

IN THE MATTER OF SHEILA GIVENS, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D.E. Fordham (in the Chair)
Mrs. E. Stanley
Mr. G. Saunders

Date Of Hearing: 14th 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 David Rowland Swift solicitor of 19 Hamilton Square, Birkenhead on the 11th December 1995 that an order be made by the Tribunal directing that as from a date 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 Sheila Givens of London, E5 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 her to employed by a solicitor in connection with his or her practice as a solicitor, namely that she had cashed a cheque drawn on the office account of her employers Messrs. Winstanley Burgess of London, bearing the forged signature of one of the partners.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 14th March 1996 when David Rowland Swift solicitor and partner in the firm of Messrs. Percy

Hughes & Roberts of 19 Hamilton Square, Birkenhead appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included a letter addressed by the respondent to the assistant clerk to the Tribunal dated the 24th January 1996 in which she said she did not wish to be represented at the hearing and was content for the hearing to find one way or another whether in the future she had to apply through the Law Society to be employed by a solicitor in his or her practice.

At the conclusion of the hearing the Tribunal ORDERED that as from the 14th March 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 Sheila Givens of _____ London, E5 _____ a person who was or had been a clerk to a solicitor and the Tribunal further ordered her to pay the costs of and incidental to the application and enquiry fixed in the sum of £517.74 inclusive.

The facts are set out in paragraphs 1 to 4 hereunder.

1. The respondent, who was not a solicitor, was employed as a clerk by Messrs. Winstanley Burgess solicitors of 378 City Road, London, EC1V 2QA. She was employed as a clerk by the firm since the 11th July 1994 and her duties included attending the firm's bank.
2. On the 15th August 1994 the firm's office account cheque book had been taken from the drawer and disappeared. It had been discovered again an hour later at which time it was found that one cheque was missing and one was partially completed. The firm was subsequently informed by the bank that the missing cheque had been cashed by the respondent and bore a signature that purported to be that of one of the partners. The signature was forged.
3. The respondent was interviewed and contended that she had been given the cheque by an unidentified client of the firm who asked her to cash it for him at the firm's bank which she had done.
4. The respondent's employment was terminated on the 17th August 1994.

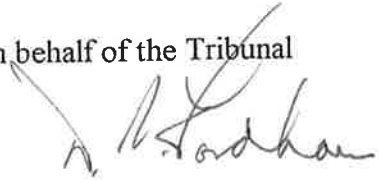
The Submissions of the Applicant

5. The respondent's employers had not accepted her explanation that she had been asked by a client to cash the firm's office account cheque and that she had not known it was a firm's cheque. In the submission of the applicant it was most unlikely that the respondent did not recognise the cheque as one of the firm's. The respondent's behaviour had been dishonest whilst employed as an office junior. She was eighteen years of age and had been employed for six weeks only. It was appropriate that her future employment within the solicitors' profession should be controlled.
6. The respondent did not make any submissions

The Tribunal FOUND the allegation to have been substantiated. In view of the respondent's disgraceful behaviour it was right that her future employment within the solicitors' profession should be controlled. The Tribunal made the order sought and further Ordered that the respondent pay the costs of and incidental to the application and enquiry in a fixed sum.

DATED this 26th day of April 1996

on behalf of the Tribunal



D.E. Fordham
Chairman

Findings filed with the
Law Society on the 30th
day of April 1996