IN THE MATTER OF VINCENT ANTHONY DEVENNY, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. Gaynor-Smith (in the Chair)
Mr. Clitheroe
Mr. Baughan

Date Of Hearing: 2nd January 1996

FINDINGS

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

An application was duly made on behalf of the Law Society by Peter Harland Cadman solicitor of 2 Putney Hill, Putney, London SW15 6AB on the 20th July 1995 that an order be made by the Tribunal directing that, as from a date specified in the Order, no solicitor should, except with permission by the Law Society for such period and subject to such conditions as the Law Society might think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Vincent Anthony Devenny of   Cross Gates, Leeds LS1   a person who was or had been a clerk to a solicitor within the meaning of the Solicitors Act 1974 or that such Order might be made as the Tribunal should think right.

The allegation against the respondent was that he had been convicted of 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 or her practice.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 2nd January 1996 when Peter Harland Cadman solicitor and partner in the firm of Messrs Russell-Cooke, Potter & Chapman of 2 Putney Hill, Putney, London SW15 6AB appeared for the applicant and the respondent did not appear and was not represented.
The evidence before the Tribunal included the evidence of service of the proceedings by advertisement in accordance with an Order of the Tribunal and a certificate of conviction.

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 fixed in the sum of £939.20p.

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

1. The respondent was not a solicitor and was employed as a clerk by Simon Alexander & Co. of Clarendon Chambers, 51 Clarendon Road, Leeds LS2 9NZ. The respondent had been employed in the capacity by the firm and its predecessors since approximately January 1992.

2. On the 16th February 1995 the respondent was on his own confession convicted upon indictment of three counts of handling stolen goods, three counts of obtaining property by deception and one count of attempting to obtain property by deception. He was sentenced to a 180 hours community service order on each count concurrent and ordered to pay costs and compensation.

3. On the 26th April 1985 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.

The submissions of the applicant

4. The respondent had been a former police officer and had been employed by various solicitors in the Leeds area. He had been convicted of serious criminal offences which involved the taking of cheques. Having followed such a dishonest course of action, it was right that the respondent should be restricted in his employment by solicitors' practices.

    The Tribunal FIND the allegation to have been substantiated. Clearly it is right that a person who has been convicted of offences of this nature should not be permitted to work within the solicitors' profession unless the consent of the Law Society has first been obtained. The Tribunal made the Order sought and further ordered that the respondent should pay the costs of and incidental to the application and enquiry including a proportion of the costs of advertising the commencement of the disciplinary proceedings in view of the fact that it was understood that the respondent had taken up residence in Spain and personal or postal service could not be achieved.

    DATED this 1st day of February 1996

    on behalf of the Tribunal

    Adrian Gaynor-Smith

    Chairman
    A Gaynor-Smith