

IN THE MATTER OF PHILIP JOHN BAILEY, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr A H Isaacs (in the chair)  
Mrs J Martineau  
Mrs V Murray-Chandra

Date of Hearing: 12th April 2007

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## **FINDINGS**

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of The Law Society by Jennifer Johnson solicitor employed by The Law Society at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5LP on 22<sup>nd</sup> January 2007 that Philip John Bailey solicitor of Crickhowell, Powys, 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 against the Respondent was that he had been guilty of conduct unbefitting a solicitor in that on 20<sup>th</sup> July 2006 he was convicted at Stafford Crown Court of conspiracy to defraud.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 12<sup>th</sup> April 2007 when Jennifer Johnson 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 to the fact of the conviction.

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

The Tribunal Orders that the Respondent, Philip John Bailey of Crickhowell, Powys, 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 £1,000.00.

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

1. The Respondent born in 1965 was admitted as a solicitor in 1990 and his name remained on the Roll of Solicitors.
2. The Respondent was not currently in practice as a solicitor.
3. On 20<sup>th</sup> July 2006 the Respondent was convicted at Stafford Crown Court of conspiracy to defraud after pleading not guilty at trial. He was sentenced to a Community Punishment Order for 200 hours; further, a Confiscation Order was made under the Proceeds of Crime Act 2002 for £17,238.00 to be paid within six months or in default the Respondent to serve nine months imprisonment. The Respondent complied with the Confiscation Order so did not serve a period of imprisonment.

**The Submissions of the Applicant**

4. The Applicant set out brief details of the offence which had led to the Respondent's conviction.
5. The Respondent's co-defendant, who had pleaded guilty, had committed many such offences. The Respondent had committed only the one and the Tribunal was referred to the sentencing remarks of Mr Justice Gibbs who had concluded that the Respondent had been deliberately dishonest but that this had been an isolated transaction completely out of character.
6. The Respondent had throughout maintained his innocence and continued to do so but accepted the fact of the conviction and regarded a strike off as inevitable as stated in his letter dated 24<sup>th</sup> July 2006 to The Law Society in which he self reported the fact of the conviction while strenuously maintaining his innocence.
7. The Applicant had served a Civil Evidence Act Notice on 16<sup>th</sup> February 2007.
8. In relation to costs while the Respondent had at the outset agreed the Applicant's costs on the basis of her estimate of £1,000.00, the Applicant's costs had been increased by the inordinate length of time and effort it had taken to obtain an accurate Certificate of Conviction and sentencing remarks. The Applicant therefore sought her costs in the sum of £1,522.63 or such fixed sum as the Tribunal thought appropriate.

**The Findings of the Tribunal**

9. The Tribunal found the allegation to have been substantiated indeed it was not contested. While the Respondent continued to maintain his innocence the Tribunal would not go behind a criminal conviction. The fact of the conviction was admitted. This was a case of a finding by a criminal court of dishonest behaviour and, as the

Respondent recognised, the appropriate penalty was to strike the Respondent's name off the Roll.

10. The Tribunal noted the Applicant's submissions in relation to costs. The Respondent had however agreed costs in the sum of £1,000.00 at an early stage and was not responsible for the increase in costs caused by the difficulties in obtaining the documentation. In these circumstances it was right that the Respondent pay the Applicant's costs in the fixed sum of £1,000.00.
11. The Tribunal Ordered that the Respondent, Philip John Bailey of Crickhowell, Powys, solicitor, be Struck Off the Roll of Solicitors and they further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,000.00.

DATED this 10<sup>th</sup> day of August 2007  
on behalf of the Tribunal

A H Isaacs  
Chairman