

IN THE MATTER OF ELLEN MARGARET RICHARDSON, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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

Date Of Hearing: 25th July 1995

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## FINDINGS

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

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An application was duly made on behalf of the Solicitors Complaints Bureau on 27th April 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 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 Ellen Margaret Richardson of Cleckheaton, Bradford, West Yorkshire, 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 been guilty of such conduct as to justify an Order being made in respect of her in the terms of Section 43(2) of the Solicitors Act 1974.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on 25th July 1995 when Andrew Graham Hopper of PO Box 7, Pontyclun, Mid Glamorgan, CF7 9XN

solicitor appeared for the applicant and the respondent did not appear and was not represented. An affidavit as to service prepared by William James Fuller, enquiry agent, was filed on 7th July 1995 (EMR1). The affidavit confirmed that the respondent had received and read the documents referred to therein. The respondent informed Mr Fuller that she had no intention of obtaining employment in the legal profession in the near future and did not wish to attend the hearing or oppose the application by the Law Society. The Tribunal agreed to abridge the normal period of notice provided by the Rules.

At the conclusion of the hearing the Tribunal ORDERED that as from 25th 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 condition, employ or remunerate in connection with the practice as a solicitor Ellen Margaret Richardson of \_\_\_\_\_, Cleakheaton, Bradford, West Yorkshire a person who is or was a clerk to a solicitor.

The facts are set out in paragraphs 1 to 4 hereunder:-

1. The respondent, who was not a solicitor was employed as a solicitors clerk, namely a legal secretary with John Pickering & Partners Solicitors (the firm) at their office at 37 Salem Street, Bradford, West Yorkshire from 1st November 1990 to 10th June 1991.
2. On 27th November 1991 the respondent was convicted before the Leeds Crown Court upon her own confession of an offence of theft and was sentenced to 18 months of imprisonment, suspended for two years with suspended sentence supervision Order for the like term. Four other offences were taken into consideration.
3. The said offence of theft was in respect of the misappropriation of the Firm's fund as detailed in a report from McKellen & Co. chartered accountants dated 13th February 1992 together with the letter from the firm to the Law Society dated 28th October 1991.
4. The respondent had stolen approximately £34,000.00 from the Firm during the course of late 1990 early 1991. It was discovered in early June 1991. She was immediately dismissed and the police were informed. Civil proceedings had been taken against her and judgement had been obtained in the sum of £30,028.83 plus interests and costs (so far some £2,879.22 had been recovered by the Firm). The theft was detailed in the Accountant's Report for the year end 30th April 1991.

**Submissions of the applicant**

5. A damages cheque in the sum of £40,000 had been received and banked in the Firm's client account in April 1991. This was due to be divided between two parties one of which was a Mrs C who was due to receive £21,600. The respondent drew a cheque on the Firm's office account for this sum in favour of Mrs C and then endorsed a cheque in favour of herself and passed in through her own bank account. There then followed an elaborate cover-up of that transaction. Further offences against the Firm were cited by the accountants.
6. On 29th July 1992 the adjudication Sub-Committee of the Appeals Committee of the Solicitors Complaints Bureau resolved that application should be made to the

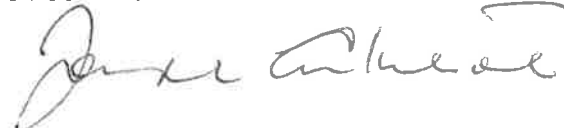
Solicitor's Disciplinary Tribunal for an Order under Section 43(2) of the Solicitors Act 1974 in respect of the respondent.

7. Unfortunately, the file went missing at the Bureau and the matter was not actioned until relatively recently. The applicant was making no application in relation to costs.

The Tribunal found the allegation to be substantiated, indeed it was not contested. The Tribunal considered it right that the Order sought be made.

DATED this 20<sup>th</sup> day of September 1995

on behalf of the Tribunal



J.R.C. Clitheroe  
Chairman

22nd  
September 95

