

IN THE MATTER OF CRYSTAL WESTCOTT, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. K.I.B. Yeaman (in the Chair)

Mrs. E. Stanley

Mr. G. Saunders

Date Of Hearing: 19th April 1995

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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 Solicitors Complaints Bureau by Carlton Maurice Edwards, solicitor, of Southfield House, 11 Liverpool Gardens, West Sussex BN11 1SD on 15th November 1994 that an order be made by the Tribunal directing that as from a date to be specified in such order no solicitor should except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Crystal Westcott of Stewton Meadows Stewton Lane, Louth, Lincolnshire a person who was or had been a clerk to a solicitor or that such other order might be made as the Tribunal should think right.

The allegation was that the respondent had been convicted of six counts of obtaining property by deception and had been sentenced to a total of six months imprisonment.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 19th April 1995 when Carlton Maurice Edwards, solicitor and partner in the firm of Messrs. Marsh

Ferriman & Cheale of Southfield House, 11 Liverpool Gardens, Worthing, West Sussex appeared for the applicant and the respondent did not appear and was not represented.

Messrs. Murdochs, solicitors of 45 High Street, Wanstead, London E11 had written to the Tribunal on 13th March 1995 confirming they had been instructed by the respondent not to oppose the application and expressing the understanding that the order sought could be made in the absence of the respondent and themselves in order to save unnecessary costs. A request was made that the Tribunal refrain from filing the order in order that Messrs. Irwin Mitchell, who were currently employing the respondent, could apply to the Law Society for permission to employ her.

At the conclusion of the hearing the Tribunal ORDERED that as from 19th April 1995 no solicitor should except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society might think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Crystal Westcott of Stewton Meadows, Stewton Lane, Louth, Lincolnshire a person who was or had been a clerk to a solicitor and the Tribunal further Ordered her to pay the costs of and incidental to the application and enquiry fixed in the sum of £724.36 inclusive.

The filing of the Order with the Law Society was suspended for the period of two months from 19th April 1995.

The facts are set out in paragraphs 1 to 3 hereunder.

1. On 25th May 1994 the respondent was convicted before Lincoln Crown Court of six counts of obtaining property by deception and was sentenced to a total of six months imprisonment. The offences related to the respondent having for a period of approximately two years defrauded the Department of Health and Social Security of approximately £11,500.00 by claiming supplementary benefit and stating that she was not working whilst in fact she was employed by way of a secretarial agency.
2. On 17th August 1994 the Conduct Sub-Committee of the Adjudication and Appeal Committee of the Solicitors Complaints Bureau resolved that application should be made to the Tribunal for an order pursuant to Section 43(2) of the Solicitors Act 1974
3. The Tribunal had before it a copy of a letter written by Messrs. Russell Adie Pickwell who had employed the respondent explaining that she was thirty-one years of age and following diagnosis of cancer had undergone a course of treatment including surgery. As a consequence the respondent was not always able to accept employment from the secretarial agency which she had joined as a temporary secretary and had begun to claim supplementary benefit. She was under financial pressure having mortgage payments to make and repayment of a loan to purchase a motor car. It was said that it was through a combination of financial pressure and depression concerning her health that she continued to claim supplementary benefit whilst accepting temporary work through the secretarial agency. That went on over a period of some three years. When the respondent gained full time employment she ceased to claim supplementary benefit.

**The submissions of the applicant**

- 4 In the circumstances it was right that the order sought should be made. The order did not prevent a solicitor's clerk from working but enabled the Law Society to control his or her employment to ensure that the public were protected if necessary. The applicant did not wish to put forward any representations as to whether the filing of the order should be stayed.

**The submissions of the respondent**

- 5 Russell Adie Pickwell had described the respondent as exceptionally diligent and hard working. Messrs. Irwin Mitchell who wished to continue to employ the respondent confirmed that she was employed by them as a secretary. She had been completely honest regarding the events that had led to the disciplinary hearing. They described her as a hardworking, conscientious individual and they had no hesitation in continuing to employ her.

The Tribunal FOUND the allegation to have been substantiated, indeed it was not contested.

It was clear that the respondent had adopted a dishonest course of action. She had been convicted and had served her sentence. It was right that an Order controlling her employment by solicitors should be made, however the Tribunal hoped that the unfortunate state of affairs which led to her committing criminal offence and that whole matter could be put behind her and in view of the support given to the respondent by her former and her current employers it was hoped that the Law Society would give favourable consideration to an application by Messrs. Irwin Mitchell to continue to employ the respondent. In order that that firm should not be deprived of the respondent's services and in order that she should not find herself unemployed pending the outcome of the Law Society's decision, the Tribunal agreed that the filing of the Order with the Law Society should be suspended for the period of two months.

DATED this 31st day of July 1995  
on behalf of the Tribunal



K.I.B. Yeaman  
Chairman

