

IN THE MATTER OF JOHN RICHARD INGHAM, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr I R Woolfe (in the chair)  
Mr S N Jones  
Mrs V Murray-Chandra

Date of Hearing: 15th February 2005

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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 on 29<sup>th</sup> July 2004 that John Richard Ingham, formerly of Collingham, Leeds and subsequently of Thirsk, North Yorkshire, might be required to answer the allegations set out in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

The allegations were that the Respondent had been guilty of conduct unbefitting a solicitor in each of the following particulars namely:

- (i) that he withdrew monies from client account other than as permitted by Rule 22 of the Solicitors Accounts Rules 1998;
- (ii) that he had utilised clients' funds for his own purpose;
- (iii) that contrary to Rule 6 of the Solicitors Accounts Rules 1998 he had failed to ensure compliance with the Solicitors Accounts Rules and/or failed to keep accounts properly written up for the purposes of the said Rules;

- (iv) that contrary to Rule 7 of the Solicitors Accounts Rules 1998 he had failed to remedy breaches promptly upon discovery;
- (v) that he dishonestly misappropriated clients' funds.

The application was heard at the Court Room, Gate House, 3rd Floor, 1 Farringdon Street, London EC4M 7NS when Jonathan Richard Goodwin appeared as the Applicant. The Respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the Respondent who addressed a letter to the Tribunal dated 7<sup>th</sup> February 2005. The contents of this letter are set out under the heading "The Submissions of the Respondent".

At the conclusion of the hearing the Tribunal Ordered that the Respondent, John Richard Ingram of Thirsk, North Yorkshire, 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 £8,000.

**The facts are set out in paragraphs 1 to 9 hereunder:**

1. The Respondent was born in 1944 and was admitted 1968. He had been a partner in the firm of Barret Chamberlain at Otley, West Yorkshire from 1971, save for a period between 1991 and 1995 when he practised on his own account. On 1<sup>st</sup> January 2003 the Respondent retired from the partnership and became a consultant to the firm until his dismissal on 27<sup>th</sup> June 2003.
2. The Forensic Investigation Unit of The Law Society ("the FIU") carried out an inspection of the books of account of Barret Chamberlain, such inspection commencing on 1<sup>st</sup> July 2003. A copy of the FIU Report dated 18<sup>th</sup> August 2003 was before the Tribunal. The scope of the inspection was limited to an examination of matters conducted by the Respondent.
3. The FIU Officer ("the FIUO") was informed by a Partner of the firm that on 27<sup>th</sup> June 2003 the Respondent had admitted to him that he had "inappropriately handled clients' money, which he had used for his own benefit". It was suggested that Mr Ingham had transferred assets to include properties, a car and paintings worth approximately £842,500 to the firm and he had, in addition, repaid a sum of £60,000.
4. On 1st July 2003 the Respondent indicated during a telephone conversation with the FIUO that he was "guilty of false accounting, theft, cheating and swindling".
5. During the course of the inspection the FIUO reviewed a number of files of which the Respondent had had conduct. He met with the Respondent on 11<sup>th</sup> July 2003, when the Respondent admitted misappropriating for his personal benefit clients' funds totalling at least £380,764.57. The FIUO identified further misappropriations by the Respondent.
6. All of the client matters from which money had been taken were probate matters.

7. The Respondent told the FIUO that the problems started in about 1991 when he was a sole practitioner and that he had taken clients' monies into his personal bank account to support his practice. He was not able to quantify the total loss to clients. He said he had five personal bank accounts and some of them had been used to receive and pay "illicit monies".
8. The Respondent told the FIUO that he accepted full responsibility for the misuse and subsequent losses of clients' funds and stated that his former partners did not know about the misappropriations and their suspicions would not have been aroused given his position in the firm.
9. By letter dated 17<sup>th</sup> September 2003 the Respondent wrote to The Law Society saying:
 

"... I have admitted to your Investigation Officers that I have misappropriated clients' funds and I realise that my actions must lead to disciplinary proceedings and inevitably my striking off ... Despite my dishonesty I have done my best to serve the interests of my clients over a long period and I am truly devastated that my long career in law has ended in this way. However, the blame lies squarely on my shoulders and I accept that".

### **The Submissions of the Applicant**

10. The Respondent had admitted a staggering level of dishonesty. It was accepted that the Respondent had effected restitution of much of the clients' money which he had taken but as a matter of professional conduct it was not necessary to establish that he had an intention permanently to deprive those clients of their money.
11. The Respondent accepted the inevitability of the sanction that the Tribunal would impose on him.
12. It would be hard to imagine a case of more serious misconduct over a period of years during which the Respondent simply helped himself to client funds. The sum involved could not be accurately established but appeared to range from some £380,000 to nearly £750,000. During the course of correspondence the Respondent had suggested that some of the facts put forward by The Law Society were not accurate but he had nevertheless admitted to stealing clients' money.
13. The Respondent had agreed fixed costs at £8,000 with the Applicant.

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

14. The Respondent's letter dated 7<sup>th</sup> February 2005 to the Tribunal read as follows:

"I write in response to the application lodged on behalf of The Law Society by its Solicitor Advocate Jonathan Goodwin against me which is due to be heard on the 15 February 2005. I have informed him that I will not be attending since I accept the case against me is indefensible save for a few minor details which he is aware of. In essence I accept that the Tribunal has no alternative

but to strike my name from the Roll. I retired from practice when these matters came to light ending a career which began nearly forty two years ago.

I spent my entire working life at Barret Chamberlain in Otley West Yorkshire between 1963 and 2003 rising from articled clerk to senior partner and during that time I worked very hard to provide a good service and establish a strong client base. I can only offer my humble apologies to my clients and my professional colleagues who placed great trust in me and who I have let down. My reputation is now destroyed and this whole matter has been devastating for myself and my family and has affected the health of us all.

Happily Insurers have dealt with compensation to those affected and you should know that I have made full restitution to them. I now face a criminal prosecution and my nightmare will continue for the foreseeable future. I can assure that those I love have suffered in silence for the last two years and I have already paid a huge price for the error of my ways.

There is nothing further I can usefully add.”

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

15. The Tribunal found the allegations to have been substantiated.
16. The Respondent had been held out over a number of years as an upright and honest senior member of the solicitors’ profession. His dishonest theft of clients’ money was shocking. It flew in the face of the trust which his clients and his partners reposed in him, as they were entitled to do, and would serve seriously to damage the good reputation of the solicitors’ profession. Such behaviour would not be tolerated. The Tribunal Ordered that the Respondent be struck off the Roll of solicitors and further Ordered him to pay the Applicant’s costs in the agreed fixed sum of £8,000.

DATED this 4<sup>th</sup> day of April 2005  
On behalf of the Tribunal

I R Woolfe  
Chairman