

IN THE MATTER OF IAN JAMES HAMPTON, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr E Richards (in the chair)
Mrs K Todner
Mr D Gilbertson

Date of Hearing: 14th May 2009

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Solicitors Regulation Authority ("SRA") by Stephen John Battersby, solicitor and partner in the firm of Jameson & Hill, 72-74 Fore Street, Hertford, Herts, SG14 1BY on 14th August 2008 that Ian James Hampton of 11 Meadow Drive, Hampton in Arden, Solihull, West Midlands, B92 OBD might be required to answer the allegation contained in the statement that 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 behaved in a way which was likely to diminish the trust which the public placed in him or the profession in that, having been convicted of a drink driving offence on 17th June 2005, he had committed two further offences of a similar nature on 12th and 28th October 2007 respectively.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 14th May 2009 when Stephen John Battersby 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, Ian James Hampton of 11 Meadow Drive, Hampton in Arden, Solihull, West Midlands, B92 0BD, solicitor, be suspended from practice as a solicitor for the period of three months to commence on the 14th day of May 2009 and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,600.00, such costs to be paid within 28 days.

The facts are set out in paragraphs 1-7 hereunder:

1. The Respondent, born 1952, was admitted as a solicitor in 1975. He resigned his partnership with a firm in Birmingham in May 2005 and has not practised as a solicitor since then. He is not the holder of a current practising certificate but his name remained on the Roll of Solicitors.
2. On 17th June 2005 the Respondent appeared before the Bromsgrove and Redditch Magistrates Court for an offence of driving a motor vehicle with excess alcohol, having been stopped for driving erratically and arrested. He was fined £530 and disqualified from driving for 20 months. This conviction was only notified to the SRA by the West Midlands Police over two years after the event on 30th October 2007.
3. On 12th October 2007 the Respondent was again arrested on suspicion of drink driving but failed to provide a specimen of breath for analysis, which in itself is an offence punishable in the same way as one of drink-driving. Sixteen days later he was again arrested on suspicion of drink driving and, as on 12th October, failed to provide a breath specimen when requested to do so.
4. On 26th November 2007, he appeared before the West Bromwich Magistrates Court charged with the two new offences which he admitted and was sentenced to four months imprisonment, suspended for two years with a two year suspended Supervision Order. In addition, he was disqualified from driving for four years and ordered to attend a drink impaired driver's programme. He subsequently appealed to Dudley Crown Court against this sentence, but was unsuccessful.
5. The Respondent was written to initially in connection with the 2005 offence on 6th November 2007 shortly after the two offences of October 2007 had been committed but prior to sentence. He responded on 21st November 2007.
6. The SRA only became aware of the two later offences at the beginning of 2008 and wrote to the Respondent about these on 3rd April 2008. Again the Respondent made a full and timely response on 28th April 2008.
7. On 4th June 2008 an Authorised Officer of the SRA resolved to refer the conduct of the Respondent to the Tribunal.

The submissions of the Applicant

8. The Applicant submitted that the conduct of the Respondent on the two occasions in 2007, although not connected with his work as a solicitor, was such as to damage his

reputation and that of the profession and to diminish the trust which the public placed in him and the profession, particularly as he had been convicted of a similar offence two years earlier.

9. However, the Applicant explained that the Respondent had responded promptly and properly to all correspondence. It had been clear from his responses that the Respondent had suffered considerable, personal and professional difficulties and references provided by him had been indicative of the regard in which he had been held as a criminal practitioner over the 30 years in which he had worked in that capacity.

The submissions of the Respondent

10. The Respondent gave the Tribunal full details of his professional history and of the circumstances leading up to his convictions. He also explained his personal and financial circumstances and his health problems. He said that eventually he hoped to be able to return to practice.

The decision of the Tribunal

11. Having considered all the documentary evidence together with the helpful submissions of the Applicant and those of the Respondent, the Tribunal noted that the conduct of the Respondent had been serious particularly because of the cumulative nature of re-offending. The Tribunal considered that three convictions in two and a half years impacted upon the reputation of the profession. However, the Tribunal had taken account of the medical condition and of the difficult personal circumstances of the Respondent. The Tribunal had noted that the Respondent would be in a position to seek the restoration of his driving licence in November 2009. Although the Tribunal considered that a period of suspension was appropriate, it had determined to set the time for suspension at three months in order to encourage the Respondent to see a way forward.

Dated this 9th day of December 2009
On behalf of the Tribunal

Mr E Richards
Chairman