

IN THE MATTER OF RODNEY HYLTON-POTTS, 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 Geoffrey Williams of 36 West Bute Street, Cardiff on the 9th October 1996 that Rodney Hylton-Potts of Eastchurch, Sheerness, Kent 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 four offences of dishonesty and sentenced to terms of imprisonment in respect thereof.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 8th April 1996 when Geoffrey Williams solicitor and partner in the firm of Messrs Cartwrights Adams & Black of 36 West Bute Street, Cardiff appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included a letter dated 6th January 1996 in which the respondent had acknowledged service of the proceedings at the Tribunal's listing pre-trial preview and had indicated that he would not contest the application.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Rodney Hylton-Potts Eastchurch, Sheerness, Kent (subsequently notified to be Thetford, Norfolk, IP25) 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.

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

1. The respondent, born in 1945, was admitted a solicitor in 1969. At the material times he practised as a solicitor on his own account under the style of Hylton-Potts at 7 Cheval Place, Knightsbridge, SW7 1EW.
2. On the 12th July 1996 in Southwark Crown Court the respondent was convicted upon indictment of four counts of conspiracy to defraud. He was sentenced to five years imprisonment on each count with the terms to run concurrently. Further he was disqualified under Section 2 of the Company Directors Disqualification Act 1986 for a period of 7 years.
3. The offences had been committed during the course of what had come to be known as "mortgage fraud". There had been a conspiracy to defraud banks.

The submissions of the applicant

4. The facts spoke for themselves. The respondent had behaved dishonestly and was disgraced as a solicitor. The Tribunal was invited to regard the matter as being at the highest end of the scale of professional misconduct.
5. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Levv QC at Southwark Crown Court, where the respondent had been tried with two other defendants, when he said that the respondent was "a ruined man" and his disgrace as a solicitor will be with him forever. The Tribunal was also reminded of the judgement of Lord Lane in the Divisional Court dealing with an appeal from the Tribunal in which he stated that it was his view that any solicitor who engages upon this type of fraud "commits professional suicide".
6. It appeared that the respondent had disposed of his practice in an orderly fashion. There had been fifteen applications to the Law Society's Compensation Fund in respect of some £60,000 in total. Those applications remained pending at the date of the disciplinary hearing and the position was not clear. It might be that there had been sufficient monies in the respondent's client account to meet those applications. Because of the already disposed practice the Law Society had not intervened.
7. In a letter addressed by the respondent to the applicant, he indicated that he had been financially ruined and had entered into an insolvency arrangement. He had been sued

for over eight hundred thousand pounds by the bank against whom the fraud had been perpetrated.

The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated. By involving himself in a fraudulent scheme the respondent disgraced not only himself as a solicitor but had tarnished the good reputation of the solicitor's profession. It was right that the respondent should be Struck Off the Roll of solicitors and the Tribunal ordered him to pay the costs of the application and enquiry in a fixed sum.

DATED this 9th day of May 1997

on behalf of the Tribunal

A handwritten signature in black ink, appearing to read 'A G Gibson', written in a cursive style.

A G Gibson
Chairman