

IN THE MATTER OF ANDREW JAMES BARRON, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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

Date Of Hearing: 18th October 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 Andrew James Barron of Reading, Berkshire 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 being 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 for him 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 the 18th October 1995 when Geoffrey Williams solicitor and partner in the firm of Cartwrights Adams and 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 oral evidence of Mrs Susan Caroline Elson, Clerk to the Tribunal as to due service of the proceedings, and exhibits "AJB1" and "AJB2".

At the conclusion of the hearing the Tribunal made the Order sought pursuant to Section 43 of the Solicitors Act 1974 effective from the 18th October 1995 and Ordered the respondent to pay a contribution towards the costs of and incidental to the application and enquiry fixed in the sum of £525.00 inclusive.

The facts are set out in paragraphs 1 to 3 hereunder:-

1. The respondent, who was not a solicitor, was at all material times until October 1991 employed as a litigation clerk by John Pugh & Co., solicitors of 1 Regent Road, Lowestoft.
2. On the 15th January 1993 the respondent appeared in the Ipswich Crown Court and pleaded guilty to an offence of theft from his former employer, John Pugh. On the 19th February 1993 he was sentenced to nine calendar months imprisonment.
3. Cheques had been drawn in favour of third parties on clients' account and then diverted by the respondent who opened building society accounts to which he himself had access. The monies so diverted were mainly clients' disbursements, for example Counsel's fees.

The submissions of the applicant

4. The activities of the respondent revealed serious dishonesty on his part.
5. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Colin Woodford in the Crown Court at Ipswich delivered on the 19th February 1993 in which the Learned Judge said the respondent was employed as a litigation clerk by a single partner firm of solicitors. The respondent's position of trust was of the highest and his employer had complete trust in him. As a result the respondent was allowed to undertake the sort of work that a solicitor or a qualified clerk might normally have done. What the respondent had done had taken planning and skill. The loss to the respondent's employer had been in the region of £8,700.
6. The applicant accepted that the conviction had taken place at the beginning of 1993 and it had taken some time for the matter to be referred to the Tribunal. It appeared that there had been an internal delay within the Solicitors Complaints Bureau.

The Tribunal FIND the allegation to have been substantiated and have no doubt that it is right that an Order pursuant to Section 43 of the Solicitors Act 1974 should be made in respect of the respondent. The Tribunal was concerned at the length of time which had elapsed between the respondent's conviction and the bringing of the case before it.

The Tribunal noted that the applicant sought an Order for fixed costs in the sum of £760.22p inclusive. In view of the delay the Tribunal was prepared to order the respondent to pay a contribution of £525.00 inclusive.

DATED this 13th day of November 1995
on behalf of the Tribunal

R B Bamford

R B Bamford
Chairman

*Findings filed with the
Law Society on the 15th
day of November 1995*