

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF RACHEL CATHERINE TAYLOR, solicitor (The Respondent)

Upon the application of Mark Barnett
on behalf of the Solicitors Regulation Authority

Mr K W Duncan (in the chair)
Mr J C Chesterton
Mr M R Hallam

Date of Hearing: 22nd September 2010

FINDINGS & DECISION

Appearances

Mark Simon Barnett, solicitor employed by The Law Society at the Solicitors Regulation Authority, 8 Dormer Place, Leamington Spa, CV32 5AE appeared on behalf of the Solicitors Regulation Authority ("SRA").

The Respondent appeared and represented herself at the hearing.

The application to the Tribunal on behalf of the SRA was made on 8th April 2010. A supplementary statement was served on 26th August 2010. The supplementary statement did not contain any further allegations; it merely exhibited additional documents on which the Applicant intended to rely at the hearing.

As a preliminary point, the Applicant asked for the leave of the Tribunal to adduce the evidence contained in the supplementary statement as it had not been served within the necessary time period. The Respondent did not object and the Tribunal granted leave.

Allegation

The allegation against the Respondent was that she had behaved in a way likely to diminish the trust the public places in her or the legal profession contrary to Rule 1.06 of the Solicitors Code of Conduct 2007 by virtue of her having been convicted on 22nd May 2009 of one count of disguising criminal property.

Factual background

The Respondent's history

1. The Respondent, born in 1979, was admitted as a solicitor in 2004. Her name remained on the Roll of Solicitors.
2. At all material times the Respondent practised as an assistant solicitor employed in the criminal department of Healey Colbon at Cannon Kirk House, 64-66 Stuart Street, Luton, Bedfordshire, LU1 2SW. The Respondent resigned from her position on 23rd May 2009, following her conviction.

The background to the allegation

3. On 22nd May 2009, in the Crown Court at Luton, the Respondent was convicted upon indictment and after trial by jury of one count of disguising criminal property, contrary to s.327 of the Proceeds of Crime Act 2002. The particulars of the indictment read:

"Rachel Taylor and [PB] between 1st day of January 2007 and 31st day of December 2007 disguised criminal property, by creating false motor car trading business accounts..... knowing or suspecting that the criminal property represented (wholly or in part, directly or indirectly) the benefit from criminal conduct."

4. The Respondent was sentenced on 1st June 2009 to 39 weeks' imprisonment suspended for 18 months, with requirements to carry out 200 hours community work and to pay a fine of £5,015 and costs. The Respondent has not appealed against her conviction or the sentence.
5. The Applicant drew the Tribunal's attention to the transcript of the sentencing remarks made by the trial judge, His Honour Judge Burke, QC, on 1st June 2009. The relevant facts of the conviction could be ascertained from those sentencing remarks.
6. In late 2001, when the Respondent was still a student, she met a man by the name of PB. For some time, they were very close and for a brief period in 2005 they lived together. In 2005, the police learnt that sums approaching £100,000 had been paid into the bank account of PB's sister, S. PB had paid the money into his sister's account and the money was the product of his drug dealing. PB wished to disguise the origin of the money and to dress it up as the proceeds of motor trading.
7. PB went to the Respondent with blank tax returns and asked for her help. The Respondent wrote out on the back of a threatening letter from the Revenue a series of figures purporting to be the income and expenses and profit from PB's motor trading for the year 2005/2006. She did that so that he could give the document to his accountant, or at least use it as a crib for the information he gave to the accountant.
8. The prosecution's case was that when the Respondent wrote out the figures, she at least suspected that the money paid into S's account was criminal property, which by

making out the document she disguised as the income of supposed motor trading on PB's part. The jury was sure that the Respondent suspected at least that the money, or part of it, was criminal property.

9. In sentencing the Respondent, the judge expressly stated that he was sentencing her on the basis that she suspected that the money, or most of the money, that had been paid into S's account, was the product of some criminal activity on PB's part. Had it been proved that she had known, or even suspected, that the money had been from drug dealing then she would have received a substantial and immediately effective prison sentence. The judge referred to the Respondent as a "misguided fool", misguided by her feelings for PB. He also took into account that the document created by the Respondent did not actually have any effect beyond perhaps helping PB to put a false picture before his accountant, which the accountant neither accepted nor acted upon. The judge commented on the Respondent's qualifications, ability and the hard work she must have put in to achieve those qualifications. He also commented on the fact that the Respondent had had to go through two lengthy trials and the time period from arrest to sentence was well over a year.

Submissions

10. The Applicant submitted that the Respondent, by her behaviour, had brought or was likely to bring her own reputation and that of the profession into disrepute.
11. The Respondent confirmed that she admitted the allegation made against her.
12. The Tribunal reviewed the following documents:

Submitted by the Applicant:

- The Applicant's statement with appended documents including a letter sent by the Respondent to the SRA dated 31st August 2009;
- The Applicant's supplementary statement with appended documents, including three character references in support of the Respondent, incorporated into the Applicant's bundle at the request of the Respondent.

Submitted by the Respondent:

- The Respondent's letter to the Tribunal dated 14th September 2010 which enclosed a report from the Independent Police Complaints Commission into certain aspects of a complaint made by the Respondent about the investigation which had given rise to the criminal proceedings against her.

Mitigation

13. The Respondent referred to her letter of 31st August 2009 to the SRA in which she had said that she did not wish to continue working as a solicitor. That had been written only a short time after her conviction. On reflection, she would like the opportunity to practise again although she was not sure at this time if she would do so.

14. She told the Tribunal that she was a good solicitor and was regarded highly. The offence for which she was convicted did not occur as a result of her employment as a solicitor. She continued to enjoy the support of her former employer at Healey Colbon.
15. She had suffered greatly as a result of the criminal proceedings. The jury had been unable to reach a verdict at her first trial and so she had endured a further trial. The case had attracted a significant amount of publicity and she had found herself referred to in the national and local press. She had, in effect, not worked as a solicitor for over two years now; following her being charged by the police, she was withdrawn from any work outside the office, and she resigned immediately after her conviction.
16. At the time of the offence in 2007, she was a relatively newly qualified solicitor. It was an isolated incident and she had not benefited in any way from her actions.
17. The Respondent drew the Tribunal's attention to the sentencing remarks of Judge Burke, in particular to his comment about her being a "misguided fool", and his comments that he hoped that she would not lose forever the benefits of her qualifications and hard work.
18. The Respondent asked the Tribunal to consider ordering a period of suspension rather than striking her from the Roll. In summary, this was based on the judge's sentencing remarks, the references she put before the Tribunal, and what she had been through and lost.

Costs

19. The parties had agreed that the Respondent should pay the Applicant's costs in the sum of £2,000.

The Tribunal's sanction and its reasons

20. The Tribunal noted that the offence of disguising criminal property did not require proof of dishonesty. The Applicant did not put his case on the basis that the Respondent had been dishonest.
21. The Tribunal considered very carefully the mitigation put forward by the Respondent and also took into account the judge's sentencing remarks.
22. The Tribunal did not consider that the Respondent presented a risk to the public, and concluded that it would be disproportionate to strike the Respondent from the Roll. However, the Tribunal was of the opinion that this was a serious breach of the Code of Conduct which must be marked by an appropriate sanction.
23. On the issue of costs, the Tribunal considered that the sum of £2,000 represented an appropriate amount for the Respondent to pay, and endorsed the agreement reached by the parties.

24. Having considered the matter, the Tribunal Ordered that the Respondent Rachel Catherine Taylor of High Bentley Manor, High Bentley, Halifax, West Yorkshire, HX3 7TU, solicitor, be suspended from practice as a solicitor for the period of twelve months to commence on the 22nd day of September 2010 and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,000.

Dated this 23rd day of November 2010

On behalf of the Tribunal

K W Duncan
Chairman