

IN THE MATTER OF WILLIAM DAVID MOORE

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr D J Leverton (in the chair)
Miss T Cullen
Dame Simone Prendergast

Date of Hearing: 6th June 2002

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 Office for the Supervision of Solicitors of Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 25th January 2002 that William David Moore c/o Kirkham, Preston, 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 against the Respondent was that he had been guilty of conduct unbecoming a solicitor in that he had been convicted of offences of dishonesty namely one count of making a false instrument, six counts of theft and four counts of false accounting and as a result of those convictions he was sentenced to a term of twelve months imprisonment.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 6th June 2002 when Andrew Miller solicitor employed by The Law Society at the Office for the Supervision of Solicitors of 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 the admission of the Respondent contained in a letter dated 21st March 2002 written by the Respondent's wife on his behalf to the Applicant. The letter was handed in by the Applicant at the hearing.

At the conclusion of the hearing the Tribunal ordered that the Respondent William David Moore, c/o Kirkham, Preston, solicitor be struck off the Roll of Solicitors and they further ordered that he do pay the costs of and incidental to the application and enquiry fixed in the sum of £350.

The facts are set out in paragraphs 1 to 4 hereunder: -

1. The Respondent born in 1952 was admitted as a solicitor in 1979 and his name remained on the Roll of Solicitors.
2. At the material time the Respondent practised on his own account as Moores solicitors of 106a Hoole Road, Woodchurch, Birkenhead. That practice ceased in February 1999 when The Law Society intervened into the Respondent's practice on the grounds of his incapacity.
3. On 4th May 2001 the Respondent was sentenced in the Liverpool Crown Court to a term of twelve months imprisonment having been convicted on eleven counts. Copies of the Crown Prosecution Service Indictment, the Certificate of Conviction and the Judge's sentencing remarks were before the Tribunal.
4. The Respondent's current address was unknown. HMP Kirkham had agreed to forward documents and correspondence.

The Submissions of the Applicant

5. The Tribunal was asked to note the sentencing remarks of The Honourable Mr Justice Pitchford who said:-

"You committed such thefts not once but on many occasions over a period of three years. You agree that the total sum that you stole was over £68,000. Unhappily, in order to achieve them you had to carry out deception after deception on your clients and in the records of your practice as a solicitor. You stole from them because, as you acknowledge, under the pressure which you were enduring you preferred that they rather than your practice, your professional standing and your wife should suffer."
6. The sentencing remarks also noted the severe financial pressure the Respondent had been under, his depression and his suicide attempt. The sentencing remarks also expressed the hope for the Respondent's future rehabilitation.
7. In the submission of the Applicant this was misconduct at the most serious end of the scale.
8. The Applicant gave details of the claims on the Compensation Fund in respect of the Respondent and of sums recovered on the intervention.

The Findings of the Tribunal

9. The Tribunal found the allegations to have been substantiated indeed they were not contested.
10. The Tribunal noted the information given in the letter of the Respondent's wife regarding his ill health and the reasons why he had been unable to attend or to arrange representation. The Tribunal also noted the sentencing remarks and the mitigation referred to therein. A theft in the course of a solicitor's practice was however a most serious matter going to the heart of the relationship between a solicitor and his clients. The Respondent had been convicted of offences of dishonesty and could not be allowed to practice as a solicitor.
11. The Tribunal therefore ordered that the Respondent William David Moore c/o Kirkham, Preston, 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 £350.

DATED this 22nd day of August 2002

on behalf of the Tribunal

D J Leverton
Chairman