

IN THE MATTER OF DAVID ALFRED EDWARDS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. R B Bamford (in the Chair)

Mrs. E Stanley

Mr. R P L McMurtrie

Date Of Hearing: 1st 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An application was made on behalf of the Solicitors Complaints Bureau (superseded by the Office of the Regulation of Solicitors) by Roger Field solicitor of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands on the 14th June 1996 that David Alfred Edwards 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 had been convicted of an offence of dishonesty and sentenced to a term of imprisonment.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 1st October 1996 when Roger Field solicitor and partner in the firm of Messrs. Higgs & Son of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands appeared for the applicant and the respondent did not appear and was not represented. The respondent wrote to the Tribunal on the 6th September 1996 confirming that he would not appear or be represented. That letter is referred to hereunder as "the respondent's letter."

Application was made by the respondent in his letter that the hearing take place in private. The respondent's concern was to seek to limit the consequences of his actions to himself alone. He recognised the prejudicial implications for parties affected by the case were its details to fall into the public domain. He submitted that the case fell within the exception provided by Rule 13 of the Solicitors Disciplinary Proceedings Rules 1994 in that there were four innocent organisations each employing large numbers of people involved. Their reputations and businesses could be prejudiced by adverse publicity arising from the matter. He said that the authorities were fully satisfied that he alone was responsible for events and that he alone should be punished. The public hearing would expose innocent parties to public scrutiny. The respondent felt that this would be particularly prejudicial to his former employer. At the date of the hearing almost eighteen months would have passed since he left that firm. The respondent asked the Tribunal to accept that the likely prejudice to others outweighed the benefits of a public hearing.

In the submission of the applicant there were no circumstances which should persuade the Tribunal to deviate from its usual procedures of hearing applications in public.

The Tribunal could find no exceptional circumstances persuading them to hear the matter in private and the matter proceeded to be heard in public.

The evidence before the Tribunal included the admissions of the respondent contained in the respondent's letter.

At the conclusion of the hearing the Tribunal ORDERED that the respondent David Alfred Edwards of 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 £690.00 inclusive.

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

1. The respondent, born in 1963, was admitted a solicitor in 1991. He had been employed as an assistant solicitor by Messrs. Richards Butler solicitors of Beaufort House, 15 St. Botolph Street, London, EC3A 7EE until he was dismissed on the 26th May 1995. On the 23rd February 1996 at the Crown Court in Middlesex Guild Hall the respondent was convicted upon indictment of six counts of theft and was sentenced to eighteen months imprisonment.
2. The respondent had managed the affairs of a company since 1989 and had committed a number of financial improprieties in connection with the company's bank accounts resulting in a financial shortfall on the company's account in the region of £250,000. He said that his actions were the result of trying to repay debts owed by his own company and his gambling addiction. He was able to cover his actions because of his involvement in all aspects of the company's administration. He had produced different quarterly financial reports which falsely described the destination of withdrawals on the company's accounts in a manner that would not alert the recipient of the report to any impropriety.
3. The respondent revealed what he had done by letter addressed to his employers on the 3rd May 1995.

**The submissions of the applicant**

4. The respondent had said that he had stupidly adopted the course of action which he had as he apparently needed money to fuel a gambling addiction. Although the mechanics of the way in which he had taken money from a client appeared simple, he had in fact conducted himself in a sophisticated exercise involving large sums of money in such a way that his actions had been concealed.
5. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Inman in the Middlesex Guildhall Crown Court in which he said that the respondent's conduct reflected badly on his profession which had to rely for the conduct of clients' affairs on the highest standards of trust and integrity pointing out that the respondent was in a position of trust having responsibility within his firm for the handling of what was quite obviously a very large and important client account with control over the payments of its bills and the preparation of its accounts. Over quite a long period the respondent forged the signatures of two of his colleagues on twenty nine cheques to the value of some £169,000.00. He paid those cheques into an account which he had created on the basis of a false agreement as a loan account again using a forged signature. The Learned Judge described it as a "sophisticated and prolonged operation" which only came to light when the respondent was made redundant.
6. The learned judge went on to say that offences on that scale and of that sophistication committed by professional people in breach of trust could only be dealt with by way of a custodial sentence.

**The submissions of the respondent (contained in the respondent's letter)**

7. The respondent had written a letter of confession to his former employers dated 3rd May 1995. The respondent had been in a grip of an addiction which amounted to an illness. During his time in prison the respondent had been able to have expert therapy to address his addiction and believed that he could overcome the illness with determination and continued treatment.
8. The respondent acknowledged the gross breach of trust perpetrated by him. He had failed his firm, his colleagues, the clients, the organisations which relied on him in preparation of financial reports, the profession, his family and friends.
9. The respondent accepted that he had to pay his debt to society by serving a term of imprisonment. He also accepted that he had to lose his career as a result of being Struck Off by the Tribunal. He would have the struggle of rebuilding his life and reconciling himself with his family.
10. He had been thoroughly responsible for his actions: his former employers had been exonerated.
11. The respondent apologised to the Tribunal for failing in his professional obligations and for the damage to the solicitors' profession. He was proud to have been able to

experience practice as a solicitor and hoped he might become a worthy member of society in the future.

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

The respondent had been guilty of a dishonest course of behaviour and had acted in breach of the position of trust which he enjoyed as a solicitor which would not be tolerated. The Tribunal Ordered the respondent be Struck Off the Roll of Solicitors and further ordered him to pay costs in a fixed sum.

DATED this 6th day of November 1996

on behalf of the Tribunal



R B Bamford  
Chairman

