

IN THE MATTER OF NICHOLAS MICHAEL HANNIDES, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. A. H. B. Holmes (in the chair)
Mr. A. Gaynor-Smith
Mrs N. Chavda

Date of Hearing: 22nd November 2007

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Law Society by Paul Robert Milton a solicitor employed by the Law Society at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on the 19th June 2007 that Nicholas Michael Hannides (a solicitor) of 43-45 Shirley High Street, Southampton, SO15 3UN 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 fit.

The allegation was that the Respondent had been guilty of conduct unbecoming a solicitor in that:-

- i. he had been convicted of two offences of battery contrary to Section 39 of the Criminal Justice Act 1988.
- ii. he had been convicted of one offence of harassment contrary to Section 2 (1) and (2) of the Protection from Harassment Act 1997.

The application was heard at The Court Room, Third Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Paul Robert Milton appeared as the Applicant and the Respondent was represented by Stuart McGhee of Counsel.

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 NICHOLAS MICHAEL HANNIDES of 2 Pinewood, Saxholm Way, Bassett, Southampton, SO16 7GU, solicitor, be REPRIMANDED and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £611.00 inclusive.

The facts are set out in paragraphs 1 - 2 hereunder:

1. The Respondent, born in 1958, was admitted as a solicitor in 1984. He practised as a partner in the firm of Hannides & Co at Southampton, Hampshire.
2. On 9th March 2006 the Respondent was convicted in the North West Hampshire Magistrates Court on two counts of battery. The Respondent pleaded guilty. In respect of the first conviction he was fined £200, ordered to pay compensation of £50 and costs of £35. In respect of the second conviction he was fined £70.

The Submissions of the Applicant

3. The Respondent had admitted the facts and the allegations. To have been convicted of such offences was not appropriate behaviour on the part of an officer of the Supreme Court.

The Submissions of the Respondent

4. It was accepted by the Respondent that his conduct was not appropriate for that of an officer of the Supreme Court.
5. The incident giving rise to the charges occurred in late 2005 and involved the Respondent's wife. The Respondent and his wife had been together for some 23 years (married for 15 years). They had four children. The Respondent's wife experienced emotional/psychological problems for which she was receiving treatment. Despite such difficulties the Respondent was happy and contented with his marriage and family life. Adverse matters had come to a head in 2005 with frequent arguments and altercations. As a result the Respondent and his wife were involved in a physical confrontation. He used certain force with his feet whilst in bed to remove his wife. During these incidents he also suffered harm.
6. In January 2006 the police became involved, the Respondent believed because his wife wished to apply pressure on him to end the marriage. Despite being advised that he had a potential defence, the Respondent made an early decision to admit the charge as he did not wish his wife to be embroiled in court proceedings.

7. Following that episode a reconciliation took place but it lasted only some six months. The Respondent left home. Whilst away he endeavoured to contact his wife by telephone to arrange to collect his belongings. No final arrangements were made and the Respondent made a number of further calls over a period of two days. The Respondent's wife had complained of harassment to the police.
8. A further reconciliation took place in late 2006 and early 2007. The Respondent's wife retracted her statement to the police but neither they nor the Crown Prosecution Service were prepared to discontinue the proceedings. The Respondent pleaded guilty - ostensibly to save his marriage.
9. The reconciliation had been successful. The Respondent's wife was now working in his practice and was an integral part of it.
10. The Respondent's experience was one that he certainly did not wish to encounter again and did not intend to. At the age of 48, having had no previous involvement with the police, he could only offer his sincere apologies and his assurance that he would do everything in his power to avoid any repetition of what had occurred.
11. The Respondent had been a solicitor since 1984, he had his own practice and had been successful for a period of some ten years. His firm employed 14 staff. The Respondent had had no previous disciplinary history. He had no convictions save for those the subject of the allegations.
12. The Tribunal was invited to give due weight to the fact that there was no element of dishonesty in the convictions. The domestic issues happily had been resolved and any repetition was extremely unlikely.
13. The Tribunal was invited to bear in mind that the Respondent had already had sanctions imposed upon him by the criminal system. The Respondent had paid all the sums he had been ordered to pay and had attended a domestic violence course.

The Findings of the Tribunal

14. The Tribunal found the allegations to have been substantiated, indeed they were not contested. It was clear that a conviction of a solicitor, who is an officer of the Supreme Court, in the criminal court is a matter that inevitably brings his own reputation and that of the solicitors' profession into disrepute.
15. The Tribunal recognised that the Respondent had been punished for his behaviour and to that extent he had paid his debt to society, that the Respondent's unfortunate actions did not occur in a professional context but in a domestic context. There is a high duty on a solicitor to uphold the law whether in his professional or his domestic environment.
16. The Tribunal had taken into account the nature of the offences and the situation in which they occurred. It was a serious matter for a Respondent to appear before his professional disciplinary body and the Tribunal recognised that this was an additional punishment imposed upon the Respondent.

17. In all of the particular and somewhat unusual circumstances of this case the Tribunal concluded that the appropriate and proportionate sanction to impose upon the Respondent was that of a reprimand.
18. It was right that he should pay the costs of and incidental to the application and enquiry. The Tribunal noted that the Respondent had agreed to pay the Applicant's costs and the figure had been agreed between them. The Tribunal therefore ordered the Respondent to pay the Applicant's costs fixed in the agreed sum.

Dated this 30th day of January 2008
On behalf of the Tribunal

A. H. B. Holmes
Chairman