

IN THE MATTER OF LESLEY HELEN BAGGOTT, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J W Roome (in the Chair)
Mr. J N Barnecutt
Lady Bonham Carter

Date Of Hearing: 16th May 1995

FINDINGS

of the Solicitors' Disciplinary Tribunal
constituted under the Solicitors Act 1974

An application was duly made on behalf of the Law Society by Carlton Maurice Edwards solicitor of Southfield House, 11 Liverpool Gardens, Worthing, West Sussex, BN11 1SD 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 Lesley Helen Baggott of Lichfield, Staffs, WS13 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 upon her own confession of an offence of theft and false accounting and had been sentenced to probation for six months on each count to run concurrently.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 16th May 1995 when Carlton Maurice Edwards solicitor and partner in the firm of Marsh Ferriman & Cheale, Southfield House, 11 Liverpool Gardens, Worthing, West Sussex appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included an affidavit of service both as to the initial papers and the Civil Evidence Act notice and a letter had been received from solicitors representing the respondent confirming that she would not attend the hearing. She was not working within the solicitors profession and the applicant's application was not opposed.

At the conclusion of the hearing the Tribunal Ordered that as from the 16th May 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 Lesley Helen Baggott of Lichfield, Staffs, a person who was or had been a clerk to a solicitor and the Tribunal further Ordered that she pay the costs of and incidental to the application and enquiry fixed in the sum of £632.40 and a contribution of £500 towards the costs of the Law Society's Investigation Accountant.

The facts are set out in paragraphs 1 to 5 hereunder:-

1. The respondent was from the 8th April 1991 until the 6th September 1991 employed as a cashier by Messrs. Nevills solicitors at their office at 2 Bolebridge Street, Tamworth, Staffordshire.
2. On the 9th February 1994 the Chief investigation Accountant of the Solicitors Complaints Bureau inspected the books of account of Messrs Nevills and reported on the 10th March 1994 that the respondent had appropriated the sum of £571.74 from money received on behalf of clients. The Tribunal had before it a copy of the Investigation Accountant's report dated the 17th June 1994.
3. On the 16th November 1993 the respondent was convicted before Stafford Crown Court upon her own confession of an offence of theft and false accounting and was sentenced on the 13th December 1993 to probation for six months on each count to run concurrently.
4. On the 9th November 1994 the Adjudication and Appeals 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 in respect of the respondent on the ground that she, having been a clerk to a solicitor but not being a solicitor, had been convicted of a criminal offence which disclosed such dishonesty that in the opinion of the Law Society it would be undesirable that she should be employed by a solicitor in connection with his or her practice.
5. The basis of the respondent's offences had been that she had paid herself overtime without authority. She had indicated that the matter had been one of misunderstanding and not deliberate. She had however entered a guilty plea to the offences of dishonesty alleged against her.

The submission of the applicant

- 6. In the circumstances it was right that the employment of the respondent by solicitors should be controlled.

- 7. The Tribunal FIND the allegation to have been substantiated. In the circumstances it was right that an Order pursuant to Section 43 should be made in respect of the respondent. It was right also that she should pay the applicant's costs. However, although the Tribunal did not have detailed information as to the respondent's financial position, it was felt inappropriate that she should pay the whole of the costs of the Law Society's Investigation Accountant, but as her actions had, to a great extent, contributed to the inspection of her employers books of account, then it was right that she should pay a proportion of the Investigation Accountants costs.

DATED this 29th day of June 1995

on behalf of the Tribunal

John Roome

J W Roome
Chairman

pp King

Received by
Law Society
29th
July 1995.

