

IN THE MATTER OF CHRISTOPHER TEDLEFF JOHN SAWYER, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. G.B. Marsh (in the Chair)
Mr. A.G. Ground
Lady Maxwell-Hyslop

Date Of Hearing: 26th June 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 Gerald Malcolm Lynch, solicitor formerly of 16 Warrior Square, Southend-on-Sea, Essex and subsequently of Cumberland House, 24-28 Baxter Avenue, Southend-on-Sea, Essex on 15th January 1997 that Christopher Tedleff John Sawyer, solicitor whose address was

, Devizes, Wiltshire SN10 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 -

- (i) been convicted of a criminal offence involving fraud for which a prison sentence was imposed;
- (ii) acted in breach of a condition placed upon his Practising Certificate and consequently was in breach of Section 1A of the Solicitors Act 1974 (as amended);

- (iii) failed alternatively failed with reasonable expedition to pay Counsel's fees;
- (iv) by virtue of each and all of the afore-mentioned, been guilty of conduct unbefitting a solicitor.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 26th June 1997 when Gerald Malcolm Lynch, solicitor and partner in the firm of Messrs. 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.

On 21st April 1997 the respondent notified the Tribunal that he had been moved to
Gloucester.

The evidence before the Tribunal included the service of the respondent with the proceedings and the date of the hearing. Notices had been served under the Civil Evidence Act and the Tribunal's rules of procedure. There had been no counter notices.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Christopher Tedleff John Sawyer, solicitor of
Gloucester (formerly

Devizes, Wiltshire SN10 , 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 £1,296.95 inclusive.

The facts are set out in paragraphs 1 to 10 hereunder.

1. At the material times the respondent was in sole practice under the style of Ainsley Sawyer & Company at 4A High Street, Melksham, Wiltshire. The respondent was forty-seven years of age and was admitted a solicitor in 1978. The Law Society had intervened in the respondent's firm. The respondent was adjudicated bankrupt in June 1996.
2. On 4th July 1996 at Bristol Crown Court the respondent was convicted upon indictment of conspiracy to defraud. The respondent pleaded guilty to the charge which involved the forgery and presentation for payment of American Express travellers cheques with a face value of £150,000. On 15th August 1996 the respondent was sentenced to three years imprisonment.
3. On 24th May 1995 a condition was imposed by the Law Society upon the respondent's Practising Certificate that he might practise as a solicitor only in employment or as a member of a partnership either of which had first been approved by the Law Society. The respondent was notified of that decision by letter dated 1st June 1995 and that the condition would come into effect on 1st September 1995.
4. There was correspondence between the Solicitors Complaints Bureau ("the Bureau") and Messrs. Richard Maslen & Co. solicitors of Melksham who confirmed they had employed the respondent from 1st September. They sought approval to such employment on 11th October 1995. It was suggested that hitherto the respondent had not been held out as a practising solicitor, but he had been employed as an assistant on a temporary part-time basis.

5. The Law Society approved of the employment of the respondent by Richard Maslen & Co. on 11th April 1996. From 1st September 1995 until that date the respondent had, for a period in excess of seven months, practised in breach of the condition on his Practising Certificate.
6. In July 1996 Richard Maslen & Co. wrote to the Bureau to say that the respondent's employment had been terminated in the light of his intention to plead guilty to criminal charges.
7. On 19th March 1993 the Chief Executive to the General Council of the Bar wrote to the Bureau alleging failure by the respondent to pay Counsels' fees. Ten Counsel were involved and the fees totalled in excess of £2,000. All fees related to private client work. The Bureau corresponded with the respondent who was not prompt in his response.
8. On 18th March 1994 the Chief Executive wrote again with a further schedule of outstanding fees in respect of seven Counsel involving six private matters and one legally aided matter.
9. Between September and November 1993 the respondent paid four sets of fees.
10. A considerable correspondence between the Bureau, the respondent and his former partner followed and eventually on 11th September 1996 the Law Society resolved to refer the respondent's failure to pay Counsels' fees to the Tribunal.

The submissions of the applicant

11. The respondent had been convicted of a criminal offence involving dishonesty which was considered a serious enough to attract a custodial sentence.
12. The Tribunal was referred to the sentencing remarks of His Honour Judge Boothman in the Crown Court at Bristol who accepted that the respondent had committed the offence whilst under pressure and not to fund what was sometimes called a "champagne life-style". He gave credit to the respondent for his plea of guilty and bore in mind his ill-health and the fact that his career was in ruins.
13. The criminal conviction was the most serious matter before the Tribunal, but it was also clear that Counsels' fees had been incurred upon the respondent's instructions and had remained unpaid and that the respondent had also embarked upon a period of uncertificated practice.

The Tribunal FOUND the allegations to have been substantiated.

On 5th May 1994 the Tribunal found the respondent to have been guilty of conduct unbecoming a solicitor in that on 21st February 1991 he was in the Bristol Crown Court convicted upon indictment of obtaining property by deception. At the conclusion of the hearing the Tribunal ordered that the respondent pay a fine of £5,000 and further

ordered him to pay the costs of and incidental to the application and enquiry, fixed in the sum of £1,780.

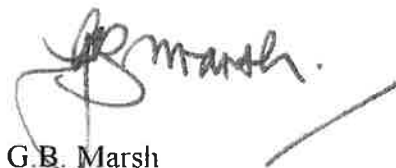
On the face of it that was an extraordinary decision, the Tribunal having found that the respondent had been convicted of a criminal offence involving dishonesty, but on that occasion the Tribunal had been persuaded to consider the very exceptional facts and circumstances of the case. Those are set out in the 1994 Findings of the Tribunal and it is not proposed to repeat them here.

Suffice it to say that the Tribunal in 1994 felt that it was appropriate to take an unusual course and that it was not necessary to deprive the respondent of his right to practise, but instead the Tribunal imposed the maximum financial penalty.

The Tribunal was dismayed to find that the respondent had again been convicted of a criminal offence and sentenced to a term of imprisonment. He had been convicted of conspiracy to defraud. He had brought dishonour upon the profession. He was not fit to be a member of that profession. The Tribunal ORDERED that the respondent be struck off the Roll of Solicitors and further ordered him to pay the costs of the applicant in a fixed sum.

DATED this 5th day of August 1997

on behalf of the Tribunal


G.B. Marsh
Chairman

Findings filed with the
Law Society on the 15th
day of August 1997.