

IN THE MATTER OF TARA KATE KITCHENER, 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 Geoffrey Williams, solicitor of 36 West Bute Street, Cardiff 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 Tara Kate Kitchener of East Barnet, Hertfordshire (and subsequently of Bush Hill Park, Enfield, Middlesex) 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 convicted of criminal offences which disclosed such dishonesty that in the opinion of the Law Society it would be undesirable for her 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 20th June 1995 when Geoffrey Williams, solicitor and partner in the firm of Messrs. Cartwrights Adams & Black of 36 West Bute Street, Cardiff appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the admission of the respondent reported to the Tribunal by the applicant. The respondent had telephoned him on 17th May 1995 to give him her new address to confirm that she had received all papers and that she would not attend the hearing and on 13th June confirming receipt of notices served pursuant to the Civil Evidence Act.

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 Tara Kate Kitchener of Bush Hill Park, Enfield, Middlesex 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 £658.00 inclusive.

The facts are set out in paragraphs 1 to 4 hereunder.

1. The respondent was a clerk to a solicitor and had at the material times been employed as a cashier by Messrs. Shoosmiths & Harrison, solicitors of 3 John Street, London WC1N 2EX.
2. On 13th October 1994, the respondent appeared in the Clerkenwell Magistrates Court. She pleaded guilty to dishonestly obtaining money by deception contrary to Section 15(1) of the Theft Act 1968. She also pleaded guilty to stealing petty cash contrary to Section 1 of the said Act. She was made subject to a Probation Order for two years and Ordered to pay compensation to her former employers in the total sum of £1,670.00.
3. The convictions arose out of the respondent's conduct whilst employed as a cashier with Messrs. Shoosmiths & Harrison.
4. The respondent had taken petty cash in the total sum of £920.00. She had falsified accounting records relating to a commission cheque. The firm had received a cheque from an insurance company for £749.97 which related to insurance commissions on policies taken out by clients. The money should have been divided up and paid out to individual clients. Instead, it was paid out as a single cheque. The accounting records indicated that it had gone to a single client, when in fact the cheque had been made payable to an accomplice of the respondent.

The submissions of the applicant

5. It was right that an Order pursuant to Section 43 should be made in respect of the respondent in order that her employment within the solicitors' profession might be controlled.

The Tribunal FOUND the allegation to have been substantiated and made the Order sought, together with an Order for fixed costs in favour of the applicant.

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

J.C. Chesterton
Chairman

