

IN THE MATTER OF CHRISTOPHER McCHRYSTAL, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr A G Ground (in the chair)  
Mr S N Jones  
Mr M G Taylor CBE

Date of Hearing: 31st March 2005

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## FINDINGS

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Law Society by Stephen John Battersby solicitor and partner in the firm of Jameson & Hill of 72-74 Fore Street, Hertford, Hertfordshire, SG14 1BY on 10th December 2004 that Christopher McChrystal, solicitor of Swithland, Leicestershire, might be required to answer the allegations contained in the statement which accompanied the application and that the Tribunal should make such order as it thought right.

The allegations were that the Respondent had been guilty of conduct unbecoming a solicitor in each of the following particulars:-

1. He failed to keep accounts properly written up;
2. He withdrew monies from client account other than as permitted;
3. He misappropriated clients' monies and used them for his own purposes;
4. He failed to discharge promptly or at all a mortgage on behalf of a client.

The application was heard at the Court Room, Gate House, 3rd Floor, 1 Farringdon Street, London EC4M 7NS when Stephen John Battersby appeared as the Applicant. The Respondent did not appear and was not represented.

The evidence before the Tribunal included the oral evidence of Miss Taylor, the Law Society's Investigation Officer. The Tribunal noted that the Respondent had made admissions to the Law Society's Investigation Officer and had signed her interview report.

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

The Tribunal orders that the respondent, Christopher McChrystal of Swithland, Leicestershire, solicitor, be struck off the Roll of Solicitors and they further order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £7,870.61.

**The facts are set out in paragraphs 1 to 8 hereunder:-**

1. The Respondent, born in 1952, had been admitted as a solicitor in 1977. Until the Law Society intervened into his practice on 16th August 2004 the Respondent practised as a sole practitioner from July 2003, trading as M&W Solicitors at De Montfort Street, Leicester.
2. On 27th July 2004 Miss Taylor, a Law Society Investigation Officer, carried out an inspection of the Respondent's books of account and other documents at 18 De Montfort Street, Leicester. Her written report was before the Tribunal.
3. The Report revealed that the Respondent had failed to keep his accounts properly written up, more specifically:-
  - a) Some client ledgers which had been opened had been left blank showing none of the financial transactions which had passed through the firm's bank account.
  - b) Client ledger accounts which had been maintained had not been kept up to date, lacked narrative and contained errors and omissions.
  - c) The Respondent's cashbooks did not record all bank transactions and often contained no narrative or reference to the client matter to which a transaction related.
  - d) No proper reconciliations between liabilities to clients and cash available had been undertaken.
4. The Report also revealed a minimum shortage of £114,252.68 in funds available to meet liabilities to clients.
5. During an interview between the Respondent and Miss Taylor on 6th August 2004, of which contemporaneous notes were made and had been signed by the Respondent, the Respondent admitted that he had made numerous improper withdrawals from client

account. Some of the money had been used for what he described as “robbing Peter to pay Paul” and some for his own purposes.

6. The Respondent admitted to Miss Taylor that he had acted improperly at his previous firm, William Vaughan & Partners. On the closure of that firm on 3rd July 2003 he had transferred to his new firm some £45,043.20 of which all but £3,167 related to one matter. He prepared a schedule for Miss Taylor detailing property purchase matters in which stamp duty and land registry fees had not been paid. The total involved was £124,280. Taking into account the balance of £3,167, the minimum cash shortage in respect of the former practice of William Vaughan & Partners which was still outstanding was £121,113. Stamp duty penalties and interest incurred because of the delay meant that the amount owing would be substantially greater than this figure.
7. The Respondent had acted in March 2004 on a remortgage for a client Mr G. The lender was Birmingham Midshires Building Society and they provided a net mortgage advance of £110,465 on 24th March 2004. The original mortgage on Mr G’s property of about £92,000 should have been repaid on receipt of the new mortgage funds, but the Respondent admitted that he had not repaid the original mortgage.
8. On 13th August 2004, the Law Society decided to intervene into the Respondent’s practice.

#### **The Submissions of the Applicant**

9. The Tribunal was invited to find all four allegations substantiated. The facts supporting the allegations spoke for themselves.
10. The Respondent made no submissions.

#### **The Findings of the Tribunal**

11. The Tribunal found the allegations to have been substantiated both on the evidence before it and on the basis that the Respondent had made admissions to the Law Society’s Investigation Officer, who had given evidence to the Tribunal and produced her contemporaneous notes.

#### **The Tribunal’s Decision and its Reasons**

12. Members of the public who entrust their money to a solicitor are entitled to be in no doubt that he will handle their money with honesty and care. A solicitor has a clear duty to comply punctiliously with the Solicitors Accounts Rules, to exercise a proper and careful stewardship of clients’ money and to act at all times with probity, integrity and trustworthiness. The Respondent has failed to uphold these fundamental principles of practice and his behaviour which could only be explained by dishonesty would not be tolerated by the solicitors’ profession. The Tribunal has given the Respondent credit for making admissions, but the seriousness of his activities left no doubt that the appropriate sanction to be imposed was a striking off Order. The

Tribunal ordered that the Respondent be struck off the Roll of Solicitors and they further ordered him to pay the costs of and incidental to the application and enquiry, and in order to save time and further expense the Tribunal in concluding that the figure of £7,870.61 put forward by the Applicant was reasonable ordered the Respondent to pay that figure as a fixed sum.

Dated this 30th day of April 2005  
On behalf of the Tribunal

A G Ground  
Chairman