

IN THE MATTER OF ANDREW CHRISTOPHER NICHOLLS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr S N Jones (in the chair)
Mrs E Stanley
Mr D Gilbertson

Date of Hearing: 20th May 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 (“the OSS”) (subsequently known as The Law Society’s Consumer Complaints Service) of Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire CV32 5AE on 10th February 2004 that Andrew Christopher Nicholls, solicitor, of Bayston Hill, Shrewsbury, Shropshire, (whose address subsequently was notified to be Somerfield Road, Wolverhampton, West Midlands) 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 was that the Respondent had been guilty of conduct unbecoming a solicitor by virtue of his conviction at Telford Magistrates Court on 8th April 2003 for dishonesty.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS.

The evidence included an affidavit of service of the proceedings upon the Respondent by a process server. A notice to admit had been sent to the Respondent at his address in Wolverhampton address. The Respondent had not replied.

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

The Tribunal Order that the Respondent, Andrew Christopher Nicholls of Somerfield Road, Wolverhampton, West Midlands, (formerly of Bayston Hill, Shrewsbury, Shropshire) 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 £1,033.95.

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

1. The Respondent, born in 1962, was admitted as a solicitor in 1987.
2. At all material times the Respondent was a partner in the firm of Dakin Nicholls of Shifnal. Between February and July 2002 the Respondent paid three cheques from the accounts of clients for the benefit of other clients and on each occasion he arranged for false entries to be made in the firm's books of account in order to conceal the misuse of monies. On one of the instances of misuse of monies, the Respondent forged the signature of his partner, Mrs Dakin, on a client account cheque.
3. At Telford Magistrates Court the Respondent pleaded guilty to three counts of dishonestly falsifying a cheque stub in respect of the Dakin Nicholls client account contrary to Section 17(1)(a) of the Theft Act 1968 and to one count of making a false instrument, namely a cheque drawn on the Dakin Nicholls client account contrary to Section 1 of the Forgery and Counterfeiting Act 1981.
4. On 8th April 2003 the Respondent was sentenced to a term of imprisonment of three months on each count, suspended for two years.

The Submissions of the Applicant

5. The Tribunal was invited to rule that the Respondent had been duly served with the papers relating to the disciplinary proceedings. The Respondent had been convicted of criminal offences involving dishonesty.

The Submissions of the Respondent

6. The Respondent was not present at the hearing.

The Findings of the Tribunal

7. The Tribunal found that the disciplinary proceedings' papers had been served upon the Respondent. The Respondent had chosen not to make any representations before the Tribunal either in writing or upon his attendance.

8. The Tribunal's duty is both to protect the public and to maintain the good reputation of the solicitors' profession. Neither of these duties would be discharged if the Respondent who had been convicted of criminal offences of dishonesty was permitted to continue in practice as a solicitor.

10. The Tribunal Ordered that the Respondent, Andrew Christopher Nicholls of Somerfield Road, Wolverhampton, West Midlands, (formerly of, Bayston Hill, Shrewsbury, Shropshire) solicitor, be struck off the Roll of Solicitors and they further Ordered that he should pay the costs of and incidental to this application and enquiry fixed in the sum of £1,033.95.

Dated this 3rd day of August 2004
on behalf of the Tribunal

S N Jones
Chairman