

IN THE MATTER OF GERARD JOSEPH HYDE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr J N Barnecutt (in the chair)
Mr J C Chesterton
Mr M G Taylor CBE DL

Date of Hearing: 9th December 2008

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Solicitors Regulation Authority by Victoria Jane Hunt, a solicitor employed by the Solicitors Regulation Authority at 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 24th July 2008 that Gerard Joseph Hyde of HMP Ford, Arundel, West Sussex BN18 0BX (now of Priory Gardens, London W5) 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 allegation against the Respondent was that he had been guilty of conduct unbefitting a solicitor in that he had been convicted of a criminal offence.

The Application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 9th December 2008 when James Moreton, Solicitor (Director), at Bankside Law Limited, Thames House, 58 Southwark Bridge Road, London SE1 0AS appeared on behalf of the Applicant and the Respondent did not appear and was not represented.

At the commencement of the hearing Mr Moreton sought leave of the Tribunal for an abridgement of time for service of the Applicant's exhibit "VJH2" and referred the Tribunal to the email dated 2nd December 2008 from the Applicant to Mr Moreton quoting a voicemail from the Respondent stating:-

“I have no objection to your proceeding as we have previously agreed. I will not resist the charge, I will not be giving any counter notice, I will not be attending”

The Tribunal granted the application for an abridgement of time in respect of exhibit “VJH2”.

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

The Tribunal Orders that the Respondent, Gerard Joseph Hyde of Priory Gardens, London, W5, solicitor, be Struck Off the Roll of Solicitors and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,128.38.

The facts are set out in paragraphs 1 – 5 hereunder:-

1. The Respondent, born in 1952, was admitted as a solicitor in 1978 and his name remained on the Roll of Solicitors.
2. At the material time the Respondent was a partner in the firm of Evans Dodd of 5 Belfour Place, Mount Street, London W1K 2AU and also a consultant in the firm of Portner & Jaskell formerly of 63-65 Marylebone Lane, London, W1U 2RA.
3. The Respondent appeared at Southwark Crown Court on 2nd March 2007 when he pleaded guilty and was convicted of the offence of “concealing or disguising the proceeds of criminal conduct contrary to Section 93C(2) of the Criminal Justice Act 1988”. On 24th May 2007 the Respondent was sentenced to 42 months imprisonment. A copy of the Certificate of Conviction was before the Tribunal.
4. The Respondent’s co-defendant had his matter referred back for retrial and as a result full reporting restrictions were imposed by order of the Court. The co-defendant entered a guilty plea on 22nd May 2008. Reporting restrictions were then lifted.
5. A copy of the sentencing remarks of his Honour Judge Wadsworth was before the Tribunal.

The Submissions on behalf of the Applicant

6. The Respondent had admitted the allegation.
7. The Tribunal was referred to the sentencing remarks in which the Learned Judge had said:-

“I accept that as a professional man it is highly unlikely that you will ever commit an offence again. On the other hand, you for eight months or thereabouts continued to deal in what you knew was very very large money laundering, some two million pounds went through your hands, and I regard that as more important than the personal profit that you took from it, though I do bear in mind that your profit was relatively small.

There were really three aspects to this. You used your firm’s account thereby giving credibility and reputation to the money, that was a very important part of the laundering and you must have known it. You allowed an offshore

company of your own to be used. That again had the same consequences, and perhaps most important of all you used the reputation of your firm and the reputation of your profession to persuade others that they were dealing in honest commercial transactions. As you must have known, without that money laundering of the size which we are dealing with here becomes virtually impossible. That is the gravamen of it.”

8. Mr Moreton sought costs of himself and the Applicant in a total sum of £1,128.38. The Respondent had been notified of the costs.

The Findings of the Tribunal

9. The Respondent had admitted the allegation and the Tribunal found it to have been substantiated.

Previous appearance of the Respondent before the Tribunal

10. On 22nd July 1997 the following allegations were substantiated against the Respondent namely that he had been guilty of conduct unbecoming a solicitor in each of the following respects, namely that he had:-
- (a) failed to maintain properly written books of account contrary to Rule 11 of the Solicitors Accounts Rules 1991;
 - (b) drawn monies out of a client account otherwise than as permitted by Rule 7 of the Solicitors Accounts Rules 1991 contrary to Rule 8 of the said Rules;
 - (c) breached the terms of a professional undertaking;
 - (d) utilised funds held in his client account for his own purposes.
11. The Tribunal in 1997 said:-

“The Tribunal accepted that the Respondent had not been dishonest. They found it surprising that the Respondent, being a very experienced solicitor specialising in the field of commercial conveyancing, should have made the errors he had. The Tribunal accept that any solicitor is capable of being wrong in the advice that he gives a client but his objectivity should be such that he should not allow a close relationship and a large number of dealings with a particular client to cloud his professional judgement. Accepting that at the time of transferring monies to Richard Caplin & Co for his own purposes the Respondent considered that he was acting entirely properly, even though he was not, and that the situation had been entirely rectified, and bearing in mind the Respondent’s unblemished career hitherto, the Tribunal took the view that even though the allegations on their face presented a grave picture, in the particular circumstances they considered that the proper penalty to impose upon the Respondent was a financial one. The Tribunal imposed a fine of £5,000 upon the Respondent and ordered him to pay costs in the agreed fixed sum.”

12. The Tribunal on 9th December 2008 said that this was a serious case. The Respondent had been convicted and sentenced to a term of 42 months imprisonment. A confiscation order had been imposed on him under the Proceeds of Crime Act 2002 for the sum of £250,000.00. The Respondent's conviction in such a serious matter brought the profession into disrepute. The Tribunal was satisfied that it was right to strike the name of the Respondent off the Roll of Solicitors. The Tribunal also considered that the costs application by Mr Moreton was reasonable and that it was right that the Respondent be ordered to pay the costs sought.
13. The Tribunal Ordered that the Respondent, Gerard Joseph Hyde of Priory Gardens, London, W5 solicitor, be Struck Off the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,128.38.

Dated this 20th day of February 2009
On behalf of the Tribunal

J N Barnecutt
Chairman