

IN THE MATTER OF TERENCE DAVID WALTON LIGGINS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS' ACT 1974

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Mr. J.C. Chesterton (in the chair)  
Mr. K.I.B. Yeaman  
Dame Simone Prendergast

Date of Hearing: 7th April 1999

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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 Office for the Supervision of Solicitors (the Office) David Rowland Swift solicitor and partner in the firm of Messrs Percy Hughes and Roberts of 19 Hamilton Square, Birkenhead on the 21<sup>st</sup> June 1995 that Terence David Walton Liggins solicitor of , Warwick might be required to answer the allegations set out 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 unbecoming a solicitor in each of the following particulars namely that he had:-

- (i) contrary to Rule 8 of the Solicitors Accounts Rules 1991 drawn money out of client account other than as permitted by Rule 7 of the said Rules;
- (ii) utilised client's funds for his own purposes;
- (iii) misappropriated client's funds;

- (iv) contrary to Rule 1 of the Solicitors Practice Rules 1990 and Principle 15.05 he continued to act as a solicitor when a conflict of interest or potential conflict of interest between his client and himself;
- (v) obtained loans from a client without insuring that the client was separately represented.

On the 22<sup>nd</sup> July 1998 the applicant made a supplementary statement containing a further allegation. That allegation was that the respondent had been guilty of conduct unbefitting a solicitor in that he had been convicted of an offence of dishonesty in the course of his practice.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on 7<sup>th</sup> April 1999 when Peter Harland Cadman solicitor and partner in the firm Messrs Russell-Cooke Potter & Chapman of 2 Putney Hill, Putney, London SW15 6AB appeared as the applicant and the respondent did not appear and was not represented.

At the opening of the hearing the applicant invited the tribunal to agree that the allegations contained in the original application (numbered (i) to (v) above) might lie on the file and that he might offer no evidence thereon. He would proceed only on the single allegation contained in the supplementary statement namely that the respondent had been convicted of a criminal offence involving dishonesty during the course of his practice.

Mr Cadman had taken over conduct of the matter from Mr Swift who had, after making the originating application, been elevated to the bench.

The Tribunal was reminded of the following chronology of events:-

24 <sup>th</sup> April 1998	The respondent was convicted and a custodial sentence was imposed.
29 <sup>th</sup> May 1998	The respondent appealed against conviction.
20 <sup>th</sup> February 1999	The respondent's appeal was rejected and he remained in custody.

The Tribunal agreed that the first five allegations might lie on the file and the substantive hearing of the 7<sup>th</sup> April 1999 proceeded on the basis of the allegation contained in the supplementary affidavit.

The evidence before the Tribunal included exhibits 'TDL1' and 'TDL2' being respectively a letter from the respondent addressed to Mr Cadman dated 25<sup>th</sup> March 1999 (this letter is set out in full under the heading 'The Submissions of the Respondent') and the sentencing remarks of his Honour Judge Geddes.

At the conclusion of the hearing the Tribunal ordered that the respondent Terence David Walton Liggins of \_\_\_\_\_, Tardebigge, Redditch, Worcestershire (formerly of \_\_\_\_\_, Warwick) solicitor be struck off the Roll of Solicitors and they further ordered him to pay the costs and incidental to the application and

enquiry fixed in the sum of £3,500.00 together with the costs of the Investigation Accountant of the Law Society to be taxed if not agreed.

The facts are set out in paragraphs 1 to 5 hereunder:-

1. The respondent, born in 1943, was admitted as a solicitor in 1968. At the material times he carried on practice in partnership under the name of Blythe Liggins at Edmund House, Rugby Road, Leamington Spa. On 1<sup>st</sup> July 1994 the respondent resigned from that practice.
2. On 24<sup>th</sup> April 1998 the respondent was convicted at Worcester Crown Court of three offences of theft. On 29<sup>th</sup> May 1998 the respondent appeared at Oxford Crown Court and was sentenced to a total of 30 months imprisonment.

#### **The Submissions of the Applicant**

3. The applicant had spoken to the respondent on the telephone. He had never accepted the allegations.
4. The applicant handed in the respondent's letter dated 25<sup>th</sup> March 1999 addressed to him.
5. The Tribunal was invited to consider the sentencing remarks of his Honour Judge Geddes made in the Crown Court sitting at Oxford on 29<sup>th</sup> May 1998 and in particular where he said

“Mr Liggins you were found guilty by a jury of three counts of theft. While acting as a solicitor you stole, as the jury found, £200,000.00 from one of your clients. Those moneys together with, or course, a substantial amount of other moneys had been entrusted to you by that client for the very reason that you were a solicitor, indeed, a senior solicitor and therefore thought worthy of that trust. I do not have to tell you that in breaking that trust you have brought shame and dishonour on yourself, you have betrayed your colleagues in Blythe Liggins and you have undermined the public confidence in your profession. I am not able obviously to give you any credit for pleading guilty in this because you did not.

On the other hand I can accept that all the money went in a vain attempt to prop up a company of whose massive debts you were guarantor and that you never saw the benefit of it, but I cannot accept that there is very much mitigation in that because your intention quite clearly was to benefit yourself substantially by the avoidance of liability. ... I can accept also, and it seems to me that this is important, that you were under immense financial pressure at the time that you committed these thefts, that the thefts took place over a very short period indeed and I can also accept and it seems to me that this is a matter of mitigation that your intention was to repay those sums that you had secretly taken out of your client's account as soon as the restructuring of the company had taken place, which you had been led to believe would be in a matter of weeks.

I also accept that you have already been severely punished for what you have done. You will never be able to act as a solicitor again.”

**The Submissions of the Respondent (his letter addressed to Mr Cadman of 25<sup>th</sup> March 1999)**

6. “Dear Mr Cadman,

I refer to your letter of the 25<sup>th</sup> February and our recent telephone conversation. I confirm that regrettably my Appeal was unsuccessful and that therefore, realistically, I have to accept that the Tribunal will have no alternative but to strike me off on the grounds of my convictions.

As stated to you on the telephone I’m currently on Resettlement Licence and not in a position to attend at the Hearing on the 7<sup>th</sup> April. There is little purpose in my rehearsing the various arguments put forward on my behalf at my Trial in view of the rejection of my Appeal; suffice it to say I do not and never will accept the allegations made against me by the third party concerned to the effect that I took funds without consent. I do however admit that for reasons of which he was aware appropriate independent advice was not obtained this being an error on my part.

When I resigned from my former practice some five years ago I indicated to the Law Society that I did not intend to practise again as a solicitor and this remains my intention. As a result of my own personal experiences in this case I am convinced that it would be appropriate in the future if in all cases where a solicitor proposes to take a loan from a client prior written authority from the Law Society is obtained..

I await hearing from you further in due course.

Yours faithfully

Terry Liggins”

**The Findings of the Tribunal**

The Tribunal find the allegation to have been substantiated and wish to adopt the sentencing remarks of His Honour Judge Geddes.

Such behaviour on the part of a solicitor brings untold injury to the good reputation of the solicitors profession. Such behaviour cannot be tolerated.

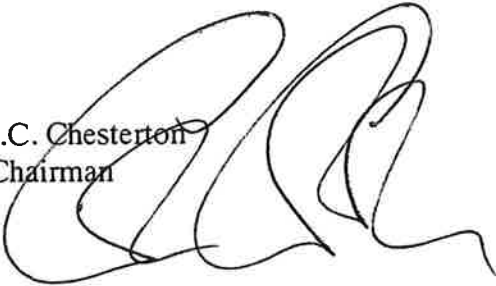
The Tribunal ordered that the respondent struck off the Roll of Solicitors. They further ordered him to pay the costs of the application and enquiry in a fixed sum. The Tribunal had been notified at the hearing of the costs actually calculated by the applicant but ordered the payment of costs in a reduced figure to take account of the fact that there had been some duplication of work when Mr Cadman took over the prosecution of the application from His Honour Judge Swift as he had become. The Tribunal further ordered that the respondent should pay the costs of the Investigation Accountant of the Law Society such costs to be taxed unless agreed as it was the

Investigation Accountant's report upon which the allegations in the originating statement were founded and, indeed, dealt to a large extent with the same subject matter that formed the foundation of the criminal charges of which the respondent had been convicted.

DATED this 5th day of May 1999

on behalf of the Tribunal

J.C. Chesterton  
Chairman



*Findings filed with the  
Law Society on the  
20 MAY 1999*

