

IN THE MATTER OF JOHN DESMOND PATEFIELD, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Miss T Cullen (in the chair)
Mr J P Davies
Mrs S Gordon

Date of Hearing: 6th 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 Linda Louise Rudgyard solicitor employed by the Law Society at the Office for the Supervision of Solicitors at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 1st November 2002 that John Desmond Patefield solicitor of Newferry, Birkenhead, Wirral, Merseyside, (now of Prenton, Birkenhead, Wirral, Merseyside) might be required to answer the allegations contained in the statement which accompanied the application and that such orders might be made as the Tribunal should think right.

The allegation against the Respondent was that he had been guilty of conduct unbefitting a solicitor in that he had been convicted upon indictment of an offence of attempting to obtain services by deception contrary to Section 1(1) of the Criminal Attempts Act 1978.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 6th May 2003 when Linda Louise Rudgyard appeared as the Applicant and the Respondent did not appear and was not represented.

The Tribunal heard evidence as to due service of the proceedings from the Applicant and was satisfied that service had been duly effected upon the Respondent and that he was aware of the hearing.

At the conclusion of the hearing the Tribunal ordered that the Respondent John Desmond Patefield of Prenton, Birkenhead, Wirral, Merseyside (formerly of Newferry, Birkenhead, Wirral, Merseyside) 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 £1,397.67.

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

1. The Respondent, born in 1968, was admitted as a solicitor in 1992 and his name remained on the Roll of Solicitors.
2. At all material times the Respondent did not practise as a solicitor.
3. The Respondent appeared on 24th January 2001 before the Crown Court at Bradford and upon his own confession was convicted upon indictment of one count of attempting to obtain services by deception contrary to section 1(1) of the Criminal Attempts Act 1978. At that time the Respondent also asked the Court to take into account three further matters being matters of a like nature in terms of attempting to obtain services by deception. The Respondent was then sentenced on 22nd February 2001 to a period of six months' imprisonment. There was no appeal.

The Submissions of the Applicant

4. The Applicant had telephoned the Respondent on 2nd May 2003 when he had confirmed that he had been notified of the hearing and did not intend to contest the allegations. He did not propose to attend.
5. The offences related to an attempt to obtain the lease of a car. The offences were not committed during a course of practice as a solicitor by the Respondent but his name had been on the Roll at the relevant time.
6. These were offences of dishonesty which, notwithstanding the Respondent's previous good character, had been considered by the Judge to be such as to justify a custodial sentence.
7. In the submission of the Applicant, the conduct of the Respondent had been conduct unbecoming a solicitor at the upper end of the scale.
8. The Applicant had informed the Respondent of her costs but he had not indicated whether or not these were agreed. She had sent his solicitors a breakdown of the costs but understood from the Respondent and from the solicitors that they were no longer instructed.

The Findings of the Tribunal

9. The Tribunal had considered the documents including the Certificate of Conviction and the sentencing remarks by Mrs Recorder Keen. The Tribunal was satisfied that the allegation was substantiated. The Respondent had been convicted of an offence of dishonesty. To allow the Respondent the ability to continue in practice would be inconsistent with the nature of the offence. The commission of an offence of dishonesty by a solicitor was extremely damaging to the reputation of the profession. The appropriate penalty was to strike the Respondent's name from the Roll of Solicitors.
10. The Respondent had been made aware of the Applicant's costs and a costs order would be made.
11. The Tribunal ordered that the Respondent John Desmond Patefield of Prenton, Birkenhead, Wirral, Merseyside (formerly of Newferry, Birkenhead, Wirral, Merseyside) 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 £1,397.67.

DATED this 16th day of June 2003
on behalf of the Tribunal

T Cullen
Chairman