

IN THE MATTER OF HILARY ROWLANDS, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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

Date Of Hearing: 4th 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 David Rowland Swift solicitor and partner in the firm of Messrs. Percy Hughes & Roberts of 19 Hamilton Square, Birkenhead, on the 31st October 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 from 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 Hilary Rowlands of Middlesborough, Cleveland, TR55 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 she had been guilty of conduct of such a nature that in the opinion of the Law Society it would be undesirable for her to be employed by a solicitor in connection with his practice as a solicitor namely that she had dishonestly claimed and paid to herself overtime payments when she was not entitled thereto.

The application was heard at the Courtroom, No.60 Carey Street, London, WC2 on the 4th January 1996 when Geoffrey Williams solicitor 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 written by the respondent to the Tribunal acknowledging receipt of the proceedings, notices to admit having been served upon the respondent.

At the conclusion of the hearing the Tribunal made the Order sought with effect from the 4th January 1996 and further Ordered that the respondent should pay the costs of and incidental to the application and enquiry fixed in the sum of £499.37.

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

- 1 The respondent who was not a solicitor, was employed as an accounts clerk by Messrs. Doberman Horsman solicitors of College Chambers, 92-94 Borough Road, Middlesborough, Cleveland until her employment was terminated on the 29th June 1994.
2. After the accounts manager at the firm left, for a period, the respondent worked on her own in the accounts department. During that period she made payments to herself which she claimed were payments in respect of overtime worked after the offices were closed. No authorisation for overtime or for such payments was sought and none was given by the firm. There was no evidence that the hours necessary to qualify for that payment were ever worked. The matter was drawn to the attention of the firm by their accountants and the figure involved was found to be £3,232.13 drawn over a period of 25 months. The respondent when confronted by the partners in the firm admitted the unauthorised payments.
3. On the 21st June 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 of the Solicitors Act 1974.

The Submissions of the Applicant

4. The respondent had admitted the unauthorised payments made to her at her own instigation. Clearly she had been in a position of trust which she had abused. It was right that her employment within the solicitors profession should be controlled. The applicant accepted that the respondent had been entirely co-operative in connection with the disciplinary proceedings.

The Submissions of the Respondent

5. The respondent did not appear but in a letter addressed to the Solicitors Complaints Bureau on the 28th December 1995 said that she had been unemployed for the previous six months and had purposely avoided seeking work in a solicitors' office and confirmed that it was not her intention to seek work in a solicitors' office again at any time.

The Tribunal FOUND the allegation to have been substantiated. It was right to make the order sought and to make an Order for costs against the respondent.

DATED this 5th day of February 1996

on behalf of the Tribunal



A.G. Gibson
Chairman

Found in Law
Law Society on the 7th
day of February 1996

