

IN THE MATTER OF LEON DANIEL,
A person (not being a solicitor) employed or remunerated by a solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A H Isaacs (in the chair)
Mr D Glass
Mrs S Gordon

Date of Hearing: 9th January 2007

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Law Society by Stuart Roger Turner, solicitor advocate of Lonsdales Solicitors, 342 Lytham Road, Blackpool, FY4 1DW, that an order be made by the Tribunal directing that as from a date to be specified in such order no solicitor should except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Law Society might fit think to specify in the permission employ or remunerate in connection with their practice as a solicitor, Leon Daniel of Grange Road, South Norwood, London, SE25, a person who was or had been a clerk to a solicitor, or that such other order might be made as the Tribunal should think right.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 9th January 2007 when Stuart Roger Turner appeared as the Applicant and the Respondent did not appear and was not represented.

The allegations were that the Respondent:-

- 1) failed to notify the Directors of Bankside Law Limited, his employers, that he had been disbarred as a barrister and allowed Bankside Law Limited to continue to

describe him as a non-practising barrister on the firm's notepaper and on the firm's website;

- 2) continued to hold himself out as a non-practising barrister in correspondence sent to clients of Bankside Law Limited and others after his disbarment as a barrister in April 2001;
- 3) in respect of fees allowed himself to be charged out as a Grade A fee earner rather than a Grade B fee earner in relation to publicly funded Crown Court work when after he was disbarred he was only entitled to charge as a Grade B fee earner; and
- 4) in the opinion of the Law Society, the Respondent had occasioned or been a party to with or without the connivance of the solicitors to whom he was or had been employed or remunerated, an act or default in relation to that solicitors' practice which involved conduct on his part of such a nature that in the opinion of the Society it would be undesirable for him to be employed or remunerated by a solicitor in connection with his practice.

The evidence before the Tribunal included confirmation that the proceedings and notices had been despatched to the Respondent. He had played no part in the proceedings but no document had been returned to the Applicant or to the Tribunal by the Post Office.

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

The Tribunal Orders that as from 9th day of January 2007 no solicitor, Registered European Lawyer or incorporated solicitor's practice shall, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice Leon Daniel of Grange Road, South Norwood, London, SE25, a person who is or was a clerk to a solicitor and the Tribunal further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,907.95.

The facts are set out in paragraphs 1 to 7 hereunder:-

1. The Respondent began work Bankside Law Limited in January 2001 when he was a non-practising barrister.
2. He failed to inform his employers that he was the subject of disciplinary proceedings pending before the Bar Council and his case was due to be heard on 26th February 2001.
3. At the Bar disciplinary hearing the Respondent was found guilty of four charges of professional misconduct and was disbarred. He did not inform his employers that he had been disbarred.
4. The Respondent's employers, unaware of the disciplinary proceedings, assumed that he continued to be a non-practising barrister and therefore continued to describe him as such in their letters. The Respondent was also charged out by them as a Grade A

fee earner rather than a Grade B fee earner in relation to publicly funded Crown Court work.

5. In the summer of 2002, the Respondent's employers discovered that the Respondent had been disbarred. When initially questioned he denied it. At a meeting held between the Respondent and his employers on 4th June 2003 the Respondent accepted that he had been disbarred and had not disclosed that fact to his employers. The Respondent received a formal warning for his failure to disclose material information as to his status.
6. As a result of information received at a later date, the Law Society carried out an inspection at Bankside Law Limited. The Respondent by this time was no longer employed there.
7. The Law Society wrote to the Respondent on 25th July 2005 at his home address, seeking an explanation for his conduct. The Respondent did not reply. A Law Society letter sent on 15th August 2005 was returned "Not called for". The Respondent did not respond to a letter setting out the allegations dated 8th September 2005. The Law Society satisfied itself by enquiry that the Respondent continued to reside at the address to which correspondence had been sent.

The Submissions of the Applicant

8. The facts spoke for themselves. It was noteworthy that when the Respondent was first asked about his professional status he denied that he had been disbarred when in fact he had.
9. The Respondent made no submissions.

The Tribunal's Findings

10. The Tribunal found the allegations to have been substantiated. The Tribunal found that the Respondent had not been frank with his employers and the consequences to his employers were in such circumstances likely to be serious. They were misled into offering to those having dealings with their firm an inaccurate and misleading description of the Respondent's professional status and also to make inappropriate claims upon public funds in respect of costs. Further employment of the Respondent within the solicitors' and other Law Society regulated professions needed to be controlled. The Tribunal made the order sought.

DATED this 9th day of March 2007

On behalf of the Tribunal

A H Isaacs
Chairman