

IN THE MATTER OF CAROLYN NICHOLAS, 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 1st November 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 Carolyn Nicholas of

Isleworth, Middlesex 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 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, namely theft which resulted in her being sentenced to a term of 9 months imprisonment by Kingston Crown Court on 9th June 1995.

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 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 Tribunal which, although undated, was received on 22nd November 1995.

At the conclusion of the hearing the Tribunal made the Order sought as from 17th January 1996 and further Ordered the respondent to pay costs fixed in the sum of £423.00 inclusive.

The facts are set out in paragraph 1 hereunder.

1. The respondent who was not a solicitor was employed as a clerk by a group solicitor of Read Executive plc. The respondent had been employed in that capacity since approximately 1993. The respondent had carried out theft during the course of her employment. She had been convicted upon indictment (upon her own confession) of theft at Kingston Upon Thames Crown Court on 5th May 1995 and had been sentenced to nine months imprisonment.

The submissions of the applicant

2. In the circumstances it was right that the Tribunal should make the Order sought.

The submissions of the respondent (contained in her before-mentioned letter received on 22nd November 1995)

3. The respondent was, shortly after writing her letter, to leave the country and did not anticipate returning to England until the autumn of 1996. She said she was unable to object to the proposed Order but wished to point out that she had been employed as a litigation officer and not specifically as a solicitor's clerk.
4. The respondent said she did not intend to attend the hearing and accepted that the Tribunal should make an Order as it thought fit.
5. She apologised for not attending the hearing.

The Tribunal FOUND the allegation to have been substantiated, indeed it was not contested. Clearly it was right that the employment of a person who had been convicted of theft within the solicitors' profession should be controlled. The Tribunal made the Order sought and further Ordered her to pay fixed costs.

DATED this 26th day of February 1996

on behalf of the Tribunal



R.B. Bamford
Chairman

