

IN THE MATTER OF ROLAND JOSEPH HESLOP-GILL
(formerly Roland Joseph Heslop), solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr P Kempster (in the chair)
Mr R J C Potter
Mr D Gilbertson

Date of Hearing: 2nd August 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 Peter Harland Cadman, solicitor and partner in the firm of Russell-Cooke Solicitors, 8 Bedford Row, London, WC1R 4BX on 23rd February 2005 that Roland Joseph Heslop solicitor of Romanby, Northallerton, North Yorkshire, 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.

By letter of 5th March 2005 the Respondent notified the Tribunal that his name had been changed to Roland Joseph Heslop-Gill and his new address was 15 South Terrace, Darlington, DL1 5JA.

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

- (a) That the books of account were not properly written up contrary to the Solicitors Accounts Rules 1998.

- (b) That he withdrew monies from client account other than as permitted by Rule 22 of the Solicitors Accounts Rules 1998.
- (c) That he dishonestly used clients' funds for his own purposes.
- (d) That he dishonestly used office account funds.
- (e) That he dishonestly caused false entries to be recorded in the books of account.

The evidence before the Tribunal included the admissions of the Respondent contained in his letter of 5th March 2005 in which he said:-

“I do not dispute the allegations and will not attend the pre-listing hearing”.

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

The Tribunal Orders that the Respondent, Roland Joseph Heslop-Gill of South Terrace, Darlington, solicitor, be struck off the Roll of Solicitors and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,528.75.

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

1. The Respondent, born in 1952, was admitted as a solicitor in 1997. His name remained on the Roll of Solicitors. At the material times the Respondent was a partner in the firm of Jefferson Willan & Co of 222 High Street, Northallerton, North Yorkshire. The Respondent retired from the practice on 30th September 2004.
2. Messrs Jefferson Willan & Co's accountants reported to The Law Society the misconduct of the Respondent, and in particular the Respondent's misuse of both client account and office account, by letter of 28th May 2004.
3. Jefferson Willan & Co had been concerned about the level of the Respondent's drawings and from 1st February 2001 all partners agreed to a rigid policy of fixed monthly amounts of drawings for each partner.
4. The Respondent, who had large personal financial commitments, made withdrawals from the firm's client account. He also made withdrawals from the firm's office account in breach of the agreement between the partners to limit drawings.
5. Jefferson Willan & Co's accountant explained that whilst payments out of client account required 2 cheque signatories the nature of the payments were to third parties commonly associated with client account payments such as Inland Revenue, insurance companies, building societies and utility companies.
6. The firm's accountant had been instructed to conduct a review of all the current active ledger accounts handled by the Respondent and to review all client ledger accounts closed in the period from 1st January 2001 which had been handled by the Respondent.
7. The partners of Jefferson Willan & Co had corrected all breaches as soon as they were identified and had made good any losses identified.

The Submissions of the Applicant

8. The Respondent had made improper and dishonest withdrawals from both office and client account of Jefferson Willan & Co to cover his own personal liabilities including bank commitments, credit card commitments, Inland Revenue commitments and water and electricity bills.
9. When The Law Society wrote to the Respondent he replied by letter of 13th January 2004 making general admissions.
10. There could be no doubt that the Respondent's conduct had been repetitive, improper and dishonest.

The Submissions of the Respondent

11. In his letter of 5th May 2005, referred to above, the Respondent did not dispute the allegations. He expressed doubt as to whether he would attend the substantive hearing saying that he considered the outcome to be inevitable. He had not renewed his Practising Certificate and did not intend to practise as a solicitor again. He was more than happy to remove his name from the Roll but accepted that The Law Society would prefer him to be struck off the Roll in disapproval of his actions.

The Findings of the Tribunal

12. The Tribunal found the allegations to have been substantiated, indeed they were not contested. The Tribunal was in no doubt that the Respondent perpetrated a deliberate and dishonest course of action. Such behaviour cannot be tolerated on the part of a member of the solicitors' profession. Such behaviour serves only to damage the good reputation of the solicitors' profession. The Tribunal ordered that the Respondent be struck off the Roll of Solicitors and further ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £1,528.75.

DATED this 16th day of September 2005
on behalf of the Tribunal

P Kempster
Chairman