

IN THE MATTER OF RICHARD EDWIN EVANS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr D J Leverton (in the chair)
Mr P Kempster
Mrs S Gordon

Date of Hearing: 14th June 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 Mark Simon Barnett, a solicitor employed by the Law Society at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire CV32 5AE on the 28th of February 2005 that Richard Edwin Evans, of Queen's Drive, Bedford, solicitor, might be required to answer the allegation contained in the Statement which accompanied the application and that such Order might be made as the Tribunal thinks right.

The allegation was that the Respondent had been guilty of conduct unbefitting a solicitor in that he had been convicted of criminal offences involving dishonesty.

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

The Respondent had addressed a letter dated the 6th of June 2005 to the Clerk to the Tribunal in the following terms:

“ I acknowledge receipt of your letter of 13 of May informing me of the substantive hearing of the 14th of June.

Please accept my apologies for the delay in replying but I have been away. Unfortunately, for a pre-arranged business reason, I am unable to attend the hearing on that date.

You may either grant me the courtesy of an adjournment or alternatively proceed in my absence but obviously in the case of the latter course I would ask that I be able to seek further advice depending on the outcome of the proceedings.

I await your reply, yours faithfully (signed) Richard Evans ”.

The Tribunal regarded the Respondent’s letter as an application for an adjournment. The Tribunal would not grant an adjournment in the absence of any proper evidence to support such application and no evidence had been placed before it. There was the expectation that a solicitor required to attend before his professional disciplinary Tribunal would give that matter priority over any other arrangements. The adjournment sought was refused and the Tribunal required the matter to proceed to the substantive hearing.

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

The Tribunal orders that the Respondent, RICHARD EDWIN EVANS of Queen’s Drive, Bedford, 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 £936.56 inclusive.

The facts are set out in paragraphs 1 to 3 hereunder:-

1. The Respondent was 56 years of age and had been admitted as a solicitor in 1974. At all times material to the application the Respondent was a partner in the firm of Park Woodfine Solicitors at Bedford. The Respondent left the partnership and the firm on or about the 26th September 2001 and had not practised as a solicitor since that date.
2. The Respondent was convicted on his own guilty plea of four counts of theft and eight counts of false accounting on 17th January 2002 at Luton and South Bedfordshire Magistrates Court. He was sentenced to two years imprisonment on each of the four counts of theft and the fifth count of false accounting to run concurrently with one another. No separate penalty was imposed in connection with the remaining counts. Forty-nine other offences were taken into account.
3. The offences of which the Respondent was convicted were in relation to his misuse of clients’ monies.

The Submissions of the Applicant

4. The Tribunal was invited to note the sentencing remarks of his honour Judge Breen and in particular when he said:-

“ Over a period of some six years you repeatedly took money and tried to cover it up, and at the end of the day when it was discovered, and the dust has (sic) settled, it appears that the total amount you took out of the firm was £153,583.

But, of course, offences of this kind damage confidence in the legal system-lawyers generally, and your partners and your firm in particular.

You will be aware that I have to look at various matters in deciding on the appropriate sentence, and I turn to those now. Quality and degree of trust reposed in you very considerable. That is why you were able to get away with what you were doing for so long.

I entirely accept that you did not squander the money on an extravagant lifestyle, but there were economies which you could have made, hard though they may have been, and instead of biting the bullet and doing what you would no doubt have advised any client who came to you with similar problems to do, you appeared to resort to dishonesty and to bury your head in the sand as to the consequences, or likely consequences.

The offences are so serious that only a custodial sentence can be justified for them.”

The Submissions of the Respondent

5. The Respondent made no submissions save for those contained in his letter of the 6th of June 2005 set out above.

The Findings of the Tribunal

6. The Tribunal found the allegation to have been substantiated.

The Tribunal's Sanction and its Reasons

7. A solicitor who behaves in the way this Respondent has behaved causes great harm to the good reputation of the solicitors' profession. Such behaviour will not be tolerated by the profession or by this Tribunal. Clients' funds held by a solicitor are sacrosanct. The Respondent has dishonestly been in breach of this fundamental principle. The Tribunal ordered that the Respondent be struck off the Roll of Solicitors. The Tribunal further ordered him to pay the Applicant's costs which the Tribunal fixed in the sum sought by the Applicant of £936.56 inclusive.

Dated this 1st day of August 2005
On behalf of the Tribunal

D J Leverton
Chairman