had occurred over approximately ten years.
6. The Officer was able to calculate that a minimum cash shortage of £58,208.06 existed as at 30<sup>th</sup> September 2002 wholly due to the misuse by the Respondent of clients' funds.

7. The shortage was made up of defalcation in respect of four accounts as set out in the Report. The Respondent admitted that all amounts had been utilised for his personal benefit.
8. A further sum of £45,000 had been lodged in the firm's client bank account and credited to the client ledger account of an unconnected client for whom the Respondent also acted. Full details were set out in the Report.
9. On 4<sup>th</sup> March 2003 the OSS wrote to the Respondent for explanation in relation to the Report. A letter on behalf of the remaining partners in the firm and dated 11<sup>th</sup> March 2003 confirmed the position of the Respondent and enclosed also the firm's Office Procedures Manual.
10. On 1<sup>st</sup> May 2003 Messrs Williamsons wrote on behalf of the Respondent. The letter set out the circumstances in which the misappropriation of client's money had been undertaken by the Respondent making full admission by the Respondent of that misappropriation. A copy of the letter was before the Tribunal.
11. A Report was prepared for submission to the appropriate Adjudicator of the OSS. On 28<sup>th</sup> May 2003 the remaining partners wrote in regard to the Report and in regard to the letter from Williamsons, his solicitors, referred to above. There were some areas of difference. On 21<sup>st</sup> May 2003 Messrs Williamsons wrote to say that there were no further representations that the Respondent wished to make in respect of the Report.
12. On 17<sup>th</sup> June 2003 the Adjudicator resolved that the conduct of the Respondent should be placed before the Tribunal. No misconduct on the part of the remaining partners was found. The Respondent, through his solicitors, was notified of the Adjudicator's decision by letter of 17<sup>th</sup> June 2003.

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

13. The Respondent had been represented by Messrs Williamsons who had confirmed that he would not be attending the Tribunal. There was no contest regarding the documents before the Tribunal. The Applicant had served the appropriate notices and no counter-notices had been received.
14. The conduct of the Respondent sat at the upper end of the scale of dishonesty.
15. The matter had come to light as a result of reference by the Respondent's partners who had discovered the misappropriations whilst the Respondent was on holiday. The matters had not been known to the other partners and their immediate actions and report to The Law Society were to be applauded.
16. The Respondent had admitted that he had personally benefited. This had been a continuing fraud.
17. The various withdrawals had been immediately paid into accounts for the benefit of the Respondent.

18. The Tribunal was referred to paragraph 26 of the Report referring to a letter which had been dictated and placed on one of the relevant files indicating that a cheque had been sent. The Respondent had admitted to the Investigating Officer that the letter had “probably not” been sent to the addressee and that the copy had been placed on the file “to give him some cover”.
19. The Respondent had accepted the responsibility through his solicitor.
20. The Applicant sought his costs and those of the Investigating Officer in the sum of £13,108.78.

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

21. The Tribunal found the allegations to be substantiated indeed they were not contested.
22. The Respondent had been guilty of misappropriation of client’s funds over a lengthy period of time. Such misconduct was at the highest end of the scale of dishonesty and gravely damaged the reputation of the profession. It was not appropriate for the Respondent to remain a member of the profession.
23. The Tribunal noted that no misconduct had been found on the part of the remaining partners in the Respondent’s former firm.
24. The Tribunal ordered that the Respondent, Timothy Robin Farrant C/o Williamsons Solicitors, Lowgate, Hull, HU1 1EN solicitor, be struck off the Roll of Solicitors and they further ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £13,108.78.

Dated this 24th day of February 2004  
on behalf of the Tribunal

R B Bamford  
Chairman