

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11692-2017

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY

Applicant

and

PETER PHILLIP TAYLOR

Respondent

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Before:

Mr L. N. Gilford (in the chair)

Mr M. N. Millin

Mr G. Fisher

Date of Hearing: 4 October 2017

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**Appearances**

Kelly Sherlock, solicitor/barrister of Solicitors Regulation Authority of The Cube, 199 Wharfside Street, Birmingham, B1 1RN, for the Applicant.

The Respondent did not appear and was not represented.

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**JUDGMENT**

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## Allegations

1. The allegations against the Respondent made by the SRA were that by virtue of his convictions at Chester Crown Court on 4 April 2016 for the offences particularised below, he failed to:
  - 1.1 uphold the rule of law and the proper administration of justice contrary to Principle 1 of the SRA Principles 2011;
  - 1.2 act with integrity contrary to Principle 2 of the SRA Principles 2011;
  - 1.3 behave in a way that maintained the trust the public places in him and in the provision of legal services contrary to Principle 6 of the SRA Principles 2011.

## Documents

2. The Tribunal considered all the documents in the case including;
  - Application and Rule 5 Statement with exhibit KS/1 dated 18 July 2017
  - Email correspondence between the Applicant and Respondent
  - Schedule of costs

## Preliminary Matters

### Application to Proceed in Absence

3. The Respondent did not attend the hearing and Ms Sherlock applied to proceed in his absence. The Respondent had emailed the Applicant on 6 September 2017 in which he stated:
 

“In the light of my admissions I confirm that I do not propose to file and answer nor do I propose to attend the final hearing. I acknowledge receipt of the documentation”.
4. The Respondent was aware of the date of the hearing and Rule 16(2) of the Solicitors (Disciplinary Proceedings) Rules 2007 (“SDPR”) was therefore engaged. The Tribunal was referred to the criteria for exercising the discretion to proceed in absence as set out in R v Hayward, Jones and Purvis [2001] QB 862, similar principles being approved in a regulatory context in GMC v Adeogba [2016] EWCA Civ 162.
5. Ms Sherlock submitted that it was in the interests of justice to proceed in the Respondent’s absence in all the circumstances.
6. The Tribunal was satisfied that the Respondent was aware of the hearing and had absented himself voluntarily. He could have a fair hearing on the papers and the Tribunal therefore granted the application to proceed in absence.

Application to amend the Rule 5 Statement

7. Ms Sherlock applied to amend the Rule 5 Statement to correct an error in the total custodial sentence received by the Respondent. The Rule 5 had stated that he received “2 years and 3 months” when in fact the correct position was that he had received a custodial sentence of 3 years. The reason for the error was that the Certificate of Conviction dated 2 December 2016 had been misread when drafting the Rule 5 Statement. There was no dispute that the Respondent had received a sentence of 3 years and he had acknowledged that.
8. The Tribunal was satisfied that there was no prejudice to the Respondent by making such a correction and therefore granted the application to amend.

Application to substitute the Certificate of Conviction dated 2 December 2016 with one dated 2 October 2017

9. Ms Sherlock had obtained a fresh Certificate of Conviction which made clearer that that the Respondent had been sentenced for a number of matters concurrently to the matters currently the subject of the Allegations.
10. The Tribunal was concerned that the fresh document post-dated the Rule 5 Statement and that the Respondent had not seen it, even though it was accepted that he was very unlikely to have challenged its accuracy. The original Certificate of Conviction was not wrong and the Tribunal decided that it was more appropriate to hear the case based on that document. The application was therefore refused.

**Factual Background**

11. The Respondent was born in February 1951 and was admitted as a Solicitor on 1 December 1980. At all material times the Respondent held the position of Director and Compliance Officer for Financial Administration at Nightingales Solicitors (“the Firm”). At the time of the hearing the Respondent did not currently hold a practising certificate but remained on the Roll of Solicitors.
12. On 4 April 2016, at Chester Crown Court, the Respondent was convicted of the following offences:
  - 12.1 Fraud by abuse of position of trust contrary to Section 4 of the Fraud Act 2006.
  - 12.2 Theft contrary to sections 1(1) and 7 of the Theft Act 1968.
13. He was sentenced to a total of 3 years imprisonment. In sentencing the Respondent His Honour Judge Woodward, made the following comments:

“...you are a 65 year old man who has been a solicitor all of your working life. You were a director in a firm of solicitors and whilst you [were] in that position exercised the sole power of attorney and subsequently after your client’s death you had control of the probate you defrauded the main beneficiaries of an estate of your client. You also defrauded the estate of another client to significantly smaller amounts of money. All in all you admit

that you were involved in stealing from these people and those estates a figure in the region of £370,000. Clearly you were in a position of a very high degree of trust at the time when you chose to do that, you fully knew what you were doing, you fully realised the seriousness of what you were doing.

You, I accept, were a man previously of impeccable character, you pleaded guilty at the first opportunity and the effects upon you and those who care about you are sadly going to be devastating. I also accept that you are genuinely remorseful, ashamed of your behaviour and are cooperating with the authorities in order that victims will be recouped, but what you have done you know is extremely serious. Beneficiaries, including charities, suffered substantial financial losses, your immediate work colleagues will feel betrayed and stained by your actions and your greed and dishonesty undermines the reputation of your profession as a whole....”

14. On 11 May 2017, the Supervisor in the SRA’s Supervision department with conduct of this matter wrote to the Respondent requesting an explanation for a number of breaches to the SRA Code of Conduct 2011.
15. On 13 May 2017, the Respondent replied by email and stated “I acknowledge receipt of your letter dated 11 May 2017. I confirm that the allegations mentioned therein are admitted. I propose to offer no defence or mitigation. I confirm that I am not working and I am presently unemployed. I am subject to a POCA Order and, consequently, have no assets. I await hearing from you further to this matter.”

#### **Witnesses**

16. None.

#### **Findings of Fact and Law**

17. The Applicant was required to prove the Allegations beyond reasonable doubt. The Tribunal had due regard to the Respondent’s rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
18. **Allegation 1 - The allegations against the Respondent made by the SRA were that by virtue of his convictions at Chester Crown Court on 4 April 2016 for the offences particularised below, he failed to:**
  - 1.1 **uphold the rule of law and the proper administration of justice contrary to Principle 1 of the SRA Principles 2011;**
  - 1.2 **act with integrity contrary to Principle 2 of the SRA Principles 2011;**
  - 1.3 **behave in a way that maintained the trust the public places in him and in the provision of legal services contrary to Principle 6 of the SRA Principles 2011.**

### Applicant's Submissions

- 18.1 Ms Sherlock submitted that Principle 1 required solicitors to refrain from criminal behaviour at all times. As the Respondent was convicted of a criminal offence, he had breached Principle 1, as he had admitted.
- 18.2 Principle 2 required a solicitor to act with integrity. A solicitor acting with integrity would not engage in criminal activity such that the Respondent has been convicted of. He had lacked moral soundness, rectitude and steady adherence to an ethical code so as to lack integrity.
- 18.3 The Respondent had failed to behave in a way that maintained the trust the public placed in Solicitors and in the provision of legal services. The conviction of the Respondent for serious criminal offences leading to the imposition of a custodial sentence undermined the trust that the public placed in solicitors and the provision of legal services in breach of Principle 6.

### The Respondent's Position

- 18.4 The Respondent had admitted the Allegations in full.

### The Tribunal's Decision

- 18.5 The Tribunal was satisfied that the admissions were properly made and found the matter proved in full beyond reasonable doubt on the evidence.

### **Previous Disciplinary Matters**

19. None.

### **Mitigation**

20. The Respondent had not filed any formal mitigation. However in his email to the Applicant of 6 September 2017 he had stated that he had been fully co-operative with the relevant authorities in an attempt to limit the costs incurred by others in this matter.
21. In the course of the sentencing hearing in the criminal proceedings, mitigation had been advanced on his behalf and the Tribunal read this as it was contained in the papers.

### **Sanction**

22. The Tribunal had regard to the Guidance Note on Sanctions (December 2016). The Tribunal assessed the seriousness of the misconduct by considering the Respondent's culpability, the level of harm caused together with any aggravating or mitigating factors.

23. In assessing the culpability the Tribunal noted the learned Judge's sentencing remarks in which he referred to the Respondent's greed. The offences had been committed in a way that was planned and involved a very serious breach of trust. The Respondent had direct control and responsibility for his actions and he was a solicitor of considerable experience.
24. The financial harm caused to those directly impacted had been described by the learned Judge as "substantial" and the Tribunal agreed with that assessment.
25. The harm caused to the reputation of the profession by such conduct was extremely serious. The reputation of the profession was always severely undermined by any solicitor found guilty of an offence of dishonesty but this was even greater when that offence had been committed in the course of their work, as had occurred in this case.
26. The matters were aggravated by the Respondent's dishonesty. Coulson J in Solicitors Regulation Authority v Sharma [2010] EWHC 2022 Admin observed:
 

"34. there is harm to the public every time a solicitor behaves dishonestly. It is in the public interest to ensure that, as it was put in Bolton, a solicitor can be "trusted to the ends of the earth.""
27. The victims of the Respondent's criminal conduct were vulnerable and the offending had continued over a period of time.
28. The matters were mitigated by the Respondent's full and frank admissions to the Police, the Court, the SRA and, through them, the Tribunal. In mitigation before the Crown Court, the Respondent had expressed deep remorse and shame for his actions and the consequences for the victims as well as his staff. He had extended that apology to the clients of the Firm. The Tribunal accepted that the Respondent's insight was genuine and gave him credit for his early and unequivocal admissions.
29. The misconduct was so serious that a Reprimand, Fine or Restriction Order would not be a sufficient sanction to protect the public or the reputation of the profession from future harm by the Respondent. The misconduct was at the highest level and the only appropriate sanction was a Strike Off. The protection of the public and of the reputation of the profession demanded nothing less.
30. The Tribunal considered whether there were any exceptional circumstances that would make such an order unjust in this case. The Tribunal had regard to the Respondent's personal circumstances both at the material time and at the time of the hearing. The Tribunal found there to be nothing that could justify an indefinite suspension. The only appropriate and proportionate sanction was that the Respondent be Struck Off the Roll.

### **Costs**

31. The Applicant applied for its costs in the sum of £3,002.00. However Ms Sherlock told the Tribunal that this should be reduced as the anticipated hotel bill had not in fact been incurred.

32. The Tribunal considered the cost schedule and considered that the work undertaken was reasonable and proportionate. It made a reduction to take account of the hotel bill being removed and the fact that the hearing had been shorter than anticipated. The appropriate figure in all the circumstances was £2,500.00.
33. The Respondent had not filed a statement of means and the Tribunal therefore ordered that he pay the costs in the usual way.

**Statement of Full Order**

34. The Tribunal Ordered that the Respondent, PETER PHILLIP TAYLOR, 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 £2,500.00.

Dated this 16<sup>th</sup> day of October 2017  
On behalf of the Tribunal



L. N. Gilford  
Chairman

Judgment filed  
with the Law Society  
on 16 OCT 2017

