

IN THE MATTER OF JULIE BURNS, Solicitor's Clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J R C Clitheroe (in the Chair)
Mr. A G Gibson
Mr. G Saunders

Date Of Hearing: 25th July 1995

FINDINGS

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

An application was duly made on behalf of the Solicitor's Complaints Bureau on 29th March 1995 by Carlton Maurice Edwards solicitor of Southfield House, 11 Liverpool Gardens, Worthing, West Sussex 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 of a solicitor Julie Burns of Harborne, Birmingham, B17 (formerly of Hagley Road, Birmingham) 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, having been convicted of certain criminal offences had been guilty of such conduct as to justify a Order being made in respect of her in the terms of Section 43 of the Solicitors Act 1974.

The application was heard at the Court Room No.60 Carey Street London WC2 on the 25th July 1995 when Andrew Hopper solicitor of PO Box 7, Pontyclun, Mid Glamorgan appeared for the applicant and the respondent did not appear and was not represented. The respondent had written to the Tribunal dated the 16th June 1995 in which acknowledged receipt of notification of the proceedings and stated that she had no intention of defending.

At the conclusion of the hearing the Tribunal ORDERED that as from the 25th July 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 all remunerate in connection with the practice as a solicitor Julie Burns of , Harborne, Birmingham, B17 (formerly of , Hagley Close, Birmingham) a person who is or was a clerk to a solicitor.

The facts are set out in paragraphs 1 to 9 hereunder:-

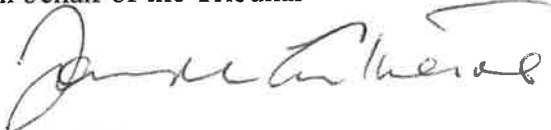
1. The respondent who was not a solicitor and was employed as a clerk with French & Co. solicitors (the firm) at their address at 247A Jockey Road, Boldmere, Sutton Coldfield, B73 5XE between February 1989 and August 1990.
2. The respondent was on the 6th April 1992 tried and upon her own confession convicted of six counts of obtaining property by deception by the Worcester Crown Court and sentenced to two years imprisonment concurrent on each count. The respondent had been engaged by the firm as a part time locum. She had previously worked in a similar capacity for another firm in Birmingham. Prior to that she had worked as an agent for the Crown Prosecution Service. It transpired that she was not qualified as a solicitor but was in fact a member of the Bar. Her engagement as a locum with the firm was terminated in August 1990.
3. It came to the firm's attention in 1991 that whilst working in their office the respondent had intercepted applications for the registrations of three separate properties. The first was a property owned by her mother and subject to first charge to Lloyds Bank. The second was a property owned jointly by the respondent and her husband subject to first charge in favour of the Abbey National Building Society and a second charge in favour of Lloyds Bank. The third property was the premises of a Post Office operated by the respondent , her husband and her mother. This was subject to a first charge in favour of the Hampshire Building Society (now the Bradford & Bingley Building Society). It appeared that the respondent re-charged the first property in favour of the Cheltenham & Gloucester Building Society and the Post Office premises in favour of Barclays Bank. She had attempted to re-mortgage the second property but fortunately this was prevented.
4. On becoming aware of the existence of a difficulty in about April 1991 the firm contacted the Law Society. The Post Office was in due course sold and with the agreement of all parties the liabilities that the respondent had with Barclays Bank and Lloyds Bank were discharged. At the same time the LIB was notified to protect any potential claimant as against the firm. None of the lending institutions had pursued their claims against the firm. Following her conviction, the matter received some local publicity.
5. In addition to abusing her position in a firm of solicitors, the respondent obtained monies from friends by deception.
6. Although the Solicitors Complaints Bureau (the Bureau) was promptly notified following the respondent's conviction no urgent steps were taken to implement Section 43 Order and the file suffered from considerable delay. Accordingly, the applicant was not asking for the usual Order in respect of costs.

7. On 15th February 1995 the Adjudication and Appeals Committee of the Bureau resolved that an application should be made to the Solicitors Disciplinary Tribunal for an Order under Section 43(2) of the Solicitors Act 1974.

The Tribunal found the allegations to be substantiated and made the Order sought.

DATED this 21st day of September 1995

on behalf of the Tribunal



J.R.C. Clitheroe
Chairman

21st day of September 1995
22nd
September 1995

