

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 10713-2011

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

DAWSON JOHN HANSON

Respondent

Before:

Mr A N Spooner (in the chair)

Mr K W Duncan

Mr S Howe

Date of Hearing: 3rd August 2011

Appearances

Stephen Battersby, solicitor of Jameson & Hill Solicitors of 72/74 Fore Street, Hertford SG14 1BY for the Applicant.

The Respondent did not appear and was not represented.

JUDGMENT

Allegations

1. The allegation against the Respondent was that:-
 - 1.1 Having been convicted on 4 January 2010 at Nottingham Crown Court of offences of dishonesty for which he was sentenced on 12 March 2010 he has acted with a lack of integrity and in a way likely to diminish the trust which the public has in him and the profession contrary to Rules 1.02 and 1.06 Solicitors Code of Conduct 2007 and Rule 1 of the Solicitors Practice Rules 1990.

Documents

2. The Tribunal reviewed all the documents submitted by the Applicant and the Respondent, which included:

Applicant:

- Rule 5 Statement dated 17 February 2011 with exhibit;
- A Schedule of Costs;
- Bundle of documents evidencing benefit payments to the Respondent and his wife.

Respondent:

- Emails from the Respondent's wife and adult children.

Preliminary Matter

3. Mr Battersby advised the Tribunal that he had been informed by the Respondent that he did not intend to appear at the hearing. Representations had been received from members of his family. Mr Battersby sought the approval of the Tribunal to proceed and hear the application. The Tribunal determined under Rule 16 of the Solicitors (Disciplinary Proceedings) Rules 2007 that in all the circumstances having been satisfied that notice of the hearing had been served on the Respondent in accordance with the Rules it would exercise its power to hear and determine the application notwithstanding that the Respondent had failed to attend in person or was not represented at the hearing.

Factual Background

4. The Respondent was born in 1934 and admitted as a solicitor in 1974. At the material times he was a partner in the firm of Eddowes, Simm and Waldron of Ashbourne, Derbyshire. He ceased involvement with that firm on 10 July 2009 when his practising certificate was suspended as a result of his bankruptcy.
5. The Respondent was arrested by the police in September 2008 in relation to the misappropriation of funds from a charity, a football club of which he was Treasurer. These sums were not held by the firm. He was subsequently charged in January 2009 in respect of the charity matter and in relation to certain client account matters. Following the Respondent's arrest in 2008, the Applicant commenced an investigation of the books of account and other documents of the Respondent's firm.

The Investigation Officer first visited the office on 7 January 2009 and subsequently produced a Report dated 27 May 2009. The Applicant's financial investigation showed that improper payments totalling £45,000 had been made from client account in the matter of W deceased resulting in a cash shortage of the same amount as at 30 November 2008.

6. The Applicant wrote to the Respondent on 7 July 2009 seeking an explanation for his conduct. He responded on 11 August to say that the matters referred to were all subject to the ongoing police enquiry and court proceedings and he was therefore unable to discuss them. He did, however, provide a response following his conviction in the form of a letter of 6 May 2010 with attached comments entitled "John's thoughts". The solicitors acting for him in the criminal case had written to the Applicant on 6 March 2009 in the same terms.
7. On 4 November 2010 an authorised officer of the Solicitors Regulation Authority ("SRA") decided that the conduct of the Respondent should be referred to the Tribunal.
8. The Respondent was convicted on his own admission of four counts of false accounting, one count of dishonestly making false representations to make gain for himself/another or to cause loss to another, expose another to risk and ten counts relating to the proceeds of crime. In his sentencing remarks Recorder Michael Stokes QC had stated:-

"I accept, however that this is not a typical case of a dishonest solicitor lining his pockets at the expense of his clients. I am satisfied on all the evidence that is before me that it was a misfortune and perhaps a degree of mismanagement over a period of time leading to this huge insurance premium that was the genesis of the problems and the beginning of your dishonesty... It is quite clear on the evidence, it seems to me, that what you were doing, to use the old phrase, was robbing Peter to pay Paul simply to try and keep your head and the head of your employees and partner above water when a more sensible act would have been to accept that the firm could not continue."

The Respondent had admitted the offences and a sentence of two years imprisonment suspended for 18 months was imposed on him in respect of one offence and 12 months suspended for 18 months in respect of the other offences.

Witnesses

9. None.

Findings of Fact and Law

10. **Allegation 1.1. Having been convicted on 4 January 2010 at Nottingham Crown Court of offences of dishonesty for which he was sentenced on 12 March 2010 he has acted with a lack of integrity and in a way likely to diminish the trust which the public has in him and the profession contrary to Rules 1.02 and 1.06 Solicitors Code of Conduct 2007 and Rule 1 of the Solicitors Practice Rules 1990.**
- 10.1 It was submitted on behalf of the Applicant that reliance was placed on the Certificate of Conviction. No formal submissions had been made to the Applicant or to the

Tribunal concerning the allegation but following his trial and sentence the Respondent had written to the Applicant and submitted a document setting out his thoughts and describing his situation.

- 10.2 The Tribunal had considered the evidence and particularly the certificate of conviction and found the allegation to have been proved.

Previous Disciplinary Matters

11. There had been four previous findings against the Respondent at the Tribunal under case references 6641/1994; 7367/1997; 8896/2003 and 9219/2005.

Mitigation

12. The Tribunal had regard to the document giving the Respondent's thoughts and also considered emails received from his adult children and the Respondent's wife.

Sanction

13. The Tribunal had considered the seriousness of the Respondent's criminal convictions and the fact that he had had four previous appearances before the Tribunal and considered in the circumstances that it would be appropriate to strike him off the Roll of Solicitors.

Costs

14. The Applicant sought costs in the sum of £24,185.30. It was accepted on behalf of the Applicant that the Respondent was in receipt of council tax benefit and housing benefit which were not awarded unless an individual was in genuine need and so the Applicant accepted that this was a proper case for an order for costs not to be enforced without leave of the Tribunal. Additional information about the Respondent's means had been provided by family members. The Tribunal assessed costs in the sum of £22,500 but agreed that these should not be enforced without its leave.

Statement of Full Order

15. The Tribunal Ordered that the Respondent, Dawson John Hanson of Dovedale View, The Row, Hollington, Ashbourne, Derbyshire, DE6 3GA, 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 £22,500.00, such costs not to be enforced without leave of the Tribunal.

Dated this 7th day of September 2011
On behalf of the Tribunal

A N Spooner
Chairman