

IN THE MATTER OF NICHOLAS ADRIAN LAWRENCE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. W.M . Hartley (in the chair)
Mr. R.B. Bamford
Lady Maxwell-Hyslop

Date of Hearing: 29th October 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 David Elwyn Barton solicitor of Monckton House, 72 King Street, Maidstone, Kent, ME14 1BL on 4th February 2002 that Nicholas Adrian Lawrence of Bradley Stoke, Bristol, (a 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.

The allegations were that the Respondent had been guilty of conduct unbecoming a solicitor in each of the following respects namely:-

- a) he compromised or impaired, or was likely so to do, his honesty and integrity;
- b) he compromised or impaired, or was likely so to do, his good repute and that of the solicitors' profession;
- c) he compromised or impaired, or was likely so to do, his duty to the court;
- d) he acted towards Mr Bull in a manner that was fraudulent, deceitful and otherwise contrary to his position as a solicitor;
- e) he forged a court document, namely a Decree Absolute;
- f) he failed to reply to correspondence from the OSS.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when David Elywn Barton appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the Respondent contained in a letter addressed to the Tribunal dated 15th October 2002 the contents of which are referred to in greater detail under the heading "The Submissions of the Respondent."

At the conclusion of the hearing the Tribunal made the following order:-

The Tribunal Order that the Respondent, Nicholas Adrian Lawrence of Sutton Coldfield, West Midlands (formerly of Bradley Stoke, Bristol) solicitor, be struck off the Roll of Solicitors and they further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,424.13 inclusive.

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

1. The Respondent, born in 1965, was admitted as a solicitor in 1994. At the material times the Respondent was employed as an assistant solicitor by David Hebblethwaite & Co, solicitors, at 56 Broad Street, Chipping Sodbury, Bristol, BS37 6AG.
2. During 2000 the Respondent acted for one Mr B who was the petitioner in divorce proceedings. On about 22nd August 2000 Mr B went to his local Registry Office to make arrangements to remarry and he gave to the Registrar a document which he believed to be his Decree Absolute. The Respondent had sent him the document describing it as such. The Registrar formed the view that it was not a genuine Decree Absolute and on the following working day he made enquiries of the County Court to check its authenticity. The Court informed him that no Decree Absolute had been issued in the proceedings. The matter was thereafter referred to the Respondent's employer.
3. On 30th August 2000 Mr Hebblethwaite wrote to the Respondent asking for his explanation and in the course of a meeting that took place on 4th September 2000 the Respondent admitted that he had forged the document and described how he had done it. He was summarily dismissed from his employment.
4. The OSS wrote to the Respondent on 14th November 2000, the 19th and 22nd January 2001 (the same letter to two different addresses), 13th March 2001, 10th April 2001, 19th April 2001 and 23rd May 2001. He did not reply to any of the letters, although he did telephone the OSS on 13th February 2001 to indicate that he would be writing. He did not do so.

The Submissions of the Applicant

5. The facts spoke for themselves. Not only did the Respondent admit the serious dishonesty of forging a decree absolute of divorce, he was under a duty to reply to correspondence addressed to him by his own professional body and he had not done so.

The Submissions of the Respondent

6. In his letter of 15th October 2002 the Respondent invited the Tribunal to take into account the following:-

"I am writing to inform you that I shall not be attending that hearing and will accept the decision of the Tribunal in my absence.

I would like the Tribunal to consider the following points in my absence:-

1. I would like to apologise unreservedly to the Tribunal, The Law Society and the profession as a whole for my actions and bringing the profession into disrepute. I fully accept that I have compromised my position of trust and brought into question the good name of the profession.

You may not believe me but I did not intend for all of (illegible) into question the integrity of the profession.

I am fully aware that I am likely to be "struck off" the Roll of Solicitors and that is something that I have had great difficulties in coming to terms with, hence not replying to earlier correspondence. I can assure you that it was never a question of avoiding these proceedings but purely a case of "hiding one's head in the sand" in the hope they would go away. I have now come to terms that I must face up to matters rather than avoid them.

2. I am fully responsible for the allegations. However, I would like to add that I was under a great deal of pressure and stress from Mr Hebblewaithe at the time."

The Findings of the Tribunal

7. The Tribunal find the allegations to have been substantiated, indeed they were not contested. The forgery of the decree absolute of divorce by a solicitor who is a member of an honourable profession and an Officer of the Court is misconduct at the most serious end of the scale. Not only is it blatantly dishonest and flies in the face of the fundamental qualities of probity, integrity and trustworthiness required of a member of the solicitor's profession but the consequences of the client or other people placing reliance upon that forged document could have been little short of disastrous.

It is right that a solicitor is bound to respond and give explanation when required to his own professional body. Failure to do so is behaviour on the part of a solicitor that will not be tolerated and the Tribunal ordered that the Respondent be struck off the Roll of Solicitors in order to maintain its duty to protect the interests of the public and to preserve the good reputation of the solicitors' profession. It was right that the Respondent should pay the Applicant's costs and in order to save time and costs the Tribunal considered it right to order him to pay costs in the fixed sum calculated by the Applicant of £3,424.13, which was an inclusive sum.

DATED this 27th day of November 2002

on behalf of the Tribunal

W.M. Hartley
Chairman