

IN THE MATTER OF CHRISTOPHER MCQUOID, solicitors

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A H Isaacs (in the chair)
Mr A G Gibson
Mr S Marquez

Date of Hearing: 19th November 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 Jennifer Jane Ackers of 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 19th June 2009 that Christopher McQuoid of c/o Crowell & Moring Solicitors, 11 Pilgrim Street, London, EC4V 6RN 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 should think right.

The allegation against the Respondent was that:

1. He breached Rule 1.06 of the Solicitors Code of Conduct 2007 in that he behaved in a way that was likely to diminish the trust the public place in him or the profession by virtue of his conviction at the Crown Court in Southwark on 27th March 2009.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 19th November 2009 when Jennifer Ackers appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included a letter from the Respondent's solicitors dated 3rd November 2009 attaching a submissions statement from the Respondent and confirming that he was unable to attend the Tribunal hearing.

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

The Tribunal Orders that the Respondent, Christopher McQuoid of c/o Crowell & Moring Solicitors, 11 Pilgrim Street, London, EC4V 6RN, 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 £1,325.85.

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

1. The Respondent, born in 1968 was admitted as a solicitor on 2nd November 1992 and his name remained on the Roll of Solicitors.
2. At the material time, the Respondent was employed as a solicitor by Motorola Ttpcom Product Group at Melbourn Science Park, Cambridge Road, Melbourn, Royston, Hertfordshire, SG8 6HQ.
3. The Respondent appeared before Southwark Crown Court on 27th March 2009 and was convicted of an offence of Insider Dealing contrary to Section 52(1) of the Criminal Justice Act 1993 and subsequently he was sentenced to 8 months imprisonment.
4. The Tribunal had before it a Certificate of Conviction and other relevant documents from the Southwark Crown Court together with the sentencing remarks of His Honour Judge Testar dated 30th March 2009.

The Submissions of the Applicant

5. The Applicant confirmed the Respondent had been sentenced to 8 months imprisonment and the circumstances of his conviction had arisen at a time when he was General Counsel at Motorola TTP Com Product Group. The Applicant referred the Tribunal to the remarks of His Honour Judge Testar who had stated:

".....in the case of McQuoid the offence was committed by a solicitor acting in his professional capacity and it was committed by someone in a position of trust, specifically in relation to this takeover. Mr McQuoid was deliberately taken into the small circle of individuals privy to inside information about the takeover because nobody ever doubted that he could be trusted with the information with which he was given".

6. The Tribunal was also referred to the case of Bolton -v- The Law Society [1994] 1 WLR 512CA, where Sir Thomas Bingham MR had said:

"Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal."

The Applicant submitted the Respondent had diminished the trust placed by him by the public as a result of his conviction.

7. The Applicant requested an Order for her costs which had been agreed with the Respondent in the sum of £1,325.85.

The Findings of the Tribunal

8. The Respondent had confirmed in his statement that he had chosen not to appeal against his conviction. The Tribunal did not look behind that conviction and was satisfied this was a case of serious misconduct by the Respondent, for which the appropriate penalty must be proportionate to the damage which the Respondent's conduct had brought not only to his own reputation but also that of the profession. In the circumstances, the Tribunal was satisfied that the Respondent should not be permitted to remain on the Roll of Solicitors.
9. The Tribunal had reservations about the level of costs in respect of an allegation which was admitted which appeared to be high, but the Respondent had agreed the figure of £1,325.85 and the Tribunal Ordered costs in that amount.
10. The Tribunal Ordered that the Respondent, Christopher McQuoid of c/o Crowell & Moring Solicitors, 11 Pilgrim Street, London, EC4V 6RN, solicitor, be Struck off the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,325.85.

Dated this 4th day of March 2010

On behalf of the Tribunal

A H Isaacs
Chairman