

IN THE MATTER OF GRAHAM JOHN PARR, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A H Isaacs (in the chair)
Mr A Gaynor-Smith
Mr M G Taylor CBE

Date of Hearing: 22nd December 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 Robert Simon Roscoe, solicitor and partner in the firm of Victor Lissack, Roscoe & Coleman, solicitors of 70 Marylebone Lane, London W1U 2PQ, on 7th July 2005 that Graham John Parr of Hambledon, Hampshire, solicitor, might be required to answer the allegations set out in the statement which accompanied the application and that such order might be made as the Tribunal should think right.

The allegation was that the Respondent had been guilty of conduct unbecoming a solicitor in that he dishonestly made claims to his employers for the reimbursement of travel expenses/disbursements that he had never incurred.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 22nd December 2005 when Robert Simon Roscoe appeared as the Applicant and the Respondent did not appear and was not represented. The Respondent had sent an email to the Applicant dated 8th September 2005 indicating that he would not attend the pre-listing day on 9th September. He attached a statement which is referred to under the heading "The Submissions of the Respondent". The Tribunal expressed itself satisfied that the Respondent had been served with all of the relevant documents and was aware of the substantive hearing date.

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

The Tribunal Orders that the Respondent, Graham John Parr of Hambledon, Hampshire, 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 £2,900.

The facts are set out in paragraphs 1 to 10 hereunder:-

1. The Respondent, born in 1946, was admitted as a solicitor in 1971. At the material time the Respondent was employed as an assistant solicitor and head of the criminal department at Bramsdon & Childs, solicitors of 141 Elm Grove, Southsea, Portsmouth, Hampshire PO5 1HR.
2. In 2003 the Respondent's employers became aware that the Respondent had made a number of claims for expenses allegedly incurred in legal aid funded cases. The Respondent had been paid those expenses when he was not entitled to them.
3. The Applicant relied upon an affidavit made by Mr Paul Jones, a legal clerk employed Bramsdon & Childs, in which he said he was familiar with the firm's office accounts system and the way in which entries were made on the computerised accounts. He was also familiar with the firm's obligations to the Legal Services Commission with whom the firm had a contract to provide criminal litigation representation.
4. The records and accounts system operated by the firm required that whenever the firm opened a new client file, that file was allocated an individual number. Postings were transferred from documentation to the computer system by the accounts staff at regular intervals.
5. During the relevant period the firm operated a petty cash system. To recover any expenditure incurred on behalf of or in respect of a client, a fee earner was required to complete in duplicate a petty cash claim slip. One copy was placed on the client file and the other was submitted to the firm's cashier. Petty cash would be reimbursed by cash or cheque. The Respondent always sought reimbursement in cash and signed petty cash slips in respect of his claims.
6. As part of his work, Mr Jones was required to monitor criminal client files. He had occasion to monitor a number of files on which he had difficulty reconciling petty cash claims made by the Respondent. He brought the discrepancies to the attention of the employers.
7. By way of example, in the matter of the client AB:-
 - a) On 12th December 2002 Mr AB was interviewed in the presence of one of the fee earners of the practice, Mrs E and bailed to return to Colevill Police Station on 18th February 2003. On 18th February 2003 Mrs E drove to Havant where she parked her car and had a lift from Mr B to Colevill Police Station.
 - b) Mrs E's claim was for 10 miles travel, parking and some additional expenses. Mrs E's petty cash claim for 12th December 2002 had been altered to 30 miles and £3.50 parking.

- c) On the CDS 11, the form submitted by the firm to the LSC, a claim had been made for parking and train tickets in the sum of £53.50 and in respect of £40 miles travel.
 - d) The Respondent had claimed £24.50 which was paid to him on 21st February 2003. There was no note that he undertook any work on the matter
8. In another matter the Respondent had acted for the client, SB, who attended Fareham Youth Court on three occasions. On 20th November 2002 SB was represented by the Respondent who claimed 20 miles at 45p and £4.00 parking, a total of £13.

SB again attended Fareham Youth Court on 20th December 2003 and 14th January 2003 but on both these occasions he was represented by Counsel.

On the CDS 11 form, mileage, parking and travel time was claimed for three trips to Fareham Youth Court, the balance of which was paid to the Respondent on 23rd January 2003, a total of £32.83. The matter ledger listing sheet for this matter showed that two sums, £13.00 and £32.83 were paid to the Respondent in respect of travel disbursement claims made by him.

- 9. Mr Jones reported on seven client matters including those of Mr AB and Mr SB, where the Respondent had made a claim for expenses to which he was not entitled.
- 10. The Respondent resigned from Bramsdon & Childs on 28th August 2003 following a meeting with his employers.

The Submissions of the Applicant

- 11. The Respondent had been dishonest to claim expenses which had not been incurred. On the whole the claims were made in respect of travel which had not been undertaken. The sums involved related to relatively minor petty cash claims.
- 12. The Applicant invited the Tribunal to find the allegation to have been substantiated and he sought his costs in the figure of £2,900.

The Submissions of the Respondent

- 13. The Respondent was ashamed to find himself again before the Tribunal for conduct which he accepted fell below that expected of a solicitor.
- 14. Looking back the Respondent did not realise the stress he was under both at home and at work.
- 15. As a result of the failure of his former firm, Blair Eaton and Jupe, owing to the behaviour of Mr Jupe, the Respondent was made bankrupt as he was jointly and severally liable for much of the indebtedness of that firm. As a result, the Respondent's was making the payments of £500 per month which the wife resented. She was worried about their house as the receiver held the Respondent's share in the equity. Those matters had been resolved but for the whole of the time he worked for

Bramsdon and Childs they were concerns that affected both the Respondent and his wife.

16. The Respondent ran the criminal department of his employers' firm. He had a heavy workload and worked long hours to include weekend working.
17. Bramsdon and Childs required that there should be no positive balances on the office accounts in the names of clients. When he first joined the firm the cashier would hand to each member of the department sums of money which she said were for unclaimed travelling expenses. Eventually she started handing the Respondent printouts with balances and asked him to sort them out. Without applying his mind he followed what he thought she was doing. The Respondent had come to realise that he should have made more enquiry and ensured that the moneys concerned were properly applied. For this he was truly sorry.
18. Since leaving the firm, the Respondent had not been employed in legal work. He had been approached by another solicitor firm and would like to return to legal work. He hoped that the Tribunal might deal leniently with him.
19. The Respondent was currently earning a modest salary through his employment by a supermarket chain.

The Tribunal's Findings

20. The Tribunal found the allegation to have been substantiated and found that the Respondent had acted dishonestly.

Previous Matter

21. Following a hearing on 11th December 1997 in which the Respondent and Christopher Charles Jupe were Respondents, the Tribunal found both Respondents to have been guilty of conduct unbecoming a solicitor in that they acted improperly in several conflict of interest situations. (An allegation that he had been convicted of four offences of false accounting and one offence of reckless inducement to make deposit had been found substantiated against Mr Jupe only).
22. On that occasion the Tribunal said:-

“The Tribunal found the first allegation to have been substantiated against both Respondents, indeed it was not contested, and the second allegation to have been substantiated against Mr Jupe.

There was no doubt that there was a clear conflict of interest between clients of a firm one of whom was a borrower and one of whom was a lender. That would have been so, even where the loans had been secured, if they had been made between private individuals. The default of a borrower exposed precisely the mischief that the very strict rules of professional conduct and the Solicitors Accounts Rules were designed to avoid.

The Tribunal have taken due note of the convictions of Mr Jupe for serious criminal offences involving dishonesty and have noted the sentencing remarks of His Honour Judge Chalkley in the Crown Court at Winchester.

The Tribunal ordered that Mr Jupe be struck off the Roll of Solicitors, as indeed he himself had anticipated.

The Tribunal felt able to distinguish the position of Mr Parr. Clearly allegation (1) had been substantiated against him because he was a full equity partner of Mr Jupe and as such was unable to avoid liability. However the Tribunal noted that he was a solicitor engaged exclusively in the practice of criminal law spending a great deal of his time at court. He had made enquiry about the activities of Mr Jupe but had accepted his partner's assurances that all was not well. Mr Parr had suffered to a considerable degree both in financial terms and in terms of anxiety as a result of Mr Jupe's activities. The Tribunal do not consider that Mr Parr was seriously culpable and ordered that be reprimanded.

In view of the circumstances of this matter the Tribunal considered it right that Mr Jupe should bear all of the costs of and incidental to the application and enquiry. In view of the length of time which the case had taken to come to a hearing and the complexity of the matter it was right that those costs should be taxed by one of the Taxing Masters of the Supreme Court if not agreed."

The Tribunal's Decision and its Reasons

23. The Tribunal considered the Respondent's explanation. The evidence before the Tribunal led inevitably to the conclusion that the Respondent had knowingly made expenses claims which were unjustified. The Respondent could not set his own standard of honesty and the allegation of dishonesty was in the Tribunal's view established beyond reasonable doubt. The Tribunal recognised that the sums involved were relatively small but the reputation of the profession and the protection of the public called for a very high standard of financial probity. The Tribunal considered it both right and proportionate to order that the Respondent be struck off the Roll of Solicitors. The costs sought by the Applicant were at an entirely reasonable level and the Tribunal further ordered that the Respondent should pay the Applicant's costs fixed in the sum of £2,900.

Dated this 6th day of February 2006
On behalf of the Tribunal

A H Isaacs
Chairman