

IN THE MATTER OF CHRISTOPHER BERNARD MORGAN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. G B Marsh (in the Chair)  
Mr. R B Bamford  
Lady Bonham Carter

Date Of Hearing: 10th October 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 28th May 1996 that Christopher Bernard Morgan of Bishopstone, Aylesbury, Buckinghamshire 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 allegations were that the respondent had been guilty of conduct unbefitting a solicitor in each of the following particulars, namely that he had:-

- (i) contrary to Rule 3 of the Solicitors Accounts Rules 1991 failed to pay funds received from clients into a client account;
- (ii) contrary to Rule 8 of the Solicitors Accounts Rules 1991 attempted to draw money out of client account other than as permitted by Rule 7 of the said rules;
- (iv) utilised clients' funds for his own purposes;
- (v) misappropriated clients funds.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 10th October 1996 when Andrew Christopher Graham Hopper solicitor of PO Box 7 Pontyclun Mid Glamorgan appeared on behalf of the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included a letter of the 2nd July 1996 addressed by the respondent to the applicant in which he said

"I do not anticipate that it will be necessary for you to call your witnesses to give evidence or to prove the facts set out in the statement served. Therefore you may proceed on this basis."

The Tribunal accepted that paragraph to indicate that the respondent admitted the facts and the allegations. On the 4th October 1996 the respondent wrote to the tribunal with a report from a psychologist which had been placed before the Tribunal.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Christopher Bernard Morgan of Bishopstone, Aylesbury, Buckinghamshire 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 £3,260.17 to include the costs of the Investigation Accountant of the Law Society.

The facts are set out in paragraphs 1 and 2 hereunder.

1. The respondent, born in 1946, was admitted a solicitor in 1972. At the material times he practised in partnership under the style of Kidd Rapinet at 33 Queen Street, Maidenhead, Berkshire. On the 10th November 1995 he was expelled from the partnership.
2. Upon due notice to the respondent the Investigating Accountant of the Law Society carried out an inspection of the books of account of Kidd Rapinet and the Tribunal had before it a copy of the Investigating Accountant's report dated 19th February 1996. The report revealed that the respondent had been responsible for serious irregularities in the handling of clients' funds. Sums totalling £3,450 paid to the respondent by clients on account of costs had not been paid into client account but had been retained by the respondent for his use and benefit. Further the respondent had attempted to withdraw the sum of £27,000 from client funds belonging to Mr YT in order to make a payment to another unconnected client, Mr H, who had been misled by the respondent to the effect that he had successfully negotiated a payment of funds in connection with a personal injury claim. The payment from client account had been discovered when the firm's bankers, in accordance with a routine procedure adopted by the firm, notified the firm of payment to an individual which exceeded £5,000.

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

3. There was no criticism of the respondent's firm. It was indeed their own highly organised system of checks and balances that led to the respondent's discovery.

4. In 1994 and 1995 the respondent had received the total sum of £3,450 made up of cash sums handed to him in payment of firm's charges. He had retained those monies for his own use.
5. He had attempted to pay £27,000 belonging to one client of the firm to another unconnected client. There had been a further element of deceit in that matter because the receiving client had inaccurately been led to believe he was about to receive a payment of damages in respect of a personal injury suffered by him. In anticipation of receipt of those funds that client had arranged to borrow monies from his bank.


**The Submissions of the Respondent**

6. Although the respondent did not make formal submissions the Tribunal took into account matters referred to in the psychiatric report which was before them, in particular that the respondent had undergone a period of increasing stress and worry between 1992 and 1995 which led him to carrying out a number of activities which involved deception and failure to deal with client matters. He was under stress because of his personality and had been unable to share concerns or anxieties with anybody. The respondent's behaviour appeared to have been out of character and on reflection he had come to realise how irrational it was.
7. The respondent had exhibited signs of anxiety involving increased need for sleep, increased fatiguability, poor or impaired concentration and increased irritability. He had not however visited his general practitioner in connection with those difficulties.
8. The respondent's irrational behaviour had been out of character but was the result of mounting pressures with which he felt unable satisfactorily to deal. Instead of managing them at the time he postponed certain crucial decisions and seemed to have "split off" from conscious awareness the implications of his dissimulation and deception until the end of October 1995 when he felt unable to sustain it any longer. He did not seek professional help.

The Tribunal FOUND the allegations to have been substantiated, indeed they were not contested. Whilst the Tribunal have sympathy for any mental imbalance suffered by a practitioner, it is bound to recognise that a solicitor in private practice is invariably subject to considerable strain brought about by many different factors. The stresses and strains of professional life cannot absolve a client from a dishonest course of conduct. Such behaviour will not be tolerated. The Tribunal ordered that the respondent be struck off the Roll of Solicitors and they further ordered that he pay costs in a fixed sum to include the costs of the Investigation Accountant of the Law Society.

DATED this 8th day of November 1996

on behalf of the Tribunal

  
G B Marsh  
Chairman

