

IN THE MATTER OF STEPHEN ALBERT HYDE - solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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

Date Of Hearing: 24th October 1995

FINDINGS

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

An application was duly made on behalf of the Law Society by Gerald Malcolm Lynch of 16 Warrior Square, Southend-on-Sea, Essex, on the 22nd August 1995 that an Order be made by the Tribunal directing that from as a date to be specified in the 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 Stephen Albert Hyde care of The Governor, Redditch, Worcs., B97 a person who was or had been a clerk to a solicitor, or that such Order might be made as the Tribunal should think right.

The allegation was that the respondent having been a clerk to solicitor but not been 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 application was heard at the Courtroom, No.60 Carey Street, London, WC2 on the 24th October 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 evidence before the Tribunal included evidence as to due service of the proceedings and notices pursuant to the Solicitors (Disciplinary Proceedings) Rules 1994 and the Civil Evidence Act.

At the conclusion of the hearing the Tribunal made the Order sought and Ordered fixed costs of £921.86 to be paid by the respondent.

The facts are set out in paragraphs 1 to 6 hereunder.

1. At the material times the respondent was a conveyancing executive with Roger Lloyd & Co., King Edward Chambers, 166B Alcester Road, Mosely, Birmingham.
2. Following a trial lasting some eight weeks the respondent was convicted at Birmingham Crown Court on the 8th March 1994 of conspiracy to defraud lending institutions. On the 19th May 1994 the respondent was sentenced to three years imprisonment which was reduced to two and a half years imprisonment on appeal.
3. The respondent had undertaken conveyancing arrangements for his employers on behalf of a number of clients. It was alleged against him at the trial that he was guilty of sins of omission, of deliberately misleading relevant parties, withholding and delaying statutory documentation and dishonest disbursement of funds in dealing with building societies, lending institutions and other solicitors. The proceedings involved 29 defendants.
4. The specific charge against the respondent was that between the 1st May 1988 and the 20th March 1991 he had conspired with others to defraud building societies and other lending institutions by dishonestly submitting to the said institutions mortgage application forms containing entries which he knew or believed to be false, misleading or deceptive, intending thereby to induce the said institutions to advance monies by way of loan.
5. The respondent's defence had been that he had been guilty of incompetence and/or neglect but not dishonesty.
6. On the 15th February 1995 the Adjudication and Appeals Committee of the Solicitors Complaints Bureau resolved that application be made to the Tribunal for an Order under Section 43(2) of the Solicitors Act 1974.

The Submissions of the Applicant

7. In his sentencing remarks, His Honour Judge Alan Taylor in the Crown Court at Birmingham said that the serious aspect of the respondent's dishonesty was that he was not only acting for the purchaser but he was acting for building societies who trusted him. He went on to say that it was plain that if the respondent had complied with the standards of the legal profession the societies would not have lost the hundreds of thousands of pounds which they did lose.

8. It was right that an Order controlling the employment of the respondent within the solicitors profession should be made.

The Tribunal FOUND the allegation to have been substantiated. In the circumstances it is right that the respondent should not be employed or remunerated in connection with the practice of a solicitor unless the Law Society had first given its consent. It was right that the respondent should bear the costs of and incidental to 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*

