

IN THE MATTER OF ROBERT THOMPSON, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr A N Spooner (in the chair)  
Mr P Haworth  
Mr J Jackson

Date of Hearing: 23rd June 2005

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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 Law Society by Jonathan Richard Goodwin, of Jonathan Goodwin Solicitor Advocate, 17E Telford Court, Dunkirk Lea, Chester Gates, Chester CH1 6LT on the 14<sup>th</sup> of May 2004 that Robert Thompson of Pembroke Dock, Pembrokeshire (subsequently of Hodgeston, Pembroke, Pembrokeshire), solicitor, might be required to answer the allegations set out in the Statement which accompanied the application and that such Order might be made as the Tribunal should think right.

At the opening of the hearing the Applicant sought to withdraw allegations 1(a) and (vii). The Tribunal consented thereto.

The allegations are set out below in the amended form.

The allegations were that the Respondent had been guilty of conduct unbecoming a solicitor in each of the following particulars:-

- (i) The conduct of the Respondent overall is such that it gives rise to breach of Rule 1 of the Solicitors Practice Rules 1990 in that his independence and/ or integrity was

compromised or likely to be compromised and/ or the duty to act in the best interests of the client(s) was compromised or likely to be compromised and/ or the good repute of the Solicitor or of the Solicitors profession was compromised or likely to be compromised and/ or his duty to the Court was compromised or likely to be compromised in that:-

- (a) [Withdrawn]
  - (b) He allowed Mr Tyrone Jude Francis (Mr Francis) and/ or another, to conduct client matters, in particular in relation to the matter of W & T with little, if any supervision;
  - (c) He provided and/ or allowed his firm's headed notepaper to be utilised by or on behalf of Eagle Law Services;
  - (d) That he employed and/ or remunerated Mr Francis at a time when Mr Francis was un-certificated;
  - (e) That he allowed and/ or condoned Mr Francis' appearance in Court representing a client of the Respondent's firm, in respect of a licensing matter, at a time when Mr Francis was un-certificated;
  - (f) On the Respondent's own admission he destroyed part of a file relating to the matter of T & W, which the Respondent had been asked to produce by virtue of a notice pursuant to Section 44B of the Solicitors Act 1974.
- (ii) That contrary to Rule 7 of the Solicitors Practice Rules 1990 he shared and/ or agreed to share his professional fees with Mr Francis and/ or Eagle Law Services Ltd;
  - (iii) That contrary to Rule 13 of the Solicitors Practice Rules 1990 he failed to exercise any or adequate supervision of Mr Francis;
  - (iv) That he failed to pay office monies into an office account contrary to Rule 19 (1) (a) (i) of the Solicitors Accounts Rules 1998;
  - (v) That he failed to keep accounts properly written up to show his dealings with office money relating to any client matter, contrary to Rule 32 (1)(c) of the Solicitors Accounts Rules;
  - (vi) That he improperly failed to show all dealings with office money relating to any client matter in an office cash account and on the office side of an appropriate client ledger contrary to Rule 32 (4) of the Solicitors Accounts Rules;
  - (vii) [Withdrawn].
  - (viii) That he employed and/ or remunerated in connection with his practice as a Solicitor, a former Solicitor whose name had been struck off the Roll of Solicitors, and/ or a person who he knew was disqualified from practising as a Solicitor by reason of the fact that his (Mr Francis) practising certificate was suspended following his bankruptcy, contrary to Section 41 (1) (a) and (c) of the Solicitors Act 1974.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 30th June 2005 when Jonathan Richard Goodwin appeared as the Applicant. The Respondent did not appear and was not represented.

The evidence before the Tribunal included the Respondent's letter addressed to the Tribunal dated the 22<sup>nd</sup> June 2005 enclosing a copy of the letter which the Respondent had on the same date addressed to the Applicant. Details of these letters are set out below.

The Tribunal was aware that the Respondent had previously been represented by Ms K Wingfield of Penningtons Solicitors and a letter addressed by that firm to the Applicant dated 9<sup>th</sup> July 2004 indicating the Respondent's admissions and denials of the allegations was handed up. The Tribunal had before it a copy of an affidavit made by Tyrone J Francis (unsworn) and written references in support of the Respondent which Messrs Penningtons had kindly forwarded to the Tribunal.

The Tribunal noted that in accordance with the letter of 9<sup>th</sup> July 2004 the Respondent's position was as follows:-

- (i) (a) Withdrawn.
- (b) Denied.
- (c) Denied.
- (d) Denied.
- (e) Denied.
- (f) Denied.
- (ii) Denied.
- (iii) Denied.
- (iv), (v) and (vi) admitted.
- (vii) Withdrawn
- (viii) Denied.

Mr Fletcher, an officer of the Forensic Investigation Unit of The Law Society gave oral evidence as did Stephen Well, the clerk to the Powys Justices.

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

The Tribunal orders that the Respondent, Robert Thompson of Hodgston, Pembroke, Pembrokeshire (formerly of Pembrock Dock, Pembrokeshire) 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 to be subject to detailed assessment unless agreed between the parties to include the costs of the Investigation Accountant of The Law Society.

**The Respondent's history**

1. The Respondent, born in 1942, was admitted as a solicitor in 1966. At all material times he carried on practice on his own account under the style of Robert Thompson solicitor from offices at 19a Meyrick Street, Pembrock Dock, Pembrokeshire SA72 6AL. At the time of the hearing the Respondent did not hold a current practising certificate and had indicated that he did not intend to renew his practising certificate

or to return to practice. The Tribunal had previously agreed to adjourn the substantive hearing owing to the Respondent's ill health.

### **The Applicant's case**

2. Mr Francis carried on practice on his own account under the style of Jenkins Solicitors from offices at 8 Meyrick Street, Pembroke Dock. On the 10<sup>th</sup> February 1999 The Law Society resolved to intervene into Mr Francis's practice. It was subsequently ascertained that Mr Francis had already closed his practice.
3. On the 12<sup>th</sup> February 1999, The Law Society approved the proposed employment of Mr Francis as a consultant with the Respondent. No decision was made in connection with Mr Francis's application/ approval of his employment as a consultant with Eagle Law Services Ltd at Liverpool (which company operated from the same address as Mr Francis's current firm and used the same telephone number).
4. Mr Francis's practising certificate for 1998/99 was terminated on 28<sup>th</sup> July 2000, and his application for a practising certificate was refused on the same date.
5. Mr Francis was made bankrupt on 19<sup>th</sup> July 2001.
6. On the 11<sup>th</sup> September 2001 Mr Francis was struck off the Roll of Solicitors.
7. At all times when Mr Francis was employed and/ or remunerated by the Respondent, he worked alone or together with his (unadmitted) wife from the former premises of Jenkins Solicitors, under the style of Eagle Law Services Ltd. No record of a firm trading under the name of Eagle Law Services Ltd or Eagle Law Services Ltd (Liverpool) was found.
8. The Forensic Investigation Unit (FIU) of The Law Society carried out an inspection of the Respondent's books of account commencing on 7<sup>th</sup> February 2002. A copy of the FIU dated 15<sup>th</sup> January 2003 was before the Tribunal.
9. The Report revealed that the Respondent's books of account were not in compliance with the Solicitors Accounts Rules and set out the following areas of concern.
10. Mr Francis started the case of T & W whilst practising under the style of Jenkins Solicitors. The matter was a criminal case, T & W had each been granted Legal Aid. The matter was taken over by the Respondent, following the resolution to intervene into Jenkins in February 1999. The Legal Aid orders were transferred to the Respondent on the 11<sup>th</sup> March 1999.
11. At all relevant times when substantial amounts of money were received by the Respondent in respect of legal aid costs, Mr Francis was employed by him as a consultant.
12. The Respondent produced a printout of the relevant ledger to the FIU officer which identified only the office account entries:-

Robert Thompson- OFFICE BANK ACCOUNT

<u>Item No</u>	<u>Date</u>	<u>Payment</u>	<u>Receipt</u>
1	24.6.99 HMPG		£24,163.88
2	25.6.99 Eagle Law	£18,122.91	
3	Mr Thompson's Costs	5,141.25	
4	VAT	899.72	
		<u>£24,163.88</u>	<u>£24,163.88</u>

The FIU officers established that the following further sums had been remitted to the Respondent and credited to the accounts noted below:-

The Respondent's personal account at Alliance & Leicester Building Society

<u>Item No</u>	<u>Date</u>	<u>Payment</u>	<u>Receipt</u>
5	8.9.99 HMPG (Legal Aid)		£24,798.38
6	17.9.99 Eagle Law	£18,598.78	

The Respondent's personal account at Swansea Building Society

<u>Item No</u>	<u>Date</u>	<u>Payment</u>	<u>Receipt</u>
7	3.7.00 HMPG (Legal Aid)		£59,914.56
8	10.7.00 Eagle Law	£48,164.56	
9	24.11.00 HMPG (Legal Aid)		£54,693.90
10	4.12.00 Eagle Law	£48,693.90	
11	Mr Thompson's' Costs	20,382.64	
12	VAT	3,566.96	

13. It was demonstrated that the Respondent paid Eagle Law Services a total of £133,580.15, in payment of bills delivered under the style of Eagle Law Services Ltd, including a VAT element of £19,894.92 which it appeared not to have been paid to HM Customs & Excise as the company was not registered for VAT. The Eagle Law bills bore a VAT number, 558185411 which was that used by the former practice of Mr Francis.
14. When the Respondent was asked by the FIU officer on the 12<sup>th</sup> April 2002 how he had accounted for VAT on his own costs in respect of the T & W matter he replied "Theoretically I haven't; it was never picked up on".
15. At an interview with the Respondent on the 24<sup>th</sup> July 2002 the FIU officer was told that he had failed to account for the VAT and tax. He said "Well no- no I was going to do the bills and put them through my books properly, I meant to do it but never got around to it".
16. The Respondent thereafter provided a copy of a bill for £139,406.84 dated 28<sup>th</sup> March 2002 which recorded his own professional fees of £20,382.64 plus VAT of £3,566.96 and disbursements to Eagle Law Services Ltd of £115,457.24.
17. On the 24<sup>th</sup> July 2002 the Respondent provided a bill of costs for the same amount which was different in format from that produced on the 25<sup>th</sup> April 2002 and which showed a VAT element of £20,762.72.

18. At the start of the FIU inspection the Respondent indicated to the FIU officer that the file relating to T & W had been destroyed. On the following day, 8<sup>th</sup> February 2002, the file was found on the Respondent's desk. It contained a limited number of papers. On 5<sup>th</sup> June 2002 notice pursuant to Section 44B was authorised requiring the Respondent to produce the files of T & W. On 10<sup>th</sup> June 2002 the FIU officer spoke to the Respondent about the matter and was told that the files were still with Mr Francis.
19. On the 24<sup>th</sup> July 2002 the Respondent produced 2 boxes of files relating to W & T which contained copy police documents. The Respondent confirmed that the rest of the file had been destroyed and said "Well the case is all over, the appeal is all over so there is no need really for the retention of the file".
20. The FIU officer ascertained that Mr Francis worked from offices at 8 Meyrick Street, Pembroke Dock following the closure of Jenkins for a period of time and never physically worked from the offices of the Respondent.
21. All invoices produced by Eagle Law Ltd for the period 25<sup>th</sup> June 1999 to 4<sup>th</sup> December 2000 showed the address at 8 Meyrick Street and telephone number 01646 622355, being those of Jenkins.
22. When considering the level of supervision given to Mr Francis by the Respondent at interview with the FIU officer in response to a question as to what the Respondent had to do for his 25% of the W & T costs, apart from lending the name of his firm to the matter, the Respondent replied "I was in Court on T & W for the last 2 days. Let's face it, it was money for old rope but I did have some input". In response to a question as to what supervision he provided the Respondent replied "Not a lot, I talked to him, (Mr Francis), on the phone, he told me what he had done and what he was going to do".
23. In response to further questions from the FIU officer concerning Mr Francis's history the Respondent replied "By repute yes, he had problems with The Law Society, but he was a good criminal lawyer and I was going to get 25% of the fees".
24. On the 28<sup>th</sup> February 2001 Mr Francis appeared in Court representing a Mr R in respect of a licensing matter on behalf of the Respondent. The Clerk to the Court contacted the Respondent to enquire whether Mr Francis worked for him, to which the Respondent indicated that he did on occasion use Mr Francis's firm as agent. When asked if Mr Francis was appearing as his agent on the 28<sup>th</sup> February 2001 the Respondent replied that he was.
25. On the 24<sup>th</sup> July 2002 the Respondent provided the FIU officer with the client file in relation to Mr R which contained no information relating to the licensing matter. The ledger account for H & Others, which the Respondent indicated was the only account for Mr R, included no receipt for costs. The file did contain a remittance advice from the Lord Chancellor's Department dated 19<sup>th</sup> June 2001 in the sum of £9,400.00. The Respondent confirmed that he had a similar agreement with Mr Francis in relation to costs as he did in the matter of T & W. Accordingly £7,050.00 had been paid to

Eagle Law Ltd. The file related to a number of clients to include H and R. The Legal Aid Order was in the name of the Respondent.

26. The file contained an undated but signed submission for costs and disbursements totalling £53,850.13. During interview on the 24<sup>th</sup> July 2002 the FIU officer produced to the Respondent The Solicitor's Claim for Costs in Legal Aid and Criminal & Care proceedings (Costs) Regulations 1989 and asked whose signature was on the R document. The Respondent said it was not his. The ledger showed a receipt of £1,000.00 in February 2000 followed by two payments out of £300.00 and £500.00. The file contained nothing to support the payments. The Respondent indicated that "Ty asked for them to be made".
27. The file also contained letters on the Respondent's letterhead to various parties including the Swansea Crown Court. The Respondent confirmed that he had approved a system whereby when Eagle Law Services Ltd required headed paper for Robert Thompson they were provided with it.
28. The Respondent continued to employ and/or remunerate Mr Francis after Mr Francis was declared bankrupt and was as a result suspended from practice.

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

29. The Applicant did not put his case before the Tribunal as one in which dishonesty was alleged.
30. The Respondent's position with regard to the allegations had been indicated in correspondence.
31. The matter of W & T was a criminal case which had resulted in a complex fraud trial. The reality was that the file had stayed where it was, in the hands of Mr Francis, and it was only the Legal Aid certificates that were transferred to the Respondent. Although the Applicant did not allege dishonesty, what appeared on the face of things to be the position was not the true position and the Applicant invited the Tribunal to regard the Respondent's behaviour in connection with this matter as being at the top end of the scale of professional misconduct.
32. The FIU officer had ascertained that the Respondent had received funds from the Legal Services Commission totalling £163,570.73 of which only £24,163.88 had passed through the account of the Respondent's firm. The remaining sum, £139,406.84, had been paid into the Respondent's personal accounts at the Alliance & Leicester and Swansea Building Societies.
33. The Applicant did put the breaches of the Solicitors Accounts Rules as matters of seriousness. At the time the Respondent had been under pressure from his bankers. There could be no doubt the Respondent knew that what he was doing was wrong and that he was clearly in breach of the Solicitors Accounts Rules.
34. It was the Applicant's position that the Respondent knew about Mr Francis's status at the times when such knowledge was significant. Mr Francis's practising certificate

would have been automatically suspended following his bankruptcy. The Respondent had either allowed or condoned Mr Francis's appearance in court at a time when he was not holding a practising certificate. It was clear that the Respondent had shared fees with Mr Francis and/ or Eagle Law Ltd. Eagle Law Ltd was not a 'recognised body' and in such circumstances fee-sharing was not permitted.

### **The Submissions of the Respondent**

(Contained in his letter to The Law Society dated the 10<sup>th</sup> February 2003, Messrs Penningtons' letter addressed to the Applicant dated the 9<sup>th</sup> July 2004, the Respondent's letter to the Tribunal dated 22<sup>nd</sup> June 2005 and Mr Francis's unsworn affidavit).

35. Mr Francis had informed the Respondent that he, Mr Francis, was employed by Eagle Law Ltd. The Respondent knew nothing about Eagle Law Ltd and saw no reason to question the relationship that Mr Francis said he had with that company. The Respondent was aware that both Mr and Mrs Francis were employed or contracted by Eagle Law Ltd and when the agreement was reached between the Respondent and Mr Francis, the Respondent was asked by Mr Francis to make payment to Eagle Law Ltd. Mr Francis had confirmed that the company was registered for VAT and had given its VAT number.
36. The VAT on the W & T costs were settled after the FIU inspection. The Respondent never had any intention to avoid payment of any VAT due.
37. Mr Francis had held the W & T file and the Respondent accepted what he was told by Mr Francis at face value, namely that the file had been destroyed. The file had not been destroyed although at the time of the conversation which took place between the FIU officer and the Respondent, the Respondent understood that the file might have been destroyed. The file was with the Court and subsequently had been returned to the Respondent. Mr Francis physically worked from the old Jenkins offices which were across the street from the Respondent's office because the W & T files were very substantial. His remit had been to operate as the Respondent directed and in accordance with his procedures. Mr Francis was to deal with the work generated by the W & T matter (and later a second matter) and to report to the Respondent on progress. The clients understood that Mr Francis was no longer in control of the files. The old Jenkins offices were not open to the public. The Respondent had supervised the W & T matter, particularly when Mr Francis had been away to have treatment for his medical condition.
38. The Respondent accepted that Mr Francis was physically not in the same building as he himself but there had been discussions between the Respondent and Mr Francis with regard to the W & T matter, not the least because of Mr Francis's health and the fact that the Respondent was providing backup.
39. The Respondent had not been aware of the nature of conditions imposed upon Mr Francis's practising certificate until the end of June 1999.



40. The Respondent had not allowed his firm's headed paper to be utilised by or on behalf of Eagle Law Services Ltd. He had been unaware of the company's existence until the receipt of the first tranche of Legal Aid costs in June 1999. The Respondent accepted that his firm's headed paper was utilised by Mr Francis in relation to the client matters W & T and R & Others.
41. It was accepted and was apparent that the Respondent had continued to employ Mr Francis after Mr Francis had been refused a practising certificate. The Respondent had, however, been unaware of the refusal of the grant of a practising certificate and that Mr Francis did not thereafter hold a practising certificate.
42. The Respondent had been unaware of Mr Francis's appearance in court (for Mr R) until after the event and had, of course, been unaware of any offence that Mr Francis was not at that time holding a practising certificate.
43. The Respondent denied that he had been in breach of Rule 7 of the Solicitors Practice Rules. At the time that he entered the agreement with Mr Francis to share professional fees with Mr Francis, Mr Francis had been a fellow solicitor. The Respondent admitted the breaches of the Solicitors Accounts Rules specified in allegations (iv), (v) and (vi).
44. Mr Francis had not immediately been aware of the fact that he was no longer holding a practising certificate on the 28<sup>th</sup> February 2001 when he appeared before the Magistrates. He had been unaware of the necessity to hold a practising certificate on that occasion as he was acting on a pro bono basis. Mr Francis had no recollection of discussing his appearance with the Respondent prior to the hearing although he had a recollection of discussing it afterwards.
45. Mr Francis had not been aware of the order made that his name be struck from the Roll until some time after the event.

**The Respondent's letter of 22<sup>nd</sup> June 2005 addressed to the Applicant**

46. "Dear Mr Goodwin

**Re: Disciplinary Hearing- 23<sup>rd</sup> June 2005**

Thank you for your letter of 9<sup>th</sup> June. I regret the delay in responding but have been awaiting the outcome of a further visit to Dr Victor Davies, my GP. Following that consultation he has confirmed that although there is a slight improvement to my health I am not a great deal better than I was when I left hospital last October. He is therefore referring me back to the Consultant for a review.

The present situation is that I can now walk 200 to 300 yards before I become short of breath. I sleep badly and when I do I am disturbed by nightmares. These are apparently among the side effects of my medication. The result of the insomnia and disturbed sleep is generally that I cannot get through the day without a nap in the afternoon.

I regret therefore that I shall be unable to attend the hearing above. No disrespect to the Tribunal or to you is intended.

I am not applying for further adjournment for two reasons. I was told following the last adjournment that there would be no further adjournments and the matter was expected to proceed on tomorrow's hearing. Secondly my doctor feels that the stress of the proceedings hanging over me is not aiding my recovery.

I have withdrawn Katrina Wingfield's instructions for purely financial reasons. My financial position has deteriorated by between 80% and 90% since I became unable to practice following the imposition of the conditions on my PC [practising certificate] which came into force on 1<sup>st</sup> September 2004 and the fairly rapid onset of my illness at the beginning of October last.

As to the allegations please refer the Tribunal to my letters of 10<sup>th</sup> February 2003 and 15<sup>th</sup> August 2003. My position remains as set out in those letters and I aver to the truth of the statements set out therein. In support of the statements I enclose a draft affidavit which Katrina Wingfield had agreed with Tyrone Francis covering some of the ground. I appreciate that this unsworn affidavit will not carry full weight but I ask that it is read by the Tribunal and they give the contents thereof such weight as possible in the circumstances.

As to my general character, honesty and integrity I rely upon the letters from my professional colleagues of many years standing. All firms in the immediate area of my practice have responded positively after I disclosed to them my position. I ask that the Tribunal read those letters.

Following the closure of my practice I have not renewed my PC [practising certificate] nor have I applied to remain on the Roll. I see little benefit in doing either in view of my health and my age. I am currently 62 years old and will be 63 years old in September. It is highly unlikely that I would wish to return to practice even assuming that at my age I could obtain a position and that my health would stand up to the rigours of a law practice. I have no wish to put my health to the test.

I referred above to the deterioration of my financial position. My gross income between 1<sup>st</sup> January 2005 and today has been in the sum of £4,931.81p. This is gross i.e. before the deduction of any expenses. We rely heavily on my wife's income as a secretary.

As you are aware I suffered financial problems in the 1990s. This is documented in one of the OSS reports. As a result I lost all my capital assets (shares, savings insurances etc) save for my home. I spent the next few years paying off my creditors. However I could not come to terms with the bank which held the mortgage. My first wife died on 23<sup>rd</sup> December 1998 and the bank telephoned me on about the 2<sup>nd</sup> January 1999 to badger me about the outstanding mortgage. Fortunately they were told of my loss and left me for six months before renewing their pressure. As a result I was obliged to sell the house in 2000 with all proceeds of sale going to the bank. I also had to pay them a fairly substantial sum in additional which left me no assets. I remarried in 2001 and we live in my wife's home originally bought by her great grandfather and furnished by her before our marriage.

I have no other assets of any description. I do, however, have a large outstanding debt owed to Katrina Wingfield of about £6,000 for outstanding fees. When I concluded that I had no reasonable prospect of meeting her fees and I could no longer afford her representation I advised her. I have made a suggestion to her of monthly payments which I think will prove acceptable although I am currently awaiting her final decision on my offer.

I ask the Tribunal to take my financial position into account when fixing penalty. I shall be unable to meet a financial penalty except by small monthly payments and I hope that this will, in due course, be acceptable.

Yours truly  
Robert Thompson LLB”

### **The Tribunal’s Findings**

47. The Tribunal find all of the allegations to have been substantiated save for allegation (viii). The Tribunal found the allegation that the Respondent had employed and/ or remunerated in connection with his practice a solicitor a person who had been either struck off or whose practising certificate had been suspended not to have been established to the necessary high standard of proof.
48. The Respondent claimed that he did not know either that Mr Francis’s practising certificate had been terminated or suspended. In his unsworn affidavit Mr Francis seeks to confirm that position. The Applicant has adduced no evidence that demonstrates that the Respondent did have knowledge of Mr Francis’s practising status at any material or relevant time. The Tribunal is concerned that the Respondent had during the course of discussions with the FIU officer indicated that he had been aware that Mr Francis ‘had been in trouble with The Law Society’ and it would have been a prudent step for the Respondent to take to ensure that he could properly employ or remunerate Mr Francis. Against that the Respondent had been given permission by The Law Society to employ Mr Francis and Mr Francis himself, who clearly had been reasonably well known to the Respondent, had not put the Respondent fully in the picture.

### **The Tribunal’s Decision and its reasons**

49. The working arrangements between the Respondent and Mr Francis and the accounting procedures that existed between them gave the Tribunal serious cause for concern. In particular, the lack of proper supervision of Mr Francis by the Respondent; and the Respondent’s handling of substantial sums in respect of Legal Aid costs through his personal building society accounts with the Alliance & Leicester and Swansea Building Societies rather than being properly processed and accounted for through the Respondent’s firm’s books represented a serious abrogation by him of his responsibilities as a solicitor. Overall, the Tribunal was of the view that the Respondent sought to derive an income without paying any proper regard to the accounting regime within which all solicitors have to operate. In behaving in such an

unsatisfactory manner the Respondent had failed to demonstrate the probity, integrity and trustworthiness expected of all members of the solicitors profession.

50. The Tribunal takes a very grave view of the Respondent's failures and shortcomings and even though dishonesty was not alleged against him the Tribunal was in no doubt that he had fallen so far below the standards required of a member of the Solicitors profession that it would be both right and proportionate to order that his name be struck off the Roll of Solicitors. The Tribunal so ordered.
51. Bearing in mind all the circumstances of this particular matter the Tribunal considered that it was right that the Respondent should bear the costs of and incidental to the application and enquiry, to include the costs of The Law Society's FIU officer (in the order referred to as the Investigation Accountant) and accordingly made such order on the basis that the costs should be subject to a detailed assessment if not agreed.

DATED this 22nd day of August 2005

On behalf of the Tribunal

AN Spooner  
Chairman