

IN THE MATTER OF RONALD CHARLES BROKENBROW, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. Fordham (in the Chair)

Mr. Yeaman

Mr. Saunders

Date Of Hearing: 11th August 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 and partner in the firm of Messrs. Marsh Ferriman & Cheale of Southfield House, 11 Liverpool Gardens, Worthing, West Sussex on the 23rd May 1995 that an order be made by the Tribunal directing that as from a date to be specified 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 may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Ronald Charles Brokenbrow of Chorlton-Cum-Hardy, Manchester a person who was or had been a clerk to a solicitor, or that such Order might be made as the Tribunal should think right.

The allegation was that the respondent had been tried and upon his own confession convicted before Manchester Crown Court of the offence of Conspiracy to Defraud and Procuring the Execution of a Valuable Security by Deception and had been sentenced to a total of six months imprisonment on each count suspended for two years.

The application was heard at the Court Room, 60 Carey Street, London WC2 on 11th August 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 respondent had addressed a letter to the applicant on the 7th July 1995 regretting that he would not attend the hearing. The respondent pointed out that he had not been convicted upon his own confession but following a ten to twelve week trial. The balance of the contents of the respondents letter are set out hereunder, under the heading "The Submissions of the Respondent".

At the conclusion of the hearing, the Tribunal Ordered that as from the 11th August 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 may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Ronald Charles Brokenbrow of _____, Chorlton-Cum-Hardy, Manchester a person who was or has been a Clerk to a solicitor and the Tribunal further Ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £485.00 inclusive.

The facts are set out in paragraphs 1 to 5 hereunder.

1. The respondent, who is not a solicitor, was employed as a Litigation Managing Clerk with Messrs. Olliers, Solicitors at 91 Wellington Road North, Stockport, Cheshire from 1965 until 1976 and from 1986 until September 1992.
2. On the first 1st September the respondent was convicted, following a trial, before Manchester Crown Court of an offence of Conspiracy to Defraud and Procuring the Execution of a Valuable Security by Deception and was sentenced to a total of six months imprisonment on each count suspended for two years.
3. The offences were committed between the 1st May 1980 and the 25th April 1983 while the respondent was Secretary of a Company, PCH Limited.
4. The conspiracy charge concerned the acquisition of parcels of lands by the Company it being alleged that the creditors and shareholders of the Company had been defrauded by a false representation that the acquisitions were bona fide commercial transactions. The latter offence concerned the procuring of a valuable security namely Share Certificates in the Company.
5. On the 21st September 1994 the Adjudication and Appeals Committee of the Solicitors Complaints Bureau resolved that application be made to the Tribunal for an Order pursuant to Section 43 (2) of the Solicitors Act 1974.

The Submissions of the Applicant

6. The applicant had been convicted of the offences set out above and an appeal against his conviction had been unsuccessful. It was right that the employment of a Clerk who had been convicted of such criminal offences should be controlled within the solicitors' profession.

The Submissions of the Respondent

7. The respondent had been tried together with co-defendants who were the "prime movers" in the fraud. A number of charges had been made against the respondent in which not guilty verdicts had been made.
8. At the meeting of shareholders in September 1980 it was announced that the original Company secretary had resigned and the respondent was appointed Secretary and Director. That had been done without any consultation or request and the respondent had been considerably taken aback.
9. The respondent was in that way catapulted into a senior situation of a company with no commercial experience and without any formal qualifications, but with the help of professionals he learned as days and weeks went by.
10. The respondent never envisaged that he would fall foul of a dishonest Chairman and Managing Director. The respondent's only involvement with the "deal" which led to the criminal charges was to affix the company seal to the conveyances and sign as a witness to the same.
11. In the submission of the respondent it was because he had been company secretary and physically employed as such for two years that it was decided that he had been involved, and that he had been a party to the fraudulent transaction. He had been convicted despite his protestations of innocence. However, during the whole of the investigation and trial there had never been any suggestion that the respondent had benefitted personally or in any monetary sense as a result of the transactions in respect of which complaint had been made.
12. The respondent began his employment within in the solicitors profession as a boy. He had assisted many clients and was proud of the contribution he had made. The respondent asked the Tribunal to take the view that the respondent was not dishonest and never had been. He had been employed by two employers in the legal profession over many years which he hoped would speak for itself.
13. The respondent was 59 years of age and held out no hope for his future employment. He was existing on income support.

The Tribunal FOUND the allegation to have been substantiated. It was right, in the circumstances, that the respondent Should be made subject to an order pursuant to Section 43 of the Solicitors Act 1974. The Tribunal duly made the Order and further Ordered that the respondent should pay the costs of and incidental to the application and enquiry.

DATED this 18th day of September 1995

on behalf of the Tribunal



D.E. Fordham

Chairman