

IN THE MATTER OF DAVID SKIPP, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. A.G. Gibson (in the Chair)  
Mr. A.H. Isaacs  
Dame Simone Prendergast

Date Of Hearing: 4th January 1996

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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 Law Society by Geoffrey Williams solicitor of 36 West Bute Street, Cardiff on the 27th June 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 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 David Skipp of Stockton-on-Tees, Cleveland, TS18 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 against the respondent was that he having been a clerk to a solicitor but not being a solicitor had in the opinion of the Law Society occasioned or been a party to with or without the connivance of the solicitor to whom he was or had been a clerk acts or defaults in relation to that solicitor's practice which involved conduct on his behalf of such a nature that in the opinion of the Law Society it would be undesirable for him to be employed as a solicitor in connection with his practice in that he had:-

- (a) misappropriated funds belonging to his employers and clients of his employers and

- (b) forged the signature of one of the partners in the firm which employed him on cheques drawn on the client account of the firm.

The application was heard at the Courtroom, No.60 Carey Street, London, WC2 on the 4th January 1996 when Geoffrey Williams solicitor and partner in the firm of Messrs. Cartwrights Adams & 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 a letter addressed by the respondent to the applicant dated the 14th October 1995 which had been placed before the Tribunal.

At the conclusion of the hearing the Tribunal made the Order sought and further Ordered that the respondent pay the costs of and incidental to the application and enquiry (including the costs of the Investigation Accountant of the Law Society) fixed in the sum of £3,741.21 inclusive.

The facts are set out in paragraphs 1 to 7 hereunder.

1. The respondent who was not a solicitor and was at the material times until the 19th September 1994 (when he was dismissed) employed as a cashier by Messrs. Hunt & Wrigley solicitors of the Old Post Office, 23 High Street, Northallerton, North Yorkshire, DL7 8PX.
2. An inspection of the books of account of Messrs. Hunt & Wrigley was carried out by the Investigation Accountant of the Law Society, and a copy of his report dated the 10th November 1994 was before the Tribunal.
3. In that report it was said that the firms' partners own investigations had resulted in the discovery of a minimum shortage on client bank account of £62,000.00 which they had rectified on the 19th October 1994.
4. The Investigation Accountant did not find it possible to account for the minimum cash shortage but referred to withdrawals from client bank account which were a contributory factor.
5. During a period 8th June 1993 to 6th September 1994 client bank account had been charged, inter alia, with twenty-four client account cheques varying in amount between £357.69 and £4,000.00 and totalling £39,455.67. The cheques had been made out to cash and those payments had no connection with the affairs of any of the clients whose ledger accounts had been charged. Eighteen of the twenty-four cheques bore the forged signature of one of the partners. The respondent had admitted to the police that he had stolen monies from both the firm's client account and office account over a period of four years.
6. On the 29th March 1995 the Adjudication and Appeals Committee of the Solicitors Complaints Bureau resolved that application should be made to the Tribunal for an Order pursuant to Section 43(2) of the Solicitors Act 1974 in respect of the respondent.
7. After disciplinary proceedings had been authorised, the respondent was, upon his own confession, convicted upon indictment of theft on the basis that he on a day between

the 1st January 1990 and the 19th September 1994 stole monies to the value of £79,000.00 belonging to the partners for the time being of Messrs. Hunt & Wrigley, solicitors contrary to Section 1(1) of the Theft Act 1968 and sentenced to 18 months imprisonment.

**The Submissions of the Applicant**

8. The respondent had stolen a substantial sum of money from his employers. He had negotiated client account cheques by forgery of a partner's signature and had instigated a sophisticated system of "teeming and lading". After the respondent's activities had been reported to the Solicitors Complaints Bureau, he had been tried on the basis of "general deficiency" theft. The Tribunal was referred to the sentencing remarks of His Honour Judge Scott in the Crown Court at Teesside, particularly when he referred to the respondent's gambling habit, saying that the respondent felt in control when he gambled and that what he had done was to steal from his employers who had treated him well. They had turned a blind eye, apparently, to some of the respondent's activities like using the telephone and things like that. They had been helpful. They had loaned the respondent money for a car. They had allowed the respondent to live in his own little world in the solicitors' office and the respondent repaid them by stealing £79,000.00. It appeared that the respondent had forged forty-four signatures of a partner in the firm, had invented false invoices as well and generally covered his tracks in the firm's books. The sentence of 18 months imprisonment was considered lenient and one in which the learned Judge had taken into account the respondent's admissions and co-operation with the police and the mitigation placed before him.
9. It was clear that the respondent's activities justified the imposition of an Order restricting his employment within the solicitors' profession.


**The Submissions of the Respondent**

10. The respondent's letter addressed to the applicant dated the 14th October 1995 was written from prison. He said he did not expect to work for solicitors again after his actions at Messrs. Hunt & Wrigley which he deeply regretted. He said he was addicted to gambling.

The Tribunal FOUND the allegation to have been substantiated. It was right that the respondent's employment within the solicitors' profession should be carefully regulated. The Tribunal made the Order sought and further Ordered the respondent to pay the costs of and incidental to the application and enquiry to include the costs of the Investigation Accountant of the Law Society.

DATED this 5th day of February 1996

on behalf of the Tribunal

  
A.G. Gibson  
Chairman

Handwritten note in a rectangular box: "The Tribunal made the Order sought and further Ordered the respondent to pay the costs of and incidental to the application and enquiry to include the costs of the Investigation Accountant of the Law Society." The date "5th day of February 1996" is written at the bottom of the box.

