

appeal lodged
24.8.95.
Findings + order not
filed with Law
No. 6897/1995 Society

IN THE MATTER OF CHRISTOPHER DIGBY KORMAN EDWARDS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D.E. Fordham (in the Chair)
Mr. K.I.B. Yeaman
Mr. G. Saunders

Date Of Hearing: 11th August 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 Carlton Maurice Edwards, solicitor and partner in the firm of Messrs. Marsh Ferriman & Cheale of Southfield House, 11 Liverpool Gardens, Worthing, West Sussex on 23rd May 1995 that Christopher Digby Korman Edwards, solicitor of Messrs. Lloyd & Co., of Sweden House, 14 Trinity Square, London EC3N 4AA 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 allegation was that the respondent had been guilty of conduct unbecoming a solicitor in that he on the 5th day of August 1994 was convicted upon his own confession before Gloucester Crown Court of offences of -

- (a) forgery contrary to Section 1 of the Forgery & Counterfeiting Act 1981 in that he on a day between 1st July 1993 and 30th June 1993 made a false instrument, namely a letter bearing a seal purporting to be that of M Limited with the intention that he should use it to induce another to accept it as genuine and by reason of so accepting it to do some act to that person or some other person's prejudice and;

- (b) using a false instrument with intent contrary to Section 3 of the Forgery & Counterfeiting Act 1981 in that on a day between 1st June 1993 and 30th June 1993 used an instrument, namely a letter bearing a seal purporting to be that of M Limited which was and he knew or believed to be false with the intention of inducing another to accept the same as genuine and by reason of so accepting it to do some act to that person or some other person's prejudice.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 11th August 1995 when Harvey Silverman, solicitor and partner in the firm of Messrs. Marsh Ferriman & Cheale of Southfield House, 11 Liverpool Gardens, Worthing, West Sussex appeared for the applicant and David Morgan, solicitor and partner in the firm of Messrs. Wright Sons & Pepper of 9 Gray's Inn Square, London WC1R 5JF appeared for the respondent.

The evidence before the Tribunal included the oral evidence of the respondent and the evidence of Michael William Aubrey Lloyd and the oral evidence of William James Furber.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Christopher Digby Korman Edwards, solicitor of Messrs. Lloyd & Co. of Sweden House, 14 Trinity Square, London EC3N 4AA be STRUCK OFF the Roll of Solicitors and they further Ordered him to pay the costs of and incidental to the application and enquiry, fixed in the sum of £712.00 inclusive.

The facts are set out in paragraphs 1 to 5 hereunder.

1. The respondent, born in 1953, was admitted a solicitor in 1980. At the material times he practised in partnership with others under the style of Lloyd & Co. at Sweden House, 14 Trinity Square, London EC3N 4AA.
2. Upon the respondent's conviction for the offences set out in the allegation above the respondent was fined the sum of £2,000.00 to be paid within twenty-eight days and ordered to pay £360.00 contribution towards the prosecution costs.
3. The offences arose in connection with a shipping case. The respondent had not handled the case from the outset, but had come to deal with the file towards the end of the matter. A ship had been sold and the respondent was acting for the buyers. One of the terms of the transaction was that the sellers would arrange for the ship to be removed from the Register of British Ships. The buyers were to register the ship under the St. Vincent flag. To do so it was necessary to delete the vessel from the British Registry Port of Liverpool. Difficulty had been experienced in obtaining the appropriate document from the sellers' solicitors. Those solicitors then notified the respondent that they were without instructions and suggested that he might approach the sellers direct.
4. Believing that the transaction was completely satisfactorily concluded, apart from this one outstanding matter, the respondent decided to have a company seal made and he himself sealed and signed the document required to delete the vessel from the British Register.

5. It had transpired that there was however, a dispute between the parties relating to the sum of £10,000.00. The police were advised when it was found that the ship had been deleted from the Register. As soon as that came to the respondent's notice he insisted upon going to the police and telling them precisely what he had done.

The submission of the applicant

6. In essence the respondent had created a false document as a result of which a ship was deleted from the British Register. That might have had extremely serious consequences, although the applicant accepted that there had been none. In the submission of the applicant the respondent had been guilty of conduct unbefitting a solicitor, having been convicted of two criminal offences involving dishonesty.

The submission of the respondent

7. The respondent admitted the allegation and readily accepted that he should not have done what he did. It was his belief that documents which emanated from a solicitor's office had a sanctity about them. The respondent said he had let down himself, his firm and his profession.
8. At the time when he made the document he was in the office alone and under great pressure.
9. The respondent had in his possession a board minute of the sellers authorising the sale and agreeing that once sold the vessel should be deleted from the British Register. Power of Attorney had been granted to take all steps to complete the sale and delete the ship from the British Register. The solicitors for the sellers had indicated that they were unable to get in touch with their clients and suggested that the sellers be contacted direct. At that time the vessel had sailed off and was in the possession and power of the buyers. The respondent believed the only reason why the vessel had not been deleted in accordance with the contract was because the sellers had rather lost interest.
10. The respondent believed that the only thing left to be done was to delete the ship. He thought if he wrote a letter and sent it to the vendors with the document to be signed, they would simply sign it. In fact, the sellers did not respond and so the respondent signed it instead. If he had had any inclination that there was a dispute in the background he certainly would not have done so.
11. What the respondent did was entirely out of character and was indeed an aberration. As soon as he realised there was a difficulty he insisted upon making a clean breast of things to the police. The respondent was an essential member of the small niche practice in which he was a partner. If he could not continue in that practice, there was every likelihood that the firm itself would come to an end. There were two other partners and seven people were employed in the firm.

12. The firm and the respondent supported a number of charitable causes. In particular, the firm raised funds for cancer charities and for the previous four years had supported a student, who was a refugee from Burma at University.
13. The respondent was a married man with two young children and his wife was expecting a third child.
14. The Tribunal was invited to consider the large number of excellent testimonials placed before them in support of the respondent, all of which spoke very highly of his excellent character and ability as a solicitor.
15. The Tribunal was invited to consider the copy correspondence at exhibit "CDKE 1" from the Solicitors Complaints Bureau (the Bureau) in which on the 14th July 1995 the Regulation Unit of the Bureau recommended to the Adjudication & Appeals Committee that an immediate condition should be imposed on the respondent's current Practising Certificate to the effect that it should be subject to a condition that he might act as a solicitor only in employment approved by the Bureau or as a member of a partnership which is so approved and that the partnership of Messrs. Lloyd & Co. should be so approved.
16. The Tribunal was invited to take the view that that recommendation represented the actual view of the applicant.
17. The Bureau did not appear to see the respondent as a threat either to the solicitors' profession or the public.
18. The respondent had already paid dearly for an extremely stupid act which in itself was wholly out of character and for which he apologised.

The Tribunal FOUND the allegation to have been substantiated. The Tribunal found this an extremely sad case. It was evident that the respondent was a capable lawyer within his own specialist field and was extremely highly thought of not only by fellow professionals, but by others. It could be said that he was a good man as exemplified by his charitable acts. The Tribunal accepted that what the respondent did might well have been a single isolated uncharacteristic aberrational act. However, to create a false document was a fall from grace on the part of a solicitor which could not be ignored. It would be very difficult indeed to align the respondent's dishonest action with the proper duties and responsibilities of a solicitor. It was not right for a solicitor to act in a way which recommended itself because it was convenient and expedient despite the respondent's belief that he was completing what he perceived to be a mere formality. Indeed in this case his perception was incorrect because a financial dispute had arisen in the background. Although a matter for great regret, the Tribunal consider that it was right that the respondent should be struck off the Roll of Solicitors, they made that Order and further Ordered the respondent to pay the costs of and incidental to the application and enquiry.

DATED this 18th day of September 1995

on behalf of the Tribunal

A handwritten signature in cursive script, appearing to read "D.E. Fordham".

D.E. Fordham
Chairman

March 7th 96

