

IN THE MATTER OF CHRISTOPHER JAMES ANDREWS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. A. Gaynor-Smith (in the Chair)  
Mr. J.N. Barnecutt  
Mr. D.E. Marlow

Date Of Hearing: 25th April 1995

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## FINDINGS

of the Solicitors' Disciplinary Tribunal  
constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Solicitors Complaints Bureau by Geoffrey Williams, solicitor, of 36 West Bute Street, Cardiff that Christopher James Andrews of Nr. Arundel, West Sussex 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 allegations against the respondent were that he had been guilty of conduct unbecoming a solicitor in each of the following respects, namely:

- (a) that he had failed to maintain properly written books of account contrary to Rule 11 of the Solicitors Accounts Rules 1991 (this was withdrawn with the consent of the Tribunal);
- (b) that he had drawn money from client account otherwise than in accordance with Rule 7 of the Solicitors Accounts Rules 1991 contrary to Rule 8 of the said Rules;

- (c) that he had used clients' funds for his own purposes.

Further, a supplementary statement was made on 16th March 1994 which made the further allegation that the respondent had been guilty of conduct unbefitting a solicitor in that he had been convicted upon an indictment of theft and sentenced to eighteen months imprisonment in respect thereof.

The matter was heard at the Court Room, No. 60 Carey Street, London WC2 on 25th April 1995 when the said Geoffrey Williams, solicitor and partner in the firm of Cartwrights Adams & Black of 36 West Bute Street, Cardiff appeared for the applicant and the respondent appeared in person.

The evidence before the Tribunal included the admissions of the respondent. A letter of a testimonial nature from Jane Burton (exhibit "CJA 1") was submitted on the respondent's behalf.

At the conclusion of the proceedings the Tribunal ORDERED that the respondent, Christopher James Andrews of Nr. Arundel, West Sussex BN18 solicitor, be struck off the Roll of Solicitors and they further ordered that he do pay the costs of and incidental to the application and enquiry fixed in the sum of £2,074.70 inclusive of Value Added Tax, disbursements and the costs of the Investigation Accountant.

The facts are set out in paragraphs 1 to 7 hereunder.

1. The respondent was admitted a solicitor in 1979 and at all material times carried on practice as a solicitor on his own account under the style of CJ Andrews at 16 Conduit Mews, London W2. He set up in sole practice in or about March 1993 and ceased to so practise upon the intervention by the Law Society on or around 6th January 1994.
2. Upon due notice being given the Investigation Accountant of the Law Society inspected the respondent's books of account on 5th January 1994. The Investigation Accountant reported that the respondent did not attend at the time and place arranged. Information was received that the respondent would be returning to the United Kingdom from Ibiza and arrangements were made to interview him at Paddington Green Police Station on 13th January 1994.
3. Before leaving for Spain in December 1993 the respondent had destroyed such books of account as existed from March 1993 including all of the office and client bank statements.
4. In view of this fact it was not considered practicable for the Investigation Accountant to attempt to compute the respondent's liabilities to clients. The respondent admitted however that he had improperly withdrawn a sum of £270,045.00 from client bank account in the circumstances noted below.
5. On 17th December 1993 the client bank account had been charged, at the respondent's instigation, with £270,045.00 in respect of payment to a bank in Malaga, Spain. The respondent admitted that the payment had been credited to an account in his own

name. He further admitted that the withdrawal was improper as no funds were held in client bank account from which it could properly have come. He added that he intended to use the funds for his own personal benefit.

6. These facts arose out of the respondent's conduct of the sale of a property in Sunningdale on behalf of a client, Mr. W. The sale price was £300,000.00. Completion took place on 16th December 1993, the balance of the purchase monies then due being £270,000.00 was telegraphically transferred to the respondent's client bank account by the purchaser's solicitors. The respondent did not account to Mr. W for the funds. Rather they were ultimately transferred through the Malaga account as referred to in the Investigation Accountant's report.
7. On 14th October 1994 the respondent appeared at the Knightsbridge Crown Court. He pleaded guilty to an offence of theft and was sentenced to eighteen months imprisonment. There has been no appeal against the conviction.

#### **The submissions of the applicant**

8. The applicant handed in the judge's sentencing remarks which included the paragraph:

"I have no doubt at all that the offence is so serious that a non-custodial sentence could not possibly be justified. Your Counsel has put forward some powerful matters in mitigation on your behalf: that is commonly done in these cases. I accept what he said, that you had reached an extremely difficult position in your professional life, you were drinking to excess and were much pressed on all sides by family worries. But the way out of those troubles is not to steal £270,000.00 from your client. Having taken that money, you fled the country."

9. There have been thirteen applications to the Compensation Fund resulting in total payments out of some £404,716.15. There had been recovered some £223,516.62. There were pending claims totalling £711,186.00. The respondent disputed that those pending claims should be met. Nevertheless, the net loss to the profession at present is in the region of £181,000.00. This case was one of deplorable dishonesty. It had been left to the profession to pick up the pieces and the costs. The respondent was bankrupt. The applicant asked for his costs in the inclusive sum of £2,074.70 to include the costs of the Investigation Accountant.

#### **The submissions of the respondent**

10. The respondent had written to the Tribunal in a letter of 14th March 1995. The respondent had not been arrested in Ibiza. He had handed the stolen money to the Spanish police and flew back to England voluntarily. The following afternoon he surrendered himself to the police at Paddington Green by appointment. It was then that he was charged and arrested. He was not aware of the arrangements which had been made to inspect his books of account on 5th January and that was why he did not attend at the time and place arranged. Prior to his departure to Spain in December 1993 he had kept adequate records of client and office account transactions with a

separate sheet for each client but regrettably those records were destroyed on the day before he went to Spain.

11. The respondent wished to apologise for his actions in December 1993. He should have sought psychiatric advice but he did not do so. He fully admitted he took his client's money and went to Spain. Once he got there, without the pressures upon him, the gravity of what he done had hit him and he handed the money over to the Spanish police.
12. He hoped it would be possible to do something other than strike him off the Roll. He had in effect been defrauded by a client which had first caused the shortfall in client account and that had triggered his dishonest act. As for the large claims pending on the Compensation Fund, these claims were in his opinion totally fraudulent and he would do all he could to assist the Compensation Fund in disputing them.
13. The Tribunal should note that the Judge found that powerful mitigation had been advanced on his behalf to the trial judge and this had led to him receiving a reduced sentence. He had spent all his life in the law. He would find it very difficult to practice in any other profession. He still has a wife and two children living in Devon. His eldest daughter lives in Oxford. They were all in dire financial circumstances.
14. The Tribunal had before it a testimonial letter from Jane Burton ("CJA1") which described the circumstances leading up to the events of December 1993.

The Tribunal FOUND the allegations to be substantiated, indeed they were not contested. The Tribunal noted all the respondent had said and read testimonial letter "CJA1" which was very eloquently written on the respondent's behalf. Nevertheless, the Tribunal had their primary duty to the public and it was unconscionable that the respondent could be permitted to practice having perpetrated such a blatantly dishonest crime and having been sentenced to a lengthy period in custody as the result of it. The Tribunal Ordered that the respondent, Christopher James Andrews of Her Majesty's Prison Ford, Arundel, West Sussex CB18 0BX be struck off the Roll of Solicitors and further ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,074.70 inclusive of VAT, disbursements and the costs of the Investigation Accountant.

DATED this 13th day of June 1995  
on behalf of the Tribunal

*Adrian Gaynor-Smith*

A. Gaynor-Smith  
Chairman

