

IN THE MATTER OF CHRISTOPHER GERALD MOORE LUMSDEN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A H Isaacs (in the chair)
Mr D Glass
Mrs S Gordon

Date of Hearing: 9th January 2007

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Stuart Roger Turner solicitor of Lonsdales Solicitors, 342 Lytham Road, Blackpool, FY4 1DW on 26th May 2006, that Christopher Gerald Moore Lumsden of Sudbury, Ashbourne, Derbyshire, a solicitor, 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 in the following respect namely that on 10th February 2006 at the Manchester Crown Square Crown Court he was convicted after trial of one account of Manslaughter.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 9th January 2007 when Stuart Roger Turner appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included the admission of the Respondent of his conviction. He submitted to the Tribunal a statement in mitigation which is summarised hereunder under the heading "The Respondent's Mitigation".

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

The Tribunal Orders that the Respondent Christopher Gerald Moore Lumsden of Sudbury, Ashbourne, Derbyshire, 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 £1,973.16.

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

1. The Respondent, born in 1953, was admitted as a solicitor in 1977. His name remained on the Roll of Solicitors. At the material times the Respondent practised as a partner at Pinsent Masons Solicitors at Manchester.
2. On 10th February 2005 the Respondent was convicted of manslaughter and was sentenced to a term of 5 years imprisonment.
3. The conviction followed the Respondent's actions in attacking and killing his wife at their family home on 16th March 2005. The Respondent attacked his wife with a knife five times after she told him of her intention of leaving the Respondent and divorcing him. The Respondent had been suffering from depressive illness and muscular dystrophy.
4. At the Manchester Crown Square Crown Court the Respondent pleaded not guilty to the charge of murder but admitted manslaughter on the basis of diminished responsibility. The Jury found the Respondent not guilty of the charge of murder.

The Submissions of the Applicant

5. The Applicant submitted that the conviction and sentence constituted conduct unbecoming the Respondent.

The Findings of the Tribunal

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

The Mitigation of the Respondent

7. The Respondent acknowledged the gravity of his offence and that there was neither excuse nor justification for it.
8. The Respondent advanced the following explanation, not all of which came out at the trial. The circumstances in which he came to commit the offence were as follows.
9. In January 2002, the Respondent with six partners set up a new Manchester office for their firm. The Respondent was the oldest partner and had a mentoring role as well as being the "external face" of the office, growing and supervising the banking and financial team and being responsible for melding the lawyers from (ultimately) 13 or 14 different law firms into a coherent whole. Further, when the office managing partner had an heart attack, the Respondent assumed management responsibilities.

10. At the beginning of 2003, having believed that he had recovered from a skiing accident the previous year in which his legs collapsed under him, the Respondent discovered that he could no longer run. Medical help was sought. The Respondent's condition became worse. Eventually the diagnosis was that the Respondent had a variant of limb girdle muscular dystrophy. This illness was progressive, incurable and increasingly painful. There was no treatment to slow its development down and no known case of remission. The prognosis was that the Respondent's life expectancy was as vague as from three years to "normal", that he would probably be in a wheelchair in three to five years and that he should delay moving "up the chain of painkillers" for as long as he could.
11. The Respondent informed his firm of his illness. He was in pain and anxious. These problems were compounded when the only other banking and finance partner left at the end of April 2004. By the summer, the pain had become continuous and more intense and his mobility significantly further reduced. He had contemplated suicide, but could not desert his wife and children.
12. In September 2004 the Respondent's mother suffered a fall and required much attention until her death in 2005. Because of his illness the Respondent had been unable to offer the level of help he would have wished.
13. A few days before his mother's funeral the Respondent told his wife that he would have to retire and they discussed their future plans. Subsequently the Respondent's wife told him that she was leaving him. In a fit of madness, the Respondent stabbed her to death.
14. The defence of "diminished responsibility" required a significant abnormality of the mind. All three psychiatrists and the psychologist, who examined the Respondent, found such an abnormality. The jury found the defence of diminished responsibility made out and acquitted the Respondent of murder. The Respondent felt deep sorrow, shame and remorse for his action.
15. The Tribunal was invited to take into account the Respondent's clean disciplinary record in 30 years of practice; and that however heinous the Tribunal might consider his offence to be, it did not arise in connection with his practice as a solicitor.
16. Upon his release, the Respondent will need to provide for his children. The Respondent humbly requested the Tribunal to exercise leniency and not strike him off the Roll of Solicitors, but rather consider restricting his ability to practise in an appropriate manner.

The Tribunal's Decision and its Reasons

17. The Tribunal having found the allegation to have been substantiated has taken into account the submissions of the Applicant, the sentencing remarks of the honourable Mr Justice Mitting and the Respondent's statement in mitigation.
18. The Tribunal recognises that what happened was a tragedy. However the Tribunal considered that conviction for so serious offence as manslaughter could not be reconciled with maintenance of the profession's reputation

19. The Tribunal Ordered that the Respondent be Struck off the Roll of Solicitors.
20. The Applicant sought the costs of and incidental to the application and enquiry which had been notified to the Respondent. The Tribunal considered that the sum sought was entirely reasonable and therefore Ordered the Respondent to pay the Applicant's costs in the fixed sum of £1,973.16.

DATED this 9th day of March 2007
On behalf of the Tribunal

A H Isaacs
Chairman