

IN THE MATTER OF PATRICK ROWAN FORDE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. A H Isaacs (in the Chair)  
Mr. J W Roome  
Mr. M C Baughan

Date Of Hearing: 6th March 1997

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## FINDINGS

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

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An application was duly made on behalf of the Office for the Supervision of Solicitors by Geoffrey Williams solicitor of 36 West Bute Street, Cardiff on the 12th November 1996 that Patrick Rowan Forde of Everthorpe, North Humberside, HU15 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 upon indictment of conspiracy to defraud and sentenced to a term of imprisonment in respect thereof.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 6th March 1997 when Geoffrey Williams solicitor and partner in the firm of Messrs. Cartwrights Adams & Black of 36 West Bute Street, Cardiff appeared on behalf of the applicant. The respondent did not appear and was not represented. The respondent wrote to the applicant on the 5th December 1996 stating that it was extremely unlikely that he would consider disputing the facts set out in the applicant's statement. This letter is referred to below as "the respondent's letter".

At the conclusion of the hearing the Tribunal ORDERED that the respondent Patrick Rowan Forde of East Yorkshire, HV12 (formerly of Everthorpe, North Humberside, HU15), 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 £1,071.60 inclusive.

The facts are set out in paragraphs 1 and 2 hereunder.

1. The respondent, born in 1951, was admitted a solicitor in 1975. He last practised as a solicitor in the employ of Max Gold & Company solicitors of Hull. His employment as an assistant solicitor with that firm ceased on or about the 30th June 1995.
2. Between the 15th and 24th May 1995 the respondent was tried in the Grimsby Crown Court and on the latter date was convicted upon indictment of conspiracy to defraud. On the 17th July 1995 the respondent was sentenced in the same court and to thirty months imprisonment.

#### **The Submissions of the Applicant**

3. The respondent had been convicted of conspiracy to defraud and had received a custodial sentence following a contested trial. At the time of the disciplinary hearing he had served his prison sentence. The issue of the disciplinary proceedings had been delayed because it was suggested that the respondent would pursue an appeal against his conviction but he did not.
4. Two other persons were convicted of fraud at the same time as the respondent and the applicant placed the transcript of the sentencing remarks of His Honour Judge Brunning in the Grimsby Crown Court before the Tribunal. The Learned Judge said that the respondent did not stand to gain from the fraud perpetrated upon building societies but his role was a crucial one. He facilitated the mortgage fraud. He went on to say that the solicitors' profession in the United Kingdom was an honourable one and the respondent had done considerable damage to the reputation of solicitors and public confidence in solicitors by his extensive dishonesty.

#### **The Submissions of the Respondent (contained in the respondent's letter)**

5. The respondent would always continue to maintain that he did not have any prior criminal knowledge or intent with regard to the conveyancing transactions which formed the basis of the charges against him.
6. The respondent did not wish to remain on the Roll of Solicitors. He hoped that the disciplinary proceedings based upon his conviction would be dealt with expeditiously and preferred not to make a personal appearance at the hearing unless the Tribunal felt there was a material need for his attendance.
7. When the respondent first became aware of the fact that his firm had in effect been used as an instrument of fraud and, after first clearing his actions with the ethics department of the Law Society, he immediately reported the situation to the police thereby initiating their successful investigation and bringing the unlawful activities of

his clients to an end. By virtue of his actions and the documentary evidence which he had passed onto the police the authors of the fraud had had no option but to admit their guilt. In contrast the police investigation into his own involvement dragged on for almost three very stressful years.

8. It was always accepted by the prosecuting authorities that the respondent made no financial gain from the transactions and the Learned Judge in sentencing him could therefore attribute no personal motive to his alleged participation in the conspiracy beyond the gaining of fees.
9. During the brief period of time, two months, during which the fraud took place and several years before that the respondent's office had been an extremely busy place and it was clear in hindsight that as a sole practitioner the respondent worked under the sort of unrelenting pressure which made it almost inevitable that something would eventually have to give. For the purposes of the Tribunal the respondent fully accepted that the mistakes and omissions which he made at the material time could not have occurred had his office been organised in an efficient manner. To a large degree he was the victim of the extremely swift expansion of his practice and unfortunately by the time he took the decision to enlist the services and support of another solicitor the damage had already been done.

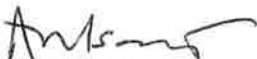
#### **The Findings of the Tribunal**

The Tribunal FOUND the allegation to have been substantiated.

The respondent had been convicted of a serious offence involving dishonesty and had served a custodial sentence. In those circumstances in order to protect the public and the good reputation of the solicitors' profession the Tribunal made an order striking the respondent off the Roll and ordered him to pay the costs of and incidental to the application and enquiry in a fixed sum.

DATED this 7th day of April 1997

on behalf of the Tribunal

  
A H Isaacs  
Chairman

