

IN THE MATTER OF RICHARD ADRIAN HUGH PAWSEY, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A G Ground (in the chair)
Mr S N Jones
Mrs S Gordon

Date of Hearing: 10th May 2005

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Law Society by Michael Robin Havard, solicitor and partner in the firm of Morgan Cole Solicitors of Bradley Court, Park Place, Cardiff, CF10 3DP on 9th November 2004 that Richard Adrian Hugh Pawsey of Firth Park Road, Sheffield, a 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 were that the Respondent had been guilty of conduct unbecoming a solicitor in that:-

- 1) He failed to deliver an Accountant's Report contrary to Section 34 of the Solicitors Act 1974 (as amended) and the Rules made thereunder;
- 2) He failed to reply to correspondence from the Law Society;
- 3) He abandoned his practice of Richard Pawsey, Solicitors, of which he is the sole principal.

The application was heard at the Court Room, Gate House, 3rd Floor, 1 Farringdon Street, London EC4M 7NS on 10th May 2005 when Michael Robin Havard appeared as the Applicant and the Respondent appeared in person. 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, Richard Adrian Hugh Pawsey of Firth Park Road, Sheffield, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 10th day of May 2005 and it further orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,920.94.

The facts are set out in paragraphs 1 to 7 hereunder:-

1. The Respondent, born in 1960, was admitted as a solicitor in 1988. At the material times he practised on his own as Richard Pawsey from premises at 39 Mansfield Road, Sheffield, renting a room from Staniforth Estate Agents operating from the same premises.
2. In May 2004 the Law Society was notified that it appeared that the Respondent had not returned from a holiday. He had not made any provision for the supervision or monitoring of his practice in his absence.
3. On 18th May 2004, the Law Society spoke with the Respondent on the telephone. The Respondent stated that he had taken a short holiday and was in the process of closing down the practice as there was very little work. He had not attended his office for four weeks. He indicated that he would return to the office during the week beginning 24th May 2004.
4. The Respondent did not return to his practice and did not reply to a letter from the Law Society of 19th May 2004. The Law Society wrote a further letter to the Respondent on 3rd June 2004 and endeavoured to contact him by telephone but without success. In the letter of 3rd June 2004, the Law Society pointed out that the Respondent had failed to reply to its earlier letter of 19th May 2004 and requested a response within eight days, with a warning that unless he did so he ran the risk of disciplinary proceedings. Reference was also made to complaints that had been received from clients and mortgage lenders about outstanding issues. The Respondent did not reply.
5. On 15th June 2004 the Law Society wrote to the Respondent giving him notice that grounds of intervention had arisen as a result of breaches of the Solicitors Practice Rules 1990 and he was informed of another possible ground for intervention, namely abandonment of a practice by a sole principal. The Respondent was asked to respond to the Law Society by Friday 18th June 2004. No reply was received.
6. On 21st June 2004 the Law Society telephoned Richard Pawsey Solicitors to find that the Respondent was not present, but a member of staff of Staniforth Estate Agents indicated that the Respondent had not returned to the practice since he disappeared in April 2004. The Law Society did intervene into the Respondent's practice on 6th July 2004.

7. The Respondent's Accountant's Report for the year ending 31st July 2003, which should have been delivered to the Law Society on or before 31st January 2004, remained outstanding.

The Submissions of the Applicant

8. The Respondent had abandoned his practice and had not offered any explanation. It was fair to say that neither the Law Society nor the solicitors appointed to intervene had had any contact with the Respondent.
9. At the time of the disciplinary hearing the Respondent did not hold a Practising Certificate. The Accountant's Report continued to remain outstanding.

The Submissions of the Respondent

10. The Respondent agreed with all that had been placed before the Tribunal by the Applicant save that he had had some contact with the intervening agents. One of their representatives attended at his home and he handed over documents which he kept there.
11. The Respondent's practice had been running down. He could not offer any excuses for his behaviour. He regretted that he did not handle the closing of his practice in a more orderly and appropriate fashion.
12. At the time of the disciplinary hearing the Respondent was unemployed.

The Tribunal's Findings

13. The Tribunal found the allegations to have been substantiated, indeed they were not contested.

The Tribunal's Sanction and its Reasons

14. The Tribunal gave the Respondent credit both for his admissions and the fact that he had attended the disciplinary hearing in person and expressed his regret.
15. However whilst the Respondent had expressed his regret he offered no explanation for his behaviour. That behaviour gave rise to real concern about the Respondent's fitness to practise as a solicitor. He had abrogated his responsibilities with regard to his practice and the best interests of his clients and he had not complied with the important regulatory requirement to file an annual Accountant's Report within the time limits laid down.
16. The Tribunal concluded that in order to protect the public and the good reputation of the solicitors' profession the Respondent should be suspended from practice for an indefinite period of time. He was also ordered to pay the Applicant's costs in the

fixed sum agreed between the parties. The Tribunal wished to make it plain to the Respondent that in relation to any application for the determination of the period of suspension it would be likely that the Respondent would have to show that he had complied with the requirement to file an annual Accountant's Report, either by filing such report or by obtaining a waiver from the Law Society, provide satisfactory evidence that all outstanding clients' affairs had been satisfactorily concluded as well as evidence as to his fitness to practise as a solicitor.

Dated this 10th day of June 2005

On behalf of the Tribunal

A G Ground
Chairman