

IN THE MATTER OF PATRICIA MARSH, solicitor's 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 11th October 1995 that an Order be made by the Tribunal directing that as from a date to be specified in the Order no solicitor should 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 Patricia Marsh of Kensington, Liverpool 6 (subsequently the respondent's address was notified to be Newsham Park, Liverpool 6) 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 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 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 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 a letter addressed to the Clerk to the Tribunal dated the 1st November 1995 from Messrs. James Benson & Co. solicitors of 1st Floor, Trident House, 31/33 Dale Street, Liverpool L2 2HF, representing the respondent. It was said that the respondent did not take issue with or seek to challenge any of the facts.

At the conclusion of the hearing the Tribunal made the order sought with effect from the 2nd January 1996 and they further ordered that the respondent pay the costs of and incidental to the application and enquiry fixed in the sum of £398.20p inclusive.

The facts are set out in paragraphs 1 and 2 hereunder:-

1. The respondent, who was not a solicitor, was employed as an unqualified clerk by Messrs. Kieran Fielding solicitors of Bands Building, 8 Vernon Street, Liverpool, L2 2AY. She had been employed in that capacity by the firm and its predecessors since approximately 1990. On the 14th January 1994 the respondent upon her own confession was convicted upon indictment of impeding the apprehension of an offender and assisting an escaped prisoner and was sentenced to twelve months imprisonment in respect of each offence to run concurrently.
2. The offences had arisen when the respondent had been acting as a clerk at a trial of prisoners following a riot at Strangeways Prison. At the end of the trial she assisted two of the prisoner defendants to escape custody and evade capture for a period of time. The respondent had been arrested at the time when the two prisoners had been arrested.

The submissions of the applicant

3. In the circumstances it was right that the employment of the respondent within the solicitors' profession should be regulated.

The Tribunal FOUND the allegation to have been substantiated, indeed it was not contested. It was right that the an order should be made pursuant to Section 43 of the Solicitors Act 1974 in respect of the respondent. The Tribunal had noted the contents of the letter written by Messrs James Benson & Co. referred to above and in particular noted that the respondent no longer wished to be employed by solicitors and was undertaking a period of study. The Tribunal made the order sought and also ordered that the respondent should pay the costs of and incidental to the application and enquiry. The Tribunal was however aware of the respondent's impecuniosity and made that order confident that the Law Society would use a proper judgement in deciding whether or not to enforce the order for costs.

DATED this 1st day of February 1996

on behalf of the Tribunal

Adrian Gaynor-Smith

A Gaynor Smith
Chairman

