

IN THE MATTER OF CHRISTOPHER RICKETTS, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. R.B. Bamford (in the Chair)

Mr. D.W. Faull

Mr. G. Saunders

Date Of Hearing: 17th 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 27th 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 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 Christopher Ricketts of West Didsbury, Manchester M20 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 was that the respondent had been guilty of conduct of such a nature that in the opinion of the Law Society it would be undesirable for him to be employed by a solicitor in connection with his practice as a solicitor, namely -

- (a) whilst having conduct of criminal proceedings he twice failed to notify his clients of the dates that their cases were due for hearing;

- (b) on each occasion the Learned Judge made a wasted costs Order against the respondent's firm;
- (c) on the second occasion on 4th February 1994 the respondent on oath before His Honour Judge Sachs actively misled the Court by stating that he was a trainee solicitor when he was an outdoor clerk.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 17th 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 appeared in person.

The evidence before the Tribunal included the admissions of the respondent.

At the conclusion of the hearing the Tribunal Ordered that as from 17th January 1996 no solicitor should except in accordance with permission in writing granted by the Law Society for such a 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 Christopher Ricketts of West Didsbury, Manchester M20 a person who was or had been a clerk to a solicitor and the Tribunal further Ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £627.45 inclusive.

The facts are set out in paragraphs 1 and 2 hereunder.

1. The respondent who was not a solicitor was employed as an outdoor clerk by Messrs. Rafiq & Co., solicitors of "The House of Grace", 18 Sherbourne Street, off Bury New Road, Manchester M3 1FE. The respondent had been employed in that capacity by the firm and its predecessors for approximately eighteen months.
2. The Tribunal had before it a transcript of what had taken place in the High Court Criminal Division at Manchester on the 4th February 1993 before the Honourable Mr. Justice Sachs. When the respondent was asked his position in the firm of Messrs. Rafiq & Co., he replied, "trainee solicitor."

The submissions of the applicant

3. The respondent had misled the Court and that was a serious matter. It was right that the respondent's employment within the solicitors' profession should be controlled.

The submissions of the respondent

4. The respondent apologised and told the Tribunal that he had learned a salutary lesson.
5. It was the practice of counsel to refer to "my instructing solicitor" when a clerk or secretary sat behind him in Court.
6. The respondent had panicked. He had had considerable difficulty with the two clients concerned. The respondent had some ten years experience within the legal profession as an outdoor clerk experienced in criminal work and other litigation. At the firm with

which he was employed some four fee earners handled some four thousand files. The respondent had not had sole responsibility for the matter.

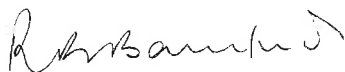
7. The respondent had been promised articles by his employer. He had been employed on that basis. He wanted to qualify as a solicitor. The respondent had worked hard to improve himself. He was a married man with two children.
8. The respondent had been expected to shoulder a very large workload, but felt that he had not received an appropriate degree of support, supervision or guidance.
9. The respondent hoped to remain employed within the solicitors' profession and expressed concern that an Order made in respect of him pursuant to Section 43 of the Solicitors' Act 1974 would hinder his ability to gain employment.

The Tribunal found this something of a difficult case. They were very grateful to Mr. Ricketts for attending before them to explain his position. However, the situation arose whereby defendants, represented by the respondent's firm, did not appear in court when required and despite the fact that the Tribunal have some sympathy for the fact that the respondent was "put on the spot" in being asked to provide an explanation to the Learned Judge, it was very clear that he, on oath, told the Learned Judge that he was a trainee solicitor when that was not true. The Tribunal accepted that in offering an explanation to the court, the respondent was endeavouring to assist, but by indicating to the court that he was a trainee solicitor had perhaps given an indication that his standing and authority in the matter was rather different than from what was in fact the case. Misleading the court was a serious matter and the Tribunal considered it right an Order controlling the employment of the respondent within the solicitors' profession should be made. The Tribunal expressed the hope that he would find employment with a reputable firm who would offer him an appropriate level of support and guidance and to which employment the Law Society would be able to grant permission.

The Tribunal made the Order sought and further Ordered the respondent to pay the Law Society's fixed costs.

DATED this 26th day of February 1996

on behalf of the Tribunal



R.B. Bamford
Chairman

