

IN THE MATTER OF ALEXANDER ANATOL NICHOLLS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. A Gaynor-Smith (in the Chair)

Mr. A H Isaacs

Mr. G Saunders

Date Of Hearing: 27th February 1996

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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 Solicitors Complaints Bureau by Harvey A Silverman solicitor of Southfield House, 11 Liverpool Gardens, Worthing, West Sussex BN11 1SD on the 29th November 1995 that Alexander Anatol Nicholls of Ford, Nr. Arundel, West Sussex BN18 solicitor 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 2nd December 1994 was convicted at the Snaresbrook Crown Court of the offence of conspiracy to defraud.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 27th February 1996 when Harvey A Silverman solicitor and partner in the firm of Messrs. Marsh Ferriman & Cheale of Southfield House, 11 Liverpool Gardens, Worthing, West Sussex, BN11 1SD appeared for the applicant and the respondent did not appear and was not represented.

The Tribunal was satisfied that the respondent had been served with the proceedings, a letter having been written by him to the applicant.

Solicitors representing the respondent had written to the Law Society on the 13th October 1995 advising that the respondent's appeal against conviction was dismissed by the Criminal Division of the Court of Appeal on the 12th October 1995.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Alexander Anatol Nicholls of Ford, Nr Arundel, West Sussex, BN18 solicitor 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 £725.00 inclusive.

The facts are set out in paragraphs 1 to 3 hereunder:-

1. The respondent, born in 1944, was admitted a solicitor in 1972. At the material times he practised under the style of Francis Nicholls & Co. of 9 High Street, Southampton, Hampshire.
2. The conviction for the offence of conspiracy to defraud, at the Snaresbrook Crown Court on the 2nd December 1994, was on the basis that on diverse dates between the 1st February 1992 and the 3rd April 1992 the respondent had conspired together with other persons unknown to defraud Warner Home Video UK Limited of that company's funds in their account with Barclays Bank Plc by dishonestly:-
  - (i) presenting two counterfeit and forged cheques for £417,125 and £834,250 drawn on that company's account to Barclays Bank Plc for payment, deposit and/or transfer;
  - (ii) obtained the proceeds of the payment deposit and/or transfer of £417,125.
3. The respondent was sentenced to eighteen months imprisonment. The Tribunal had before it a certified copy of the certificate of conviction and a copy of the indictment dated the 10th November 1994. In his letter addressed to the applicant, the respondent pointed out that he was convicted on only one of seven counts in the indictment.

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

4. The respondent had been convicted of a criminal offence involving dishonesty. He had been released on bail pending the outcome of the decision in his appeal. Upon the dismissal of his appeal he had been sent back to prison to continue his sentence. He had been sentenced to eighteen months imprisonment. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Stable QC when he said "The overwhelming majority of solicitors in this country are honest men and trusted. Dishonest solicitors are a curse to the legal profession and to society at large. It was because of the trust imposed in solicitors by bank managers and the like, that the respondent, was able to con his firm's rather gullible bank manager into allowing you to draw out in cash part of the proceeds of the cheque for four hundred thousand odd and to have a large part of it wire transferred to the Channel Islands for onward

transmission to Switzerland the moment it was honoured by the branch on which it was drawn."

**No submissions were made on behalf of the respondent**

The Tribunal FOUND the allegation to have been substantiated.

The respondent had appeared before the Tribunal to answer allegations on two previous occasions. On 5th July 1978 an allegation had been substantiated against the respondent that he had been convicted of a criminal offence relating to a hire purchase agreement for a motor car he was purchasing and had been guilty of conduct unbecoming a solicitor. The respondent had been suspended from practice as a solicitor for a period of one year, commencing on 5th July 1978 and was ordered to pay fixed costs. On 21st September 1989 the allegations against the respondent had not been substantiated but an order for costs had been made against him.

For a solicitor to be convicted of a serious criminal offence of this type apparently in connection with "money laundering" seriously damaged the good reputation of the solicitors' profession. It was right that the respondent should be Struck Off the Roll of Solicitors and pay the costs of and incidental to the application and enquiry.

DATED this 4th day of April 1996

on behalf of the Tribunal

*Alexander Gaynor-Smith*

A Gaynor-Smith  
Chairman

