

IN THE MATTER OF NIGEL RAYMOND JORDAN, 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 Stephen John Battersby, solicitor and partner in the firm of Jameson & Hill, 72-74 Fore Street, Hertford, SG14 1BY on 9th March 2005 that Nigel Raymond Jordan, solicitor, of Guildford, Surrey, might answer the allegations contained in the statement which accompanied the application and that the Tribunal should make such Order as it thinks right.

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

- (i) that being a sole practitioner, on or about 31st October 2003 he did abandon his practice;
- (ii) that he did between 3rd September 2003 and 31st October 2003 practise without the requisite Professional Indemnity Insurance or in the alternative did fail to provide proof that he was covered by such insurance;
- (iii) that he did fail to deliver to The Law Society an Accountant's Report for the period 1st May 2003 to 31st October 2003;
- (iv) that he did fail to respond to correspondence from The Law Society;

- (v) that he acted in a manner which was likely to compromise or impair his own good repute and/or that of the solicitors profession in his handling of a conveyancing transaction on or about 19th July 2002.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Stephen John Battersby appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence included the document provided by the Applicant which had been the subject of Civil Evidence Act Notices and Notices under the Rules served upon the Respondent.

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

The Tribunal Orders that the Respondent, Nigel Raymond Jordan of Guildford, Surrey, 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 £1,955.88

The facts are set out in paragraphs 11 hereunder:

1. The Respondent, born in 1956, was admitted as a solicitor in 1980. At the material times he practised on his own account as Jordans Solicitors at Guildford, Surrey. The Respondent set up that firm on 1st September 2001 and claimed to have closed it on 31st October 2003.
2. The Respondent did not make proper arrangements for the orderly running down of his business with proper notification being given to clients. He appeared to have simply abandoned his practice. His doing so caused a number of problems including other solicitors not being able to contact him in connection with client affairs and clients not being able to make contact. The Law Society itself had not been able to contact the Respondent.
3. The Law Society made enquiries about the Respondent's professional indemnity insurance. The Law Society wrote to him on 7th and 23rd January, 3rd February, 29th March and 29th April 2004. Despite requests made by The Law Society the Respondent did not produce proof that he was covered by insurance for the period from the 1st September 2003 to the 31st October 2003.
4. The Respondent should have delivered his Accountant's Report for the period from 1st May 2003 to 31st October 2003 to The Law Society by 30th April 2004. He did not do so. The Law Society wrote to the Respondent on 20th July and 9th August 2004 about this.
5. A number of letters had been addressed to the Respondent by The Law Society to which he did not respond. Certain of The Law Society's letters had been returned undelivered namely those of the 20th April, 18th May and 20th July 2004.
6. On 19th July 2004 a transfer document relating to the sale of freehold land in Guildford was signed at the Respondent's office. The vendor was Mr G and the purchaser Mr B. The stated consideration was £10,000. The matter came to the

notice of The Law Society as a result of a complaint from another firm of solicitors in August 2002. They alleged that the Respondent acted improperly in representing both the vendor and the purchaser in this transaction. In a letter addressed to The Law Society in September 2002 the Respondent claimed only to have acted for the purchaser and not the vendor. Both parties visited the Respondent's office and insisted upon the transaction being completed immediately. The transaction involved five and a half acres of land which had the benefit of an established use certificate and a planning consent. The purchase price was £10,000. The purchaser had taken to the Respondent's office that sum in cash in a plastic bag. The Respondent did not keep any attendance notes relating to the transaction. He did not record the receipt of payment for his services. The Respondent either did not advise the vendor to seek independent legal advice, or had not made a record of that advice.

The Submissions of the Applicant

7. The Applicant did not put the matter as one involving dishonesty. Although the conveyancing transaction involving the land at Guildford might have been regarded suspiciously and was one in respect of which the Respondent should have paid heed to The Law Society's warnings about fraud and money laundering, the Applicant was not in a position to allege that the Respondent had been complicit in any wrongdoing.
8. The Tribunal had before it a wealth of correspondence and attendance notes showing the confusion and chaos caused to those needing to have contact with the Respondent at the time when he closed his office. He simply had made no proper arrangements for an orderly closure and transfer of files.
9. A number of applications had been made to The Law Society's compensation fund which by the date of the hearing, had paid out £37,893.64. There were a couple of outstanding claims so that this figure might in due course increase. In a letter addressed to The Law Society dated 4th December 2003 the Respondent indicated that he had done everything properly. The concern expressed by a number of people requiring to have contact with the Respondent made it plain that that was not the case. The Respondent had not responded to letters addressed to him by The Law Society and that was a breach of his professional obligation to deal properly with his own regulatory body.
10. The transaction with regard to the five and a half acres at Guildford related to the sale of woodland with an accepted planning use. It might be suggested that the land in question was worth a great deal more than £10,000. This in itself might have been an indication that the transaction was not above board and was an indication that the vendor in particular should have had proper and independent advice before entering into the transaction. The Respondent appeared to have gone along with the request of both the vendor and the purchaser to prepare the documents to give effect to the transaction without giving it any proper consideration at all. He had not made any attendance notes and had not prepared any receipt for payment made.
11. The Applicant sought the costs of and incidental to the application and enquiry which he set at the figure of £1,955.88.

The Tribunal's Findings

12. The Tribunal found all of the allegations to have been substantiated against the Respondent.

The Tribunal's decision and its reasons

13. The Tribunal having found the allegations to have been substantiated noted that there had been no allegation that the Respondent had behaved dishonestly, however it was clear that he had abandoned his practice and had acted in dereliction of his duty to look after the best interests of his clients and in dereliction of his duty to the solicitors' profession to behave in such a way that its good reputation would be upheld and maintained. The Tribunal considered that behaving in such a way fell so far below the high standards of integrity, probity and trustworthiness required of a member of the solicitors' profession that it was right that the Respondent should be struck off the Roll of Solicitors. The Tribunal concluded that the costs sought by the Applicant were entirely reasonable and they ordered the Respondent to pay the Applicant's costs in that fixed sum.

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

P Kempster
Chairman