

IN THE MATTER OF PETER RICHARD FIELD, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mrs J Martineau (in the chair)  
Mr D Green  
Lady Bonham Carter

Date of Hearing: 14th July 2009

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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 Robert Simon Roscoe, solicitor and partner in the firm of Victor Lissack, Roscoe & Coleman Solicitors, 70 Marylebone Lane, London W1U 2PQ on 28<sup>th</sup> May 2008 that Peter Richard Field of 54 Oakfield Road, Ashted, Surrey KT21 2RD, a 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:-

1. By his conduct he compromised or impaired his good repute as a solicitor or that of the solicitors' profession contrary to Rule 1 of the Solicitors' Practice Rules 1990 and/or Rule 1.06 of the Solicitors Code of Conduct 2007.
2. By his conduct he compromised or impaired his duty to the Court contrary to Rule 1 of the Solicitors' Practice Rules 1990 and/or Rule 11.02 of the Solicitors Code of Conduct 2007.

3. He failed to deal with the Solicitors Regulation Authority (“SRA”) in an open, prompt and co-operative way in failing to respond substantively to enquiries made of him contrary to Rule 20.03 of the Solicitors Code of Conduct 2007.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 14<sup>th</sup> July 2009 when Robert Roscoe appeared on behalf of the Applicant and the Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent was aware of the hearing, as he had appeared before the Tribunal on 5<sup>th</sup> May 2009 when he had applied for an adjournment of the substantive hearing on that date, and on that date he had been advised of the date of today’s hearing and directions had been given by the Tribunal.

The Applicant indicated that, since the hearing on 5<sup>th</sup> May 2009 the Respondent had not complied with any of the directions, and, indeed, the Applicant provided the Tribunal with a copy of an email he had received from the Respondent on 1<sup>st</sup> June 2009, which had also been sent to the Tribunal, indicating that he intended to deliver some heavy files to the Tribunal but had been unable to do so due to gout. The Applicant confirmed he had heard nothing further from the Respondent and on 16<sup>th</sup> June 2009 he wrote to the Respondent again and also contacted Detective Sergeant Robertson, whom the Respondent had mentioned to the Applicant at the hearing on 5<sup>th</sup> May 2009. The Tribunal was referred to a letter from Detective Sergeant Robertson which confirmed that apart from the email and telephone call he had received from the Respondent on 1<sup>st</sup> May 2009, he had not heard anything further from the Respondent.

The Applicant had not received any reply to his letter of 16<sup>th</sup> June 2009 from the Respondent and wrote to him again on 9<sup>th</sup> July 2009 as well as emailing him and attaching a costs summary.

The Applicant submitted the Tribunal should deal with this case in the Respondent’s absence and referred the Tribunal to the criteria laid down in the case of R - v - Jones [2002] UKHL 5, [2003] 1 AC1 which required the Tribunal to consider the Respondent’s right to be present and legally represented, but that this could be waived if the Respondent deliberately and voluntarily absented himself knowing that a hearing was taking place. The Tribunal had to have regard to the nature of the Respondent’s behaviour and whether an adjournment would result in the Respondent attending at a future hearing.

The Applicant also referred the Tribunal to the case of Jawid Ahmed Yusuf and the Royal Pharmaceutical Society of Great Britain [2009] EWHC 867 (Admin) where the check list referred to in R - v – Jones was confirmed.

The Tribunal having considered the Applicant’s submissions and the Memorandum of the hearing on 5<sup>th</sup> May 2009 together with the documentary evidence available was satisfied that the Respondent was aware of the hearing taking place today and ordered the matter should proceed in his absence.

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

The Tribunal Orders that the Respondent, Peter Richard Field of 3A Craddocks Parade, Ashted, Surrey, KT21 1QL, solicitor, be suspended from practice as a solicitor for the period

of six months to commence on the 14th day of July 2009 and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £8,000.00.

**The facts are set out in paragraphs 1 - 6 hereunder:-**

1. The Respondent, born in 1959, was admitted as a solicitor on 1<sup>st</sup> March 1990 and his name remained on the Roll of Solicitors.
2. The Respondent was formerly in partnership in the firm of Constant & Constant Solicitors of Sea Container House, 20 Upper Ground, London SE1 9QT.
3. In or before November 2005, the Respondent was the defendant in proceedings before the Epsom County Court brought by Keen Philips (a firm) in respect of unpaid or outstanding fees owed to Keen Philips by the Respondent for accountancy work done by them for the Respondent and/or his former partnership.
4. On 14<sup>th</sup> February 2006 the Respondent was ordered by summary judgment to pay Keen Philips the sum of £5,071.55 (including interest) and costs of £5,200.00. The Respondent appealed the judgment. On 26<sup>th</sup> October 2006 the Court of Appeal rejected the Appeal and made a further order of costs against the Respondent in the sum of £4,495.20.
5. On 16<sup>th</sup> April 2007 Keen Philips' solicitors, Marcus Lee & Co, notified the SRA that the Respondent had failed to pay the above orders, then totalling £14,766.75 plus accrued interest. At the date of issue of the application the Respondent had made no payment in respect of this judgment.
6. The SRA wrote to the Respondent by post and email on various occasions between June 2007 and February 2008. The Respondent purported to send explanations on three occasions but failed to attach documentation or fax supporting documents despite being advised that he had not sent them and, accordingly, he failed to deal with the SRA in an open, prompt and co-operative way.

**The Submissions of the Applicant**

7. The matter concerned three allegations in that the Respondent, by failing to pay the judgment and order for costs made by the Epsom County Court and the Court of Appeal had brought the profession into disrepute as well as damaging his own reputation. Subsequently, he had not dealt with the SRA in an open manner.
8. The Applicant requested an Order for his costs and provided the Tribunal with a schedule confirming the costs amounted to £8,000.00. That schedule had been served on the Respondent both by email and by post on 9<sup>th</sup> July 2009.

**The Tribunal's Findings**

9. The Tribunal had considered carefully all the documentation and the submissions of the Applicant. In the Respondent's absence and without any representations from him, the Tribunal found the allegations to have been substantiated.

10. The Respondent, as a solicitor, had a duty to ensure his conduct did not bring the profession into disrepute and furthermore, he had a duty to co-operate with his regulatory body. By failing to pay the outstanding judgment and costs, the Respondent had not only damaged his own reputation as a solicitor but also brought the reputation of the profession into disrepute.
11. The Tribunal was concerned that the manner in which the Respondent had dealt with these proceedings had not been satisfactory at all. He had dealt with matters in a disingenuous manner and had been unhelpful throughout, appearing to have wasted the Tribunal's time.
12. The Tribunal was also concerned to note this was the Respondent's second appearance before the Tribunal as he had appeared previously on 5<sup>th</sup> December 2002 in relation to allegations concerning his failure to comply with his professional obligations. On that occasion the Tribunal had fined him £2,500.00 for failing to comply with conditions imposed on his practising certificate, failing to deliver accountant's reports and failing to comply with Adjudicators' decisions.
13. When the Respondent had appeared before the Tribunal in May 2009, he had indicated at that time that he was on Job Seekers Allowance and that he had been stripped of his assets and funds.
14. Given that the Respondent clearly had a history of failing to comply with his professional obligations, the Tribunal felt that he had not behaved in a manner that was expected of a solicitor and his conduct fell short of probity. The public needed some protection from him and the Tribunal considered that the appropriate sanction in this case was a suspension from practice for a period of six months. The Tribunal further recommended that, when that period of suspension came to an end, the Respondent should have conditions imposed on his practising certificate to ensure he would only be able to work in approved employment.
15. The Tribunal also ordered the Respondent pay the Applicant's costs fixed at £8,000.00.
16. The Tribunal Ordered that the Respondent, Peter Richard Field of 3A Craddocks Parade, Ashted, Surrey, KT21 1QL, solicitor, be suspended from practice as a solicitor for the period of six months to commence on the 14th day of July 2009 and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £8,000.00.

Dated this 26<sup>th</sup> day of January 2010

On behalf of the Tribunal

J Martineau  
Chairman