

IN THE MATTER OF PETER JOHN LAWSON, suspended solicitor

- AND -

IN THE MATTER OF THE SOLICITORS' ACT 1974

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Mr W M Hartley (in the chair)  
Miss T Cullen  
Mr M G Taylor CBE

Date of Hearing: 4th December 2007

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**APPLICATION TO DETERMINE FOR THE  
DETERMINATION OF THE INDEFINITE  
SUSPENSION IMPOSED UPON HIM  
ON 15 MARCH 2007**

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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1. Peter John Lawson, a suspended solicitor, of Mill Farm, Little Poulton, Lancashire made application to the Tribunal by affidavit dated 1<sup>st</sup> June 2007 that the indefinite period of suspension imposed upon him on 15<sup>th</sup> March 2007 be brought to an end.
2. The application was heard at The Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 4<sup>th</sup> December 2007 when Mr Lawson appeared in person. The Law Society, the Respondent to the application, was represented by George Marriott, solicitor of Gorvins of Milton Keynes.

The history of the matter

3. On 15<sup>th</sup> March 2007 the Tribunal found the following allegations to have been substantiated against Mr Lawson. The allegations were that he had been guilty of conduct unbecoming a solicitor in that he:
  - 1) acted contrary to Solicitors Practice Rule 1 in that his actions impaired his independence, his duty to act in the best interest of his clients, his good repute or that of the solicitors' profession his proper standard of work;
  - 2) acted in conflict of interest situations;
  - 3) acted for seller and buyer contrary to Rule 6(2) of the Solicitors Practice Rules 1990;
  - 4) acted for lender and borrower contrary to Rule 6(3) of the Solicitors Practice Rules 1990;
  - 5) failed to supervise adequately or at all his clerk contrary to Rule 13 of the Solicitors Practice Rules 1990;
  - 6) took advantage of his clients for himself and/or others and failed to act towards them fairly;
  - 7) accepted gifts from clients without ensuring that the client was independently advised (including gifts to his family);
  - 8) failed to disclose all relevant information to his client.
  
4. The Findings of the Tribunal were as follows:

"The Tribunal, at the end of a two day hearing having heard The Law Society case and having heard both what Mr Lawson said in evidence and the way he gave his evidence was sure that Mr Lawson was honest in what he said and had been honest in what he had done. Mr Lawson had not denied the facts found by The Law Society's Forensic Investigation Unit ("FIU"). He had disputed only the interpretation of those facts and the manner in which information provided by him and Mrs Swarbrick [Mr Lawson's unadmitted clerk the Second Respondent in the disciplinary proceedings in respect of whom an Order was made pursuant to s. 43 of the solicitors Act 1974] had been used by the FIU inspector in his Report. The Tribunal accepted Mr Lawson's explanations. Even so, the allegations were on the facts, as set out above, all proved save that in respect of the first allegation the Tribunal found that while Mr Lawson's independence was impaired by what he had done, his integrity was not so impaired."

5. In its decision and its reasons the Tribunal went on to say:

"While the Tribunal was satisfied that Mr Lawson had acted with integrity in what he had done, nevertheless his conduct was wholly wrong. He had acted outside the Solicitors Practice Rules time and time again. This was particularly so in relation to the Rules on conflict of interest. It was apparent from what Mr Lawson said to the Tribunal that he had had little knowledge of the relevant Rules and furthermore even at the conclusion of the hearing could not see what he had done wrong. These were not, as Mr Lawson suggested, "technical" breaches. Mr Lawson had closed his mind to the requirements of modern practice and it seemed to the Tribunal that his mind remained closed. It was the case, in relation to the property disposals from estates/trusts under his and Mrs Swarbrick's control, that Mr Lawson could not be wholly sure that the manner of disposal had caused no disadvantage to those estates/trusts. Furthermore, Mr Lawson's practice of holding title deeds as security was nowadays of no value given the nature of land registration. Mr Lawson said, in his defence that he had an "idiosyncratic and old fashioned approach to a solicitor's practice". This was right and regrettably, dangerously so.

The Solicitors Practice Rules are in place to protect the public from unscrupulous practitioners. Mr Lawson, the Tribunal has found, was not an unscrupulous practitioner. No client had lost by reason of what he had done and no client had complained about what he had done. Indeed clients –for example, Mrs I and Mr G - confirmed their satisfaction with the manner in which Mr Lawson had conducted matters for them. Nevertheless the Rules also serve the purpose of protecting the reputation of solicitors as a whole. The Rules must be complied with. Mr Lawson in what he had done, albeit honestly, had repeatedly left himself wide open to the suspicion of dishonesty. This was why he was before the Tribunal. These were serious matters both for him in particular and the profession as a whole.

Mr Lawson had a previous disciplinary hearing before the SDT in that there was a finding against him in 1990. It was a long time ago and the issue was entirely different.

The Tribunal considered that in all the circumstances the appropriate Order against Mr Lawson is that he be suspended indefinitely from practice. In order to return to practice, he must satisfy a later division of this Tribunal that he both understands and will comply with the Rules of professional conduct."

### **The Submissions of Mr Lawson**

6. Mr Lawson had been admitted as a solicitor in 1972. He had been suspended from practice for an indefinite period, such period being until he could show The Law Society that he had a sufficient knowledge of the Solicitors Practice Rules 1990.

7. Mr Lawson had been Ordered also to pay to The Law Society £21,000 being a proportion of its costs in the disciplinary proceedings.
8. The Solicitors Practice Rules 1990 had been or were in the process of being replaced by a new code of conduct, due to be fully implemented on 1<sup>st</sup> July 2007, although some part of the new code had already been implemented. Mr Lawson presumed that the Tribunal would want him to update on the new code rather than the old rules. Accordingly he enrolled on a CLT course in Derby held on 30<sup>th</sup> May 2007 and took a full part in the course. Mr Lawson had written to The Law Society asking how he could satisfy them on his knowledge. They replied to the effect that this was a matter for this Tribunal and not them. Mr Lawson wrote to The Law Society on 30<sup>th</sup> April 2007 with a cheque for £21,000. Unfortunately he had received no acknowledgement or receipt for his money. His cheque had been honoured.
9. Mr Lawson made reference to the Tribunal's detailed written Findings and in particular pointed out that there had been no finding against him that he lacked integrity. He had acted in situations where there was a conflict of interest and he had acted for seller and buyer and lender and borrower contrary to Rule 6 of the Solicitors Practice Rules 1990. He had failed to supervise an unadmitted clerk and was found to have taken advantage of clients and had failed to act towards them fairly. He also had accepted gifts from clients (including gifts to his family) without ensuring that the client had been independently advised. He had failed to disclose all relevant information to his client. The media had reported the disciplinary proceedings indicating that he had used client money to enable his son to buy property. Those reports would lead the reader to believe that Mr Lawson's behaviour had been at the most serious end of the scale. The Tribunal itself had said that it was sure that he was honest. The Tribunal had accepted his explanations. Mr Lawson had never been an unscrupulous practitioner and no client had suffered any loss nor had any client complained.
10. The outcome of the proceedings had been at considerable cost to Mr Lawson. Members of the general public had been led to believe that he was a thief. Memberships of bodies had been revoked, his partnership had been dissolved leading to a substantial loss of income and he had resigned from the Council of his local Law Society. Mrs Lawson had been challenged at her bridge club about the matter. Mr Lawson had paid £21,000 costs to The Law Society. He had also paid the costs of his training course and accommodation. Mr Lawson invited the Tribunal to note the confirmation of booking for the course relating to the new code of conduct. The greatest cost to Mr Lawson was, however, that of the shame which he felt.
11. Mr Lawson, at the time of his application was aged 66 years. He pointed out that he might easily have "called it a day". He needed to get back his self-respect. He understood that he must succeed in his application by showing The Law Society that he understood and would in future comply with the Rules relating to practice as a solicitor. Following the full day course which he attended he had come to recognise that if a solicitor had to ask "is there a problem?" then there was.

12. In the nine months since the suspension order Mr Lawson had sought to re-educate himself by reading a number of legal journals and publications. He had also attended a course run by the Land Registry at Lytham St Anne's and was booked to attend a further course.
13. Mr Lawson was concerned to find that his application had met with an almost immediate indication that it would be opposed. No indication had been given to him that The Law Society felt that his application might have been a little "lightweight". Mr Marriott had indicated that the application had to be made by Mr Lawson and the burden of establishing the merits of the application before the Tribunal lay with Mr Lawson himself. Mr Lawson pointed out that the Tribunal had in its written Findings "left the door open" when it said "in order to return to practice he [Mr Lawson] must satisfy a later division of this Tribunal that he both understands and will comply with the Rules of professional conduct."
14. Mr Lawson had been made aware that it would take some six months before he would get a hearing before the Tribunal. He assured the Tribunal that he was not endeavouring to seek to appeal against the earlier decision. Mr Lawson hoped that he would be able to satisfy the Tribunal as to his understanding.
15. Mr Marriott had suggested that Mr Lawson should have sought to rehabilitate himself by working in another solicitor's practice. Mr Lawson did not believe that any solicitor would employ him because when the suspension from practice was lifted he might have taken that opportunity to take any client following that he had with him.
16. Mr Lawson accepted that it was necessary to move with the times. Solicitors nowadays were unbelievably busy and there were whole areas of legal work in which Mr Lawson had no knowledge at all. He recognised that he would confine his practice to the areas in which he had knowledge of the law.
17. Mr Lawson had learned his lesson. He had not been found to be dishonest. He would be able to recognise a situation, such as that of a conflict of interest, when it occurred. He would in the future comply with all of the professional rules of conduct.
18. The Tribunal was invited to give due weight to a note written by the Right Honourable Lord Denning, Master of the Rolls, on a book that he had written on 25<sup>th</sup> June 1980 in the following terms:

"To Peter Lawson  
this wise and good Counsellor - who advises his clients well  
With best wishes"
19. The Tribunal was invited in all of the circumstances to bring the period of suspension imposed upon Mr Lawson to an end.

### **The Submissions on behalf of The Law Society**

20. The Law Society opposed Mr Lawson's application. Mr Lawson had shown no evidence that he was able to demonstrate that not only did he have a thorough understanding of how a solicitor's work should be undertaken, he was also unable to demonstrate that his approach to the conduct of cases would be to the standard expected of the profession and by the Tribunal.
21. Mr Lawson had faced eight allegations which covered breaches of Solicitors Practice Rule 1, acting in conflict of interest situations, acting for seller and buyer contrary to Rule 6(2), acting for lender and borrower contrary to Rule 6(3), failing adequately to supervise or at all his clerk, taking advantage of his clients for himself and others and failing to act towards them fairly, accepting gifts from clients without ensuring that the client was independently advised (which included gifts to his family and staff), and finally failing to disclose all relevant information to his client.
22. As the Findings demonstrated, Mr Lawson, in the large number of transactions exemplified, rode roughshod over all of the relevant Practice Rules, in particular those concerning conveyancing transactions. He demonstrated an inability to recognise a conflict of interest situation, and thereby took advantage of clients which extended to accepting gifts from them. The Tribunal was invited to consider the details of the transactions referred to in the written Findings.
23. The Law Society had accepted that the Tribunal took the view that Mr Lawson appeared to be a principled man and it was not satisfied that Mr Lawson's integrity was impaired by what he did. That was against the backdrop of submissions made by Mr Lawson that whilst he had made loans from client funds under his control at good rates to other clients whom he knew were trustworthy and that no clients had made losses, it was evident from the scale of the transactions and the submissions made by Mr Lawson that he did not believe that he was doing anything wrong.
24. The Tribunal concluded that the words used by Mr Lawson, namely that he had an "idiosyncratic and old fashioned approach to a solicitor's practice" was right and the Tribunal further concluded that that was dangerously so.
25. The Tribunal was properly satisfied that although Mr Lawson was not unscrupulous and that no client had lost out by reason of what he had done and no client had complained, the Practice Rules had to be complied with and it concluded that Mr Lawson had repeatedly left himself wide open to suspicion of dishonesty.
26. Having imposed an indefinite suspension upon Mr Lawson, the Tribunal said:
 

"in order to return to practice, he must satisfy a later division of this Tribunal that he both understands and will comply with the Rules of professional conduct."

27. The imposition of that sanction was perfectly correct. The Tribunal thereby identified where Mr Lawson was lacking and indicated that if he were able to rectify his position in the future, a further division of the Tribunal might terminate the indefinite period of suspension. The purpose of the suspension was to give Mr Lawson a period of rehabilitation and relearning. In the submission of The Law Society, Mr Lawson had to acquire not only an understanding of the Rules, but also acquire judgment so that he understood that what he had been doing was totally unacceptable.
28. The Tribunal's main aim in imposing the sanction was to protect the public and to maintain the high standards of the profession generally (Bolton v The Law Society 1994). The Tribunal left the door "open" for Mr Lawson to apply for determination of the supervision, but only if he could demonstrate that he had the aptitude, judgment and experience to apply the Conduct Rules to his practice in the future. He had failed to demonstrate that.
29. An attendance on a day's course at the end of May 2007 on the new rules of conduct was not enough. In the submission of The Law Society Mr Lawson would need to work as a clerk in a firm of solicitors for a considerable period so as to correct his judgment on issues which faced him. There would have to be a sea change with regard to his view as to how clients' affairs should be managed. Such a sea change could not be acquired by a one day course.
30. Whilst it was recognised that employment of Mr Lawson by a firm of solicitors would require The Law Society's permission, it did not appear that an attempt had been made to secure this type of employment.
31. In the publication "The Professional Conduct and Etiquette of Solicitors" Sir Thomas Lund CBE said:

".... standards of professional conduct change as time passes. What is entirely proper for one generation may be slightly irregular for the succeeding generation and highly improper for the next".
32. Mr Lawson had been articled in his father's firm and had practised as a sole practitioner, with a short period of partnership with his father. Mr Lawson had had no, or very little, exposure within the profession other than to learn from the practices of his father. Mr Lawson's approach to practice was marked by a failure to move with the times.
33. The Tribunal could not be satisfied that there had been any change in Mr Lawson's attitude because of the limited amount of work that he had undertaken in respect of the new rules of conduct and the short span of time between the hearing in March 2007 and his current application. It appeared that Mr Lawson had booked the course that he attended after sight of the Tribunal's Findings and as soon as it was finished he had made his application.

34. It was The Law Society's submission that Mr Lawson believed that the sanction imposed by the Tribunal was the wrong sanction. In that case his proper avenue was an appeal. Mr Lawson had not believed that he had been wrong so he contested the allegations. By not appealing he had accepted the sanction imposed by the Tribunal. Having accepted it Mr Lawson had failed to demonstrate any change in his approach to the practise of the law. He had, for example, not demonstrated any experience in the law since his suspension. The Tribunal had identified those matters which could be put right. Mr Lawson had failed to recognise that attendance on a one day course did not correct a history of practising outside the Rules.
35. Mr Lawson's application was premature. He had adduced no evidence that he had put much effort into getting to grips with the rules and regulations relating to practice as a solicitor or that he would be able to put what he had learned into practice.
36. The Tribunal was invited to dismiss the application with the appropriate order for costs.

### **The Tribunal's Decision**

37. The Tribunal recognised that the disciplinary proceedings and the sanction imposed upon Mr Lawson as a longstanding member of the profession, who was respected in the locality in which he practised, was deeply humiliating for him. The Tribunal accepted that inaccurate adverse publicity was distressing and damaging. Whilst recognising these matters, they were not matters that the Tribunal was able properly to take into account when considering Mr Lawson's application. The Tribunal was deeply concerned by Mr Lawson's apparent failure to recognise the seriousness of his position. Lord Denning's kind remarks to the Respondent in 1980 in no way addressed Mr Lawson's failure to understand the requirements of practise as a solicitor in 2007.
38. The Tribunal had found a number of grave allegations to have been substantiated against him. Mr Lawson had acted as he did because he had done what had always been done, and had been done by his father before him. It was his case that no client had suffered loss and no client had complained. Mr Lawson's view had been that his breaches had been little more than "technical" breaches. The Division of the Tribunal imposing the suspension upon Mr Lawson considered that Mr Lawson's mind remained closed to modern requirements.
39. This Tribunal considers that the way in which Mr Lawson presented his application to it demonstrated that he still did not consider that his behaviour had been seriously wrong. In support of this he pointed out that he had not been found to be lacking in integrity and the Tribunal had "left the door open" for him to have the period of suspension brought to an end.
40. Whilst the earlier division of the Tribunal did give an indication, it did not indicate that an application to determine an indefinite period of suspension should be dealt with only nine months after the imposition of the sanction or that attendance upon a one day course and reading of publications would fulfil the indicated requirement. The fact that Mr Lawson appeared to believe that to be the case was the clearest

possible indication that he simply had failed to understand the seriousness of his position and in turn that underlined his failure to understand the fundamental principles upon which the Practice Rules were based.

41. The Tribunal found that Mr Lawson had not discharged the burden which fell upon him as Applicant and dismissed the application.
42. It was both appropriate and proportionate that Mr Lawson pay the costs of and incidental to the response to his application by The Law Society. The Tribunal considered the schedule of costs produced by Mr Marriott but decided that the sum of £2,200 properly reflected Mr Marriott's work in responding to Mr Lawson's application.

Dated this 7th day of February 2008  
On behalf of the Tribunal

W. M. Hartley  
Chairman