

**THE SOLICITORS (SCOTLAND) ACT 1980
THE SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL
(PROCEDURE RULES 2008)**

FINDINGS

in Complaint

by

**THE COUNCIL OF THE LAW
SOCIETY of SCOTLAND, 26
Drumsheugh Gardens, Edinburgh**

against

**STEVEN PHILIP CROMMIE,
Solicitor, formerly of 15
Georgetown Drive, Dumfries and
currently care of HMP Dumfries**

1. A Complaint dated 16 January 2015 was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society (hereinafter referred to as "the Complainers") requesting that, Steven Philip Crommie, Solicitor, formerly of 15 Georgetown Drive, Dumfries and currently care of HMP Dumfries (hereinafter referred to as "the Respondent") was a practitioner who may have been guilty of professional misconduct.
2. There was no Secondary Complainer.
3. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent. No Answers were lodged for the Respondent.
4. In terms of its Rules the Tribunal appointed the Complaint to be heard on 10 April 2015 and notice thereof was duly served on the Respondent.

5. The hearing took place on 10 April 2015. The Complainers were represented by their Fiscal Paul Reid, Solicitor Advocate, Glasgow. The Respondent was present but not represented.
6. A Joint Minute was lodged admitting the averments of fact, averments of duty and averments of professional misconduct in the Complaint. No evidence was led.
7. The Tribunal found the following facts established
 - 7.1 The Respondent resides at 15 Georgetown Drive, Dumfries. He was born on 25th February 1977. He was admitted as a solicitor in or about January 2004. He was enrolled as a solicitor in the Register of Solicitors practising in Scotland on 9th January 2004. From on or about 29th January 2004 until 12th March 2004 he was employed with the firm Shepherd & Wedderburn, Solicitors, Edinburgh. From on or about 15th March 2004 through to 20th December 2011 he was employed as a solicitor with the firm MacRoberts, Solicitors, Glasgow. From on or about 10th August 2012 until 5th March 2014 he was employed as a Director with the firm Bell Park Kerridge (Scotland) Ltd of 13/15 Church Crescent, Dumfries.
 - 7.2 The firm BPK is a multinational practice registered with the complainers. The Respondent was the sole Scottish member of the firm. He was appointed a Director of the firm. He commenced employment in the Scottish Office of the firm in December 2012. He was Cashroom Manager for the Scottish practice of the firm.

Bell Park Kerridge (Scotland) Ltd
 - 7.3 The clients' engagement letter provided by BPK identifies to the client that the firm will accept cash payments up to a limit of £1,500. If cash is tendered by a client, the firm developed a

practice whereby they maintained a cash receipt book with a carbon copy, which in accordance with the practice, should be removed and placed on the file and accounting slips completed.

7.4 In or about March 2014 another Director of the firm discovered that the Respondent was asking clients to make cash payments in respect of fees etc. Having been alerted to this concern, the Director made enquiries of certain clients, in particular a client who had attended at the Dumfries office to make a payment of £500. This client confirmed to the Director that the Respondent “wanted cash because it was more convenient, cleared faster than cheques etc. They were starting to wonder”. The Director then discussed matters with the Respondent. In particular, he made enquiry of the Respondent regarding the acceptance of cash payments. The Respondent admitted that he had been accepting cash and produced a list of clients from whom he had taken cash. These cash payments were not placed through the firms books and were retained by the Respondent. The Respondent advised the Director that it was his intention to repay the money, but he had gambling debts and was unable to pay the money back immediately.

7.5 An Appendix was attached to the Complaint as “Appendix A”. The Appendix identified the details of transactions where cash was paid by clients of the firm to the Respondent, which amounts were retained by the Respondent for his own personal use and were not deposited in the Client Account. The total amount misappropriated by the Respondent in this fashion was approximately £16,000.

8. Having considered the foregoing circumstances the Tribunal found the Respondent guilty of Professional Misconduct in respect of:

- 8.1 His engaging in a practice whereby he deliberately and repeatedly secured from clients of his firm cash payments, which he thereafter retained for his own personal benefit thereby misappropriating approximately £16,000 contrary to the basic principles of honesty, truthfulness and integrity expected of a solicitor.
- 8.2 His breach of Rules B1.2, B6.3, B6.7 and B6.12 of the Law Society of Scotland Practice Rules 2011.
9. Having heard mitigation from the Respondent, the Tribunal pronounced an Interlocutor in the following terms:-

Edinburgh 10 April 2015. The Tribunal having considered the Complaint dated 16 January 2015 at the instance of the Council of the Law Society of Scotland against Steven Philip Crommie formerly of 15 Georgetown Drive, Dumfries and currently of HMP Dumfries; Find the Respondent guilty of professional misconduct in respect of his deliberately and repeatedly securing from clients of his firm, cash payments which he thereafter retained for his own personal benefit contrary to the basic principles of honesty, truthfulness and integrity expected of a solicitor and his breaching Rules B1.2, B6.3, B6.7 and B6.12 of the Law Society of Scotland Practice Rules 2011; Order that the name of the Respondent Steven Philip Crommie, be struck off the Roll of Solicitors in Scotland; Find the Respondent liable in the expenses of the Complainers and of the Tribunal including expenses of the Clerk, chargeable on a time and line basis as the same may be taxed by the Auditor of the Court of Session on an agent and client, client paying basis in terms of Chapter Three of the last published Law Society's Table of Fees for general business with a unit rate of £14.00; and Direct that publicity will be given to this decision and that this

publicity should include the name of the Respondent and may but has no need to include the names of anyone other than the Respondent.

(signed)

Alistair Cockburn

Chairman

10. A copy of the foregoing together with a copy of the Findings certified by the Clerk to the Tribunal as correct were duly sent to the Respondent by recorded delivery service on

IN THE NAME OF THE TRIBUNAL

Alistair Cockburn
Chairman

NOTE

The Respondent attended in person but was not represented. The Respondent is currently serving a prison sentence and was brought to the Tribunal from the prison. A Joint Minute was lodged in which the averments of fact, averments of duty and averments of professional misconduct in the Complaint were admitted. No evidence was led.

SUBMISSIONS FOR THE COMPLAINERS

Mr Reid advised that the Respondent had cooperated and entered into a Joint Minute. He outlined the circumstances of the Complaint. The Respondent had sought cash payments for fees, took these personally and did not put them through the books of the firm. Mr Reid stated that he understood there was a background of gambling problems in this case. Mr Reid referred the Tribunal to Appendix A, which showed a detailed breakdown of the different cash payments taken from different clients, which were not deposited in the client account. Approximately £16,000 was misappropriated by the Respondent in this manner. Mr Reid asked the Tribunal to make a finding of professional misconduct. He pointed out that the Respondent had stolen from his employers and furthermore his actions had resulted in his clients affairs coming under scrutiny. The Respondent's actions had also resulted in the Inland Revenue being defrauded and his actions were detrimental to his employers. Mr Reid advised that the Respondent had been prosecuted for these offences on indictment and had received a prison sentence of 12 months on 17 March 2015. Mr Reid pointed out that in respect of both the professional misconduct and the criminal offence, the Respondent had accepted his guilt from an early stage.

SUBMISSIONS FOR THE RESPONDENT

The Respondent advised that he had come to the Tribunal to apologise for what had happened. He explained that he had got himself into a mess and there was no way out. Even as he was doing it he did not want it to be happening but he was not having a good time. He explained that when he went to BPK it had been their policy to take money up front for transactions but this had never happened at his previous firm of

MacRoberts. To start with the Respondent did not ask the clients for cash but the clients came in with cash. The Respondent explained that once he started taking the cash he could not get out of it and then he started asking clients for cash. He indicated that he knew that this was not a defence but it was an explanation. When his employer found out he told him immediately and over the next two days gave him full information about all the clients concerned. The Respondent explained that he had been trying to win the money back and had not realised how much money was involved. He explained that his wife had left her job to look after her brother who was dying of cancer. His wife's brother died and the Respondent was then also out of work and there were debts mounting up. There was then a car crash and they were in financial difficulties. The Respondent said that when he looked back he wondered how this had happened. He advised that most of the clients involved had been very supportive. He indicated that he was glad matters were now over and submitted that this was not the sort of person who he was. He advised that he had paid the price for what had happened. He accepted that clients would have suffered due to the police investigation. He also accepted that BPK suffered financially and in terms of their reputation.

DECISION

The Tribunal had no hesitation in finding that the Respondent's conduct was sufficiently serious and reprehensible to amount to professional misconduct. It is essential that solicitors are honest and trustworthy at all times. It is extremely detrimental to the reputation of the profession if solicitors act in the way that the Respondent did in this case.

The client account must be kept sacrosanct at all times. Whatever pressure a solicitor is facing there is no excuse for taking client's money to which a solicitor is not entitled. The Tribunal considered that in a case such as this, involving dishonesty and breach of client's trust, there was no alternative but to strike the Respondent's name from the Roll of Solicitors in Scotland. There is no place in the profession for a solicitor who has stolen from his clients. The Tribunal would however wish to acknowledge that the Respondent cooperated by entering into a Joint Minute and seems to have accepted his guilt from a very early stage in the proceedings. The

Tribunal also find the Respondent to now have insight into what happened and to be genuinely contrite. His entering into an early plea will have lessened the expenses burden imposed on him in respect of the Tribunal proceedings. The Tribunal made the usual order with regard to expenses and publicity.

Alistair Cockburn

Chairman