

IN THE MATTER OF MYLES MCNULTY, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. A N Isaacs (in the chair)  
Mr Mrs K Todner  
Mr Mrs C Pickering

Date of Hearing: 26th November 2002

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## FINDINGS

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Office for the Supervision of Solicitors ("OSS") by Emma Grace solicitor and partner in the firm of Nelson & Co, St Andrews House, St Andrews Street, Leeds, LS3 1LF on 18<sup>th</sup> June 2002 that Myles McNulty solicitor of Grendon, Underwood, Aylesbury, Buckinghamshire, solicitor might be required to answer the allegation contained in the statement which accompanied the application and that such order might be made as the Tribunal should think right.

The allegation was that the Respondent had been guilty of conduct unbecoming a solicitor in that he had been convicted on 27<sup>th</sup> June 2001 of thirteen counts of theft and two counts of falsifying documents of a company being wound up and had been sentenced on 31<sup>st</sup> August 2001 to 45 months imprisonment.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when Linda Rudyard solicitor employed by the OSS appeared for the Applicant and the Respondent appeared in person.

The evidence before the Tribunal included the admission of the allegation by the Respondent.

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

The Tribunal order that the Respondent Myles McNulty of Grendon Underwood, Aylesbury, Buckinghamshire, solicitor be struck off the Roll of Solicitors and they further order that he do pay the costs of and incidental to the application and enquiry fixed in the sum of £1,000.

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

1. The Respondent, born in 1964, was admitted as a solicitor in 1994.
2. The Respondent carried on in practice as a solicitor in the firm of Giffin Couch & Archer of Brittanica House, 18-20 Dunstable Road, Luton, Bedfordshire, LU1 1DY.
3. On 27<sup>th</sup> June 2001 the Respondent was convicted by the Bedford & Mid-Befordshire Magistrates Court of 13 counts of theft and two counts of falsifying documents of a company being wound up.
4. The Respondent was committed to Crown Court for sentence and on 31<sup>st</sup> August 2001 was sentenced to 45 months imprisonment for each count, save for one count of theft for which he was sentenced to 18 months imprisonment, all sentences to run concurrently.

#### **The Submissions of the Applicant**

5. The Law Society had suspended the Respondent's Practising Certificate.
6. The Respondent had been found guilty of serious offences and all had been committed during his practice as a solicitor. The conviction of a solicitor for offences involving dishonesty amounted to serious conduct unbecoming a solicitor and the seriousness of the Respondent's behaviour was at the upper end of the scale.
7. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Findlay Baker and in particular when he said:-

"....over the last six years while working as a salaried solicitor for a respected firm you intercepted monies from the Legal Services Commission, you diverted sums belonging to clients and you made double claims for money due in respect of legal claims: You stole in all some 367 and a half thousand pounds and have dissipated it.

This has caused not only that very substantial financial loss but also incalculable damage to the firm and much distress to its partners and staff. This was a massive breach of your employers' trust, it was also an abuse of your role as a professional solicitor and as an officer of the court."

**The Submissions of the Respondent**

8. The Respondent accepted and agreed with all that had been said. He queried the charge relating to the falsifying of documents of a company being wound up. He accepted that such a matter played a small part in the scheme of things. He believed that the matter referred to must have related to his theft of the County Court seal. He wished to point out there was nothing before the Magistrates or the sentencing Judge that had anything to do with company matters.
9. The Respondent said he agreed with the Learned Judge's sentencing remarks and it had been his intention since April 2000 to get the disciplinary matter over as simply and as cheaply as possible.

**The Findings of the Tribunal**

10. The Tribunal found the allegation to have been substantiated. The damage done to the good reputation of the solicitors' profession by a solicitor convicted of serious criminal offences involving dishonesty is considerable. Solicitors are expected to exercise the highest standards of integrity, probity and trustworthiness. The behaviour of the Respondent was such that he has forfeited his right to remain a member of the solicitors' profession and it was right that he should be struck off the Roll of Solicitors by reason of seriously dishonest behaviour resulting in his conviction for criminal offences. Such dishonesty has been described in the past as "professional suicide."
11. The Tribunal ordered that the Respondent be struck off the Roll of Solicitors. The Tribunal further ordered him to pay the Applicant's costs in the figure which had been agreed between the parties.

DATED this 27<sup>th</sup> day of January 2003  
on behalf of the Tribunal

A H Isaacs  
Chairman