

IN THE MATTER OF PHILLIP JOHN LESLIE STOKES, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. D.E. Fordham (in the Chair)  
Mrs. E. Stanley  
Mr. G. Saunders

Date Of Hearing: 14th March 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 David Rowland Swift solicitor of 19 Hamilton Square, Birkenhead on the 11th December 1995 that Phillip John Leslie Stokes of \_\_\_\_\_ Near Arundel, West Sussex 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) been convicted of an offence of dishonesty;
- (ii) practised as a solicitor without there being in force a Practising Certificate in respect of the practice years commencing 1st November 1991, 1st November 1992, 1st November 1993 and 1st November 1994;
- (iii) held himself out as entitled to practise as a solicitor notwithstanding the indefinite suspension of his right to practise.

The application was heard at the Court Room, No.60 Carey Street, London WC2 on the 14th March 1996 when David Rowland Swift solicitor and partner in the firm of Messrs. Percy Hughes & Roberts of 19 Hamilton Square, Birkenhead, L41 6AY appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the acceptance by the Tribunal that the proceedings had been properly served upon the respondent and as had notices pursuant to the Tribunal's rules of procedure and the Civil Evidence Acts.

At the conclusion of the hearing the Tribunal ORDERED that the respondent 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 £568.02 inclusive.

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

1. The respondent, born in 1953, was admitted as a solicitor in 1980. At the material times the respondent purported to practise on his own account under a variety of styles including under the style of Gardeners at 35/36 Oxford Road, Southampton.
2. On the 26th May 1995 the respondent appeared before the Crown Court sitting at Knightsbridge and was convicted of three offences of conspiracy to defraud and one offence of obtaining property by deception. The respondent was sentenced to a total of three years imprisonment. The three offences of conspiracy to defraud involved a dishonest scheme where cheques were passed on via the document exchange. Some £150,000.00 was taken by that dishonest scheme. The respondent attempted to "launder" money by the purchase of travellers cheques.
3. The offence of obtaining property by deception occurred while the respondent was on bail for the cheques offence. A solicitor named Gardener whose name remained on the Roll emigrated to America. The respondent assumed that gentleman's name and applied for a Practising Certificate in that name. He opened an office in Southampton holding himself out to be Mr. Gardener and became involved in a mortgage fraud involving the obtaining of some £82,000.00 from a building society.
4. The respondent had been suspended from practice as a solicitor indefinitely with effect from the 31st October 1991. Since that time the respondent held himself out as being entitled to practise as a solicitor. In so doing the respondent practised using names of other solicitors who were on the Roll, including that of Mr. Gardener.

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

5. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Charles in the Crown Court at Knightsbridge on the 26th May 1995, when he said it was tragic to see somebody of the respondent's background who had been guilty of deliberate persistent dishonesty.
6. The respondent made no submissions.

The Tribunal FOUND the allegations to have been substantiated.

On the 31st October 1991 the Tribunal Found the following allegations to have been substantiated against the respondent. 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) failed to keep accounts properly written up for the purposes of Rule 11 of the Solicitors Accounts Rules 1986;
- (ii) contrary to Rule 8 of the Solicitors Accounts Rules 1986 drew money out of client account other than as permitted by Rule 7 of the said Rules.

The Tribunal found that the respondent appeared to have acted in a cavalier and wholly unacceptable and irresponsible fashion. The Tribunal pointed out that the solicitors' profession had to regulate its affairs so that a client had complete confidence that payment of monies to a solicitor would not place that client in financial jeopardy. In that case the Tribunal considered that the safety of the public was at risk as was the good reputation of the solicitors' profession. Because in that earlier case there was no clear evidence as to the respondent's integrity or lack of it and because there was no certainty as to an actual deficiency on the respondent's client account the Tribunal decided not to impose the ultimate sanction. The Tribunal ordered that the respondent be suspended from practice as a solicitor for an indefinite period to be determined only by order of the Tribunal upon application by the respondent when the Tribunal would have to be satisfied that the respondent was in every respect a fit and proper person to resume his career as a solicitor.

It was clear that the respondent's behaviour had gone from bad to worse. He had embraced dishonesty on a large scale. He had been sentenced to three years imprisonment. Such behaviour would not be tolerated and the Tribunal Ordered that the respondent be struck off the Roll of Solicitors and further ordered that he paid the applicant's fixed costs.

DATED this 26<sup>th</sup> day of April 1996

on behalf of the Tribunal



D.E. Fordham  
Chairman

Findings filed with the  
Law Society on the 30<sup>th</sup>  
day of April 1996