

IN THE MATTER OF TIMOTHY JAMES MILES, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr J P Davies (in the chair)
Mr E Richards
Mr S Howe

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 Jayne Willetts, solicitor advocate and partner in the firm of Hammonds, Rutland House, 148 Edmund Street, Birmingham, B3 2JR on 27th June 2006 that Timothy James, solicitor, might be required to answer the allegation contained in the statement that accompanied the application and that such order might be made as the Tribunal should think right.

The allegation against the Respondent was that he had been guilty of conduct unbecoming a solicitor in that on 26th May 2006 at Isleworth Crown Court he was convicted of forgery and theft for which he was sentenced to seven years' imprisonment.

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

The evidence before the Tribunal included the admissions by the Respondent of the allegation and facts in support of the allegation and the Respondent's letters to the Applicant dated 29th July 2006 and 4th January 2007.

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

The Tribunal Orders that the Respondent Timothy James Miles, 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 £9,548.

The facts are set out in paragraphs 1 to 4 hereunder:-

1. The Respondent, born in 1960, was admitted as a solicitor on 15th October 1987. He was a salaried partner at Bird & Lovibond of 3 Vine Street, Uxbridge, Middlesex, UB8 1RP from October 1996 to August 2005. He worked at the firm's Ruislip office and dealt mainly with probate and conveyancing.
2. In August 2005 the Respondent was arrested for fraud. It had come to light during his absence from the office on holiday that the Respondent had forged a will in respect of an elderly client, Mrs G. The assets in the estate were approximately £700,000. Mrs G had died in October 2004 and the Respondent had obtained grant of probate of a document which purported to be Mrs G's will dated 14th January 2003. Mrs G had in fact died intestate. The Respondent, after obtaining probate, drafted a further will also dated 14th January 2003. The first will purported to leave £30,000 to a cousin of Mrs G, and various legacies to charities. The executors were stated to be the Respondent and a partner, Mr Bennett. The second will purported to appoint the same executors and again left £30,000 to Mrs G's cousin. Substantial legacies under this will however were left to four of the Respondent's friends and only £80,000 to charity. The Respondent administered the estate in accordance with the second will and did so by forging Mr Bennett's signature. The legatees, who were the Respondent's friends, on receipt of the legacies siphoned the money back to the Respondent and with the proceeds the Respondent purchased a flat for £459,000.
3. The Respondent, when questioned about this matter by his partners, said that this had been a one-off incident. It subsequently transpired however that the Respondent had stolen monies from the estates of a further nine clients in the period 2001 to 2005. One of the estates from which the Respondent had stolen was that of a young man who had committed suicide and the Respondent had by his actions deprived the young man's mother of monies properly due to her.
4. On 26th May 2006 the Respondent appeared before Isleworth Crown Court where he pleaded guilty to 13 counts of theft and one count of making a false instrument. He was sentenced to a total of seven years imprisonment. The Judge in passing sentence commented that this was a gross breach of his clients' trust and of his employers' trust. The Respondent's conduct had been over a period of four years and he had employed "considerable deception" to cover up his thefts, including creating bogus documents and furthermore had drawn others into his dishonesty by paying the stolen monies to his friends. The theft from the modest estate of the young man who had taken his own life was described by the Judge as "thoroughly mean".

The Tribunal's Findings

5. The Tribunal found the allegation to have been substantiated upon the Respondent's admission.

The Tribunal's Decision and its Reasons

6. The Tribunal adopted the comments of the sentencing Judge. The Respondent over an extended period of four years had defrauded ten clients of a sum in excess of £1.2million. By so doing, the Respondent had done immeasurable damage to his firm and its reputation and indeed its prospects and the security of those employed by the firm. The Respondent had moreover, when confronted with his partners' discoveries in respect of Mrs G's estate, alleged that there were no other matters of concern. An investigation of six months thereafter however revealed that nine other estates had been plundered by the Respondent.
7. It seemed to the Tribunal, from what was set out in his Counsel's advice on appeal against sentence dated 18th June 2006 and to which the Applicant had very fairly drawn the Tribunal's attention, that the Respondent had at the relevant time a number of personal problems, including the breakdown of his marriage. The Respondent too had made good some 85% of the monies he had stolen. A shortfall to his firm of some £190,000 remained.
8. In all the circumstances, the Tribunal had no hesitation in striking off the Respondent. It was moreover appropriate that the Respondent should bear the full costs of this matter in the sum of £9,548.

DATED this 22nd day of February 2007

On behalf of the Tribunal

J P Davies
Chairman