

IN THE MATTER OF JOHN AELRED TATE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A G Ground (in the chair)
Mrs H Baucher
Ms A Ayra

Date of Hearing: 15th May 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 George Marriott solicitor and partner in the firm of Gorvins of 6-14 Millgate, Stockport, Cheshire, SK1 2NN on 28th May 2002 that John Aelred Tate of Mayberry Grove, Middlesbrough, 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 March 2003 George Marriott made a Supplementary Statement containing a further allegation.

At the opening of the hearing Mr Marriott reported that he had discussed matters with the Respondent and had agreed that, with the consent of the Tribunal, he would withdraw the allegations contained in the original statement and would rely only upon the single allegation contained in the Supplementary Statement.

The Tribunal consented to that course of action. The only allegation before the Tribunal was that contained in the Supplementary Statement namely that the Respondent had been guilty of

conduct unbecoming a solicitor in that he had been convicted of theft at Newcastle Crown Court.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when George Marriott 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 communicated to the Applicant.

At the conclusion of the hearing the Tribunal made the following Order.

The Tribunal Order that the Respondent John Aelred Tate of Mayberry Grove, Middlesbrough, 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 £8,452.15.

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

1. The Respondent, admitted as a solicitor in 1976, carried on in practice as a sole principal under the style of John Tate & Co of 70 Borough Road, Middlesbrough, Cleveland, TS1 2JH.
2. On 25th February 2003 the Respondent was tried and upon his own confession convicted upon indictment of false accounting and obtaining a money transfer by deception.
3. The offences related to the falsification of a Legal Aid claim form by entering false details for payment for work which had not been done upon the document which was made or required for an accounting purpose. Further the Respondent between 23rd December 1006 and 31st December 1999 dishonestly obtained money transfers to a value of £326,076.78 by deception namely by falsely representing that in his capacity as a solicitor he had undertaken work on behalf of clients when the work claimed for had never been undertaken.
4. The Respondent was sentenced to five years imprisonment.

The Submissions of the Applicant

5. The Respondent had argued that he should be sentenced on the basis that he had stolen between £15,000 and £200,000 but His Honour Judge Whitburn QC had found that he had stolen a minimum of £326,000.
6. The Tribunal was invited to note the sentencing remarks by His Honour Judge Whitburn QC, in particular when he said:-

“Those who, like you, are in a position of trust in respect of public funds from which they derive a very substantial part of their living are under a duty to account fairly and honestly with those who disburse such funds, in your case, as it then was, the Legal Aid Board, for the Legal Aid Board disburses public money. Public confidence in solicitors as a profession is eroded each time a

solicitor is caught with his hands in the till whether it be clients' monies or public funds and I venture to suggest that where it is public monies it is perhaps even more serious for there is no chance of any restitution or reparations to the public purse."

The Findings of the Tribunal

7. The Tribunal found the allegation to have been substantiated. Clearly the matters of which the Respondent had been convicted struck at the very heart of the good reputation of the solicitors' profession. The public and the Legal Services Commission is entitled to rely upon the fact that any solicitor with whom they or it have dealings can be trusted to the ends of the earth.
8. The Tribunal adopts what was said by His Honour Judge Whitburn QC in his sentencing remarks. It was right both in the interests of protecting the public and in the interests of the good reputation of the solicitors' profession that the Respondent be struck off the Roll of Solicitors.
9. The Applicant had prepared a schedule of costs which included the costs of The Law Society's Investigation Accountant relating to the allegations which had been withdrawn. It was right that The Law Society should have investigated the activities of the Respondent and it was right that he should bear the costs of that investigation as well as the costs of and incidental to the application and enquiry. In order to save time and further costs the Tribunal ordered that the Respondent should pay all of those costs in the fixed sum calculated by the Applicant.

DATED this 4th day of July 2003
on behalf of the Tribunal

A G Ground
Chairman