

IN THE MATTER OF NIGEL FRANCIS TAYLOR, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. R B Bamford (in the Chair)

Mr. D W Faulk

Mrs. C Pickering

Date Of Hearing: 15th 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 Andrew Christopher Hopper solicitor of P O Box 7, Pontyclun, Mid Glamorgan, DX 50952 Cowbridge on the 21st October 1996 that Nigel Francis Taylor of Great Wyrley, Walsall, West Midlands 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:-

- (1) failed to comply with the Solicitors Accounts Rules 1991 in that he drew money from client account other than as permitted by Rule 7 and contrary to Rule 8 of the said Rules;
- (2) been guilty of conduct unbecoming a solicitor in that he misappropriated clients' funds for his own purposes;
- (3) been guilty of conduct unbecoming a solicitor in that he failed to disclose material circumstances to Building Society clients;
- (4) been guilty of conduct unbecoming a solicitor in that he provided false information to Building Society clients for the purposes of assisting in obtaining mortgage advances.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 15th April 1997 when Andrew Christopher Graham Hopper solicitor of P O Box 7 Pontyclun Mid Glamorgan, appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included a letter received from Messrs. Hadens solicitors of Walsall dated the 10th February 1997 (in which it was said that they were not instructed to represent the respondent before the Tribunal but the respondent appreciated the inevitable conclusion to the hearing), and exhibit "NFT 1", a bundle of documents brought in by the applicant

At the conclusion of the hearing the Tribunal ORDERED that the respondent Nigel Francis Taylor of , Great Wyrley, Walsall, West Midlands, WS6 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 £4,115.85p which included disbursements and VAT and the costs of the Investigation Accountant of the Office for the Supervision of Solicitors (formerly the Solicitors Complaints Bureau). Subsequent to the hearing the Tribunal was notified that the respondent's prison number was and his address was , Derbyshire.

The facts are set out in paragraphs 1 to 8 hereunder.

1. The respondent, born in 1947 was admitted a solicitor in 1975. At all material times he practised as a solicitor in partnership under the style of William Bache & Sons at West Bromwich. None of the respondent's former partners were implicated in the subject matter of the proceedings.
2. Upon due notice to the partnership an inspection of the firm's books of account was undertaken by an Investigation Accountant of the Solicitors Complaints Bureau. The inspection began on the 21st June 1996. The written report was dated the 10th July 1996 and a copy was before the Tribunal.
3. One of the respondent's former partners told the Investigation Accountant that the firm's book keeper had brought to her attention her concerns about on of the respondent's client files. The partner had reviewed the file and believed that the respondent's dealings with the matter were either fraudulent or amounted to gross misconduct. The matter was discussed with the other partners and on the 12th April 1996 the partnership with the respondent was dissolved and the police and the Solicitors Complaints Bureau were advised of the position.
4. The Investigation Accountant interviewed the respondent in the presence of his solicitor on the 26th June 1996. The respondent admitted that he had instigated improper withdrawals from client bank account from which he had personally benefitted to a minimum of £47,129.94. In addition the respondent admitted that he had personally benefitted in the sum of approximately £11,150.00 derived from four mortgage advances which he knew had been obtained fraudulently though deception.
5. Subsequent to the application, it had come to the applicant's attention that the respondent had been convicted upon indictment of one count of conspiracy to defraud one count of making a false instrument and twelve counts of theft in the Birmingham Crown Court where on the 7th February 1997 he was sentenced to a term of imprisonment on each count the total sentence being one of fifteen months.

6. The conspiracy to defraud was between the respondent and another who had conspired together to defraud banks and building societies.
7. The count of fraud related to the respondent having made a false instrument namely a personal loan credit agreement with the intention that he should use it to induce another person to accept it as genuine and by reason of so accepting it to do some act to that person's or some other person's prejudice.
8. The counts of theft related to monies taken from the respondent's former firm which belonged to clients.

The submissions of the applicant

9. Clearly the respondent's Account's Rules breaches leading to the allegations were at a very serious level. The subject matter of those breaches was the same as that which led to his conviction of a number of criminal offences involving dishonesty.
10. The respondent's own solicitors had placed the criminal matters in the hands of the Tribunal, and the matters spoke for themselves.
11. In his sentencing remarks his Honour Judge Stanley in the Crown Court in Birmingham said to the respondent "It is of course a bitter day for you and I do not wish to add to your suffering by lecturing you about the breach of trust that you committed. It is all too apparent and in his very comprehensive mitigation on your behalf Mr Evans has faced up to the reality, I have no doubt on your instructions. You know what the Court must do. These were grave breaches of trust over a period of time."

The Findings of the Tribunal

The Tribunal Found the allegations to have been substantiated. The misconduct before the Tribunal was of the most serious nature. Such behaviour on the part of a solicitor served only to tarnish the good reputation of the solicitors' profession. Such behaviour would not be tolerated by the profession and the Tribunal ORDERED that the respondent be Struck Off the Roll of solicitors and further Ordered him to pay the costs of and incidental to the application and enquiry in a fixed sum which included disbursements and VAT and the costs of the Investigation Accountant of the Law Society.

DATED this 5th day of June 1997

on behalf of the Tribunal

R B Bamford

R B Bamford
Chairman

