

IN THE MATTER OF LEONARD EDMUND BLOMSTRAND, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr D J Leverton (in the chair)  
Miss T Cullen  
Mr D E Marlow

Date of Hearing: 19th January 2006

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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 Stuart Roger Turner, solicitor and partner in the firm of Lonsdales Solicitors, 5 Fishergate Court, Fishergate, Preston, PR1 8QF on 1<sup>st</sup> March 2005 that Leonard Edmund Blomstrand, solicitor of 32 Versailles Road, London, SE20 8AX 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.

On 17<sup>th</sup> May 2005, 10<sup>th</sup> August 2005 and 22<sup>nd</sup> August 2005 the Applicant made supplementary statements containing further allegations.

The allegations set out below are those contained in the original statement and the first, second and third supplementary statements.

The allegations were that the respondent had been guilty of conduct unbecoming a solicitor in the following circumstances:-

1. That contrary to Section 34 of the Solicitors Act 1974 (as amended) and contrary to Section 35 of the Solicitors Accounts Rules 1998 the Respondent has failed to deliver an Accountant's Report to the Law Society for the period ending 30<sup>th</sup> June 2003;

2. That contrary to Section 34 of the Solicitors Act 1974 (as amended) and contrary to Section 35 of the Solicitors Accounts Rules 1998 the Respondent had failed to deliver an Accountant's Report to the Law Society for the period ending 30<sup>th</sup> June 2004;
3. That contrary to Section 35 of the Solicitors Accounts Rules 1998, the Respondent failed to deliver an Accountant's Report to the Law Society for the period ending 10<sup>th</sup> August 2004;
4. That the Respondent failed to comply with an Inadequate Professional Service Decision within the time limit allowed.

The Application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 19<sup>th</sup> January 2006 when Stuart Roger Turner appeared as the Applicant. The Respondent did not appear and was not represented.

The Tribunal noted that the matter had been listed for hearing on the 11<sup>th</sup> October 2005 and that prior to the date of that hearing the Respondent wrote to the Applicant seeking an adjournment. The Respondent referred to health issues and full details of the Tribunal's decision to grant an adjournment on that occasion are set out on the Tribunal's memorandum dated 20<sup>th</sup> October 2005. In that memorandum, the Tribunal directed the Respondent to file medical evidence with the Tribunal and serve it upon the Applicant by the end of November. Nothing further had been heard from the Respondent. In those circumstances the Tribunal ruled that the matter should proceed to the substantive hearing.

The evidence before the Tribunal included evidence as to due service of the proceedings and documents upon the Respondent, including Civil Evidence Act notices and notices under the Tribunal's procedural rules in respect which no counter notices had been received.

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

The Tribunal Orders that the Respondent, Leonard Edmund Blomstrand of 32 Versailles Road, London, SE20 8AX, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 19<sup>th</sup> day of January 2006 and do pay a fine of £3,000.00, such penalty to be forfeit to Her Majesty the Queen, and the Tribunal Orders that the direction of the Adjudicator of the Law Society dated 8<sup>th</sup> June 2005 be treated for the purposes of enforcement as if it were an order of the High Court. The Tribunal further Orders 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.

**The facts are set out in paragraphs 1 to 12 hereunder:-**

1. The Respondent, born in 1947, was admitted as a solicitor in 1988. At the material times he carried on practice as Leonard Blomstrand Solicitors at 32 Versailles Road, London, SE20 8AX. The Applicant was aware that the Respondent had closed his practice but was not aware of his current practice arrangements, if any.
2. For the period ending 30<sup>th</sup> June 2003 the Respondent was due to deliver an Accountant's Report to the Law Society by 31<sup>st</sup> December 2003.

3. On 4<sup>th</sup> March 2004 the Law Society wrote to the Respondent seeking his explanation for his failure to deliver this Report.
4. The Respondent replied by e-mail on 31<sup>st</sup> March 2004 saying that he was advised to change the date of his year end from 30<sup>th</sup> June to 31<sup>st</sup> December. The Law Society was not informed “officially” until just before Christmas.
5. The Law Society did not receive any confirmation from the Respondent or his accountants about the change in the year end. There was no application for an extension of time to file the Report.
6. Between 11<sup>th</sup> May 2004 and 18<sup>th</sup> August 2004 the Law Society reminded the Respondent of the requirement to file an Accountant’s Report and invited him to seek an extension of time.
7. On 18<sup>th</sup> August 2004 an Adjudicator of the Law Society found the Respondent to be in breach of Section 34 of the Solicitors Act 1974 and expected him, within 28 days of the letter notifying him of the decision, to deliver the outstanding Accountant’s Report. The Respondent did not comply. Subsequently letters were addressed by the Law Society to the Respondent seeking the Respondent’s explanation and advising him the possibility of the grant required of a waiver.
8. Just as for the period ending 30<sup>th</sup> June 2003, for the period ending 30<sup>th</sup> June 2004, the Respondent was due to deliver an Accountant’s Report to the Law Society.
9. The Respondent’s firm closed on 10<sup>th</sup> August 2004 according to the Law Society’s records. An Accountant’s Report covering the period 1<sup>st</sup> July to 10<sup>th</sup> August 2004 should have been delivered to the Law Society by 10<sup>th</sup> February 2005.
10. On 8<sup>th</sup> June 2005, following receipt of a complaint, an Adjudicator of the Law Society made a finding that professional services provided by the Respondent were inadequate.
11. The Adjudicator directed the Respondent to pay £400 to the complainant as compensation within seven days of notification of the direction. The Adjudicator’s decision was sent to the Respondent on 17<sup>th</sup> June 2005. In the absence of a response the Law Society wrote to the Respondent on the 7<sup>th</sup> July when he was given a further fourteen days in which to comply.
12. The Respondent had not filed any of the outstanding Accountant’s Reports. The Respondent had not complied with the Adjudicator’s direction.

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

13. After the adjournment hearing the Respondent had adopted his prior course which had been one of total silence. The Respondent had failed to file with the Law Society Accountant’s Reports in accordance of the provisions of Section 34 of the Solicitors Act 1974 and the rules made thereunder. It appeared that the Respondent suffered from ill health as did his wife. The Applicant was unable to assist the Tribunal as to whether the Respondent currently held a Practising Certificate or whether he was working or if so in what capacity.

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

14. The Respondent made no submission.

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

15. The Tribunal found the allegations to have been substantiated.

### **Previous appearance before the Tribunal**

16. Following the hearing in 4<sup>th</sup> April 2000 the Tribunal found the following allegations to have been substantiated against the Respondent.

17. The allegations were that the Respondent has been guilty of conduct unbefitting a solicitor in that:-

- (i) He had failed to reply to correspondence from other solicitors and form the Office.
- (ii) Following the termination of his retainer, he failed promptly, or within a reasonable time, to hand over client papers to the solicitors then retained by the client.

18. In its written findings dated the 18<sup>th</sup> May 2000, the Tribunal said:-

- “(i) The Tribunal found the allegations to have been substantiated, indeed, they were not contested.
- (ii) The Tribunal had considered the oral and written submissions with great care. The Tribunal recognise that the Respondent was in an unhappy situation at the best of times and the Tribunal was greatly concerned about the Respondent’s isolation – he was practising from home with severe domestic problems.
- (iii) Although the Tribunal felt that the appropriate penalty in this case was a fine the Tribunal was most concerned that the Respondent’s difficulties should not lead to any future appearance before the Tribunal and recommended that the Respondent needed help and assistance and strongly recommended him to seek it.
- (iv) The Tribunal ordered that the Respondent pay a fine of £1,000.00 and also pay the costs of and incidental to the application enquiry.”

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

19. The Tribunal considered the matters before it very carefully. For the protection of the public the Tribunal does regard a failure by a solicitor to file timeously with the Law Society the Accountant’s Reports required by statute to be a serious matter. It is the provision of such Reports which enables the Law Society to reassure members of the public that they are not putting their money in jeopardy when they place large sums in the care of a solicitor. In effect, a solicitor who does not comply with that important

requirement fully and properly is preventing his own regulatory body from discharging its proper function. The failure on the part of a solicitor to comply with a direction made by his own professional body is also serious. The Respondent appears to have disregarded his professional duties and, indeed, has failed to deal with the disciplinary proceedings.

20. The Tribunal considered that it would be both right and proportionate, if it is to fulfil its duty of protecting the public and maintaining the good reputation of the solicitors' profession, to order that the Respondent be suspended from practice for an indefinite period of time and to pay a fine of £3,000.00. The Tribunal also ordered that the direction of the Law Society awarding £400.00 to the complainant be treated for the purposes of enforcement as if it were an Order of the High Court.
21. The Applicant sought the costs of and incidental to the application and enquiry and provided the Tribunal with a schedule of his costs. The Tribunal noted that the costs were not insubstantial and took into account the fact that the Respondent had taken very little part in the disciplinary proceedings and had not made any representations about costs. In those circumstances the Tribunal considered that it would be right, and in particular fair to the Respondent, to order that he pays the Applicant's costs but that they should be subject to a detailed assessment unless agreed between the parties.

Dated this 15th day of February 2006

On behalf of the Tribunal

Mr D J Leverton  
Chairman