

IN THE MATTER OF ANNE BERNADETTE BROOM, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J.C. Chesterton (in the Chair)
Mrs. E. Stanley
Mr. G. Saunders

Date Of Hearing: 20th June 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 on 24th March 1995 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 Anne Bernadette Broom of _____, Flockton, Wakefield, West Yorkshire WF4 _____ a person who was or had been 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 tried and upon her own confession convicted before Bradford Crown Court of twelve offences of theft and five offences of false accounting.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 20th June 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.

The Clerk to the Tribunal was in receipt of a letter from Messrs. Eastwoods, solicitors of Hebden Bridge, West Yorkshire dated 12th May 1995 confirming that the respondent would not attend. That letter is referred to further at paragraph 6 below.

The evidence before the Tribunal included the admission of the respondent contained in the letter from Messrs. Eastwoods.

At the conclusion of the hearing the Tribunal ORDERED that as from 20th June 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 as the Society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Anne Bernadette Broom of _____, Flockton, Wakefield, West Yorkshire 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 £550.70, together with the costs of the Investigation Accountant of the Law Society to be taxed if not agreed.

The facts are set out in paragraphs 1 to 7 hereunder.

1. The respondent was from July 1986 until 20th May 1993 employed as a cashier by Messrs. Bearders, solicitor at their office at 85 Northgate, Halifax.
2. On 19th September 1994, the respondent was tried and upon her own confession convicted before Bradford Crown Court of twelve offences of theft and five offences of false accounting being sentenced to a total term of imprisonment of two years.
3. The offences related to the misappropriation of the funds of clients of Messrs. Bearders. The Tribunal had before it a copy of the Report of the Investigation Accountant of the Law Society reporting the allegation made by a partner in Messrs. Bearders that the respondent had misappropriated clients' funds totalling at least £35,327.97 and office bank account funds totalling at least £3,551.39 during her employment with the firm.
4. On 7th December 1994, the Adjudication & 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.

The submissions of the applicant

5. In the circumstances it was right that the respondent's employment within the solicitors' profession should be controlled.

The submissions of the respondent (contained in the afore-mentioned letter from Messrs. Eastwoods dated 12th May 1995)

6. The respondent said she did not challenge the substance of the allegation made against and did not seek to oppose the making of the Order which had been sought. The

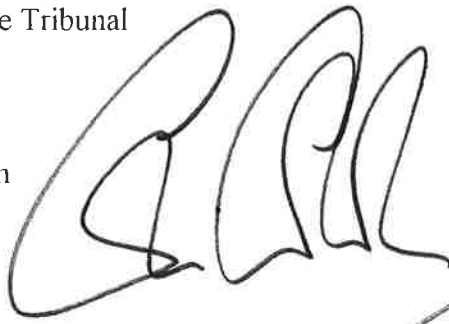

respondent would not attend the Tribunal and would not be represented. She was serving a term of imprisonment.

- 7 The respondent expressed her regret about the unfortunate incidents which had led to the Tribunal hearing.

The Tribunal FOUND the allegation to have been substantiated, indeed it was not contested. It was right in the circumstances that the an Order pursuant to Section 43(2) of the Solicitors' Act 1974 should be made in respect of the respondent and that she should pay the costs of the Law Society and of it's Investigation Accountant.

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

J.C. Chesterton
Chairman

Finding made with the
Law Society on 4th
day of August 1995

