

IN THE MATTER OF ROGER RILEY, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. K.I.B. Yeaman (in the Chair)
Mr. D.W. Faull
Mr. M.C. Baughan

Date Of Hearing: 26th March 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 Geoffrey Williams solicitor of 36 West Bute Street, Cardiff on the 7th December 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 a period and subject to such conditions as the Society might think fit to specify in the permission, employ or remunerate in connection with their practice as a solicitor Roger Riley of , Brighthouse, HD6 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 party to, with or without the connivance of a solicitor to whom he was or had been a clerk, acts or defaults in relation to that solicitor's practice which involved conduct on his part of such a nature that in the opinion of the Society it would be undesirable for him to be employed by a solicitor in connection with his practice in that he had misappropriated monies belonging to his employers and clients of his employers.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 26th March 1996 when Geoffrey Williams solicitor and partner in the firm of Messrs. Cartwrights Adams & Black of 36 West Bute Street, Cardiff appeared for the applicant and the respondent did not appear and was not represented.

At the conclusion of the hearing the Tribunal made the order sought (pursuant to Section 43 Solicitors Act 1974) and ordered that the respondent pay the costs of and incidental to the application and enquiry fixed in the sum of £746.12 inclusive. The order to be effective as from the 26th March 1996.

The evidence before the Tribunal had not been the subject of any objection from the respondent who had written both to the Tribunal and to the applicant explaining that he did not wish to make representations nor did he wish to attend the hearing.

The facts are set out in paragraphs 1 to 5 hereunder.

1. The respondent, who was not a solicitor, was at all material times, and until the 30th November 1992, employed as a litigation clerk by Messrs T.I. Clough & Co., solicitors of Bridge House, 24 Sunbridge Road, Bradford, West Yorkshire and at Royal Liver House, Westgate, Leeds.
2. The respondent had been an employee of over ten years standing and ran the employer firm's Crown Court department. He had been given responsibility for instructing experts in Crown Court matters and for obtaining payment for those experts following taxation. He was then responsible for paying those experts.
3. The system operated by the respondent did not appear (with one exception) to have been for his own benefit. He took instructions in matters in which he was not competent to deal. He managed to convince the client he was dealing with the matter and then informed the client that he had settled the action and paid to the clients a sum of money. On all occasions the money came from the firm's office account from monies held in other Crown Court cases. The respondent hid his action by purporting in the paperwork within the firm's accounts system to be making payments to experts, Counsel or witnesses.
4. The sum of money involved totalled approximately £40,000.
5. The Law Society resolved to seek an order pursuant to Section 43 of the Solicitors Act 1974 of the Tribunal by a resolution of the Adjudication and Appeals Committee of the Solicitors Complaints Bureau on the 30th August 1995.

The Submissions of the Applicant

6. The respondent had been an experienced and trusted litigation clerk running his employer's firm's Crown Court department. He had been guilty of "teeming and lading". The firm employing him had lost some £40,000 most of which had been used to make payments to clients apparently in settlement of claims initiated by them. The sum of £2,000 was, however, spent on the respondent's own holidays.

7. It appeared that the respondent had repaid about £5,000.
8. Not unnaturally the respondent's employers were concerned that a previously trusted member of staff had repaid them in the way that he had.
9. The respondent made no submissions.

The Tribunal FOUND the allegation to have been substantiated.

The Tribunal regretted that a long standing and trusted member of staff should have behaved in this extraordinary and dishonest way. It was right that his future employment within the solicitors' profession should be controlled and the Tribunal made an order pursuant to Section 43 of the Solicitors Act 1974 and ordered that the respondent pay fixed costs.

DATED this 14th day of May 1996

on behalf of the Tribunal



K.I.B. Yeaman
Chairman



