

IN THE MATTER OF PETER BRADLEY JONES, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr R B Bamford (in the chair)
Mr P Haworth
Lady Maxwell-Hyslop

Date of Hearing: 14th October 2004

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Hilary Susan Morris solicitor employed by The Law Society at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 17th March 2004 that Peter Bradley Jones solicitor of Bletchley, Milton Keynes, 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 fit.

The allegations against the Respondent were that he had been guilty of conduct unbefitting a solicitor in that:

- (i) he failed to deliver to The Law Society his firm's Accountant's Report for the year ended 30th September 2001;
- (ii) he failed to deliver to The Law Society his firm's Accountant's Report for the periods ending 31st March 2002 and 30th September 2002, contrary to Section 34(1) and (2) of the Solicitors Act 1974;

By a supplementary statement of Hilary Susan Morris dated 19th May 2004 it was further alleged against the Respondent that he had been guilty of conduct unbecoming a solicitor in each of the following particulars namely:

- (iii) he failed to act in the best interests of his client;
- (iv) he failed to respond to correspondence from The Law Society.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 14th October 2004 when Hilary Susan Morris 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 Orders that the Respondent, Peter Bradley Jones of Bletchley, Milton Keynes, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 14th day of October 2004 and they further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,638.00

The facts are set out in paragraphs 1-14 hereunder:

1. The Respondent born in 1952 was admitted as a solicitor in 1982 and his name remained on the Roll of Solicitors. His Practising Certificate was terminated on 1st December 2003.
2. At all material times the Respondent practised as a sole practitioner under the style of Williams Bryant solicitors from 5-6 Station Square, Flitwick, Bedford, Bedfordshire, MK45 1DP until the closure of his practice on 20th March 2003. The remains of his practice was intervened by The Law Society on 6th April 2004.
3. The Respondent's last Accountant's Report for the firm of William Bryant solicitors was filed for the year ended 30th September 2000. He was due to deliver the Accountant's Report for the year ending 30th September 2001 with The Law Society on or before 31st March 2002. He was due to deliver the Accountant's Report for the period ending 31st March 2002 by 31st May 2002.
4. On 25th July 2002 the Office for the Supervision of Solicitors ("OSS") wrote to the Respondent requesting his explanation for his failure to deliver Accountant's Reports for the year ending 30th September 2001. On 29th July 2002 the OSS wrote to the Respondent requesting his explanation for his failure to deliver Accountant's Reports for the six month period ending 31st March 2002. No reply was received from the Respondent as a result of which a further letter dated 12th December 2002 was sent to him by the OSS requesting a response within eight days.
5. The Respondent, by letter dated 19th December, requested permission to deliver one Accountant's Report up to the date of closure of his practice. He said that if permission was granted then he would appoint fresh Accountants to produce such a Report. The OSS responded on 25th March 2003 to say that his request would be put

to an Adjudicator and he was requested to provide a time-scale by which he anticipated that his accountants might be able to deliver a Report. The Respondent replied that he awaited the OSS's direction as to whether he might deliver a single Report and he would then instruct his accountants accordingly. He explained that he had experienced financial and health difficulties.

6. On 4th July the OSS requested clarification from the Respondent as to whether or not he still held client monies and if he did hold monies he was asked to provide copies of the last three bank statements relating to his client account. The Respondent replied to say that he still retained client monies and was having difficulty disposing of them. He did not inform the OSS of the amount involved and he failed to provide copies of the last three bank statements.
7. The matter was referred to an Adjudicator, who directed that the Respondent deliver one Accountant's Report for the period 1st October 2000 to 30th September 2002 within two months of notification of the decision and that if he failed to do so then his conduct should be referred to the Solicitors Disciplinary Tribunal. A copy of the decision was sent to the Respondent on 16th September 2003.
8. The Respondent failed to deliver his firm's Accountant's Reports for the period 1st October 2000 to 30th September 2002 or for the period since.

Failure to act in the best interests of his client

9. A letter was received by The Law Society on 3rd December 2003 from solicitors acting for Mr R for whom the Respondent had acted in the purchase of the property in June 1999. The Respondent had forwarded the client's file to them which showed that the title deeds had not been received following completion and that the purchase transaction had not been presented for stamping or registration.
10. Completion of the purchase transaction took place on 25th June 1999. A completion statement was sent to Mr R requesting payment of the balance purchase monies and disbursements to complete. Completion was confirmed in a letter from the Respondent to Mr R.
11. In December 1999, the Respondent wrote to the sellers' solicitors to say he had not received the completion documents. The sellers' solicitors responded with a copy letter indicating that they had sent the title deeds on the day of completion.
12. A copy of the ledger card from the Respondent's file was endorsed with a note to the Respondent that the sum of £1,205 had been put in a designated account in the name of Mr R's company. This sum represented the stamp duty and Land Registry fees which were payable following completion of the purchase of Mr R's property.
13. No further action appeared to have been taken by the Respondent in relation to the missing deeds or the failure to attend to stamp duty and Land Registration requirements or to protect the client's interest in the property.

Failure to respond to The Law Society

14. Following receipt of the complaint from Mr R's solicitors, The Law Society wrote to the Respondent seeking an explanation on 9th February 2004. A reminder letter was sent on 26th February 2004. A further letter dated 10th March 2004 was sent to the Respondent in which he was warned that his failure to respond to letters from the Society might be regarded as unprofessional conduct and he was requested to respond within eight days. No response had been received from the Respondent.

The Submissions of the Applicant

15. The Applicant had admitted the allegations contained in the Rule 4 Statement and had indicated in response to the Supplementary Statement and the Applicant's Notice to Admit documents that he did not propose to offer any defence
16. It was clear from correspondence to which the Tribunal was referred that the Respondent had suffered significant financial and health problems. These had been reiterated in his letter to the Applicant of 10th October 2004.
17. It was unfortunate that the Respondent had suffered these difficulties. Nevertheless it was vital for the regulation of the profession that solicitors delivered Accountant's Reports.
18. In relation to allegation (iii) the client had suffered a lengthy period of worry in relation to the matter. In relation to allegation (iv) The Law Society had written to the Respondent on a number of occasions without response. Solicitors were obliged to deal promptly and substantively with correspondence from The Law Society and the Respondent had disregarded his duty to his regulatory body.
19. The Applicant was aware of the Respondent's bankruptcy but sought an Order for costs in the sum of £1,638 to include the costs of The Law Society investigation.

The Findings of the Tribunal

20. The Tribunal found the allegations to have been substantiated indeed they were not contested.
21. The Tribunal had noted the difficulties faced by the Respondent referred to in correspondence and noted his continuing ill health referred to in his letter to the Applicant of 10th October 2004. The Tribunal considered that this was a sad case. The Tribunal had not found any dishonesty on the part of the Respondent indeed none had been alleged. He was however in continuing breach of the regulatory requirements and those requirements were in place in order to protect the public and to maintain the public's confidence in the profession. In all the circumstances the Tribunal considered that the appropriate penalty was to suspend the Respondent from practice for an indefinite period. The Tribunal had noted that the Respondent was bankrupt and unemployed but considered it right that an Order in respect of the Applicant's costs be made.

22. The Tribunal Ordered that the Respondent, Peter Bradley Jones of Bletchley, Milton Keynes, solicitor, be suspended from practice as a solicitor for an indefinite period of to commence on the 14th day of October 2004 and they further Ordered that he pay the costs of and incidental to the application and enquiry fixed in the sum of £1,638.00.

DATED this 26th day of November 2004

on behalf of the Tribunal

R B Bamford
Chairman