

IN THE MATTER OF ROBIN GODDARD, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mrs E Stanley (in the chair)
Miss N Lucking
Mr M G Taylor CBE

Date of Hearing: 9th July 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 Robert Simon Roscoe, solicitor and partner in the firm of Victor Lissack Roscoe & Coleman of 70 Marylebone Lane, London, W1U 2PQ on 5th February 2007 that Robin Goddard of Goddard & Co Solicitors of 157 Hill Lane, Southampton, Hampshire, SO15 7NP (now of address unknown) solicitor, might be required to answer the allegation contained in the statement which accompanied the application and that such order might be made as the Tribunal should think right. Robert Simon Roscoe further applied that a direction be made by the Tribunal that the direction of The Law Society relating to inadequate professional services dated 4th April 2006 made in respect of the Respondent by which the Respondent was ordered to pay compensation of £500 to Mr CL be treated for the purposes of enforcement as if it were contained in an order of the High Court.

Allegation 1 against the Respondent was that he had failed to comply with an order of The Law Society's Adjudicator and that by such failure had been guilty of conduct unbefitting a solicitor.

By a supplementary statement of Robert Simon Roscoe dated 18th May 2007 it was further alleged against the Respondent that he had been guilty of conduct unbefitting a solicitor in the following particulars, namely:

- 2) that he failed to deliver to The Law Society an Accountant's Report in respect of his practice as a solicitor for the period ending 30th April 2006 contrary to Section 34 of the Solicitors Act 1974;
- 3) that he failed to deal 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 9th July 2007 when Robert Simon Roscoe appeared as the Applicant and the Respondent did not appear and was not represented.

At the commencement of the hearing the Applicant submitted to the Tribunal copies of Notices pursuant to the Civil Evidence Act which had been served on the Respondent. The Applicant sought the leave of the Tribunal to proceed in the absence of the Respondent and gave details of correspondence sent to the Respondent which had not been returned and of a telephone conversation with the Respondent when the Applicant had called a telephone number which was known to be that of the address to which the correspondence had been sent. None of the correspondence had been returned. The Tribunal gave leave for the Applicant to proceed in the absence of the Respondent.

At the conclusion of the hearing the Tribunal made the following Orders:

The Tribunal Orders that the Respondent Robin Goddard of address unknown (formerly of Goddard & Co, 157 Hill Lane, Southampton, Hampshire, SO15 7NP) solicitor, do pay a fine of £1,000, such penalty to be forfeit to Her Majesty the Queen, and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,599.

AND unless the Respondent on or before 10th September 2007 complies fully with the Direction of The Law Society Adjudicator dated 4th April 2006 and unless the Respondent on or before 10th September 2007 files with The Law Society an Accountant's Report in respect of his practice of Goddard & Co for the period ending 30th April 2006 then he shall be suspended indefinitely from practice as a solicitor to commence on the 11th September 2007.

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

1. The Respondent, born in 1957, was admitted as a solicitor in 1984 and his name remained on the Roll of Solicitors.
2. At the material time the Respondent practised on his own account as Goddard & Co Solicitors of 157 Hill Lane, Southampton, Hampshire, SO15 7NP. Law Society records show that the practice closed on 8th December 2006.
3. In 2001/2002 a Mr CL instructed the Respondent in respect of the renewal of a commercial lease. Mr CL subsequently became aware that the terms of the renewed lease were different to the terms he agreed at court in February 2002.
4. In or about August 2005, Mr CL instructed L & Co solicitors to act on his behalf and to advise if he had a claim in negligence against the Respondent.

5. Leonard & Co wrote to the Respondent to require Mr CL's file and for details of the Respondent's insurers. Despite correspondence the Respondent provided neither the file nor his insurers' details.
6. In September 2005 L & Co reported the matter to The Law Society. Despite further correspondence from the Law Society the Respondent provided neither the file nor his insurers' details.
7. On 4th April 2006 The Law Society's Adjudicator made a finding of inadequate professional services against the Respondent. The Adjudicator ordered that within seven days the Respondent:
 - (a) Deliver the file to L & Co on behalf of Mr CL;
 - (b) Pay Mr CL compensation of £500; and
 - (c) Give L & Co such accurate details of the Respondent's insurers as had been requested.
8. The Law Society wrote to the Respondent about the Adjudicator's order on 28th April and 12th May 2006. The Respondent failed to comply with any part of that order.
9. On 6th June 2006 the Adjudicator referred the Respondent's conduct to the Tribunal if he failed to comply with the 4th April decision within 14 days. The Respondent was notified of this further decision on 26th June and 9th August but failed to respond or comply.
10. The Respondent failed to deliver to The Law Society his Accountant's Report for the period ending 30th April 2006. This should have been delivered by 31st October 2006. The Law Society wrote to the Respondent about his outstanding Report on 10th November 2006 and 27th February 2007. The Respondent did not respond to those letters or since. The Accountant's Report remained outstanding.

The Submissions of the Applicant

11. The Applicant had had no response at all from the Respondent in relation to the service of proceedings, Notices served or correspondence. Early in December 2006 the Applicant had telephoned the Respondent at his office and told him of his involvement. The Respondent had been courteous.
12. The Respondent's Practising Certificate had been held over by The Law Society but the Respondent had not applied for a Practising Certificate for the current year and had not notified The Law Society that he was working anywhere. The Respondent had notified The Law Society that his firm had closed on 8th December 2006 but there had been no other correspondence from him. It looked as though the Respondent had walked away.
13. The Applicant had last written to the Respondent on 25th June 2007 and had indicated to him that the Applicant's costs to that date were £2,599 including the cost to The Law Society. That letter had not been returned.

The Findings of the Tribunal

14. The Tribunal considered carefully the documentation before it in respect of which the appropriate Notices had been served and was satisfied from the documentation that the allegations were substantiated.
15. The Tribunal was concerned by the Respondent's apparent total disregard not only for an Adjudicator's direction but also, it appeared, for these proceedings. No explanation or mitigation whatsoever had been put forward by the Respondent. The compensation payable to the Respondent's former client remained outstanding and it appeared that the Respondent had walked away from his obligations to file an Accountant's Report with The Law Society. Accountant's Reports were an important regulatory provision to give the public confidence that clients' money was properly protected.
16. In all the circumstances the Tribunal would order that the Respondent pay a fine of £1,000 together with payment of the Applicant's costs and would make the enforcement order sought by the Applicant. The Tribunal would also order however that unless the Respondent complied fully with the direction of The Law Society Adjudicator and file the outstanding Accountant's Report by 10th September 2007 he was to be suspended indefinitely. The Tribunal would thereby give the Respondent a final opportunity to comply with his professional obligations.
17. The Tribunal ordered that that the Respondent Robin Goddard of address unknown (formerly of Goddard & Co, 157 Hill Lane, Southampton, Hampshire, SO15 7NP), solicitor, do pay a fine of £1,000, such penalty to be forfeit to Her Majesty the Queen, and it further ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,599.

The Tribunal also ordered that unless the Respondent on or before 10th September 2007 complied fully with the Direction of the Law Society Adjudicator dated 4th April 2006 and unless the Respondent on or before 10th September 2007 filed with The Law Society an Accountant's Report in respect of his practice of Goddard & Co for the period ending 30th April 2006 then he shall be suspended indefinitely from practice as a solicitor to commence on the 11th September 2007.

DATED this 2nd day of November 2007
on behalf of the Tribunal

Mrs E Stanley
Chairman