

IN THE MATTER OF ROBIN DAVID PARSLOW, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr P Kempster (in the chair)  
Mr P Haworth  
Mrs V Murray-Chandra

Date of Hearing: 9th November 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 then Office for the Supervision of Solicitors ("OSS") by George Marriott, Solicitor Advocate in the firm of Gorrins of 4 Davy Avenue, Knowlhill, Milton Keynes, MK5 8NL on 13th February 2004 that Robin David Parslow of North Burstead, Bognor Regis, West Sussex, 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:-

- 1) failed to maintain a client account contrary to Rule 14 of the Solicitors Accounts Rules 1998;
- 2) failed to keep his accounting records properly written up between September and December 2001 contrary to Rule 32 of the Solicitors Accounts Rules 1998;
- 3) kept client money in office account and therefore held those monies for his own benefit contrary to Rule 15 of the Solicitors Accounts Rules 1998;

- 4) failed to perform bank reconciliations once every five weeks contrary to Rule 32 of the Solicitors Accounts Rules 1998 or at all;
- 5) failed to provide accounting records for clients' accounts contrary to Rule 32 of the Solicitors Accounts Rules 1998;
- 6) refused to produce to the Law Society's nominated person records, papers, client matter files, financial accounts and other documents contrary to Rule 34 of the Solicitors Accounts Rules 1998;
- 7) lied to the Law Society's agent as to the whereabouts of the documents referred to above;
- 8) failed at any stage ever to file an accounting report contrary to Rule 36 of the Solicitors Accounts Rules 1998;
- 9) having had his Practising Certificate suspended, continued to practise as a solicitor by operating his office, appearing in Court and refusing to hand over files;
- 10) despite having been required by a Court Order to file an affidavit concerning missing files declined to do so;
- 11) drove a motor vehicle with excess alcohol leading to a penalty imposed at Horsham Magistrates' Court; and
- 12) by reason of the above, compromised and impaired his integrity and independence, his duty to act in the best interests of his clients, his good repute and that of the profession, and his proper standard of work contrary to Practice Rule 1 of the Solicitors Practice Rules 1990.

By a supplementary statement of George Marriott dated 9th March 2004 it was further alleged against the Respondent that he had been guilty of conduct unbecoming a solicitor in that he:-

- 13) failed to comply with the decision of an Adjudicator dated 4th November 2003.

The Applicant sought an order pursuant to paragraph 5 of Schedule 1A of the Solicitors Act 1974 that the Adjudicator's Direction dated 4th November 2003 should be treated for the purposes of enforcement as if it were contained in an Order made by the High Court.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 9th November 2004 when George Marriott appeared as the Applicant and the Respondent did not appear and was not represented.

Prior to the commencement of the substantive application the Tribunal heard evidence as to due notice of the date of the hearing having been given to the Respondent and was satisfied that the Respondent had been made aware of the date of the hearing and that the matter should proceed.

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

The Tribunal orders that the Respondent, Robin David Parslow of North Burstead, Bognor Regis, West Sussex, 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 £12,118.

The Tribunal orders that the Direction of the Adjudicator dated 4th November 2003 that the Respondent Robin David Parslow of North Burstead, Bognor Regis, West Sussex, solicitor, pay to RD Reaich the sum of £400 compensation which shall be treated for the purposes of enforcement as if it were contained in an Order made by the High Court, pursuant to paragraph 5 of Schedule 1A of the Solicitors Act 1974.

**The facts are set out in paragraphs 1 to 20 hereunder:-**

1. The Respondent, born in 1963, was admitted as a solicitor in 1998 and his name remained on the Roll of Solicitors.
2. The Respondent carried on practice as a sole principal under the name of Parslow Solicitors from 20 High Street, Littlehampton, West Sussex, BN17 5EA. That practice had been intervened.
3. An Investigating Officer of the Law Society commenced an inspection of the Respondent's books of account and other documents in May 2002. The resulting Report dated 20th June 2002 noted the matters set out below.
4. The Respondent's practice had commenced on 1st September 2001 and the Investigating Officer discovered that the Respondent did not have a practice bank account until 27th December 2001. The Respondent said that this was because he had been unable to find a bank willing to open an account in the name of the firm with the result that all business transactions were carried out through the Respondent's personal bank and credit card accounts.
5. The Respondent then said that a bank had opened one account for the firm but had refused to open a second, with the result that he did not maintain a client bank account.
6. The Respondent agreed that he had no accounting records for the period 1st September 2001 to 31st December 2001, but stated that there were only two client transactions during that period represented by two cheques of £200 each, which the Respondent had described as "on account of costs" and which he had lodged into his office bank account.
7. The Respondent explained that he maintained an accounting record of all client account transactions in a cash account and on individual client ledger accounts, which enabled him to ensure that there were sufficient available funds in the bank account to meet liabilities. The Respondent agreed that the accounting records that he had prepared were incomplete and that no bank account reconciliations had been made.

8. The Respondent agreed that there was a cash shortage to clients as at April 2002 of £1,100 as no funds were held in a client bank account (the Respondent not having a client bank account). The Respondent agreed to open a further account with £1,100, which would be named 'Client Account' and to take immediate steps to ensure that the accounting records were brought up to date and completed.
9. In subsequent correspondence the Respondent confirmed that £1,100 had been transferred into a separate account and that while no separate account had existed at the time of the inspection the entry system had shown a clear reconciliation.
10. On 19th August 2003 the Respondent was disqualified for driving with excess alcohol on 17th October 2002 by the Magistrates sitting at Horsham. He was fined £475 and ordered to pay costs of £55. The one year disqualification was to be reduced by three months if a course was completed.
11. On 16th September 2003 a further inspection of the Respondent's books of account was commenced. The inspection was terminated on 17th September 2003. A report was prepared dated 18th September 2003.
12. The Report noted that the Law Society's officer, Mr S, asked to see the Respondent's books of account and the Respondent refused, explaining that he had passed his books to his reporting accountant ten days previously and that they were working on them. The Respondent told Mr S in which town the reporting accountant had his office but refused to telephone the reporting accountant for the return of the books, denied that he did not have any books of account, and agreed that Mr S should return to the practice the following day either to inspect the books of account or to take the Respondent's written authority to the office of the reporting accountant. The Respondent failed to attend at a pre-arranged time on 17th September and on the same day, Mr S contacted the Respondent's reporting accountant, who confirmed that his practice had never received any books of account from the Respondent.
13. The Respondent had never delivered an Accountant's Report for his practice. The first Accountant's Report for the Respondent for the year ending 26th June 2002 was due to be received by the Law Society on or before 23rd December 2002. An extension was granted by the Law Society of one month. The Report was still outstanding at the expiry of that month.
14. Thereafter, because the Respondent had failed to file a Report within time, six-monthly Accountant's Reports were required. The first for the period ending 26th December 2002 was due to be received by the Law Society on or before 26th February 2003. The Report remained outstanding. The Accountant's Report for the six-month period ending 26th June 2003 was due to be received on or before 26th August 2003 and remained outstanding.
15. Following the termination of the inspection, the Law Society resolved to intervene into the Respondent's practice and did so by resolution dated 19th September 2003. The Respondent's conduct was referred to the Tribunal. The Respondent was notified by letter dated 25th September 2003 of the intervention resolution, that his conduct was to be referred to the Tribunal and that his Practising Certificate was suspended as a result of the intervention.

16. Following the intervention, the Respondent was required to deliver to the Law Society's agent all documents in his or the firm's possession in connection with his practice. In addition, he could no longer practise as a solicitor as his certificate was suspended.
17. The Respondent failed to co-operate with the Intervention Agent, provided incorrect information, and continued to practise as a solicitor. Accordingly, an application to the Chancery Division of the High Court of Justice was made and heard by Lloyd J on 28th October 2003, which made an Order against the Respondent with a penal notice. One of the Orders made was that the Respondent did forthwith disclose the whereabouts of any documents by affidavit. To date, the Respondent had declined to do so.
18. The details of the allegations made in the High Court were set out in the first affidavit of John Edmund Weaver sworn on 27th October 2003 and included the following matters:-
  - (i) The Respondent was required to deliver full documents to the Law Society's agent in September 2003;
  - (ii) The agent's representative attended at the Respondent's office on 24th September, whereupon the Respondent informed them that his home address was Crossbush Road, Felpham, West Sussex, PO22 7LZ. (The Respondent is believed still to reside at 23 Central Avenue, Bognor Regis.);
  - (iii) Some clients' files were missing from the offices on the date of intervention, including a file for a property purchase. The Respondent stated that he did not know where that file was but £140,000 representing sale proceeds had been deposited into the Respondent's client account on 18th July 2003. However, the amount held in client account on 24th September was found to be only £20,000. A number of other files were missing.
  - (iv) On 13th October when collecting post a large pile of files was waiting for the agent inside the Respondent's office, which must have been stored elsewhere on the date of intervention. The Respondent whilst having an archive storage facility at his office did not provide the agent with a key;
  - (v) The Respondent had resisted attempts to make contact with him from the Law Society's agent;
  - (vi) The Respondent had continued to attend at his office and was intercepting post and making and receiving telephone calls. The Respondent agreed that he was speaking to some of his clients;
  - (vii) In addition, the Respondent acted in Chichester Magistrates' Court in connection with a criminal matter.

#### Allegation (13)

19. By complaint dated 12th December 2001 and made by Mr R the OSS was asked to investigate why the Respondent had failed to follow instructions and delayed in

completing the Legal Aid Forms on R's behalf, and failed to lodge those forms with the Legal Services Commission.

20. After representation, the matter was dealt with by an Adjudicator on 4th November 2003. The Adjudicator reprimanded the Respondent in respect of issues of conduct, and ordered him to pay compensation to R in the sum of £400. The Respondent was notified of the decision by letter dated 12th November 2003 which included his right for a review. The Respondent did not request a review and was asked for confirmation that he would comply with the decision within seven days by letter dated 4th December 2003. He failed to comply despite two further letters being sent to him.

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

21. Although the previous substantive hearing had been adjourned at the Respondent's request the Respondent had not attended today. The Applicant and the Tribunal had written to the Respondent since the earlier adjournment without response.
22. The Applicant alleged dishonesty against the Respondent with regard to allegations (6), (7) and (9) and that had been set out in the Applicant's Rule 4 Statement.
23. The burden of proof was on the Law Society and the standard of proof in relation to allegations of dishonesty was that of beyond reasonable doubt. The Applicant would seek to prove his case on the basis of the test set out in the case of Twinsectra -v- Yardley and Others [2002] UKHL 12.
24. The Applicant would proceed on the basis of documentation. Civil Evidence Act Notices and Notices to Admit documents had been served on the Respondent in respect of all relevant documents without response.
25. Mr S's Report had set out the comment of the Respondent's reporting accountant that he had never received any books of account from the Respondent. The Respondent had lied to Mr S.
26. The Respondent was in breach of the Order of the High Court but the Law Society had taken a decision that little purpose would be served by expending more funds in seeking the enforcement of the penal notice. While the Respondent's address was known he was personally difficult to trace.
27. In view of the unchallenged documentary evidence the Tribunal was asked to find all the allegations proved.
28. The Applicant sought costs in the costs in the sum of £12,118.

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

29. The Tribunal was satisfied on the basis of the unchallenged documentation that all the allegations had been substantiated beyond reasonable doubt. In relation to allegations (6) and (7) the Tribunal was satisfied that the Respondent must have been motivated by dishonesty not ignorance. He knew that he had not sent books to his reporting

accountant and he lied to the Investigation Officer. In relation to allegation (9) the Tribunal was also satisfied that the Respondent had behaved dishonestly. He had held himself out as a solicitor knowing that he had no Practising Certificate. The Tribunal was satisfied applying the tests in the case of Twinsectra -v- Yardley that the Respondent's conduct in relation to allegations (6), (7) and (9) had been dishonest.

30. Allegations of the most serious kind had been substantiated against the Respondent. His dishonest conduct was such that the profession's reputation must have been damaged in the eyes of the public. There had been an appalling failure on the part of the Respondent who, by virtue of being a solicitor, was an officer of the Supreme Court, to comply with the Order of the High Court. The Respondent was not fit to remain as a member of the solicitors' profession and the public had to be protected from him.
31. In relation to the complaint of Mr R, Mr R had been kept out of funds to which he was entitled and the Tribunal would make the enforcement order sought by the Applicant.
32. Despite the Respondent's bankruptcy the Tribunal considered that it was right that an order be made that he pay the Applicant's costs.
33. The Tribunal made the following Orders:-

The Tribunal order that the Respondent, Robin David Parslow of North Burstead, Bognor Regis, West Sussex, 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 £12,118.

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Dated this 14th day of January 2005  
On behalf of the Tribunal

P Kempster  
Chairman