

IN THE MATTER OF MICHAEL MORTON, Solicitor's Clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. J W Roome (in the Chair)  
Mrs. E Stanley  
Lady Bonham-Carter

Date Of Hearing: 15th March 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 Geoffrey Williams, solicitor of 36 West Bute Street, Cardiff on the 1st December 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 Michael Morton Derby 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 criminal offences which disclosed such dishonesty that in the opinion of the Law Society it would be undesirable for him to be employed by a solicitor in connection with his practice.

The application was heard at the Court Room No, 60 Carey Street, London WC2 on the 15th March 1995 when Geoffrey Williams solicitor and partner in the firm of Cartwrights, Adams & Black of 36 West Bute Street, Cardiff appeared for the applicant and the respondent did not appear and was not represented.

The applicant had spoken to the respondent during the day prior to the hearing. The respondent was still in custody and would not be appearing before the Tribunal. The respondent did not dispute the facts nor would he challenge any decision reached by the Tribunal.

At the conclusion of the hearing the Tribunal ORDERED that as from the 15th March 1995 no solicitor should, except in accordance with permission in writing granted by the Law Society for such a period and subject to such conditions that the society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Michael Morton of Derby by a person who was or had been a clerk to a solicitor and the Tribunal further ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £956.68 inclusive.

The facts are set out in paragraphs 1 to 3 hereunder:-

1. The respondent who was not a solicitor was at all material times between about 1989 and 1993 employed as a clerk by Messrs. Farleys, solicitors of 22/27 Richmond Terrace, Blackburn; 1& 2 Richmond Terrace, Blackburn; 97 Blackburn Road, Accrington, and 12-18 Willow Street, Accrington. The respondent was responsible for operating the Financial Services Department of the said firm based at 22-27 Richmond Terrace.
2. He was dismissed from such employment as a result of the discovery of the matters leading to the conviction at Burnley Crown Court on the 13th June 1994 on ten indictments of theft and one indictment of obtaining property by deception. The respondent had pleaded guilty and was sentenced to a total of three years imprisonment.
3. The convictions arose out of the respondent's conduct whilst employed as a clerk. All the respondent's victims were clients of the firm. The respondent was responsible for a loss to those clients of £128,136.56 in total.

#### **The submissions of the applicant**

4. Over a long period the respondent took advantage of vulnerable people who did not understand the nature of investments but who nevertheless trusted him with their savings. The respondent's mitigation offered to the Court was that he had attempted to impress his wife.
5. The respondent had committed very serious offences of dishonesty. He had flagrantly breached the trust of the firm's clients and of his employers. If he were ever to return to the profession, it should only be under the closest scrutiny. In such circumstances in the opinion of the applicant, it was vital that the Tribunal granted the Order as sought.

The Tribunal FOUND the allegation to have been substantiated, indeed it was not contested. The Tribunal agreed that the respondent had committed serious offences of dishonesty against vulnerable people who had put their trust in him. The sum of money involved was substantial and it was right that the respondent should not be

permitted to be employed in a solicitor's firm without the permission of the Law Society first obtained.

DATED this 3rd day of May 1995

on behalf of the Tribunal



J W Roome  
Chairman

Law Society on the 24<sup>th</sup>  
day of May 1995

