

IN THE MATTER OF PETER LLEWELLYN MELDRUM, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr D J Leverton (in the chair)
Mr P Kempster
Mrs S Gordon

Date of Hearing: 14th June 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 of 8 Bedford Row, London, WC1R 4BX on 24th March 2005 that Peter Llewellyn Meldrum a solicitor c/o J Goodwin, 17e Telford Court, Dunkirk Lea, Chester Gates, Chester, CH1 6LT 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 each of the following particulars, namely:-

- (a) That he has been responsible for unreasonable delay in the conduct of professional business;
- (b) That he has improperly provided misleading information to his employers;
- (c) That he has improperly provided misleading information to his clients;

- (d) That he has improperly settled litigation without his client's instructions and/or knowledge;
- (e) That he has improperly failed to advise clients of his own negligence and that they should take independent legal advice;
- (f) That he has deliberately concealed his actions from his employers and from his clients.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, ECM4 7NY when Peter Harland Cadman appeared as the Applicant and Jonathan Richard Goodwin solicitor advocate appeared on behalf of the Respondent.

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, Peter Llewellyn Meldrum c/o J Goodwin, 17e Telford Court, Dunkirk Lea, Chester Gates, Chester, CH1 6LT, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 14th June 2005 and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,400 inclusive.

The facts are set out in paragraphs 1 to 14 hereunder:-

1. The Respondent, born in 1968, was admitted as a solicitor in 1992. At the material times he was an assistant solicitor employed by Irwin Mitchell Solicitors of Sheffield. The Respondent's employment by Irwin Mitchell continued until 2nd September 2003 when he was summarily dismissed. The Respondent's conduct was reported to the Law Society by Irwin Mitchell by letter dated 15th September 2003.

The client Mr McT

2. The Respondent had informed the client that settlement negotiations had been ongoing when that was not the case. He had informed his client in writing that he had issued proceedings in the High Court when he had not. He informed his client that a defence had been received which was not the case. He also told his client that he had received an allocation questionnaire and directions, and that the action would be listed for hearing, none of which was true. The Respondent told the partner in his department that the case had been settled when it had not been. The Respondent did not put copies of emails on the file and deleted them from his computer, thus concealing what had happened. He had removed the file from the office, which his employers believed also was for the purposes of concealment.

Client PS

3. The Respondent misled the client PS into believing that the case had been settled when that was not the case.

Client LH

4. The Respondent wrote to the Employment Tribunal on 24th February 2003 confirming that he had his client's instructions to withdraw her disability claim. He did not have such instructions. On the day of the Employment Tribunal hearing some months later the client was informed that the Respondent had agreed to withdraw the disability discrimination claim the day before the hearing. Although proper funding of the client's action through insurers had not been ensured the Respondent billed the insurer but did not send out the invoice.

Client DBIFS Ltd

5. The Respondent had conducted this County Court matter in breach of the department partner's instructions. He did not attend on a hearing date which had been fixed. He did not inform the client of the hearing and had not prepared adequately for the hearing. The Respondent informed the client that he had not received notice of hearing because the Court had made an error. That was not true. The Respondent advised the client following the hearing that they could not have defended the claim in any event and did not have a good counterclaim. The Respondent did not take steps that would have avoided the attendance at the client's premises of a bailiff to enforce an unsatisfied judgement and the registration of the unsatisfied judgement against the client.

Client DBISL

6. The Respondent did not comply with directions in the County Court or prepare adequately for a hearing of this matter. He compromised the action, apparently for the purposes of concealing what had happened. The Respondent paid the sum of £4,500 out of personal funds notifying the client that this was the figure obtained upon settlement.

Client AS

7. This was a potential professional indemnity claim against his firm which the Respondent had not referred to the firm's professional indemnity department. The limitation period had passed but the Respondent did not draw the matter to the firm's attention. Counsel's fees had not been paid for many years. The Respondent had not sought authority from the insurers to incur the fees. The partner in charge of the department had been misled into believing that the file had been closed and that there were no ongoing matters. The Respondent spoke to AS in August 2003 and informed him that proceedings would be issued on the Respondent's return from holiday even though he knew at the time that such a claim would be statute barred. No attendance note had been made of that conversation.

Client GP

8. The Respondent's employers considered that the Respondent had not conducted the client's action expeditiously or satisfactorily. He had not pursued a claim for constructive dismissal as had been recommended by Counsel without apparent reason or consideration with the client. The Respondent informed the client that proceedings

would be issued upon his return from holiday but he did not take appropriate steps or seek authorisation from insurers.

Client GW

9. There had been a lack of progress in this matter and proper records had not been kept.

Client P

10. The Respondent had not conducted the action expeditiously. He informed the client that liability had been admitted by the other side when it had not. He produced at a meeting with the client on 4th August 2003 a draft consent order and a schedule of damages from which the client anticipated an imminent payment of some £69,000 damages with further monies to follow. In fact no admission had been made and no settlement proposals had been tabled. The action remained listed for a hearing.

Client D

11. The Respondent did not properly pursue a judicial review on behalf of the client. The Respondent had accepted that the matter was beyond his level of competence. The client had been advised that a draft letter of complaint had been sent to the authority when it had not. No funding arrangements were in place and the Respondent had purported to conduct the matter on a pro bono basis without authorisation from his employers. The Respondent informed the client that he had been in contact with Counsel from Matrix Chambers who had agreed conduct of the matter on a pro bono basis. That was not true.
12. Following enquiries made of the Respondent's employer firm the firm gave detailed explanation as to its procedures for monitoring incoming and outgoing post and monitoring the caseloads of employees. File reviews were made and discussed. Staff were encouraged to discuss cases and seek advice from their peers or the departmental supervising partner. Training needs were identified and addressed. Partners were widely available to discuss any urgent matters with staff. Caseloads were carefully monitored.
13. The team in which the Respondent worked was a specialist team undertaking employment work. One person in each team was nominated to take calls from prospective new clients. A partner or team leader decided to whom the matter might be allocated, taking account of its nature and complexity as well as the current workload of the member of staff concerned. A risk awareness exercise had been completed in July 2003 and the Respondent's "risk web" demonstrated that his level of knowledge and ability was at or very near the group average. It was said that even the best supervision and support could be circumvented by lack of openness and honesty in an individual employee. The firm was alert to the need to protect employees against work stress problems and met that need by making available to all employees free access to a 24 hour confidential helpline.
14. The Respondent had not complied fully with internal management systems.

The Submissions of the Applicant

15. The Applicant put the matter before the Tribunal as a sad but serious case.
16. It was the Respondent's employer's opinion that in concealing the truth the Respondent used his knowledge of the firm's procedures to circumvent the proper supervisory administrative and financial systems in place. Correspondence was concealed or suppressed and copy correspondence deliberately destroyed. Files were not opened or time not recorded to give the impression that files were dormant and therefore archived. Bills were suppressed or diverted to avoid queries from clients.
17. The Respondent's misleading of clients was a particularly serious matter and he had deliberately concealed important matters from his employers which was in breach of his contractual and professional responsibility to them.

The Submissions of the Respondent

18. The Respondent studied Law and Politics at Birmingham University and after completing his Law Society finals in York undertook articles with the firm of Irwin Mitchell between 1990 and 1992. Following an extended honeymoon/holiday he joined Irwin Mitchell as an assistant solicitor in January 1993. He developed a specialism in employment law, conducting cases of a contentious and a non-contentious nature.
19. The Respondent was a married man with two young daughters.
20. After his dismissal by Irwin Mitchell the Respondent had not worked as a solicitor. He was to begin training as a teacher in the autumn of 2005.
21. The Respondent felt extremely guilty and repentant about his actions. With hindsight he could only think that he was not strong enough to talk to anyone regarding the pressures he felt under at the time. He spoke neither to his work colleagues nor to his wife. He accepted that his conduct was irrational but there was no-one to blame but himself. He deeply regretted letting down his clients, his wife, his family and his colleagues. He was at a loss to explain why he acted as he did. It was not done with a view to any financial gain. Indeed in one case he settled a case without authority and paid the settlement monies from his own pocket.
22. The Respondent had cooperated fully with the inquiry by his employers and with the Law Society. That had been a traumatic process for him.
23. During his firm's internal disciplinary process he had been referred to a counsellor on three occasions. The Respondent insisted that he did not have problems with his mental health and did not seek any medical evidence for the purposes of the disciplinary hearing.
24. In early 2002 the Respondent's departmental partner had left the practice leaving him with two newly qualified and fairly inexperienced assistants in his unit. A new partner was appointed in November 2002. She formerly had been a junior colleague of the Respondent's who had left to join another practice and was returning as his

supervising partner. Their relationship was good but the fact that his departmental partner had “leapfrogged” him in career advancement terms highlighted what he perceived to be his own inadequacies.

25. The Respondent was in fact a good and competent employment lawyer and enjoyed that area of law. He was highly regarded by many of his clients, who valued his advice and found him easy to deal with on a personal level.
26. The Respondent had difficulties with the business and administrative side of practice. He found meeting targets difficult and was constantly worried about billing clients. His time recording was not particularly good and with hindsight he had come to realise that he could not cope with all of the pressures that existed at that time.
27. An audit of the Respondent’s files had been carried out by his employers in about August 2003 while he was away on holiday. This was when the subject matter of the complaint came to light.
28. The Respondent’s conduct had been entirely out of character. He had enjoyed a hitherto unblemished record.
29. The affair had caused the Respondent very real upset and anxiety and he recognised that the career upon which he had embarked and worked hard to advance and of which he was very proud might be in jeopardy.
30. The Respondent genuinely wished that he could turn back the clock and do things differently. He apologised to all affected by his behaviour and expressed his deep regrets.

The Tribunal’s Findings

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

The Tribunal’s Decision and its Reasons

32. The Tribunal had listened very carefully to all that had been said at the hearing. There was no doubt that this amounted to a sad case in respect of which inevitably there were serious consequences. The Respondent had been guilty of serious impropriety, not the least of which was a failure by the Respondent to progress clients’ work and the misleading of clients and his employers about such matters. There appeared to be no rational explanation for this. The Respondent has provided the Tribunal with no insight into his mental condition. The Tribunal is inclined to take the view that where a hitherto honourable and competent solicitor has behaved in such an extraordinary fashion there must be serious doubts about his mental well-being. The Tribunal is of the view that the Respondent should have sought help. He had not and it appeared to the Tribunal that the Respondent quite possibly remained in denial about his mental state.

33. The Tribunal has taken due note of the Respondent's regret and contrition. The Tribunal has also noted the Respondent's cooperation with all enquiries about his behaviour and his frank and open acknowledgement of what he has done.
34. In all of the circumstances of this case the Tribunal concludes that in pursuance of its primary duty to protect the interests of the public and also to protect the good reputation of the solicitors' profession, it would be right to order that the Respondent be suspended from practice for an indefinite period of time. The Tribunal wishes to make it very plain that should an application be made by the Respondent at any time in the future to have the period of suspension lifted then any Tribunal considering that application would expect to have placed before it, in addition to other evidence of the Respondent's fitness to practise, current medical evidence dealing with the Respondent's mental condition and ability to cope with the pressures of practice as a solicitor.
35. The Tribunal noted that the parties had agreed the level of costs and the Respondent had agreed to pay the Applicant's costs. It ordered the Respondent to pay those costs in the agreed fixed sum.

Dated this 8th day of August 2005
On behalf of the Tribunal

D J Leverton
Chairman