

IN THE MATTER OF DARREN DEMETRIOU, former solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A G Gibson (in the chair)
Mrs J Martineau
Lady Maxwell-Hyslop

Date of Hearing: 16th 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 David Elwyn Barton solicitor of 5 Romney Place, Maidstone, Kent, ME15 6LE on 7th July 2006 that Darren Demetriou, a former solicitor, of Patrick Road, London, E13, might be required to answer the allegation contained in the statement which accompanied the application and that Order might be made as the Tribunal should think right.

The allegation was that the Respondent had drawn or cause to be drawn monies from client account otherwise than as permitted by Rule 22 of the Solicitors Accounts Rules 1998 and had thereby been guilty of conduct unbecoming a solicitor. It was alleged that in so doing the Respondent had been dishonest.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when David Elwyn Barton appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included the written admissions of the Respondent.

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

The Tribunal Orders that the Respondent Darren Demetriou of Patrick Road, London, E13, former solicitor, be prohibited from having his name restored to the Roll of Solicitors except by Order of the Tribunal 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 to include the costs of the Investigation Accountant of the Law Society.

The facts are set out in paragraphs 1 and 2 hereunder:-

1. On 9th January 2006 a Law Society Investigation Officer (the IO) commenced an inspection of the books of account and other documents of Hunt and Hunt Solicitors. His report dated 28th April 2006 was before the Tribunal.
2. On 13th February 2004 the Respondent caused the sum of £90,000.00 to be drawn from client account and paid to a Mr R C Miller with whom the Respondent had conducted a relationship. The payment was debited to a client ledger of the late Mrs B who had died on 17th May 2002. The requisition slip signed by the Respondent described the payment as "repayment of fees". The Respondent had been instructed by the late Mrs B, the executrix, to act in connection with the estate. The partners in Hunt and Hunt had made good the shortfall on client account and brought proceedings against the Respondent and Mr Miller for the recovery of the same.

The Submissions of the Applicant

3. The Respondent admitted the allegation. The Respondent's action in withdrawing a substantial sum from client account improperly was deliberate and clearly dishonest.
4. As a consequence of the removal of the Respondent's name from the Roll of Solicitors the Tribunal's jurisdiction permitted it to make an Order under section 47(2)(g) of the Solicitors Act 1974 the effect of which would be to prohibit restoration of the name of the Respondent to the Roll except by Order of this Tribunal.

The Submissions of the Respondent (contained in his letter addressed to The Law Society dated 21st May 2006)

5. The Respondent had been suffering from ill health and apologised for being unable to attend a meeting with the IO. The Respondent had made the transfer of £90,000 to Mr Miller as a result of his being blackmailed by that gentleman. He had been in genuine fear for his own safety and that of his family. At the material time the Respondent had been suffering from health problems which ultimately led to his being admitted to hospital in March 2004 and his undergoing surgery in May of that year.
6. The Respondent had been under immense stress at that time and upon realising the enormity of what he had done he had attempted to recover the funds from Mr Miller's bank account in order to repay it immediately. That attempt was not successful.
7. The Respondent had no assets or funds and had not profited in any way from his action.

8. The Respondent had no intention of applying for a Practising Certificate again in the future.
9. In his letter to Hunt & Hunt the Respondent recognised that he should have spoken out sooner. Foolishly he believed he could control and contain the situation. He had come to realise that he should have sought help rather than attempted to deal with the matter direct thereby allowing it to escalate out of control.

The Tribunal's Findings

10. The Tribunal found the allegation to have been substantiated. Clients' monies placed in the care of a solicitor are sacrosanct. Whilst the Tribunal recognises the difficult situation in which the Respondent found himself and the threats to which he was subjected, however difficult it might have been for him as, he himself came to recognise, his proper course was to seek help and not to try to control the situation by having recourse to client money.
11. The Respondent did at the time that he took the money know that what he was doing was wrong and his action in taking the money was an act of conscious impropriety.
12. Not only did the Tribunal find that the Respondent had acted in breach of the Solicitors Accounts Rules but also that he had acted dishonestly.
13. In order to protect the public and the good reputation of the solicitors' profession the Tribunal made the order sought and further ordered that the Respondent pay the costs of and incidental to the Law Society's application and enquiry.

Dated this 1st day of March 2007

On behalf of the Tribunal

A G Gibson
Chairman