

IN THE MATTER OF ROBERT DAVID NORMAN LOWE

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. K.I.B. Yeaman (in the Chair)

Mrs. E. Stanley

Mr. D.E. Marlow

Date Of Hearing: 2nd November 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 Gerald Malcolm Lynch, solicitor of 16 Warrior Square, Southend-on-Sea, Essex on 21st June 1995 that Robert David Norman Lowe, solicitor whose address for service was c/o Messrs. Lester Aldridge, Russell House, Oxford Road, Bournemouth, Dorset 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 was that the respondent had been found guilty and sentenced to imprisonment in respect of breaches of the Customs & Excise Management Act 1979 and Section 160(1) of the Criminal Justice Act 1988 in relation to the importation and possession of indecent or obscene material, had been guilty of conduct which had compromised and impaired the good repute of both the respondent and the solicitors' profession and that accordingly he had been guilty of conduct unbecoming a solicitor.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 2nd November 1995 when Gerald Malcolm Lynch, solicitor and partner in the firm of Messrs. Drysdales & Janes of 16 Warrior Square, Southend-on-Sea, Essex appeared for the applicant and the respondent did not appear and was not represented. The Tribunal had before it a letter dated 29th May 1995 addressed by the respondent to the applicant.

The evidence before the Tribunal included exhibit "RDNL 1", the before-mentioned letter of 29th May 1995 in which the respondent made admissions.

The Tribunal agreed that the matter should go to a full hearing following confirmation that it's Direction as to substituted service had been followed.

The address for service referred to in the Order, was that of the respondent's former firm. The respondent had indicated that he was in Zimbabwe in May of 1995, and his whereabouts thereafter were unknown.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Robert David Norman Lowe, of Messrs. Roger Jarvis, McQueen Yoeman at 33 Commercial Road, Parkstone, Poole, Dorset, solicitor be STRUCK OFF the Roll of Solicitors and further Ordered him to pay the costs of and incidental to the application and enquiry, fixed in the sum of £943.06.

The facts are set out in paragraphs 1 to 4 hereunder.

1. At all material times, the respondent was a partner in the firm of Lester Aldridge, carrying on business at Russell House, Oxford Road, Bournemouth, Dorset. The respondent had since resigned from the partnership. He was admitted a solicitor in 1981 and was aged 44 years.
2. On 17th February 1995, at Bournemouth Crown Court, the respondent was convicted of the offence of being knowingly concerned in fraudulent evasion of prohibition or restriction on the importation of goods being the importation of indecent or obscene material contrary to Section 170(2) of the Customs & Excise Management Act 1979. The respondent pleaded guilty to the indictment and was sentenced to seven months imprisonment.
3. The facts of the matter were that with a search warrant executed on 4th November 1994, the Dorset Police seized 164 video cassettes, 362 magazines, 271 loose photographs, 9 camcorder tapes and camcorder equipment, all of a paedophile nature.
4. The respondent was arrested on his return to the United Kingdom from a business trip abroad on 5th November. He was charged with possession of indecent material and importation as set out above.

The submissions of the applicant

5. The Tribunal was referred to the sentencing remarks of His Honour Judge Pryor QC at Bournemouth Crown Court on 17th February 1995 when he said, "You have pleaded guilty to what is recognised as a serious offence."
6. The Learned Judge recognised that the respondent had pleaded guilty and had co-operated fully and accepted entirely that the material the subject of the complaint had not been disseminated in any way in the United Kingdom, but he made it plain that an offence of that kind undoubtedly merited a sentence of imprisonment.
7. In the submissions of the applicant the offence of which the respondent had been convicted was clearly a matter of some substance and the offence had been committed in an area in respect of which there would have been public dissatisfaction. In those

circumstances, clearly the respondent had brought the solicitors' profession into disrepute.

The submissions of the respondent

8. Although the respondent made no formal submissions to the Tribunal, the Tribunal consider it appropriate to set out the relevant contents of his before-mentioned letter, being exhibit "RDNL 1".
9. In that letter which the respondent wrote from a hotel in Zimbabwe, the respondent said he would shortly be leaving for the Far East and would not have a permanent address within the foreseeable future.
10. The respondent accepted that his conduct had brought the solicitors' profession into disrepute. He regretted that beyond description because he was very proud of the profession and believed that he had during his years in practice served all his clients and his former firm extremely well.
11. With regard to the offence itself, nobody knew the respondent had the material. It was an extremely private matter. The respondent suggested that the Tribunal might find the psychiatric report prepared in connection with his criminal trial of some assistance. The Tribunal had a copy of that report before it, which was extremely helpful.
12. The respondent accepted that his future would not be in the legal profession, but in management. He had no intention to practise law ever again in England or elsewhere.
13. The respondent said he was content for the hearing to proceed without service of the proceedings and for his name to be removed from the Roll.

The Tribunal FOUND the allegations to have been substantiated. This was a very sad case indeed. The Tribunal had considerable sympathy for the respondent having taken note of the report of the psychiatrist who was in no doubt that the respondent's problems had their roots in his own unfortunate childhood. Nevertheless, he had been convicted of a serious criminal offence which undoubtedly brought both he himself and the solicitors' profession into disrepute. It was right in those circumstances that the respondent be struck off the Roll of Solicitors and it was further right that the respondent should pay the costs of and incidental to the application and enquiry.

DATED this 20th day of December 1995

on behalf of the Tribunal



K.I.B. Yeaman
Chairman



