

IN THE MATTER OF PATRICK McLOUGHLIN, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. A.G. Gibson (in the Chair)  
Mr. A. Gaynor-Smith  
Lady M. Bonham-Carter

Date Of Hearing: 24th October 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 Law Society by Andrew Christopher Graham Hopper, solicitor of P.O. Box 7, Pontyclun, Mid. Glamorgan on 7th July 1995 that an Order be made by the Tribunal directing that as from a date to be specified in such Order no solicitor should, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Patrick McLoughlin of Ham Common, Richmond, Surrey TW10 a person who was or had been a clerk to a solicitor, or that such other Order might be made as the Tribunal should think right.

The allegation was that the respondent had been convicted of a criminal offence which disclosed such dishonesty that it would be undesirable for him to be employed by a solicitor in connection with his practice.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 24th October 1995 when Andrew Christopher Graham Hopper, solicitor of P.O. Box 7, Pontyclun, Mid. Glamorgan appeared for the applicant and the respondent did not appear and was not

represented. The respondent had however faxed a statement to the Tribunal with a covering letter dated 23rd October 1995. The statement is referred to hereunder.

The evidence before the Tribunal included a Certificate of Conviction.

At the conclusion of the hearing the Tribunal made the Order sought and further Ordered that the respondent pay the applicant's fixed costs of £621.00.

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

1. The respondent, who was not a solicitor, was formerly employed as a clerk by the firm of Marley & Co. which had offices at Chiswick High Road, London W4 and York Street, Twickenham.
2. On 3rd February 1995 at the Central Criminal Court the respondent was convicted of four counts of conspiracy to defraud and one count of attempting to pervert the course of justice and was sentenced to a total of eighteen months imprisonment.
3. The respondent had been charged together with his solicitor principal and the offences in the main constituted what had generally become to be known as mortgage fraud.
4. On 8th March 1995 the Adjudication & Appeals Committee of the Solicitors Complaints Bureau (the Bureau) resolved that application should be made to the Tribunal for an Order pursuant to Section 43(2) of the Solicitors' Act 1974 in respect of the respondent on the grounds that he, having been a clerk to a solicitor but not being a solicitor, had been convicted of a criminal offence which disclosed such dishonesty that in the opinion of the Law Society it would be undesirable that he should be employed by a solicitor in connection with his or her practice.

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

5. Not only had the respondent been guilty of "mortgage fraud" but he had interfered with the intervention by the Law Society into his former principal's practice and apparently had withheld files from the Metropolitan Police relating to certain conveyancing transactions.
6. In his sentencing remarks His Honour Judge Gordon at the Old Bailey said that the respondent had been guilty of the grossest abuse of trust.
7. It was right that the respondent's employment within the solicitors' profession should be controlled.

#### **The submissions of the respondent (contained in his before-mentioned statement)**

8. The respondent was fifty years of age and had since the age of seventeen worked in the law. He had not had other employment and was not trained in any other skills. He was a married man with two children aged thirteen and six years.

9. The respondent had pleaded not guilty at his trial and continued to protest his innocence. It was the respondent's view that the jury had been asked to decide on matters which were, by their very nature, complex and complicated.
10. The respondent had been employed by a rogue solicitor.
11. In his statement to the Tribunal the respondent set out some explanation of the offences of which he had been convicted, but the Tribunal would not look behind the convictions.
12. The respondent, during the time he had been in prison, had suffered from heart problems. He had had a pacemaker fitted and was subject to taking only sedentary employment. It appeared that the respondent wished the Tribunal to bear that in mind when dealing with the question of costs.

The Tribunal FOUND the allegation to have been substantiated. In the circumstances it was right and proper that the employment of the respondent within the solicitors' profession should be controlled by the Law Society. They also Ordered the respondent to pay the costs of the applicant in connection with the application and enquiry.

DATED this 20th day of November 1995

on behalf of the Tribunal



A.G. Gibson  
Chairman

Findings filed with the  
Law Society on the 23rd  
day of November 1995

