

IN THE MATTER OF CHARLES LEWIS HUW OWEN-EVANS

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D J Leverton (in the chair)
Mr. A Gaynor-Smith
Mr. D Gilbertson

Date of Hearing: 4th November 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 ("the OSS") by Linda Louise Rudgyard solicitor of Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire CV32 5AE on 3rd July 2003 that Charles Lewis Huw Owen-Evans of Llanfaes, Brecon, Powys 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 against the Respondent were that he had been convicted upon indictment of :-

- (i) Count 1. Obtaining services by deception.
- (ii) Count 3. Evasion of liability by deception.
- (iii) Count 4. Obtaining property by deception.
- (iv) Count 5. Evasion of liability by deception.
- (v) Count 7. Obtaining property by deception.

- (vi) Count 8. Obtaining money transfer by deception.
- (vii) Count 9. Obtaining property by deception.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 4th November 2003 when Linda Louise Rudgyard 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.

At the commencement of the hearing the Tribunal heard evidence from the Applicant as to service and was satisfied that service of the relevant documentation had been effected on the Respondent.

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

The Tribunal order that that the Respondent, Charles Lewis Huw Owen-Evans of Llanfaes, Brecon, Powys, 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 £715.25p.

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

1. The Respondent born in 1969 was admitted as a solicitor in 1995 and his name remained on the Roll of Solicitors.
2. The Respondent appeared at the Crown Court at Merthyr Tydfil on 6th September 2002 and was convicted upon indictment of the offences referred to in the allegations above. Two further offences were left to lie on file.
3. On 27th September 2002 the Respondent was sentenced to:-
 - (i) Count 1. Obtaining services by deception - 2 years imprisonment.
 - (ii) Count 3. Evasion of liability by deception - 18 months imprisonment (concurrent).
 - (iii) Count 4. Obtaining property by deception - 2 years imprisonment (concurrent).
 - (iv) Count 5. Evasion of liability by deception - 18 months imprisonment (concurrent).
 - (v) Count 7. Obtaining property by deception - 2 years imprisonment (concurrent).
 - (vi) Count 8. Obtaining money transfer by deception - 2 years imprisonment (concurrent).
 - (vii) Count 9. Obtaining property by deception - 2 years imprisonment (concurrent).
4. A copy of the Certificate of Conviction and of the sentencing remarks of the trial judge were before the Tribunal.

The submissions of the Applicant

5. The Applicant had had contact with the Respondent including a telephone conversation on 12th September in which the Respondent had said that the facts and documents were admitted.
6. The Respondent had been convicted of serious offences. At least one of those offences related to the Respondent's practice as a solicitor in that he falsely represented to his clients, Mr and Mrs S, that money was required either for the payment of fees or as funds to be lodged in court. In fact the Respondent simply pocketed that money.
7. The victims of the offences had been very distressed. They had lent money to the Respondent because they had trusted him and he had abused that trust. He had then made false representations as to repayment.
8. It was submitted that this was serious misconduct at the upper end of the scale.

The Findings of the Tribunal

9. The Tribunal found the allegations substantiated on the basis of the documentation before it. This was a very serious matter and the Respondent's misconduct reflected badly on the whole profession.
10. The Tribunal noted the sentencing remarks of the learned judge who had said:-

“You were a practising solicitor at the time of committing many of these offences and solicitors are officers of the court and members of the public are entitled to expect that they can be trusted, and you sadly abused the trust that was placed in you by people who knew you”.
11. The Respondent had been convicted of offences of dishonesty and could not be allowed to remain in the profession.
12. The Tribunal made the following order:-
The Tribunal order that that the Respondent, Charles Lewis Huw Owen-Evans of Llanfaes, Brecon, Powys, 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 £715.25p.

Dated this 12th day of December 2003
On behalf of the Tribunal

D J Leverton
Chairman