

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11710-2017

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

NEIL LIMA FREW

Respondent

Before:

Mr A. N. Spooner (in the chair)

Mr P. Lewis

Mr R. Slack

Date of Hearing: 6 November 2017

Appearances

There were no appearances as the matter was dealt with on the papers.

JUDGMENT ON AN AGREED OUTCOME

Allegations

The allegations against the Respondent made by the Applicant were set out in a Rule 5 document dated 1 September 2017. The allegations were that:

1. By virtue of his conviction at Sheffield Crown Court on the 23 November 2016 for conspiracy to defraud the Legal Aid Agency 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; and/or
 - 1.2 act with integrity contrary to Principle 2 of the SRA Principles 2011; and/or
 - 1.3 behave in a way that maintains the trust that 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 had before it the following documents:-
 - The Application and Rule 5 Statement dated 1 September 2017
 - The Respondent's Answer dated 19 September 2017
 - Statement of Agreed Facts, Admissions and Outcome

Factual Background

3. The Respondent was born in March 1968 and was admitted to the Roll of Solicitors on 15 May 2008. At all relevant times the Respondent was a salaried partner at Chambers Solicitors ("the Firm") in Bradford.
4. On 23 November 2016 the Respondent was convicted of conspiracy to defraud the Legal Aid Agency. On 9 June 2017 he was sentenced to two years imprisonment, suspended for two years and was ordered to complete 200 hours of unpaid work before 8 June 2018.

Application for the matter to be resolved by way of Agreed Outcome

5. The parties invited the Tribunal to deal with the Allegations against the Respondent in accordance with the Statement of Agreed Facts, Admissions and Outcome annexed to this Judgment. The parties submitted that the outcome proposed was consistent with the Tribunal's Guidance Note on Sanctions.

Findings of Fact and Law

6. 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.

7. The Respondent had been convicted of a serious criminal offence. The Respondent admitted the allegation and recognised the seriousness of the misconduct.
8. The Tribunal reviewed all the material before it and was satisfied beyond reasonable doubt that the Respondent's admissions were properly made.
9. The Tribunal considered the Guidance Note on Sanction (December 2016). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
10. The Tribunal was satisfied that the appropriate sanction in all the circumstances was a strike-off. The Respondent had not presented, and the Tribunal was not able to identify, any exceptional circumstances that would enable a lesser sanction to be imposed.

Costs

11. The parties had agreed that the Respondent would pay the Applicant's costs fixed in the sum of £846.84. The Applicant's cost at the date of issue had been £586.84. The Tribunal was satisfied that the sum sought was an appropriate and proportionate level of costs and ordered that the Respondent do pay costs, as agreed, fixed in the sum of £846.84.

Statement of Full Order

12. The Tribunal ORDERS that the Respondent, NEIL LIMA FREW, 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 £846.84.

Dated this 6th day of November 2017

On behalf of the Tribunal


A. N. Spooner
Chairman

Judgment filed
with the Law Society

on 06 NOV 2017

Number:11710-2017

IN THE MATTER OF THE SOLICITORS ACT 1974

SOLICITORS REGULATION AUTHORITY

Applicant

NEIL LIMA FREW

Respondent

STATEMENT OF AGREED FACTS, ADMISSIONS AND OUTCOME

1. By its application dated 1 September 2017, and the statement made pursuant to Rule 5(2) of the Solicitors (Disciplinary proceedings) Rules 2007 which accompanied that application, the Solicitors Regulation Authority ("the SRA") brought proceedings before the Solicitors Disciplinary Tribunal concerning the conduct of Mr Neil Lima Frew.

Allegation

2. The allegation in these proceedings is that Mr Frew:

By virtue of his conviction at Sheffield Crown Court on the 23 November 2016 for conspiracy to defraud the Legal Aid Agency failed to:

- 2.1 uphold the rule of law and the proper administration of justice contrary to Principle 1 of the SRA Principles 2011; and/or
- 2.2 act with integrity contrary to Principle 2 of the SRA Principles 2011; and/or
- 2.3 behave in a way that maintains the trust that the public places in him and in the provision of legal services contrary to Principle 6 of the SRA Principles 2011.

Admissions

3. Mr Frew admits the allegation against him in its entirety.

Agreed facts

The following facts and matters are agreed between the SRA and Mr Frew:

4. Mr Frew was born March 1968 and was admitted as a solicitor on 15 May 2008. His last known address is Baldon, Shipley BD17. His name remains on the Roll. His Practising Certificate has been suspended by the Applicant, with his agreement, under Section 13B of the Solicitors Act 1974, on 27 October 2017.
5. At all relevant times the Respondent was a salaried partner at Chambers Solicitors (Chambers) of 37, Grattan Road, Bradford, West Yorkshire, BD1 2LU. He was employed at Chambers from 2009 to 2016 (until its Intervention on the 7 December 2016) and was a salaried partner there from 2010.
6. On 23 November 2016 at Sheffield Crown Court, Mr Frew was convicted of conspiracy to defraud the Legal Aid Agency.
7. On 9 June 2017 Mr Frew was sentenced at Newcastle Crown Court to two years imprisonment, suspended for two years and was ordered to complete 200 hours of unpaid work before 08 June 2018.
8. Dishonesty is the mens rea for the offence of fraud. The SRA exhibited a copy of the Certificate of Conviction to the Rule 5 Statement and relies on Rule 15 (2) of the Solicitors (Disciplinary Proceedings) Rules 2007 in that this represents conclusive proof of Mr Frew's conviction concerning his dishonesty offence.
9. The conduct giving rise to the offence relates to Mr Frew conspiring with his co-defendants to defraud the legal aid agency by Chambers pretending to use the company, Legal Support Services, for interpreters' services when they were being arranged directly by Chambers. This was done so Chambers could have the additional money that a company sourcing interpreters would be entitled to claim.
10. Sentencing remarks from his Honour Judge Spragg have been obtained in this matter, who made the following remarks when passing sentence;

"Although all defendants tried to argue that Legal Support Services were involved in the booking of interpreters - for example, by providing a list of interpreters to the case workers - that argument was rejected by the jury who saw through what was, in reality, a dishonest scam to make extra money to which you were not entitled.

Mr Frew, you were in charge of the Immigration department. You were involved in the billing process. Indeed, your fingerprints were on some of the LLS Invoices. The jury clearly formed the view that you knew exactly what was going on and were a willing participant to it. However, your role is distinguishable to the extent that there is no evidence that, as a salaried partner, you were going to benefit in any way from what was going on.

You all lied when confronted with the evidence, you lied again in your police interviews and, as the jury found, you lied to them....

... this is an abuse of a position of responsibility,

Fraudulent activity conducted over a sustained period of time: all defendants.

In relation to Mr Frew, I take the view that your role probably falls somewhere between Categories A and C, containing, as it does, some elephant (sic) –elements of both. For example, in Category C, that it was not for financial gain.

.... you didn't stand to gain financially from this as you were a salaried partner but you were prepared to go along with and participate in the obvious fraud taking place, even though you would gain nothing. You then compounded the position that you got yourself into by telling a series of lies in your interviews and before the jury. It is the fact that you would have gained nothing which allows me to distinguish you from the others. However, the offence is, of course, still so serious that only a custodial sentence is appropriate

Outcome

11. Mr Frew accepts that the seriousness of his admitted misconduct is such that neither a reprimand, a fine or being suspended from practice would be a sufficient sanction.
12. Having considered the solicitors disciplinary tribunal guidance note on sanction Mr Frew accepts that the protection of the public and the protection of the reputation of the profession require that he is struck off the Roll of Solicitors.
13. The SRA and Mr Frew submit to the Tribunal that the following are appropriate outcomes: –

13.1 An order that Mr Frew be struck off the Roll of Solicitors.

13.2 and that Mr Frew do pay the SRA costs of £846.84.

14. Having regard to all of the facts giving rise to the allegations, the admissions made by Mr Frew and his willingness to submit to such an Order, the SRA invites the Tribunal to make such an Order.

Dated this 1 day of *November* 2017

P MILLER

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On behalf of the Applicant, the Solicitors Regulation Authority

N FREW

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Neil Lima Frew