

IN THE MATTER OF JOHN PETER JOSEPH CORR, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr J C Chesterton (in the chair)
Mr E Richards
Mr S Marquez

Date of Hearing: 8th October 2007

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made by Robert Simon Roscoe, solicitor and partner in the firm of Victor Lissack, Roscoe & Colman, solicitors of 70 Marylebone Lane, London, W1U 2PQ on 18th June 2007 that John Peter Joseph Corr of Cole Valley Road, Birmingham, 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 thought right.

The allegations were that the Respondent had been guilty of conduct unbefitting a solicitor in the following particulars:

- (a) during a period of approximately three years prior to January 2006, whilst a partner in Pearson Rowe, solicitors, and without the knowledge or agreement of his partners or the partnership's clients, he took from the partnership cash and cheques received by the partnership as fees and totalling £13,725.37 and that in doing so he acted dishonestly and in breach of Rule 1 of the Solicitors Practice Rules 1990;
- (b) in respect of a cheque received from a client, Ms EET, without her authority or knowledge or that of his partners, and with the intention of paying the cheque into his personal account he inserted on the cheque his name as payee and the initials Ms EET in order to mislead Ms EET's bank into accepting the alteration as genuine and that in doing so he acted dishonestly and in breach of Rule 1 of the Solicitors Practice Rules 1990.

The application was heard at The Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 8th October 2007 when Robert Simon Rose appeared as the Applicant and the Respondent appeared in person.

The evidence before the Tribunal included the admissions of the Respondent.

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

The Tribunal Orders that the Respondent, John Peter Joseph Corr of Cole Valley Road, Birmingham, 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 £5,000.00.

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

1. The Respondent, born in 1967, was admitted as a solicitor in 1994. His name remained on the Roll of Solicitors.
2. At the material time the Respondent was an equity partner in the firm of Pearson Rowe, solicitors of Birmingham.
3. In January 2006 the Respondent's partners discovered that the Respondent had been "hiving off" costs due to the partnership in respect of matrimonial work carried out by him. In interviews with his partners on 31st January 2006 and 6th February 2006 the Respondent admitted his conduct.
4. The Law Society's Senior Investigation Officer ("the SIO") attended the partnership following notification of the Respondent's conduct. In interview on 24th March 2006 the Respondent admitted to the SIO that he had "hived off" costs totalling £13,725.37 from 12 matrimonial cases of which he had conduct. The Respondent also accepted that he had received a cheque payable to the partnership from Ms EET, that he had crossed out the partnership's name as payee and written in his own name and inserted Ms EET's initials adjacent to the alteration.

The Submissions of the Applicant

5. The Applicant apologised that their had been delay in bringing the matter before the Tribunal.
6. The facts were straightforward and the Respondent admitted the facts and the allegations.

The Submissions of the Respondent

7. The Respondent told the Tribunal that he had dealt with the matter fully during the course of interviews with The Law Society.
8. The Respondent had found himself embroiled in financial matters involving his mother. He had told The Law Society that he was under financial pressure at the material time but accepted that he was responsible for his actions. He had never considered that his actions would harm anyone as it was and remained his intention to repay all moneys. He had always thought that he would repay the money to his firm

and indeed was, at the time when the matter was being investigated, in the process of remortgaging in order to do so.

9. The Respondent had kept a full and detailed record of the amounts taken and the files.
10. The Respondent recognised that his actions had caused harm and/or upset to the firm and its staff and he was truly sorry for this. He had acted foolishly and naively but ultimately his actions had had far reaching effects upon all those close to him and upon his former partners and the practice. He recognised that he had dented the good reputation of a good firm and two good men. He said that his partners had been good to him.
11. At the date of the hearing the Respondent was working in Sales in a job given to him by a friend.

The Findings of the Tribunal

12. The Tribunal found the allegations to have been substantiated indeed they were not contested. The Respondent had wrongly taken moneys payable to his firm. He had altered a cheque in order that he receive payment of moneys due to the firm from a client. On both of those occasions the Respondent acted dishonestly as he himself recognised. The Tribunal noted that it had not been the Respondent's intention permanently to deprive the firm of the money, but an intention permanently to deprive was not an element to be considered by the Tribunal when making a finding of dishonesty. The Tribunal was in no doubt that at the time when the Respondent took money belonging to his firm he was consciously aware of the impropriety of that action on his part and that such action would be regarded as dishonest by ordinary people.
13. Such behaviour on the part of a solicitor could not be tolerated by the solicitors' profession or by this Tribunal. The Tribunal Ordered that the Respondent be struck off the Roll of Solicitors. He had agreed not only to pay the Applicant's costs but also the quantum and the Tribunal further Ordered that he pay the Applicant's costs fixed in the agreed sum.

Dated this 6th day of December 2007

On behalf of the Tribunal

J C Chesterton
Chairman