

IN THE MATTER OF DOUGLAS MARK WALTERS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr J R C Clitheroe (in the chair)  
Mr S N Jones  
Mrs C Pickering

Date of Hearing: 18th July 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 Katrina Elizabeth Wingfield, solicitor and partner in the firm of Penningtons, Bucklersbury House, 83 Cannon Street, London, EC4N 8PE on 25<sup>th</sup> November 2005 that Douglas Mark Walters of Lianelli, Carmarthenshire, solicitor 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 against the Respondent were that he had been guilty of conduct unbecoming a solicitor namely:

1. In relation to six clients namely a Miss RP, Mrs W, Mrs DW, Mrs L, Mr GPD and Mr N;
  - (i) that he misled clients as to the progress of their matters;
  - (ii) that he failed to act in the best interests of the clients in breach of Practice Rule 1(c);

- (iii) that he failed to carry out the clients' instructions diligently and promptly;
- (iv) that he failed to deal promptly with communications from the clients;
- (v) that he acted in breach of Principle 30.04 in that he failed to/delayed in dealing promptly and substantively with correspondence from The Law Society.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 18<sup>th</sup> July 2006 when Katrina Elizabeth Wingfield appeared as the Applicant and the Respondent did not appear and was not represented.

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, Douglas Mark Walters of Llanelli, Carmarthenshire, 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 to be subject to a detailed assessment unless agreed between the parties.

**The facts are set out in paragraphs 1 to 20 hereunder:-**

1. The Respondent born in 1958 was admitted as a solicitor in 1990. His name remained on the Roll of Solicitors but he did not hold a current Practising Certificate.
2. At the relevant time the Respondent practised in partnership with others under the style of Jennings Solicitors from offices at 17 Goring Road, Llanelli, Carmarthenshire, SA15 3HF
3. By a letter of 30<sup>th</sup> January 2004 the partners of Jennings Solicitors informed The Law Society that it had come to their attention that the Respondent had been misleading clients. At that time they reported that the Respondent was on long term sick leave from the practice and that they were awaiting a report from his GP.
4. By a letter of 12<sup>th</sup> February 2004 Jennings reported to The Law Society a complaint by a client Miss R for whom the Respondent had purported to act in connection with two personal injury claims. Jennings submitted two statements made by Mr MP the uncle of Miss RP and a longstanding client of the firm. These statements set out the history of the two personal injury claims and the concerns of the clients regarding the manner in which they had been dealt.
5. The principal concerns were:-
  - (a) that the client had been given inadequate information about a without prejudice offer;
  - (b) that the client was misled as to the progress of the claims;
  - (c) that the Respondent was difficult to contact and frequently cancelled planned meetings;

- (d) that the Respondent failed to deal with the matters in accordance with a solicitors proper standard of work.
6. The Law Society wrote to the Respondent on 10<sup>th</sup> August 2004. The Respondent failed to reply. A further letter was sent on 8<sup>th</sup> September 2004. On 15<sup>th</sup> September the Respondent telephoned The Law Society indicating that he was unwell and had received advice to do no work for six months.
  7. On 28<sup>th</sup> September 2004 Messrs Jennings confirmed that the Respondent had left their offices on 10<sup>th</sup> January 2004 and been deemed to have retired as at 30<sup>th</sup> April 2004. They had sought medical evidence but none had been provided. The Law Society left telephone messages for the Respondent on 29<sup>th</sup> October, 2<sup>nd</sup> December 2004 and 13<sup>th</sup> January 2005 requesting medical evidence. None had been supplied.
  8. On 18<sup>th</sup> February 2004 Jennings Solicitors wrote to The Law Society regarding a complaint they had received from a client Mrs W.
  9. Mrs W had instructed the Respondent on 4<sup>th</sup> July 2004 in connection with a personal injury claim arising out of an accident on 24<sup>th</sup> June 2001. A review of the file by the senior partner showed very little progress had occurred and the client had been misled by the Respondent who had indicated to her and her husband that he was actioning the matter when he was not. He had also apparently misled the client about funding her claim.
  10. The Law Society wrote to the Respondent regarding this matter on 2<sup>nd</sup> August 2004. There was no response. A further letter was sent on 8<sup>th</sup> September 2004.
  11. On 21<sup>st</sup> June 2004 Jennings Solicitors informed The Law Society of a further complaint that they had received from a client Mrs DW. She had instructed the Respondent in connection with a medical negligence case in early 2000 and provided a statement. On 6<sup>th</sup> June 2004 she had asked the senior partner of the firm to refer the complaint to The Law Society indicating that the Respondent had "continuously informed me that the matter was in hand and not to worry". The file itself was missing and all that could be retrieved from the electronic file system was the statement. The client had been misled as to the true situation.
  12. The Law Society also wrote to the Respondent regarding this matter on 10<sup>th</sup> August 2004. No reply was received and a further letter was sent on 8<sup>th</sup> September 2004.
  13. Also on 21<sup>st</sup> June 2004 Jennings informed The Law Society of a complaint received regarding a Mrs L. This client was 89 years old. The matter involved a boundary dispute which had commenced in 1986 and had been taken over by the Respondent in 1992. Jennings enclosed a letter from Mrs L and her daughters dated 9<sup>th</sup> June 2004. Jennings reported that since 2000 the Respondent had apparently ceased any definitive work on the file but misled the client as to progress even suggesting that he had been to court on three occasions in 2003. He had also misled the client into believing there was no need to worry about a time limit. The client also complained as to difficulties in contacting the Respondent and broken appointments.

14. The Law Society also wrote to the Respondent regarding this matter on 10<sup>th</sup> August 2004 and a follow up letter was sent on 8<sup>th</sup> September 2004.
15. On 18<sup>th</sup> August 2004 Jennings Solicitors referred a further complaint regarding the Respondent, involving a client, Mr GPD. His original complaint to the firm was dated 10<sup>th</sup> May 2004. Inter alia the complaints of Mr D were that he and his bankers had been misled by the Respondent, that the Respondent failed to return telephone calls and that he failed to keep him advised of the position regarding his matter. In addition, Mr D was concerned about the registration of a charging order which had apparently been released without his knowledge.
16. The Law Society wrote to the Respondent regarding this matter on 30<sup>th</sup> September 2004. There was no reply. The Law Society telephoned the Respondent on several occasions and left messages. They wrote further on 7<sup>th</sup> March 2005. Again there was no reply.
17. On 17<sup>th</sup> January 2005 Jennings informed The Law Society of a further complaint, namely from a Mr N, a longstanding client of the firm. Mr N himself wrote to The Law Society on 21<sup>st</sup> January 2005. He explained that he had been injured at the Royal Welsh Show in 1997 and instructed the Respondent to act on his behalf. Mr N complained that there was a lack of progress, that appointments were cancelled and that he was unable to speak to the Respondent on the phone. He also alleged that he was misled by the Respondent regarding progress, the settlement of the claim and the payment of damages.
18. The Law Society wrote to the Respondent regarding this matter on 9<sup>th</sup> February 2005. There was no response. A further letter was sent on 25<sup>th</sup> February 2005.
19. Under cover of a letter dated 29<sup>th</sup> June 2005 The Law Society sent to the Respondent the Caseworker's Report in relation to the six complaints. The Respondent wrote to The Law Society on 11<sup>th</sup> July 2005 indicating that he was still unwell and under the care of a psychiatrist and a psychologist. He failed to deal with any of the issues raised nor did he produce any medical evidence.
20. On 11<sup>th</sup> August 2005 an Adjudicator considered all six complaints and resolved to forward them for consideration by the Tribunal.

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

21. The Respondent through his solicitors John Collins & Partners LLP in a letter dated 8<sup>th</sup> June 2006 had admitted the allegations. The Respondent's only contact with The Law Society during the investigation had been one telephone call on 15<sup>th</sup> September 2004 and the Respondent's letter of 11<sup>th</sup> July 2005. The Applicant had had only brief contact with the Respondent's solicitors.
22. The Respondent's letter of 11<sup>th</sup> July 2005 named the psychiatrist and psychologist who were treating him but no medical report had materialised.

23. In relation to the matter of Miss P the fact that she was a minor at the time of the accidents exacerbated the complaint. Not only was she misled but so were her mother and uncle. The uncle had attended one meeting and had understood that matters were progressing but this was clearly not the case. Five years had elapsed with nothing happening.
24. In the matter of Mrs W the letter from Jennings to The Law Society of 16<sup>th</sup> June 2004 made clear that the Respondent had misled the client not only as to the progress of her matter but also as to the issue of funding for her case.
25. In relation to Mrs L who was 89 years old, the client had written on 9<sup>th</sup> June 2004 saying:-

"I have been greatly inconvenienced over the years by continually phoning your office, waiting in for meetings that were unattended and phone calls which were not responded to by Mr Mark Walters."
26. These matters showed a course of conduct of a serious nature whereby clients were misled as to the progress of matters. There were delays and failures to respond to clients. In addition the Respondent had failed to respond subsequently to The Law Society regarding these matters. He had made contact giving an excuse namely his health but had failed to provide evidence in support. Distress had been caused to clients and also to the Respondent's former partners who had suffered financial loss as a result of the resulting increase in their insurance premiums.
27. The firm had undertaken an investigation into the Respondent's files and had attempted to deal with the matter in a responsible and sensible way.

### **The Submissions on behalf of the Respondent**

28. By a letter dated 8<sup>th</sup> June 2006 John Collins & Partners LLP, solicitors for the Respondent, wrote to the Tribunal to confirm that the Respondent admitted the allegations against him and did not intend to contest the hearing.

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

29. The Tribunal found the allegations to have been substantiated indeed they were not contested.
30. Although dishonesty had not specifically been alleged against the Respondent his behaviour had fallen far short of the integrity and probity expected of solicitors. It was clear that great distress had been caused to clients and the Tribunal noted the comment of Mr N in his letter of 21<sup>st</sup> January 2005 that the Respondent's conduct had been "a terrible betrayal of trust". The Respondent's former partners had also suffered as a result of his misconduct. Although the Respondent had made reference in his letter to The Law Society of 11<sup>th</sup> July 2005 to receiving psychiatric treatment he had put forward no evidence to substantiate this nor had he put forward any mitigation to the Tribunal. The Respondent's conduct had clearly damaged the reputation of the profession in the eyes of the clients affected and in the eyes of the public. The protection of the public meant that the Respondent should no longer be allowed to remain a member of the profession.

31. The Tribunal Ordered that the Respondent, Douglas Mark Walters of Llanelli, Carmarthenshire, solicitor, be Struck Off the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry to be subject to a detailed assessment unless agreed between the parties.

DATED this 18<sup>th</sup> day of August 2006  
on behalf of the Tribunal

JRC Clitheroe  
Chairman