

IN THE MATTER OF JEREMY DAVID CAVE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr J C Chesterton (in the chair)
Mr D J Leverton
Mrs S Gordon

Date of Hearing: 27th March 2003

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 ("OSS") by Andrew Miller solicitor employed by The Law Society at the OSS at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 10th November 2000 that Jeremy David Cave of Thirsk, North Yorkshire, (subsequently notified to be of care of Holme House Road, Stockton-on-Tees) solicitor 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.

On 10th February 2003 the Applicant made a supplementary statement containing a further allegation.

At the opening of the hearing the Applicant invited the Tribunal to consider only the allegation contained in the supplementary statement and to rule that the other two allegations contained in the original statement should lie on the file. The Tribunal agreed to that course of action.

The allegation contained in the supplementary statement was that the Respondent had been guilty of conduct unbecoming a solicitor in that he had been convicted of offences of dishonesty.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 27th March 2003 when Andrew Miller solicitor employed by The Law Society at the OSS at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included a certificate of conviction.

At the conclusion of the hearing the Tribunal ordered that the Respondent Jeremy David Cave of Holme House Road, Stockton-on-Tees, (formerly of Thirsk, North Yorkshire) 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 £2,764.35.

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

1. The Respondent, born in 1949, was admitted as a solicitor in 1980. At the material times he practised as a sole principal under the style of Jeremy Cave, Solicitor at 79-81 Market Place, Thirsk, North Yorkshire.
2. On 7th February 2003 the Respondent was convicted at Teesside Crown Court on six counts of theft and, as a result, was sentenced to a term of three and a half years imprisonment.
3. The offences were committed in the course of the Respondent's practice as a solicitor.

The Submissions of the Applicant

4. The Tribunal would note that the offences each related to the stealing by the Respondent of monies held by him which belonged to the beneficiaries of estates. He had in fact taken regular round sum transfers from monies held by him in his client account relating to estates, the administration of which he had conduct. The Respondent had drawn bills apparently as authority for such transfers but the bills themselves had been indicative of massive overcharging.
5. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Spittle and in particular when he said:-

“The Jury have found you guilty of stealing from the estates of deceased people, deceased persons, and thereby taking for yourself money that was intended, and indeed should have, gone for the benefit of others. To cover up your thefts you created false and totally unjustifiable bills for legal work which you charged to those estates, work which you manifestly had not carried out.

These thefts constituted a course of conduct of raiding clients' accounts over a period of about ten years in order to provide some relief from your current financial problems.

It is quite clear from the evidence in this case, as I have already averted to, that you were a man who was highly regarded in the local community, having a position within the community not only as a solicitor but in the capacity as a coroner. People felt that they could place their trust in you and be well served by you as a solicitor. As far as these estates were concerned, that trust was misplaced and you grossly abused it.

In the main, the victims of your dishonesty were vulnerable people. Not themselves being versed in the methods of administering estates, they placed their trust in your professional ability and integrity. Some were coping with the fact of death of a near relative or a close friend and, generally, from the very situation they would be people who would be less likely to question your actions, your behaviour and your charges.

.....In the end it is to be hoped that those who have lost will be fully compensated, although, no doubt, their faith and their belief in the integrity of your profession will be somewhat diminished and that is a harm that you have created for the profession as a whole which generally is an honourable profession and one that practices and provides a service with integrity to the general public. You besmirched not only your own name and character but that of an honourable profession as well”.

6. The Respondent did not make any submissions.

The Findings of the Tribunal

7. The Tribunal found the allegations to have been substantiated. The Tribunal wished to associate itself with the sentencing remarks of His Honour Judge Spittle. Mindful of its duty to protect the interests of the public and the good reputation of the solicitors' profession, the Tribunal considers it right to order that the Respondent be struck off the Roll of Solicitors. The Applicant had calculated his costs in connection with the application and enquiry. They appeared to the Tribunal to be entirely reasonable and in order to save time and costs the Tribunal ordered that the Respondent pay the Applicant's costs in a fixed sum.

DATED this 30th day of April 2003
on behalf of the Tribunal

J C Chesterton
Chairman