

IN THE MATTER OF ROBERT IAN CORTEEN, Solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. A G Gibson (in the Chair)
Mr. J N Barnecutt
Lady Bonham Carter

Date Of Hearing: 8th April 1997

FINDINGS

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

An application was duly made on behalf of the Office for the Supervision of Solicitors by Roger Field solicitor of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands on the 3rd October 1996 that Robert Ian Corteen of Arundel, West Sussex 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 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 the 8th April 1997 when Roger Field Solicitor and partner in the firm of Messrs Higgs & Sons of Inhedge House, Wolverhampton Street, Dudley, West Midlands appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal had been served upon the respondent. He had responded both to the applicant and to the Tribunal's office.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Robert Ian Corteen of Arundel, West Sussex 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 £980. inclusive.

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

1. The respondent, born in 1955, was admitted as a solicitor in 1985. He practised in partnership under the style of Lewis & Dick at 28a High Street, Ewell and 50 Grove Road, Sutton until his resignation from the firm in December 1994.
2. Between the 4th June and 11th July 1996 at the Crown Court at Snaresbrook the respondent was tried and convicted upon indictment of ten counts of procuring the execution of a valuable security by deception. He was sentenced to twelve months imprisonment.
3. The events leading to his conviction related to what had become known as "mortgage fraud" which had been masterminded by one of the respondent's co-defendants. The relevant transactions had consisted of a purchase and sub-purchase of exclusive properties in London. The respondent must have known of the fraud. He had acted for both vendor and purchaser in some cases where both vendor and purchaser were fictitious characters.

The submissions of the applicant

4. The facts spoke for themselves.
5. The Tribunal was referred to the sentencing remarks of His Honour Judge Hitching in the Central Criminal Court in which the Learned Judge said that the loss to various building societies was about 2.7 million pounds, although it was accepted that that figure was to some degree conjectural. The Learned Judge said that the respondent stood in a unique position both as to his role in the matter and with regard to his individual integrity and the impact that any sentence would have upon him. The jury had found that the respondent was not a dishonest man who had been recruited to assist his co-defendants but there came a stage, not clearly identifiable but probably in the period after what had been known as the "Law Society Gazette notification of mortgage fraud" probably in December 1990 or early 1991, when the respondent undoubtedly became aware of the fraudulent matters. It was accepted that the respondent profited in no way from the matter. His error had been one of dishonest misjudgement in terms of helping to maintain a client in business. The Learned Judge imposed an immediate custodial sentence of twelve months in respect of each of the counts to run concurrently to reflect the respondent's guilt in the matter and to reflect his responsibility as a solicitor.

The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated. The Tribunal accepted that a solicitor might become unwittingly involved in a client's proposed mortgage fraud, but as soon as he became suspicious about any transactions, he was obliged to take appropriate steps and not to acquiesce in what was happening or, indeed, allow himself to become complicit with fraud. It was clear from the Learned Judge's sentencing remarks that the respondent had fallen into the trap of going along with a fraudulent client. That had in due course led to his conviction for serious criminal offences involving dishonesty, the good name of the solicitors' profession had been damaged and it was right that the respondent should be Struck Off the Roll of Solicitors and ordered to pay the applicant's costs in connection with the application and enquiry in a fixed sum.

DATED this 9th day of May 1997

on behalf of the Tribunal



A G Gibson
Chairman