

IN THE MATTER OF MICHAEL FIELDING, former solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A G Ground (in the chair)
Mr J P Davies
Ms A Arya

Date of Hearing: 13th January 2005

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Law Society by Katrina Elizabeth Wingfield, solicitor and partner in the firm of Penningtons of Bucklersbury House, 83 Cannon Street, London, EC4N 8PE on 12th October 2004 that Michael Fielding c/o RadcliffesLeBrasseur, 5 Great College Street, Westminster, London, SW1 3SJ, might be required to answer the allegations contained in the statement which accompanied the application and such order might be made as the Tribunal should think fit, in particular that the Respondent's name be not restored to the Roll without leave of the Tribunal pursuant to Section 47(2)(g).

The allegation against the Respondent was that he had been guilty of conduct unbefitting a solicitor and had brought the profession into disrepute in that he had misused clients' monies.

The application was heard at the Court Room, Gate House, 3rd Floor, 1 Farringdon Street, London EC4M 7NS on 13th January 2005 when Katrina Wingfield 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 Orders that the Respondent, Michael Fielding c/o RadcliffesLeBrasseur, 5 Great College Street, Westminster, London, SW1 3SJ, former solicitor, be prohibited from having his name restored to the Roll of Solicitors except by Order of the Tribunal and they

further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £4,383.11.

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

1. The Respondent, born in 1946, was admitted as a solicitor in 1971. He was adjudicated bankrupt on 21st August 2001 following which his name was removed from the Roll voluntarily on 12th October 2002. The Respondent currently resided in Florida.
2. At all relevant times the Respondent was a partner in the firm Lawrence Graham of 190 Strand, London, WC2, having joined that firm in 1996. Prior to that the Respondent had been a partner in a number of other firms.
3. On 4th June 2001 the Respondent was dismissed from the partnership following receipt by the then senior partner of a letter from the Respondent dated 2nd June 2001. In that letter the Respondent admitted to having “withdrawn very substantial monies from client funds without proper authority.”
4. The firm notified amongst others the Law Society and an inspection of the firm’s books of account was authorised. A report dated 30th June 2003 was prepared, a copy of which was before the Tribunal. At Appendix B of the report was a list of specimen unauthorised payments which were identified as being for the personal benefit of the Respondent totalling £1,089,483.
5. The firm having undertaken a full investigation established a total loss, including penalty charges and interest, of £6,477,099. A statement by the senior partner of the firm detailing the investigation and its outcome was before the Tribunal.

The Submissions of the Applicant

6. The Respondent had been represented by Messrs RadcliffesLeBrasseur who had confirmed that neither he nor they would be attending the hearing and that the facts and documents were admitted.
7. In the submission of the Applicant the Respondent had behaved dishonestly. This was an extremely serious matter and the Tribunal was asked to make the order sought prohibiting the restoration of the Respondent’s name to the Roll except by order of the Tribunal.
8. The Applicant sought her costs in the sum of £4,383.11 which the Respondent had not disputed.

The Findings of the Tribunal

9. The Respondent had admitted the facts and documents and having considered those documents the Tribunal found the allegation to have been substantiated. The Respondent’s own letter of 2nd June 2001 set out his admission of misconduct. The Tribunal considered that this was misconduct at the most serious level. The Respondent had dishonestly taken substantial amounts of client funds and had thereby severely damaged the reputation of the profession. It was right that the Order sought be made.

The Tribunal Ordered that the Respondent, Michael Fielding c/o RadcliffesLeBrasseur, 5 Great College Street, Westminster, London, SW1 3SJ,

former solicitor, be prohibited from having his name restored to the Roll of Solicitors except by Order of the Tribunal and they further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £4,383.11.

Dated this 7th day of April 2005
On behalf of the Tribunal

A G Ground
Chairman