

IN THE MATTER OF DAVID MCCAREY LANCASTER, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. A. G. Gibson (in the chair)  
Mr. J. P. Davies  
Mrs S. Gordon

Date of Hearing: 5th July 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 Hilary Susan Morris solicitor employed by The Law Society at the Solicitors Regulation Authority, 8 Dorner Place, Leamington Spa, Warwickshire, CV35 5AE, on 13<sup>th</sup> February 2007 that David McCarey Lancaster 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 unbefitting a solicitor by virtue of his conviction upon indictment of attempting to incite another to pervert the course of justice.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 5<sup>th</sup> July when Hilary Susan Morris 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 contained in his letter addressed to the Tribunal dated 22<sup>nd</sup> June 2007.

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

The Tribunal ORDERS that the Respondent, DAVID MCCAREY LANCASTER, 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 £583.00

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

1. The Respondent, born in 1950 was admitted as a solicitor in 1991. His name remained on the Roll.
2. At the material times the Respondent was a partner in the firm of Warner Goodman & Streat at Portsmouth.
3. In the Exeter Crown Court on 18<sup>th</sup> October 2006 the Respondent was tried and convicted upon indictment of the offence of “attempt to incite another to pervert the course of justice”. He was sentenced on 18<sup>th</sup> October 2006 to 3 years imprisonment.
4. The charge and conviction had arisen when the Respondent was a partner in a well known firm of Portsmouth solicitors with a busy criminal practice in that city. On the basis of information which came to the notice of the BBC, an undercover investigation had been set up and the Respondent had been recorded furnishing a person he believed to be a genuine client with all the explanations that client would need to resist the evidence against him.

**The Submissions of the Applicant**

5. The Applicant invited the Tribunal to have regard for the sentencing remarks of His Honour Judge Cottle in the Exeter Crown Court and in particular when he said “if any member of either of the legal professions engages in behaviour that brings the (criminal justice system) into disrepute...; has an impact on fellow professionals”. He went on to say the Respondent’s behaviour totally undermined the deserved good reputation of members of the legal profession. He went on to say that the Respondent “broke every rule in the book in a breath-taking display of totally unprofessional conduct”.

**The Submissions of the Respondent**

6. In his before mentioned letter of 22<sup>nd</sup> June 2007 the Respondent indicated that he meant no discourtesy in not attending before the Tribunal in person.
7. He said he was deeply sorry to have dishonoured the solicitors’ profession in the way that he had.
8. He invited the Tribunal to take into account the punishment that he had already received from the Court and the costs that he had to pay. He would have great difficulty at his age in finding employment on his release from prison. He had been notified that his release date was likely to be 17<sup>th</sup> April 2008. The Respondent said his pension plans had been thrown into disarray and hoped that any costs order might reflect his current circumstances.

9. The Respondent accepted that he would not practise again and viewed that punishment as perhaps worse than his incarceration.

**The Findings of the Tribunal**

10. The Tribunal found the allegation to have been substantiated indeed it was not contested. The Tribunal was shocked that a member of the solicitors' profession, who by virtue of being a member of that profession was also an officer of the court, should seek to pervert the course of justice in the way that the Respondent did. The Respondent completely abdicated his responsibilities for probity, integrity and trustworthiness and his duties as an officer of the court.
11. The Tribunal recognised that such behaviour on the part of a solicitor could only seriously damage the good reputation of the profession. The Tribunal had at the forefront of its mind its own duty to protect the public. In these circumstances it was right that the Respondent be struck off the Roll of Solicitors. It was also right that he should pay the costs of and incidental to the application and enquiry. The quantum of costs sought by the Applicant was in the Tribunal's view reasonable and the Tribunal Ordered the Respondent to pay those costs in the fixed sum sought.

DATED this 15<sup>th</sup> day of August 2007

on behalf of the Tribunal

A. G. Gibson  
Chairman