



# Justice

## **Suspected abuse of a vulnerable adult**

**His Honour Judge Simon Oliver, Reading County Court, 30 August 2012**

I am entirely satisfied that he was properly, conscientiously and well represented by RDG in the AR proceedings and that his interests were fully and fairly protected by the Official Solicitor and RDG.

### **Court of Protection role a rubber stamping role**

#### **Hospital Medical Director Report reference: Leonard Lawrence**

He was then medicated to the extent that he lost mental capacity.

During the period the Official Solicitor of the Supreme Court acted as his Guardian ad Litem, three Court of Protection medical certificates (CP3s) had been obtained but not registered with the Court of Protection. He was, therefore, for nearly 18 months regarded as a mentally ill patient without access to the Court of Protection. During this time considerable amounts of his assets went missing.

#### **Royal Courts of Justice**

There is leave to issue this claim against the Official Solicitor. High Court Master “disgraceful”

#### **Court of Protection**

Dear Mr. Lawrence, HHJ Simon Oliver does not hold a Court of Protection nomination. Kind regards

#### **High Court Judge, Family Division**

September 2010 Mr Anelay QC Deputy High Court Judge, Family Division, Head of Chambers 1 Kings Bench Walk informs Leonard Lawrence that Mr Dominic Brazil of Counsel had informed Mr Anelay QC that Leonard Lawrence had been a patient and subject to the Court of Protection

#### **Manager, Compliance and Regulatory Unit, Office of the Public Guardian Ref CSCU516/08**

The Court of Protection has no record of any application being received for you.

It was clearly the responsibility of the holder of the medical certificate to ensure an application was made. (Given to DJ McCulloch 28 August 2008)

#### **Martin John. Chief Executive and the Public Guardian letter.**

It would have been the responsibility of the certificate holder to make an application to the Court

#### **Solicitors Regulatory Authority**

Dear Mr. Lawrence, With regard to filing medical certificates with the Court of Protection, this would have been the responsibility of your own advisers.



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### **The Law Society Solicitor**

Disclosed 2011. As acknowledged by the firm, (Ratcliffe Duce & Gammer Solicitors Reading) it had Mr Lawrence sign forms when he clearly lacked capacity.

### **The Law Society Solicitor**

The Official Solicitor was acting as Mr Lawrence's representative and Guardian and as such had the greater duty to protect him. I consider majority of the steps Mr Lawrence feels should have been taken to protect him should have been taken by the Official Solicitor rather than the firm including the decision and action necessary to invoke the protection of the Court of Protection

### **The Law Society, Solicitors Regulatory Authority, FINAL REPORT CRO/97504.**

"Issues raised by Mr Lawrence are significant and should be investigated and responded to on the basis that they indicate areas in which the legal system appears to have failed to sufficiently protect an extremely vulnerable adult".

Email [NAllen@29bedfordrow.co.uk](mailto:NAllen@29bedfordrow.co.uk) 05 August 2005 10.30

From Nicholas Allen To Dominic Brazil 1 Kings Bench Walk

Subject: Lawrence

Dear Dominic

As requested. I have simply "accepted all" the tracked changes. I haven't fully checked what effect this has had on the draft order, but hope that it is sufficient for your purposes

Best Wishes,

Nick

### **25 August 2010 Nicholas Allen 29 Bedford Row Chambers**

I am unable to provide "evidence that supports my oral statement to DJ Fortgang that the Official Solicitor (Laurence Oades) (sic) agreed that the house be sold for 622,000."

### **Divisional Managers, Official Solicitors Office,**

"The Official Solicitor is not authorized to make financial decisions on Mr. Lawrence's behalf."

### **Graham C. Holt Collegium Basilea (Institute of Advance Study), Basel, Switzerland**

Journal of Biological Physics and Chemistry 11 (216-220)

the unfairness of the legal profession in not allowing him to see data concerning his own personal records in their reluctance to tackle those culpable.

### **Emeritus Professor of Medicinal Chemistry Malcolm Hooper**

Journal of Biological Physics and Chemistry 11 (209-215)

In the Lawrence case there appears to be sound grounds for legal action and significant compensation claims for mistreatment and false diagnoses and an appalling failure of the duty of care.



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### **20 July 2010 Solicitors Regulatory Authority letter to the Court of Protection:**

Mr. Lawrence had come within the jurisdiction of the Court of Protection

### **2011 Devon & Cornwall Police Crime and Justice Department**

Dear Mr Lawrence

I can confirm that no Court of Protection Certificates were released to us by the Law Society, therefore no certificates were passed to Thames Valley Police when they took on the investigation.

Crime and Justice Department

### **NOTE TO CIRCUIT JUDGE RE APPEAL OF MR. LAWRENCE 4/10/06 District Judge Jones**

Mr. Lawrence was convinced that Mrs. Lawrence's Counsel had shown me his without prejudice proposal on a previous occasion. Mrs. Lawrence's Counsel said he had not. I certainly had no knowledge of this, but for the avoidance of any doubt disqualified myself from hearing the ancillary relief application.

My next involvement was when RDG submitted their legal aid bill for assessment.(2006)

I cannot find the ORDER I made disqualifying myself. If I said I disqualified myself from everything, that would include the legal aid assessment.

On 25 October 2006 HHJ Campbell conducts search of Slough County Court and identifies four hearings that DJ Jones conducted after DJ Jones made a ORDER disqualifying herself and Mr. Lawrence was certified Part V11 Mental Health Act 1983 and a patient subject to the Court of Protection.

### **JF/LAW/130835 Corporate Legal Team.**

The Legal Service Commission cannot lawfully grant funding to an individual if they are not financially eligible. The LSC Manual, Volume 2 Part F Pages 298 to 303. CLSMEANS1 identifies Mr. Lawrence had been £331,622 over the eligibility limit

### **In 2008/9 Susan Andrews, Head of Family Law, BP Collins Solicitors, Gerrards Cross, Buckinghamshire and Dominic Brazil 1 Kings Bench Walk**

Attempted to gain a Civil Restraint Order against Leonard Lawrence. This was stopped by Her Honour Judge Ann Campbell, His Honour Judge Elly and District Judge Kathryn McCulloch. BP Collins Solicitors and Dominic Brazil of Counsel had also failed to disclose to the court a Certificate of Mental Incapacity they held under Part V11 Mental Health Act 1983 that was issued to safeguard Leonard Lawrence.

### Slough County Court 28 August 2008

Susan Andrews BP Collins Solicitors "This is an application that is likely to come to £4000"  
District Judge McCulloch "You have only written two letters"

### Slough County Court March 2009

District Judge McCulloch "It's not going to happen"  
District Judge McCulloch dismissed Susan Andrews and BP Collins Solicitors fee's of nearly £15,000.



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### May Maughan, The Deputy Official Solicitor:

"We are not prepared to answer any further queries and your correspondence in future, whether by e-mail, hard copy letter, or telephone, will not be answered, nor acknowledged. Yours sincerely May Maughan Deputy Official Solicitor Office of the Official Solicitor and Public Trustee Tel: 020 7911 7121 – [may.maughan@offsol.gsi.gov.uk](mailto:may.maughan@offsol.gsi.gov.uk)

Only when after six years had elapsed and May Maughan, Deputy Official Solicitor was of the belief that Leonard Lawrence was out of time to bring a claim for damages did Simpson Millar LLP solicitors apply for, and May Maughan release, previously undisclosed documents from Leonard Lawrence case files.

On the 20 April 2012 Paul Hicks a solicitor with Simpson Millar LLP informed Leonard Lawrence that on disclosure of Leonard Lawrence files from the Official Solicitors office, May Maughan, Deputy Official Solicitor in a telephone conversation had admitted liability for Leonard Lawrence non registration with the Court of Protection by Helen Clift.

How Simpson Millar LLP could represent Leonard Lawrence since 2008 without gaining his case files is unknown. The documents St Philips Chambers had sought could not be found on inspection of the Official Solicitors files in March 2012 at Simpson Millar LLP office. Photos taken show pages having been torn out of files.

### Some of what was found is detailed below

Alistair Pitblado, Official Solicitor to the Supreme Court submission to the Bar Standards Board dated 24 June 2009 identified that the court was not told by his solicitors that Court of Protection CP3's had been processed, that psychiatrists had identified that Mr. Lawrence required the Court of Protection, and that Mr. Lawrence interests must be protected.

- a) Rosemary Sanders (Solicitor at OS) 27 June 2005 email Sarah Benfield RDG Solicitors: Once we have a satisfactory CP3 we can apply to the **Court of Protection for authority** to sign a release of his rights of occupation... this would have to be supported by a court order dealing with the property. As matters stand the psychiatrist has completed a CP3.
- b) James Beck (Solicitor at OS) 1 August 2005 I spoke to Sarah Benfield RDG Solicitors: Obviously, the sale cannot proceed until we have **Court of Protection authority**.
- c) Piper, Steve (OSPT) Sent: 02 February 2006 I said that the OS would send the form to the **Court of Protection** who would make the appropriate order.
- d) Clift, Helen (OSPT) Sent: 02 February 2006 To: Piper, Steve (OSPT) Subject: RE: Mr Lawrence **ok essentially it should allow the solicitors to release to him the funds they are holding.**

**The paper trail of the Official Solicitor sending the form to the **Court of Protection** to make the appropriate order has not been found. Helen Clift made the financial decisions not Laurence Oades the former Official Solicitor. Records identify Helen Clift failed to disclose to two District Judges and His Honour Judge Elly the need for the Court of Protection. Helen Clift had also given the instructions to gain Leonard Lawrence signature on legal aid forms.**



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### **HHJ Simon Oliver writes at point 27 on his Judgement**

"H says that his counsel, at the hearing on 18th August 2005, says that the Official Solicitor did not agree the sale of the fmh at £622,000. However there is no evidence of this".

HHJ Simon Oliver has clearly not read the following information:

### **RDG Solicitors notes 18 August 2005 disclosed 2012:-**

Simon Calhaem "wife has accepted an offer and has exchanged contracts without recourse to the Official Solicitor"

Simon Calhaem "wife is in breach of the order by not agreeing the sale price,"

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### **Mr. A. Wilson FRCS FFAEM FRCS (Consultant Surgeon) Clinical Director Royal London Hospital**

Mr. A. Wilson FRCS, Dr McGhee FFARCS, Dr Murray and Mr. Edmond all had been considered unsuitable to act as guardian ad litem by Slough County Court.

### **Lord Justice Ward [2009] EWCA Civil 1122 Marco Pierre White –and- Withers LLP 29<sup>th</sup> October 2009**

#### **Comment by Lord Justice Ward**

63. The Family Division's practice to admit all relevant evidence in the search for truth or to impose sanctions where there has been improper conduct.

67. Furthermore, it must always be remembered that solicitors are officers of the court and if they are shown to have done wrong they should face the judgment of the court. It is not conducive to the administration of justice that such claims are simply swept under the carpet. It is in the public interest that the bounds of proper conduct be clarified.

#### **Letter from the Court of Protection.**

**If Mr Lawrence or the police require any Order an application can be made to the Court of Protection. Paul Wainwright Court of Protection**

