

IN THE MATTER OF PAULA HALL, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J.N. Barnecutt (in the Chair)
Mr. R.B. Bamford
Mr. G. Saunders

Date Of Hearing: 6th July 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 7th April 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 Paula Hall of London E8 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, on her own confession, been convicted before Snaresbrook Crown Court of six offences of theft and had been sentenced to nine months imprisonment suspended for twelve months and had been made the subject of a suspended sentence supervision order for the like period.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 6th July 1995 when Harvey Silverman, 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 evidence included a bundle of documents of service handed in by the applicant (exhibit "PH 1")

At the conclusion of the hearing the Tribunal ORDERED that as from 6th July 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 Paula Hall of , London E8 a person who was or had been a clerk to a solicitor and the Tribunal further Ordered her to pay the costs of and incidental to the application and enquiry, fixed in the sum of £384.82.

The facts are set out in paragraphs 1 to 12 hereunder.

1. The respondent was not a solicitor and was employed by Messrs. Marcus-Barnett, solicitors for about ten years as a secretary. Her employment was terminated on 26th November 1993.
2. The respondent was a secretary to a former partner of the firm, Mr. R. Barnett from about 1985 to January 1992, when Mr. Barnett left the partnership.
3. During his time with the firm, Mr. Barnett built up a very busy criminal practice. A substantial number of freelance clerks were employed to attend clients at the police station and prison and at the Crown Court.
4. The respondent's position developed into that of personal assistant to Mr. Barnett. She received calls from clients of the firm seeking advice and assistance at police stations and used the firm's extensive list of freelance clerks to ensure that cover was provided to clients seeking such assistance. The respondent supervised claims for payment by the firm made by freelance clerks and authorised settlement of those claims by the firm's accounts department.
5. After Mr. Barnett's departure from the firm, the respondent continued in that administrative role in relation to the allocation of outdoor clerks to conferences and court and police station attendances.
6. It came to the firm's attention during the end of 1993 that the respondent had abused her position of responsibility by wrongfully removing a substantial sum of money from the firm's office account. Regular payments had been made to an outdoor clerk over a period of nearly two years. Checks had revealed that many of the invoices for the clerk's services authorised for payment by the respondent did not relate to any work actually carried out by the firm. A similar deception had been operated in relation to another outdoor clerk who did not exist at all.
7. The firm obtained from its bankers some returned cheques payable to the clerks mentioned above and the crossings showed that those had been endorsed and cleared through the respondent's bank account.

8. The total sum taken by the respondent through those deceptions was estimated to be in the region of £30,000.00.
9. It was further discovered that the respondent authorised payments to a Mrs. O as an outdoor clerk attending clients at a police station under an assumed name. Mrs. O was in fact the respondent's daughter and had worked for the firm as a secretary until January 1992. Mrs. O subsequently worked on one or two occasions for the firm as a freelance outdoor clerk. It nevertheless remained a matter of grave concern to the firm that the respondent should have abused her supervisory position over outdoor clerks to permit Mrs. O to work for the firm and in particular to attend clients at police stations under an assumed name.
10. Upon further enquiries, it was revealed that the respondent had claimed overtime payments from the firm for secretarial duties which were not in fact ever carried out by her.
11. It was also alleged that the respondent had stolen a safe deposit box containing approximately six hundred pounds worth of jewellery from one of the firm's probate clients.
12. On 9th November 1994 the Adjudication & Appeals Committee of the Solicitors Complaints Bureau (the Bureau) resolved that application should be made to the Solicitors Disciplinary Tribunal for an Order under Section 43(2) of the Solicitors' Act 1974 in respect of the respondent on the grounds 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 her practice.

The submissions of the applicant


13. The applicant submitted that the facts spoke for themselves. The respondent had been convicted upon her own confession of offences involving dishonesty and sought the Order made plus costs of £384.82.

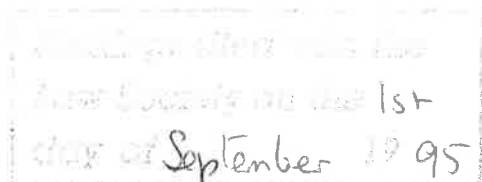
The submissions of the respondent

14. No correspondence had been received from the respondent by either the Tribunal or by the applicant.

The Tribunal FOUND 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 also right that she should pay the applicant's costs.

DATED this 1st day of August 1995
on behalf of the Tribunal


J.N. Barnecutt
Chairman


1st
day of September 1995

