

IN THE MATTER OF SYLVIA HARVEY(formerly CARR) - Solicitor's Clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J.W. Roome (in the Chair)
Mr. K.I.B. Yeaman
Mrs. C. Pickering

Date Of Hearing: 12th September 1995

FINDINGS

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

An application was duly made on behalf of the Law Society on the 19th June by Roger Field solicitor of Inhedge House , 31 Wolverhampton Street, Dudley, West Midlands, DY1 1EY 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 Sylvia Harvey (formerly Sylvia Carr) of _____, Whitefield, Bury 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 upon her own confession been convicted upon indictment of two counts of attempting to procure the execution of a valuable security by deception and procuring the execution of a valuable security by deception.

The application was heard at the Courtroom, No.60 Carey Street, London, WC2 on the 12th September 1995 when Roger Field solicitor and partner in the firm of Messrs Higgs & Sons of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands appeared for the applicant

and the respondent did not appear and was not represented, although the Tribunal had received letters from Messrs Harold Stock & Co. of 55-57 Stamford Street, Mossley, Ashton-Under-Lyne who represented the respondent in correspondence and indicated that she admitted the facts and the allegation made by the applicant.

The evidence before the Tribunal included the admissions of the respondent.

At the conclusion of the hearing the Tribunal ORDERED that as from the 12th September 1995 an Order pursuant to Section 34 of the Solicitors Act 1974 should be made in respect of the respondent whose address was notified to have been Prestwick, Manchester, M25 and the Tribunal further Ordered that she pay the costs of and incidental to the application and enquiry fixed in the sum of £665.00

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

- 1 The respondent, who was not a solicitor, had been employed by a number of firms of solicitors. She had been employed by the firm of Miller Monson (subsequently Miller Gardner) solicitors of Globe House, Southall Street, Strangeways, Manchester between 10th February and the 15th May 1992. Thereafter she was employed by Messrs. Harold Stock & Co. solicitors of 55-57 Stamford Street, Mossley, Ashton-Under-Lyne and subsequently by Messrs. Jefferies & Co. of Regency Court, 62-66 Deansgate, Manchester. The respondent undertook secretarial duties in the main in the conveyancing field.
2. On the 9th June 1993 at the Crown Court at Liverpool the respondent was, upon her own confession convicted upon indictment of two counts of attempting to procure the execution of a valuable security by deception and procuring the execution of a valuable security by deception. She was sentenced to four months imprisonment on each count to run concurrently.
3. The offences had arisen when the respondent made an application for a mortgage advance in which she set out a false statement of her earnings and then wrote a letter purporting to come from her employers confirming the false figure.
4. On the 8th March 1995 the Adjudication Committee of the Solicitors Complaints Bureau appointed by the Council of the Law Society resolved that an application should be made to the Tribunal for an Order under Section 43(2) of the Solicitors Act 1974 in respect of the respondent.

The submissions of the Applicant

5. The respondent had been guilty of serious criminal offences involving dishonesty which she had committed whilst in her employment with a solicitor. It was right that her employment within the solicitor's profession should be controlled, indeed the respondent had consented to the making of the Order sought.

The submissions of the Respondent

6. Although the respondent did not attend and was not represented, the solicitors representing her, Messrs. Harold Stock & Co., had sent to the Tribunal a number of

references which spoke of the respondent's high standard of work and of her ability and pleasant personality.

The Tribunal FOUND the allegation to have been substantiated, indeed it was not contested. It was clear that the respondent had prior to her conviction been a person of good character and had been highly thought of by her employers. She had, however, succumbed to temptation and had used her position as a clerk to a solicitor to falsify information given to a Building Society for her own benefit. It was right that the respondent's employment within the solicitors profession should be controlled and it was also right that she should pay the costs of and incidental to this application and enquiry.

DATED this 9th day of October 1995

on behalf of the Tribunal



Chairman



October 10th 95

