

IN THE MATTER OF JOAN SLOTE, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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

Date Of Hearing: 19th December 1995

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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 Gerald Malcolm Lynch solicitor of 16 Warrior Square, Southend-on-Sea Essex on the 13th September 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 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 Joan Slote of Chelmsford, Essex 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 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 she was or had been a clerk, an act or default in relation to that solicitor's practice, which involved conduct on her part of such a nature, that in the opinion of the 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 Court Room no. 60 Carey Street, London WC2 on the 19th December 1995 when Gerald Malcolm Lynch solicitor and partner in the firm of Messrs

Drysdales & Janes of 16 Warrior Square, Southend-on-Sea, Essex appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the admission of the respondent contained in her letter addressed to the applicant on the 3rd October 1995. Such letter is referred to hereunder under the heading "The Submissions of the Respondent".

At the conclusion of the hearing the Tribunal made the Order sought and further ordered the respondent to pay the costs of and incidental to the application and enquiry fixed in the sum of £523.18p inclusive.

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

1. At all material times the respondent was employed in the cashier's department of Messrs. Gepp & Sons, solicitors of 58 New London Road, Chelmsford, Essex. On 1st February 1993, the senior partner of Gepp & Sons wrote to the Solicitors Complaints Bureau (the Bureau) to say that they had dismissed the respondent for dishonesty on the grounds of theft of clients' money. At that time it was thought £6,000 had been taken and that sum had been restored to client account. The firm's accountants, Messrs. Peat Marwick & McLintock had been instructed to report.
2. On 10th November 1993, the firm's accountants wrote to the Bureau attaching their report. They concluded that Gepp & Sons had taken all appropriate steps following the discovery of the theft. Their report highlighted the following relevant matters:-
  - a. The respondent worked as a cashier and had held that position for a number of years, and was considered a senior employee. She had responsibility for recording entries in a number of clients' ledger accounts and for reconciling those accounts.
  - b. The first suggestion of a problem had been in January 1993. A number of old and unreconciled items on clients' account, for which the respondent was responsible, had been queried by her supervisor who had become concerned when the respondent's action appeared merely to be the reversal of items.
  - c. At lunch-time on the 22nd January 1993, the respondent approached the supervisor and admitted taking clients' money. She had prepared a note which she said listed all the sums she had taken. The matter was then investigated by the supervisor and the firm's finance manager. As a result of that investigation, on the 24th January, the respondent was instantly dismissed.
  - d. All of the amounts taken were cash receipts, recorded by the respondent as such in the client's ledger but the original entry was later reversed by her. Journals or transfers were used to restore the client account balance.
  - e. At the date of the report a further £4,993.80p had been identified and transferred to client account. The total sum involved was therefore in the region of £10,000.

3. The Bureau wrote to the respondent on the 27th March 1995. She replied by letter of the 29th March, admitting the allegations and saying that she was doing her best to make amends. She did not intend to work again as a cashier.
4. The Conduct Committee of the Adjudication and Appeals Committee on the 7th June 1995 resolved that the matter be referred to the Tribunal.

**The submissions of the applicant**

5. The respondent's defalcations were clear and represented a serious breach of the trust placed in her by her employers. It was right that her future employment with solicitors should be controlled.

**The submissions of the respondent (contained in her letter of the 3rd October 1995)**

6. The respondent had suffered a nervous breakdown but had been able to obtain a job training to be a nursing auxiliary. She hoped that she would be able to maintain repayments to her former employers and make amends for all the problems and distress that she had caused.
7. Her actions had been completely out of character and followed upon three years during which she had endured "a very nasty divorce" and the stress of losing her home and children.
8. The respondent went on to say that Messrs Gepp & Sons were in no way to blame for what happened and had been patient with regard to the repayment of the money.
9. The respondent apologised for the inconvenience and work she had caused.

The Tribunal FOUND the allegation to have been substantiated and in the circumstances was in no doubt that the respondent's future employment within the solicitors profession should be controlled and they made the order sought and further ordered that the respondent pay the costs and incidental to the application and enquiry fixed in the sum of £523.18p. It was clear to the Tribunal on the evidence before it that the respondent did not enjoy a comfortable financial position, and trusted that the applicant would not vigorously pursue speedy repayment of the costs.

DATED this 26th day of February 1996

on behalf of the Tribunal

*Ashian Gaynor-Smith*

A Gaynor-Smith  
Chairman



