

IN THE MATTER OF KAY BROWN, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. A. Gaynor-Smith (in the Chair)
Mr. J.R.C. Clitheroe
Mr. M.C. 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 a solicitor of 2 Putney Hill, London, SW15 6AB that an Order be made by the Tribunal directing that as from a date specified in the Order no solicitor shall except with the permission of the Law Society for such a 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 Mrs Kay Brown of _____, Dumfriesshire, Scotland a person who was or who 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 she had been convicted of a criminal offence which disclosed such dishonesty that in the opinion of the Law Society it would be undesirable for her to be employed by a solicitor in connection with his or her practice.

The application was heard at the Courtroom, 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, London, SW15 6AB appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included a copy certificate of conviction.

At the conclusion of the hearing the Tribunal made the Order sought which was effective from the 2nd January 1996 and further Ordered the respondent to pay the costs of and incidental to the application and enquiry fixed in the sum of £1,138.70 inclusive.

The facts are set out in paragraphs 1 to 3 hereunder.

1. The respondent who was not a solicitor was employed as a cashier by Messrs. Fitzpatrick Dyte & Co., of 3 The Parade, Market Square, Northampton. She had been employed in that capacity by the firm and its predecessors since approximately February 1991.
2. On the 2nd July 1992 the respondent was convicted by Northampton Magistrates of the following offences:-
 1. Between 10.09.91 and 31.12.91 at The Parade, Northampton, she stole cash total value £373.00 belonging to Fitzpatrick Dyte & Co.
Contrary to Section 1-7 of the Theft Act 1968.
 2. Between 09.09.91 and 31.12.91 at Northampton she stole cash total value £100.00 belonging to Fitzpatrick Dyte & Co.
Contrary to Section 1-7 of the Theft Act 1968.
 3. Between 9th September 1991 and 31st December 1991 at Northampton dishonestly and with a view to gain for yourself or another, or with intent to cause loss to another, she falsified a document required for an accounting purpose namely a bank paying in counterfoil (exhibit MFF/21).
Contrary to Section 17(1) Theft Act 1968.
 4. Between 19.05.91 and 31.12.91 at Northampton she stole cash total value £130.00 belonging to Fitzpatrick, Dyte & Co.
Contrary to Section 1-7 Theft Act 1968.
 5. Between 06.08.91 and 31.12.91 at The Parade, Northampton she stole cash total value £450.00 belonging to Fitzpatrick, Dyte & Co.
Contrary to Section 1-7 Theft Act 1968.
3. On the 26th April 1995 the Adjudication and Appeals Committee of the Solicitors Complaints Bureau (the Bureau) resolved that application should be made to the Tribunal for an Order made pursuant to Section 43 of the Solicitors Act 1974 in respect of the respondent.

The Submissions of the Applicant

4. The respondent had disappeared. The Tribunal had Ordered that notice of the disciplinary proceedings might be deemed properly to have been served upon her by advertisement in a newspaper. That had taken place. In view of the respondent's

behaviour and her criminal conviction it was right that an Order should be made restricting her employment within the solicitors' profession.

The Tribunal FOUND the allegation to have been substantiated. The respondent had taken monies during the course of her employment as a cashier in a solicitors' office and had been convicted of criminal offences in relation thereto. It was right that she should not be employed by a solicitor in connection with his practice unless the Law Society's consent was first obtained. The Tribunal made the Order sought and further Ordered that the respondent pay the costs of and incidental to the application and enquiry.

DATED this 1st day of February 1996

on behalf of the Tribunal

Arian Gaynor-Smith

A. Gaynor-Smith
Chairman



