

IN THE MATTER OF GORDON ALBERT CLIVE RICHARDS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. K.I.B. Yeaman(in the Chair)
Mr. A.G. Ground
Dame Simone Prendergast

Date Of Hearing: 11th June 1996

FINDINGS

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

An application was duly made on behalf of the Solicitors Complaints Bureau by Roger Field, solicitor of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands on 28th March 1996 that Gordon Albert Clive Richards, solicitor of Leominster, Herefordshire 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 had been convicted of offences of dishonesty and sentenced to a term of imprisonment.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 11th June 1996 when Roger Field, solicitor and partner in the firm of Messrs. Higgs & Sons of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands appeared for the applicant and the respondent appeared in person.

The evidence before the Tribunal included the oral evidence of the respondent and exhibits "GACR 1" and "GACR 2", being respectively the written submissions of the respondent and a bundle of testimonials in his support.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Gordon Albert Clive Richards, solicitor of Leominster, Herefordshire 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 £794 inclusive.

The facts are set out in paragraphs 1 to 3 hereunder.

1. The respondent, born in 1942, was admitted a solicitor in 1973. At the material times he was employed as an assistant solicitor by Messrs. Caldicott Mundy, solicitors of 5 Bridge Street, Hereford until he resigned from his position on 13th January 1992.
2. On 16th April 1993 at the South Worcestershire Court the respondent pleaded guilty to four offences of theft and two offences of obtaining property by deception. On 14th May 1993 the respondent was committed to prison for four months on each of the four offences of theft, and one month on each of the other two offences, all such sentences to run concurrently and he was Ordered to pay compensation in relation to three of the offences totalling £320.99.
3. The four matters of theft related to the respondent's taking three cheques and a Giro. The offences of obtaining property by deception involved the respondent drawing cheques on what he knew was a closed account and that the cheques would not be met.

The submissions of the applicant

4. The respondent had been convicted of criminal offences involving dishonesty.
5. The offences of theft related to monies which should have been passed to beneficiaries in estates. The cheques drawn on the closed account were tendered to pay for wine and food.
6. The matter had taken such a long time to come before the Tribunal as the Law Society had not been informed of the respondent's convictions. Normally, officers in the Magistrates' Court and in the Crown Court notify the Solicitors Complaints Bureau (the Bureau) if solicitors appear before them and are convicted.
7. The offences occurred a number of years before the disciplinary hearing. The respondent had made an application to the Law Society for a Practising Certificate and in giving notice had prepared the necessary Statutory Declaration in which he set out in full all details of the criminal offences of which he had been convicted. The Law Society then referred the matter to the Bureau.

The submissions of the respondent

8. The respondent accepted the facts placed before the Tribunal. In the case of monies which should have been passed to beneficiaries, the respondent had received cheques for household items sold at an auction. He had made it clear that he would take the cheque in lieu of payment to him but that explanation was not accepted and he was charged. The respondent had specialised in the practice of criminal law and accepted that he had acted illegally. He accepted that if a bank note had been handed to him and did not reach its proper destination, then he would have been guilty of theft.
9. The respondent had been very depressed and was in a deflated state. He had paid the ultimate price, serving a prison sentence, in all he served nine weeks, was the ultimate in degradation and trauma.
10. His dearest ambition always had been and would always continue to be to practice law.
11. The respondent lived alone in a one bedroom Housing Association owned property he was in receipt of State Benefit.
12. He worked as a volunteer at a social services day centre, tutoring disadvantaged adults in literacy and numeracy. He assisted various sporting bodies. He remained an active and registered cricket umpire.
13. At the time when the offences took place the respondent was working extremely hard as a criminal lawyer. He had not taken holiday leave and was available to be called out twenty four hours a day, seven days a week. His working week well exceeded sixty five hours.
14. At that time the Law Society indicated that the respondent's Practising Certificate had expired. There ensued a dispute as to whether a renewal form and office account cheque had been despatched. The respondent was sure that that was the case.
15. It was when the respondent had completed a brief prison sentence that he learnt that he had been suspended from practice for a period of two years. He discovered that by reading a newspaper in a local library.
16. The respondent had been asked to resume practice by a number of people in his community. He had received much support. He invited the Tribunal to take note of the testimonials lodged in his support.
17. The respondent was in a parlous financial situation. He had applied for employment, not only in the law, but had been unsuccessful.

The Tribunal FOUND the allegation to have been substantiated, and it was not contested.

On the 12th August 1993 (following a hearing on the 27th May 1993) the Tribunal found that the respondent had been guilty of unbefitting conduct in each of the following circumstances namely that he had:-

(i) practised as a solicitor or held himself out as practising as a solicitor whilst not having in force current Practising Certificates;

(ii) failed to reply to letters from the Solicitors Complaints Bureau.

The Tribunal then expressed concern that the respondent appeared to have shown flagrant disregard for the authority of his professional body and the regulations to which he must submit if he is to practise as a solicitor. That was an unacceptable attitude which damaged the good reputation of the solicitors profession and rendered the respondent a danger to the public. The Tribunal ordered that the respondent be suspended from practice as a solicitor for the period of two years to commence on the 12th August 1993 and further ordered him to pay the costs.

The Tribunal accept that the respondent has been in some difficulty in that matters owing to his prison sentence. The respondent had however taken no steps to let the Tribunal know of his difficulty, to seek a rehearing or to appeal against the Tribunal's decision.

It was clear that the respondent had been convicted of criminal offences involving dishonesty. He did not seek to put a full explanation before the Tribunal but had indicated that he had perhaps attempted to take a short cut whilst under extreme pressure of work. Unfortunately the Tribunal has to consider its duty to protect the interests of the public and in particular has to consider the good reputation of the solicitors profession and the perception of the public. The Tribunal considered it right to order that the respondent be Struck Off the Roll of Solicitors. It was right also that he should pay the costs of and incidental to the application and enquiry.

DATED this 19th day of July 1996

on behalf of the Tribunal



~~R. B. Bamford~~ K. J. B. YEATMAN
Chairman

Findings filed with the
Law Society on the 29th
day of July 1996