

IN THE MATTER OF MICHAEL ANDREW HOPKINS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr P Kempster (in the chair)
Ms A Banks
Mr M C Baughan

Date of Hearing: 18th December 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 Ian Ryan, solicitor and partner in the firm of Bankside Law Solicitors, Thames House, 58 Southwark Bridge Road, London, SE1 OAS on 14th September 2006 that Michael Andrew Hopkins, solicitor, of Southport, Merseyside 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 should think right.

The allegation was that the Respondent had been guilty of conduct unbecoming a solicitor in that he misled his employers.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 18th December 2006 when Ian Ryan appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the Respondent contained in a letter dated 31st August 2004 that he addressed to Mr Bradley, a member of his employer firm and a letter he addressed to The Law Society dated 27th January 2005.

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

The Tribunal Orders that the Respondent, Michael Andrew Hopkins of Southport, Merseyside, 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 £1,400.

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

1. The Respondent, born in 1963, was admitted as a solicitor in 2004. His name remained on the Roll of Solicitors.
2. At all material times, the Respondent was employed as an assistant solicitor at Inghams, solicitors, of Preston. The Respondent resigned from that practice by letter dated 31st August 2004.
3. The Respondent exchanged contracts in a conveyancing transaction on behalf of a client in error and then misled his employer, Mr R, about the fact on two separate occasions. First he denied that exchange had taken place in a face to face conversation and secondly he purported to read a fictitious fax to Mr R over the telephone.

The Submissions of the Applicant

4. The Respondent admitted misleading his employers in this way in a letter dated 31st August 2004 to his employers and in a letter dated 27th January 2005 addressed to The Law Society.
5. The Respondent behaved dishonestly by misleading his employer on two occasions.

The Submissions of the Respondent

(contained in his aforementioned letters of 31st August 2004 and 27th January 2005)

6. In his letter addressed to his employers the Respondent confirmed what he had done and apologised for his behaviour to his employers and to the client. He asked that his letter be accepted as his resignation.
7. In his letter addressed to The Law Society he again confirmed what had happened. He said that he only exchanged in error on the purchase because he was not aware of the process whereby solicitors released their client's contract and he thought, wrongly as it turned out, that he had the confirmation that the person purchasing the client's house had received a mortgage offer and had placed his solicitor in funds. It later transpired that the purchaser was involved in a money laundering enquiry and the purchase fell through.
8. The Respondent confirmed that he told his head of department that he had not exchanged on the file and confirmed to him that he had received a fax from the other side's solicitors confirming this. Why he embarked on that course of action was difficult to explain with hindsight.

9. The Respondent had been suffering from stress and depression at the time that was caused both by his private life (he was going through a marital breakdown) and his working life (he had only just qualified after a long and difficult process that had dragged on for twelve months relating to his training contract and he was doing property sale and purchase work for which he had no specific training or supervision).
10. Since leaving his former employers the Respondent had obtained employment in a totally different legal environment that was heavily supervised and provided extensive training and counselling in all aspects of legal life.
11. The Respondent's failure had been the only one in five years of employment with those employers.

The Tribunal's Findings

12. The Tribunal found the allegation to have been substantiated, indeed it was not contested. The Tribunal found that the Respondent's behaviour had been dishonest and in so finding had applied the test in the case of Twinsectra v Yardley and Others [2002] UKHL 12.
13. Dishonesty on the part of a solicitor is wholly unacceptable. A solicitor is a person that members of the public can expect to trust "to the ends of the Earth". In order to preserve the good reputation of the solicitors' profession the Tribunal concluded that it was both appropriate and proportionate to Order that the Respondent be struck off the Roll of Solicitors. The Tribunal further Ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum sought by the Applicant.

DATED this 28th day of February 2007
on behalf of the Tribunal

P Kempster
Chairman