

IN THE MATTER OF PATRICK CONNOR, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. A H B Holmes (in the chair)  
Mr. P Haworth  
Mr. D Gilbertson

Date of Hearing: 5th February 2004

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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 Law Society by Jonathan Richard Goodwin of Jonathan Goodwin Solicitor Advocate 17E Telford Court, Dunkirk Lea, Chester Gates, Chester, CH1 6LT that an order be made by the Tribunal directing that as from the date specified in the order no solicitor should except with the permission of The Law Society for such period and subject to such conditions as The Law Society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Patrick Connor of Brabazon Road, Eastchurch, Kent, a person who was or had been a clerk to a solicitor within the meaning of the Solicitors Act 1974 or that such order might be made as the Tribunal should think right.

The allegation was that the Respondent had been guilty of conduct of such nature that in the opinion of The Law Society it would be undesirable for him to be employed and or remunerated by a solicitor in connection with his practice as a solicitor namely that he had been convicted of criminal offences which disclosed dishonesty.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Jonathan Richard Goodwin appeared as the Applicant. The Respondent did not appear and was not represented. The Respondent had addressed a letter to the Tribunal which was received on the 15<sup>th</sup> September 2003 which is set out in full under the heading "the submissions of the Respondent".

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

The Tribunal order that as from 5<sup>th</sup> day of February 2004 no solicitor shall, except in accordance with permission in writing granted by The Law Society for such a period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Patrick Connor of Brabazon Road, Eastchurch, Kent a person who is or was a clerk to a solicitor the Tribunal further order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,500.

**The facts are set out in paragraphs 1 to 5 hereunder:-**

1. The Respondent, who was not a solicitor, was a self employed clerk and/or was employed and/or remunerated by Cyril Waterton Solicitors of Newspaper House, 3<sup>rd</sup> Floor, 8–16 Great New Street, London, EC4 A3BN and Suite 30, Denton House, 40-44 Wicklow Street, London, WC1X 9HL from time to time.
2. The Respondent was employed and/or remunerated from time to time as an investigator and/or outdoor clerk by Cyril Waterton, in connection with their practice as solicitors. In particular the Respondent was employed and/or remunerated by Cyril Waterton as an outdoor clerk during 1998 in relation to the matter of Regina v Malcolm Hamilton. The Respondent carried out investigations and visited Mr Hamilton in prison in connection with the case and to assist in the representation of Mr Hamilton by Cyril Waterton. As such, he was a ‘clerk to a solicitor’ for the purposes of Section 43 (1) of the Solicitors Act 1974.
3. On 8<sup>th</sup> July 1981 the Respondent was convicted at Maidstone Crown Court of, inter alia, robbery and he was sentenced to 9 years imprisonment. A copy of the Certificate of Conviction was before the Tribunal.
4. On 21<sup>st</sup> November 1989 the Respondent was convicted at Worcester Crown Court of, inter alia, conspiracy to obtain property by deception and was sentenced in respect of that conviction to 33 months imprisonment. A copy of the Certificate of Conviction was before the Tribunal.
5. By Resolution of the Adjudicator of The Law Society dated 27<sup>th</sup> May 2003 these proceedings were authorised.

**The Submissions of the Applicant**

6. The Respondent admitted the convictions of 8<sup>th</sup> July 1981 and 21<sup>st</sup> November 1989.
7. The Applicant accepted that the convictions had occurred some time in the past. At the time the Respondent was working as a clerk on a self employed basis in a firm of solicitors. The Law Society had intervened into that firm and during the course of the intervention information came to light that the Respondent was a convicted fraudster. He had been difficult to locate. The Law Society had engaged a private investigator and when the Respondent had been located The Law Society resolved to refer the matter to the Tribunal.
8. The Applicant sought an order pursuant to Section 43 because of the Respondent’s convictions. The other points to which he referred in his letter were not relevant.

9. The Respondent had been served with the application including the statement made pursuant to Rule 4 of the Solicitors Disciplinary Proceedings Rules 1994.
10. The order sought by the Applicant was regulatory in its nature. It was not penal. It was right that a man with such convictions as the Respondent should not be permitted to work within the solicitors' profession without the prior consent of The Law Society.

### **The Submissions of the Respondent**

11. The Respondent's letter received on 15<sup>th</sup> September 2003:-

“Dear Sir/Madam

I feel I must add a short letter to this form to inform you that I am completely in the dark as to what I am claimed to have done wrong whilst doing work for Cyril Waterton. I accept the convictions history included in the papers, but that is all I accept.

I would be grateful if I could be shown some detailed information regarding these allegations, because to date I have seen nothing except my convictions history, which I accept as true.

As for any allegation that I assisted ... to perpetrate a fraud or any other wrong doing of which he rightly stands accused, this I totally deny.

I am at a loss as to how I am expected to defend myself without any information as to evidence being relied upon by the Tribunal.

Yours faithfully

P Connor”

### **The Decision of the Tribunal**

12. The Tribunal finds the allegation to have been substantiated. The Respondent had been convicted of serious criminal offences involving dishonesty, and it would be highly undesirable that he might again in the future be employed within the solicitors' profession without being subject to any control. The Tribunal made the order sought and further ordered the Respondent to pay the Applicant's costs fixed in the sum of £1,500.

DATED this 12<sup>th</sup> day of March 2004  
on behalf of the Tribunal

A H B Holmes  
Chairman