

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF ROGER DAVID LOWE, solicitor (Respondent)

Upon the application of Sara Dickerson
on behalf of the Solicitors Regulation Authority

Mr J C Chesterton (in the chair)
Mr R J C Potter
Mr M Palayiwa

Date of Hearing: 23rd March 2010

FINDINGS & DECISION

Appearances

Ms Sara Betty Dickerson, a barrister employed by the Solicitors Regulation Authority (the SRA) appeared for the Applicant and the Respondent appeared in person.

The Applicant made an application to the Tribunal on 28th May 2009 with a supporting statement.

The Allegation

The allegation was that the Respondent had been guilty of conduct unbecoming a solicitor by virtue of his conviction for supplying cocaine, a class A controlled drug.

Factual Background

1. The Respondent, born in 1968, was admitted as a solicitor in 2001. The Respondent's name remained on the Roll of Solicitors. At the material time he was working for a firm of solicitors in Leeds.
2. On 31st October 2008 the Respondent had been convicted at Leeds Crown Court of supplying a controlled drug – class A. He had been sentenced to imprisonment for 3 years. When West Yorkshire Police notified the SRA of the Respondent's conviction the circumstances of the incident was described as “on 15.03.08 suspect had supplied class A controlled drugs to a Test Purchase Officer. 07.08 MG cocaine.”

3. In his letter addressed to the SRA the Respondent explained that he had gone out for the evening with his wife and they both had had quite a lot to drink. They had spoken to a person in a restaurant who asked the Respondent if he knew anyone who had any cocaine. The Respondent told him that he did not have any but he knew a man who could get him some.
4. The Respondent had been a recreational user of cocaine. He called the man who supplied that drug to him and arranged for him to deliver two grams of cocaine, one for the Respondent and one for the person he met in the restaurant, and he passed it on to him.
5. The Respondent had admitted his offence, which was an isolated one, and had been sentenced to 3 years imprisonment. At the time of the hearing the Respondent had been released from prison and was subject to an electronic tag.
6. The Respondent told the Tribunal that he had taken steps to appeal both against conviction and sentence.
7. The Tribunal reviewed the documents attached to the Applicant's statement, which included the sentencing remarks of the learned judge at Leeds Crown Court.
8. The Tribunal found the allegation to have been substantiated, indeed it was not contested by the Respondent.

Mitigation

9. The Respondent had indicated in correspondence that he would not oppose an Order that he be Struck off the Roll of Solicitors. He accepted the seriousness of his offence.

Costs

10. The Applicant requested fixed costs in the sum claimed. The Respondent pointed out that he was not working. He and his wife owned a house and his wife by working extra shifts was managing to pay the mortgage instalments. He and his wife had no savings. The Respondent had begun to organise his own business and had earned a modest income on a part time basis therefrom.

Sanction and Reasons

11. The Tribunal Ordered that the Respondent be Struck off the Roll of Solicitors. He had committed a serious criminal offence and had been sentenced to 3 years imprisonment. Such behaviour fell seriously below the standards of probity and integrity required of a solicitor. As an officer of the court a solicitor is required to uphold the rule of law and the proper administration of justice. The Respondent's behaviour was likely to diminish the trust that the public would place in him or the solicitors' profession.

12. The Tribunal took into account the sentencing remarks of Her Honour Judge Kershaw QC when she pointed out that he was to be dealt with for one offence of supplying cocaine in March to a test purchase officer. She considered that the aggravating features with this offending was the Respondent's age and his position – he was too old and too well qualified to be engaging in that sort of conduct. She took into account the fact that he had entered a guilty plea at a relatively early stage and recognised, she believed, that he was not an addict but he used substances to help him through occasions when he felt less well than on others. The Tribunal noted that it was the Respondent's position that he had been subject to a great deal of stress at work and he had used cocaine to help him cope.

Costs

13. The Tribunal considered that the Respondent should bear the costs of and incidental to the application and enquiry. The Tribunal noted that the Respondent had suggested that the matter might be dealt with without a hearing. The Tribunal's procedures require a public hearing to take place and it rejected his argument. It was both appropriate and proportionate that the Respondent pay the Applicant's costs.
14. The Tribunal made the following Order:-
The Tribunal Ordered that the respondent, Roger David Lowe of 3 Parkside Close, Meanwood, Leeds, LS6 4LZ, 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 £700.00

Dated this 12th day of May 2010
on behalf of the Tribunal

J C Chesterton
Chairman