

IN THE MATTER OF PAUL SULLIVAN, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D.J. Leverton (in the Chair)
Mr. A.G. Gibson
Mrs. C. Pickering

Date Of Hearing: 13th 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 Gerald Malcolm Lynch, solicitor, of 16 Warrior Square, Southend-on-Sea, Essex on 11th 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 Paul Sullivan of London E3 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 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 he should be employed by a solicitor in connection with his or her practice.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 13th June 1995 when Gerald Malcolm Lynch, solicitor and partner in the firm of Messrs. Drysdales

& Janes of 16 Warrior Square, Southend-on-Sea, Essex, appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the oral evidence of Mrs. Susan C. Elson, Clerk to the Tribunal, as to due service of the proceedings and exhibits "PS 1" and "PS 2".

At the conclusion of the hearing the Tribunal ORDERED that as from 13th 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 Paul Sullivan of _____, London E3 _____ a person who was or had been a clerk to a solicitor and the Tribunal further Ordered that he pay the costs of and incidental to the application and enquiry fixed in the sum of £616.00 inclusive.

The facts are set out in paragraphs 1 to 6 hereunder.

1. At all material times the respondent was employed as a clerk by Messrs. Masons, solicitors, of 30 Aylesbury Street, London EC1R 0ER. He was dismissed from that employment on 1st March 1994.
2. The respondent's principal duty was to work as an outside clerk which, inter alia, involved his attendance at Court to issue Court proceedings.
3. It had come to light that the respondent had been involved in a fraudulent scheme relating to the issue of Court proceedings. Messrs. Masons provided cheques for cash from its accounts department to pay for writs issued at the Royal Courts of Justice. The fee was £100 per writ and it was usual to pay for those in cash. The respondent obtained the cash and then used it to purchase cheques from a clerk employed by another firm. In February 1994 the respondent was interviewed by the Director of Office Services at Masons and admitted being implicated in the fraudulent activity.
4. The matter was investigated by the police. The Court indicated that one hundred and seventy-four writs were involved, the total value of fees unpaid being £12,330.
5. On 8th June 1994 at Bow Street Magistrates Court the respondent was convicted of theft from Messrs. Masons and was sentenced to six months imprisonment.
6. The Adjudication and Appeals Committee of the Solicitors Complaints Bureau formally resolved on 8th February 1995 that an application for an Order pursuant to Section 43 of the Solicitors Act 1974 should be made.

The submissions of the applicant

7. The respondent had been guilty of criminal offences involving dishonesty during the course of his employment as a solicitor's clerk which involved a considerable breach of trust and it was right that an order controlling his employment within the solicitors' profession be made.

The respondent did not make any submissions.

The Tribunal FOUND the allegation to have been substantiated. Clearly the respondent's behaviour as an outdoor clerk was entirely unacceptable. He was entrusted with monies on his employer's and their clients' behalf and he saw fit to abuse that trust. A substantial sum of money was involved and, indeed, another solicitor's clerk was implicated in the fraud. It is right that the respondent's employment within the solicitors' profession should be controlled. The Tribunal made an Order pursuant to Section 43 of the Solicitors Act 1974 and further Ordered the respondent to pay the costs of and incidental to the application and enquiry.

DATED this 31st day of July 1995

on behalf of the Tribunal



D.J. Leverton
Chairman



16th
August 1995

