

IN THE MATTER OF ANTHONY DAVID BARE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr D J Leverton (in the chair)
Mr A H Isaacs
Mr D Gilbertson

Date of Hearing: 11th April 2006

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Law Society by Linda Louise Rudgyard, solicitor advocate employed by the Law Society at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 28th September 2005 that Anthony David Bare, solicitor, might be required to answer the allegation contained in the statement accompanying the application and that the Tribunal should make such order as it should think fit.

The allegation was that the Respondent had been guilty of conduct unbecoming a solicitor in that he had been convicted upon indictment of two counts of indecent assault.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Linda Louise Rudgyard appeared as the Applicant and the Respondent did not appear and was not represented. The Respondent had addressed a letter dated 3rd April 2006 to the Applicant in which he admitted the allegation and confirmed that he would not be attending the hearing. He asked the Tribunal members to excuse his non-attendance but he was currently detained in prison. He made representations about costs which are referred to hereunder.

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

The Tribunal Orders that the Respondent Anthony David Bare, solicitor, be struck off the Roll of Solicitors and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £800.

The facts are set out in paragraphs 1 to 2 hereunder:-

1. The Respondent, born in 1956, was admitted as a solicitor in 1992. At the material times he practised as an associate solicitor with a firm of solicitors in Oldham.
2. The Respondent appeared in the Crown Court at Manchester on 24th June 2005 and was tried and convicted upon indictment of two counts of indecent assault on a 12 year old girl in respect of which he was sentenced on 30th August 2005 to a period of three years and six months' imprisonment.

The Submissions of the Applicant

3. The Applicant relied upon the sentencing remarks of His Honour Judge Lowcock and in particular upon the fact that the Respondent's victim had been introduced to him as a result of his acting as a solicitor for her mother.
4. In his sentencing remarks His Honour Judge Lowcock said:-

“You wormed your way into the affections of this family and you did so in the course of your professional involvement with your victim's mother who was your client: you were her solicitor. The psychologist's report makes it clear that your interest in the family centered, not around your client, her mother, but around your intended victim.”

5. The Learned Judge pointed out that the Respondent had sought to place responsibility upon his victim for what he did. He went on to recognise that the Respondent was a man of hitherto good character and that he had lost that. He also recognised that the Respondent's professional career was finished. He did not have the mitigation of a guilty plea and the Respondent's victim had to give evidence before the Court. The Learned Judge considered that a substantial custodial sentence had to be imposed and the Respondent would remain on the sex offender's register for life.
6. The Respondent had caused damage to the good reputation of the solicitors' profession.

The Submissions of the Respondent

7. The Respondent in his aforementioned letter said that he did not agree the costs figure referred to him by the Applicant. He confirmed that he would accept an overall figure of £800 (as against the figure sought by the Applicant of £966.28).

The Tribunal's Findings

8. The Tribunal found the allegation to have been substantiated, indeed it was not contested.

The Tribunal's Decision and its Reasons

9. The Tribunal deprecated the Respondent's behaviour. His conviction for a serious criminal offence involving a child victim served to bring the good reputation of the solicitors' profession into disrepute and such behaviour would not be tolerated. With regard to the question of costs it was right that the Respondent pay the Applicant's costs and the Tribunal fixed those costs in the figure agreed by the Respondent considering that to be a reasonable level of costs in connection with the bringing of this application.

Dated this 24th day of May 2006

On behalf of the Tribunal

D J Leverton
Chairman