

IN THE MATTER OF JAMES VERNON COLHOUN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr P Kempster (in the chair)  
Mr I R Woolfe  
Mr S Marquez

Date of Hearing: 26th June 2008

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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 Paul Robert Milton, solicitor, employed by The Law Society at the Solicitors Regulation Authority at Victoria Court, 8 Dorner Place, Leamington Spa, Warwickshire, CV32 5AE on 17<sup>th</sup> March 2008 that James Vernon Colhoun, a solicitor, of Buxton Road, Bakewell, Derbyshire, might be required to answer the allegations contained in the statement which accompanied this application and that such Order might be made as the Tribunal should think fit.

The allegation against the Respondent is that he has been guilty of conduct unbefitting a solicitor by virtue of his conviction for perverting the course of justice.

The application was heard at The Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farrington Street, London, EC4M 7NS on 26<sup>th</sup> June 2008 when Paul Robert Milton appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included a letter dated 25<sup>th</sup> June 2008 from Richard Nelson Business Defence Solicitors on behalf of the Respondent, which confirmed that the

Respondent admitted and accepted the allegations, and a further letter dated 25<sup>th</sup> June 2008 to the SRA confirming that the costs of the Applicant in the sum of £499 were not challenged.

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

The Tribunal Orders that the Respondent, James Vernon Colhoun of Buxton Road, Bakewell, Derbyshire, solicitor, be Struck Off the Roll of Solicitors and they further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £499.

**The facts are set out in paragraphs 1 to 5 hereunder:**

1. The Respondent, born 26<sup>th</sup> February 1941, was admitted as a solicitor on 7<sup>th</sup> June 1966. He does not currently hold a practising certificate although his name remains on the Roll of Solicitors. At the time of the offences, between 29<sup>th</sup> March 2000 and 22<sup>nd</sup> September 2003, the Respondent practised as a solicitor and senior partner at the firm of Goodwin Cockerton & Colhoun Solicitors at 1 Grove Parade, Buxton, Derbyshire, SK17 6AJ. His last known address was Rutland House, Buxton Road, Bakewell, Derbyshire, DE45 1BZ.
2. On 28<sup>th</sup> March 2007 the Respondent notified the Solicitors Regulation Authority that on 23<sup>rd</sup> March 2007 at the Leicester Crown Court, he had been convicted of an offence of perverting the course of justice.
3. In a letter dated 8<sup>th</sup> August 2007 from Richard Nelson Business Defence Solicitors, the Respondent advised the Solicitors Regulation Authority that the offence related to the alleged backdating of a statutory declaration and whilst the Respondent had a clear recollection that he completed a statutory declaration on behalf of the client concerned, he maintained his belief that this was done on the date shown on the document. The Respondent indicated that, in his recollection, he did not backdate any document. Nevertheless, on the advice of his defence team, the Respondent did not give evidence at the Leicester Crown Court and was convicted of an offence of perverting the course of justice.
4. The Respondent indicated in the letter of 8<sup>th</sup> August 2007 that he had considered lodging an appeal to the Court of Appeal but due to the cost, both in financial and emotional terms for himself and his family, he had decided not to appeal. The Respondent indicated that he had intended to retire from his practice, which he had now done and having weighed up the circumstances, concluded he could not contemplate extending the case any longer.
5. As a result of the conviction, the Respondent was sentenced to nine months imprisonment on 7<sup>th</sup> December 2007 and a copy of the Judge's sentencing remarks was placed before the Tribunal for consideration.

### **The Submissions of the Applicant**

6. The Respondent was not attending and had sent letters by his representatives, Richard Nelson Business Defence Solicitors to the Solicitors Regulation Authority. Copies of two letters dated 25<sup>th</sup> June 2008 were placed before the Tribunal for consideration. The Applicant referred the Tribunal to Judge Plunkett's sentencing remarks and in particular to the Judge's comments as follows:

"But you of all people, by virtue of your long and estimable service to the legal profession, would know the seriousness of what you did."

7. The Applicant submitted that the conduct of the Respondent had fallen far below the conduct expected from a solicitor and the Applicant referred to the case of Bolton v The Law Society [1994] 1 WLR 512. The Applicant pointed out that it was very important to maintain the reputation of the solicitors' profession and that the Respondent had failed to do this.
8. The Applicant sought his costs in the sum of £499 and referred to a letter from Richard Nelson Business Defence Solicitors on behalf of the Respondent to the SRA confirming these were not challenged.
9. The Respondent had indicated in his representative's letter dated 25<sup>th</sup> June 2008 that he had offered to withdraw his name voluntarily from the Roll and/or to enter into a regulatory agreement with the authority. On this basis the Respondent felt that the costs of the action had been minimised and the Respondent asked the Tribunal to note his cooperation throughout and consider whether it was appropriate for the Solicitors Regulation Authority to receive their costs in full.
10. The Applicant submitted that this was not a case where it would have been appropriate to allow the Respondent's name to be removed voluntarily from the Roll, or indeed to enter into a regulatory agreement with him. The Applicant submitted that where a solicitor is convicted of a serious criminal offence involving dishonesty, the public interest dictated that the correct procedure was followed that being of a regulatory and transparent nature. The Applicant submitted the Solicitors Regulation Authority should recover their costs in full.

### **The Findings of the Tribunal**

11. The Tribunal considered carefully all the documentation and submissions of the parties. The Tribunal found the allegation to be substantiated, indeed it had been admitted and accepted by the Respondent.
12. The Tribunal felt that the Respondent had fallen far below the accepted standards of the profession. The Tribunal noted the helpful comments of Judge Plunkett and noted that the Respondent had been convicted of the offence of perverting the course of justice and given a custodial sentence. Given his position as a solicitor, he had

brought the profession into disrepute and the Tribunal felt the seriousness of his conviction had damaged the reputation of the profession in the eyes of his clients and the public and it was right that he should no longer be a member of the profession.

13. The Tribunal also Ordered that he pay costs in the fixed sum sought by the Applicant.
14. The Tribunal Ordered that the Respondent that the Respondent, James Vernon Colhoun of Buxton Road, Bakewell, Derbyshire, 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 £499.

Dated this 3<sup>rd</sup> day of November 2008  
On behalf of the Tribunal

P Kempster  
Chairman