No. 6834/1995

IN THE MATTER OF SIMON JAMES ERNEST EASTON, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. K.I.B. Yeaman (in the Chair)
Mr. D.J. Leverton
Lady Bonham-Carter

Date Of Hearing: 27th June 1995

FINDINGS

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

An application was duly made on behalf of the Solicitors Complaints Bureau by Geoffrey Williams, solicitor of 36 West Bute Street, Cardiff on 16th March 1995 that Simon James Ernest Easton, solicitor of , 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 were that the respondent had been guilty of conduct unbefitting a solicitor in that he had been convicted of three offences of false accounting and, in consequence, was sentenced to a term of imprisonment.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 27th June 1995 when Geoffrey Williams, solicitor and partner in the firm of Messrs. Cartwrights Adams & Black of 36 West Bute Street, Cardiff appeared for the applicant and the respondent was represented by Mr. P.M. Raphael of Messrs. Peters & Peters of London W1.

The evidence before the Tribunal included the admissions of the respondent. A respondent's bundle was handed in containing (inter alia) documents of a testimonial nature.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Simon James Ernest Easton, solicitor of , Arundel, West Sussex be struck off the Roll of Solicitors and they further Ordered that he pay the costs of and incidental to the application and enquiry, fixed in the sum of £1,372.40 inclusive.

The facts are set out in paragraphs 1 and 2 hereunder.

1. The respondent was admitted a solicitor on 15th January 1972 and at all material times carried on practice as a solicitor initially in partnership under the style of Calow Easton until he resigned from the said partnership on 4th July 1993 as a result of the matters which subsequently led to his convictions. Since 1st August 1993 the respondent has carried on practice as a solicitor on his own account under the style of Simon Easton & Co., at Concept House, 57-59 South End, Croydon.

2. On 5th September 1994, after a contested trial at the Southwark Crown Court, the respondent was found guilty by a jury of three offences of false accounting contrary to Section 17(1)(a) of the Theft Act 1968. On 22nd December 1994 he was sentenced to twelve months imprisonment on all matters to run concurrently. Further he was Ordered to pay £60,000.00 by way of costs.

The submissions of the applicant

3. The respondent had agreed with a client, whom he knew to have a history of dishonesty in business, to split the firm's divorce bill (of some £115,000.00) on behalf of that client into three parts so enabling the client to dishonestly finance £44,000.00 of his own divorce costs via the commercial company he managed and its pension fund. By agreeing to split the firm's divorce bill in this manner, the respondent's conduct was tantamount to being an accessory to those thefts by the client. It was committed, as the respondent knew, so that the firm's bill as to £44,000.00 would be paid by those people who owed the respondent nothing.

4. At Southwark Crown Court His Honour Judge Laurie described the respondent's deception as "carefully done with much thought and effort spent to avoid it coming to light afterwards". The case generated an enormous amount of publicity and it had to be said, some mis-reporting occurred. The respondent's former client had pleaded guilty. The jury Found the respondent guilty by a majority verdict of ten to two.

5. It was not the applicant's job to suggest a sentence to the Tribunal, but it should be pointed out that the respondent had received a relatively short custodial sentence. This was in part because Leading Counsel at his trial mitigated on the basis that the respondent inevitably would be struck off the Roll by this Tribunal. Convictions of this nature did vast damage to the profession when Officers of the Court were sent to prison. This was truly disgraceful conduct and was at the highest end of the scale of conduct unbefitting a solicitor.

6. The respondent agreed to pay in any event the applicant's fixed costs of £1,372.40 all inclusive.

The submissions of the respondent

7. This was truly a sad case. The respondent was admitted in 1972 and the offences were committed in 1989. The respondent had had seventeen years unblemished career as a solicitor. Indeed, he was an extremely successful solicitor. He was in his early forties when the events in question occurred.

8. The respondent's bundle included references which were before the trial judge and they were of the highest calibre. Additionally, oral testimony was given at the respondent's trial by Vivian Robinson QC and John Aucott - the latter being a distinguished member of the solicitors' profession.

9. It was not the respondent's intention to try to persuade the Tribunal to go behind the conviction. This was not a case where a solicitor had become a victim of the recession and had helped himself to his client's money or a solicitor who was simply downright greedy. The trial judge himself acknowledged that the respondent was a nice person and a dependable one. It was accepted that the respondent was enormously successful and unbelievably hard-working.

10. Indeed, it was the respondent's eagerness to oblige a client which led to his agreeing to split the bill in the manner aforesaid. It was a momentary weakness of character. Moreover, the respondent had the misfortune to have as a client a dishonest rogue who had criminal convictions before he ever instructed the respondent. The judge described the respondent's client as "charismatic, over-bearing and manipulative". Added to this the respondent had a horrendous workload at the time. He was conducting the defence of one of the defendants in the Guinness trial. His firm was not fully resourced and the respondent was also trying to carry his normal workload at the same time. He was not distinguished in administration. It was against this background that he was persuaded by the client to split the bill in question. The trial judge had described the respondent as a corrupt lawyer and had referred to the fact that a corrupt lawyer was a "cancer of society". This was a harsh view in the respondent's opinion because he was not corrupt, rather extremely foolish.

11. The Tribunal would see that the respondent had made reparation to the company and its pension fund. A Costs Order in favour of the prosecution in the sum of £60,000.00 had been made against him by the trial judge and this Order remained to be paid. It was right that the Tribunal should know that a claim was being made by those who now acted for the trustees of the pension fund. It was not known what the merits of this claim were at the present time. Nevertheless, the respondent's conduct had been vigorously examined by the Derbyshire Constabulary over a number years and it was inconceivable that there were any further criminal matters waiting to come to light. The reparation plus interest had been paid out of the respondent's capital account.

12. There had been a lapse of time between 1989, when the incident in question occurred, and its discovery in 1992. Since then the family had endured considerable hardship as a result of the respondent's incarceration and as a result of the adverse and inaccurate press reporting. It was not known for certain whether the judge did artificially shorten the respondent's custodial sentence on the grounds that a Striking Off Order before this Tribunal was inevitable.

13. The protection of the public was paramount to an honourable profession. Could, however, the protection of the public only be served by discarding a quality practitioner? The respondent was essentially an honest man. His lapse was an isolated incident.

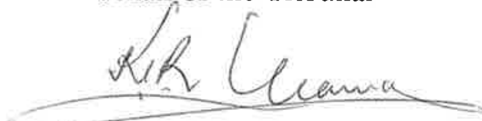
14. Although he had only served six months actual imprisonment, he and his family had suffered untold humiliation. It was the ultimate humiliation for a solicitor to be before this Tribunal.

15. If it were possible for the Tribunal in any way to temper its duty to the public with a degree of mercy then it should do so on this occasion. This was not a case where the Tribunal should impose a life sentence of exclusion. The respondent was only in his mid to late forties and if he were precluded from practice, he would be a great loss to the profession.

The Tribunal FOUND the allegations to have been substantiated, indeed they were not contested. The Tribunal agreed that this was a very sad case. The Tribunal could not fail to be impressed by the quality of references before them. The Tribunal also fully appreciated the fact that all reparation plus interest had been made by the respondent and they also appreciated that he had been persuaded against his better judgement by a manipulative client. Nevertheless, the respondent had been convicted by a jury of a criminal offence involving dishonesty. He had been sentenced to a term of imprisonment and had brought the profession into disrepute by so doing. He had, in effect, been guilty of cheating others - including the pension fund - by billing them and allowing moneys to be extracted from them when he knew that they owed him nothing.

The Tribunal felt that they must impose the ultimate sanction upon the respondent although they did so with some regret.

DATED this 1st day of August 1995
on behalf of the Tribunal



K.I.B. Yeaman
Chairman

Findings filed with the Law Society on the 8th day of August 1995