

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF JOHN DAVID CORT, solicitor (The Respondent)

Upon the application of Ian Ryan
on behalf of the Solicitors Regulation Authority

Mr D Potts (in the chair)
Mr R B Bamford
Mr M Palayiwa

Date of Hearing: 20th October 2010

FINDINGS & DECISION

Appearances

Ian Ryan, solicitor of Finers Stephens Innocent LLP, 179 Great Portland Street, London, W1W 5LS appeared on behalf of the Solicitors Regulation Authority ("SRA").

The Respondent did not appear and was not represented.

The application was dated 3rd March 2010 and a supplementary statement was dated 24th June 2010.

Allegations

Certain allegations against the Respondent were set out in the Rule 5 Statement dated 3 March 2010. The Applicant sought and received the consent of the Tribunal to allow those allegations to lie on file.

In the Supplementary Statement dated 24 June 2010 the allegation was that:

1. On 28 May 2010 at Nottingham Crown Court the Respondent was convicted of murder and sentenced to life imprisonment and was thereby in breach of Rule 1.01 and 1.06 of the Solicitors Code of Conduct 2007.

Factual Background

1. The Respondent, born in 1955, was admitted as a solicitor on 1 November 1983 and did not currently hold a practising certificate.
2. The Respondent carried on practice in partnership with Mrs Vina Patel under the style of Corts Solicitors ("the firm") at Blackbird House, 57a Blackbird Road, Leicester, LE4 OAR. Following Mrs Patel's death on 15 January 2009 the Respondent continued to practice on his own account under the same style until his subsequent arrest.
3. The Respondent pleaded not guilty to murder and was convicted at Nottingham Crown Court and sentenced to life imprisonment with a minimum term of 29 years on 28 May 2010.
4. The Tribunal reviewed all the documents submitted by the Applicant which included:
 - (i) Supplementary Statement dated 24 June 2010 together with all attached documents;
 - (ii) Statement of Costs dated 19 October 2010.
5. The Tribunal reviewed all the documents submitted by the Respondent which included:
 - (i) Letter dated 1 October 2010.

Witnesses

6. None.

Findings as to Fact and Law

7. The Tribunal had listened carefully to the submissions of the Applicant and had considered all the documents provided.
8. The Respondent had been convicted of murder at Nottingham Crown Court and the Tribunal had been provided with a Certificate of Conviction to confirm this. Any solicitor who was convicted of murder, and indeed sentenced to life imprisonment had clearly failed to uphold the rule of law and the proper administration of justice and had behaved in a matter which was likely to diminish the trust the public placed in that solicitor. Accordingly, the Tribunal found the allegation was proved.

Mitigation

9. The Tribunal had before it a letter dated 1 October 2010 which was lengthy and which contained the Respondent's submissions.

Costs

10. The Applicant requested an Order for his costs in the sum of £14,312.69 and provided the Tribunal with a Schedule of Costs dated 19 October 2010. The Applicant reminded the Tribunal that the Respondent was likely to be in prison for a very long time and therefore may not be in a position to pay any costs that were ordered.
11. The Applicant confirmed that he had decided not to proceed with the allegations contained in the Rule 5 Statement as the allegation in the supplementary statement relating to the murder conviction was far more serious.

Previous Disciplinary Sanctions before the Tribunal

12. None.

Sanction and Reasons

13. This case was of the utmost gravity involving the tragic and violent death of a solicitor. The Tribunal had noted the Respondent's submissions in his letter of 1 October 2010 and in particular his intention to appeal against the conviction. However the Tribunal's starting point was the conviction and the Tribunal would not look behind that conviction. The Respondent had made reference in his letter of 1 October 2010 to the "Sally Clark" case but the Tribunal considered that case was exceptional and that the case before the Tribunal today was of an entirely different nature, lacking as it did any exceptional features.
14. The Respondent's conduct had damaged the reputation of the profession and diminished the trust the public placed in the Respondent and in the profession. The Respondent was a risk to the public and was not fit to be a solicitor. Accordingly, the Tribunal Ordered he be Struck Off the Roll of Solicitors.

Decision as to Costs

15. The Tribunal had considered the Applicant's costs' schedule but was mindful that only one allegation had been proved and that four allegations had been left to remain on the file. In view of this, the Tribunal took the view that the Applicant was only entitled to recover his costs relating to the allegation that was proved. The Tribunal assessed the costs relating to that allegation at £1,000 and Ordered the Respondent to pay this amount.
16. The Tribunal was mindful that the Respondent was serving a sentence of life imprisonment and therefore was unlikely to be able to pay any costs Ordered. Accordingly, the Tribunal Ordered that the costs were not to be enforced without the permission of the Tribunal.

Order

17. The Tribunal Ordered that the Respondent, John David Cort, 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 £1,000.00, relating to the matter

which has been proved. Such costs are not to be enforced without the permission of the Tribunal.

Dated this 14th day of January 2010
On behalf of the Tribunal

D Potts
Chairman