

Trusted to the ends of the Earth

A decision made in a moment may lead to personal and professional catastrophe, and once that line is crossed it is unlikely that a solicitor will be given a second chance, says **John Gould**

Stereotypical crooked lawyers steal client money or defraud mortgage lenders. They plan and conspire, lie and cheat perhaps for years until they are caught, imprisoned and struck off. It's a long-term lifestyle and career choice – but is that the whole story? Could an ordinary solicitor lose it all in a day?

The Solicitors Disciplinary Tribunal (SDT) has long followed the principles set by the courts and expressed in Olympian style by Bingham MR in *Bolton v The Law Society* [1994] 1 WLR 512. Complete integrity and probity are expected so that every member of the profession may be “trusted to the ends of the Earth”. The reputation of the profession is more important than the fortunes of any individual member. Any lapse will be dealt with severely.

Tough outcome

Most of the time this approach produces outcomes that seem very straightforward and predictable. Take the striking off of Srinath Reddy (SDT Case 1119-2013), a sole practitioner admitted in 2004 and sentenced to 78 months' imprisonment for providing comprehensive assistance to fraudulent immigration applications for a period of over two years.

But sometimes striking off may seem a tough outcome. Not necessarily wrong, but tough.

Colin Harrison (Case 11065-2012) was the senior partner of



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his firm. He was held in high regard as a “pillar of society” with an “exemplary character”. On 11 November 2009 he learned that a tenant in a “buy to let” property he owned had been found dead and he worried (wrongly, as it turned out) that a defective boiler had poisoned him. Without pause, he backdated a letter to property agents seeking to shift responsibility for the boiler on to them and showed it to the police. The irrelevance of the

boiler rapidly emerged. He was convicted of perverting the course of public justice and received, among other things, a 12-month suspended prison sentence. His status as a solicitor was an aggravating factor. He was struck off by the SDT for what was characterised as a momentary misjudgement.

Genuine mitigation

Julie Weekes (Case 11099-2012) was a new salaried partner and, overwhelmed by work, forged documents to cover up a lack of progress on a probate case. After six years, she received, among other things a suspended prison sentence and was struck off.

The absence of personal financial gain, her relative inexperience and an overwhelming workload were not sufficient mitigation. Other recent cases include a solicitor struck off for improper small expense claims during a period of depression and another for providing misinformation after being caught by a speed camera

PROTECTING YOUR INTEGRITY

Other than the rare criminal who happens to have become qualified as a solicitor, every solicitor would be well advised to be alert to the risk factors that could lead to a single misjudgement at a moment of pressure.

- If unsure about a course of action, pause and discuss it with colleagues – things may seem quite different in a day or two.
- Push back against overwhelming pressure of work.
- Be aware of the signs of clinical depression and alcohol problems and don't ignore them either in yourself or colleagues.
- Don't regard issues as trivial – there is no such thing as a trivial lack of integrity.

to avoid a fine while unemployed and on benefits. It shouldn't be news to a solicitor that any lack of integrity is almost certain to result in striking off. But the predominant importance of the profession's reputation and public confidence mean that even genuine mitigation may not count for much if the line is crossed. **SJ**



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