

IN THE MATTER OF ANTHONY MEYRICK TEARE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A N Spooner (in the chair)
Mrs. E Stanley
Mr M C Baughan

Date of Hearing: 9th March 2004

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 Advocate, employed by the OSS at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 30th October 2003 that Anthony Meyrick Teare of 119 Liverpool Road, Eccles, Manchester, M30 0ND 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.

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 three counts of false accounting.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 9th March 2004 when Linda Louise Rudgyard appeared as the Applicant and the Respondent did not appear and was not represented.

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

The Tribunal Order that the Respondent, Anthony Meyrick Teare of 119 Liverpool Road, Eccles, Manchester, M30 0ND 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 £998.

The facts are set out in paragraphs 1 to 6 hereunder:

1. The Respondent born in 1935 was admitted as a solicitor in 1959 and his name remained upon the Roll of Solicitors.
2. At all material times the Respondent carried on practice as a solicitor on his own account under the style of Teares at 119 Liverpool Road, Eccles, Manchester, M30 0ND.
3. The Respondent was convicted on 29th August 2002 in the Crown Court at Manchester of three offences of false accounting, contrary to Section 17(1)(a) of the Theft Act 1968. On 27th September 2002 the Respondent was sentenced to a Community Punishment Order for 100 hours.
4. On 7th February 2003 the OSS wrote to the Respondent inviting his comments in relation to the conviction. The Respondent provided his written response by way of a letter dated 8th February 2003. Within that letter and the documentation enclosed therein the Respondent made detailed representations as to the basis upon which his pleas of guilty had been entered in relation to the offences.
5. The Respondent said in that letter that with great reluctance but on Counsel's advice he had pleaded guilty to the offences but that he did not consider himself to be guilty of them. He set out the background facts which had led to his conviction.
6. A copy of the Certificate of Conviction was before the Tribunal.

The Submissions of the Applicant

7. All appropriate notices had been served upon the Respondent. On 19th December 2003 he had written to the Applicant to say that he did not dispute the facts and to say that he had pleaded guilty on Counsel's advice. In the preliminary form returned to the Tribunal and received on 23rd December 2003 the Respondent had admitted the allegations and had said that he would not appear at the substantive hearing due to pressure of work. In a letter to the Tribunal dated 27th January 2004 the Respondent had again said he did not intend to appear. In a letter to the Applicant of 31st January 2004 the Respondent had acknowledged receipt of the Civil Evidence Act Notice and had said that he did not intend to serve a Counter-Notice. The Tribunal was therefore asked to deal with the matter on the documents in the absence of the Respondent.
8. The conviction arose from an arrangement which the Respondent had entered into with a client who faced possession proceedings. The Tribunal was referred to the detailed advice of Counsel dated 27th November 2002 in relation to this matter. The Respondent did not regard himself as guilty of any criminal offence. The Applicant had included the Respondent's letter of 8th February 2003 and accompanying documentation in the Applicant's bundle for the sake of completeness and in fairness to the Respondent but the Applicant in no way suggested that the Tribunal should depart from its established practice and seek to go behind the conviction upon which

the proceedings were based. The Tribunal would not look behind a conviction save in exceptional circumstances and it was submitted that there were no such exceptional circumstances in this case. The Respondent had entered a guilty plea and there had been no appeal.

9. The Applicant accepted that this was an unusual case but the Respondent had been convicted of three offences contrary to Section 17 of the Theft Act.
10. The Respondent, who continued to practise, was 68 years old and had been a solicitor since 1959 with an unblemished record. He had cooperated with the investigation throughout and had accepted the facts and documents. There had been no financial gain by the Respondent who appeared to have been motivated only by a desire to help his client. Indeed it was possible that had the Respondent and his client approached the matter in a different way, there would have been no criminal proceedings.
11. The Tribunal was however referred to the sentencing remarks of his Honour Judge Burke QC who said "I accept that you received no financial benefit from this activity, but you are a solicitor and you should have known better".
12. The Respondent had agreed the Applicant's costs.

The Findings of the Tribunal

13. The Tribunal found the allegation to have been substantiated indeed it was not contested. The Tribunal had considered with great care the documentation setting out the background to the offences. The Tribunal had also had due regard to the Respondent's many years of unblemished service within the profession. Only in the most exceptional circumstances however could the Tribunal look behind a conviction. While this was an unusual case the Respondent had pleaded guilty and had not appealed. He had been convicted of three offences under the Theft Act which were offences of dishonesty. The fact of those convictions was conduct unbecoming a solicitor. The Tribunal had to have regard to the public perception of a solicitor convicted of such offences. In all the circumstances it was not appropriate for the Respondent to remain on the Roll of Solicitors.
14. The Tribunal ordered that the Respondent, Anthony Meyrick Teare of 119 Liverpool Road, Eccles, Manchester, M30 0ND solicitor, be Struck Off the Roll of Solicitors and they further ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £998.

DATED this 7th day of May 2004

on behalf of the Tribunal

A N Spooner
Chairman