

IN THE MATTER OF PHILIP JAMES HOULTON, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D.E. Fordham (in the Chair)
Mr. J.R.C. Clitheroe
Lady Bonham-Carter

Date Of Hearing: 15th May 1997

FINDINGS

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

An application was duly made on behalf of the Law Society by Gerald Malcolm Lynch, solicitor formerly of 16 Warrior Square, Southend-on-Sea, Essex, but subsequently of Cumberland House, 24/28 Baxter Avenue, Southend-on-Sea, Essex, on 14th October 1996 that an Order be made by the Tribunal directing that as from a date to be specified in such order no solicitor should, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Philip James Houlton of Priorslee Grange, Telford, Shropshire a person who was or had been a clerk to a solicitor or that such other Order might be made as the Tribunal should think right.

The allegation was that the respondent, having been a clerk to a solicitor but not being a solicitor, had been convicted of a criminal offence which disclosed such dishonesty that in the opinion of the Law Society it would be undesirable that he should be employed by a solicitor in connection with his or her practice.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 15th May 1997 when Gerald Malcolm Lynch, solicitor and partner in the firm of Drysdales of Cumberland House, 24/28 Baxter Avenue, Southend-on-Sea, Essex appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the satisfaction of the Tribunal as to due service of the proceedings and appropriate notices.

At the conclusion of the hearing the Tribunal ORDERED that as from 15th May 1997 no solicitor should, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Philip James Houlton of Priorslee Grange, Telford, Shropshire a person who was or had been a clerk to a solicitor and they further Ordered that he should pay the costs of and incidental to the application and enquiry fixed in the sum of £1,352.46.

The facts are set out in paragraphs 1 to 4 hereunder.

1. The respondent, who was not a solicitor, was employed by Messrs. Lingen & Co. solicitors of Shrewsbury in Shropshire. The firm had subsequently ceased to exist.
2. On 27th July 1990 at Knutsford Crown Court the respondent was convicted upon indictment of six counts of obtaining property by deception, one count of obtaining a pecuniary advantage by deception, and one count of fraudulent evasion of Value Added Tax. He was sentenced on the first count to five years imprisonment, on the second to three years imprisonment and on the third to two years imprisonment.
3. The offences arose out of activities by the respondent in connection with a company of which he was proprietor involving, inter alia, a claim for a substantial sum from the Welsh office. There was a further allegation that he obtained a substantial overdraft from Midland Bank by deception. The company was involved in the video recording market.
4. On 26th June 1996 the Adjudication & Appeals Committee of the Solicitors Complaints Bureau (which was superseded by the Office for the Supervision of Solicitors) resolved that an application be made to the Tribunal for an Order pursuant to Section 43 of the Solicitors Act 1974.

The submissions of the applicant

5. The applicant explained to the Tribunal that the considerable delay in bringing the matter before the Tribunal had been because the Law Society had not been notified of the respondent's conviction until 1996.
6. The matters upon which the respondent had been convicted were clearly those involving dishonesty and it was appropriate that an Order pursuant to Section 43 be made.

The Tribunal was invited to consider the sentencing remarks of His Honour Judge G. Jones in the Crown Court at Knutsford on 27th July 1990 and in particular, "What happened was that you (the respondent) were shamelessly and unscrupulously and absolutely deliberately deceiving the Welsh office, deceiving the Bank and deceiving the Customs and Excise authorities. You resorted to fraud on a massive scale. Nearly a million pounds. £450,000 from the Welsh office. Money that should have gone to set up jobs to bring industry to the area. The Bank deprived of £300,000 and the VAT authorities substantial monies."

There were no submissions on the part of the respondent.

It was clear that the respondent had been a clerk to a solicitor and had been convicted of serious criminal offences involving dishonesty. It was entirely right that his future employment within the solicitors' profession be controlled. The Tribunal made the Order sought and ordered the respondent to pay fixed costs.

DATED this 16th day of June 1997

on behalf of the Tribunal



D.E. Fordham
Chairman

