

IN THE MATTER OF JOHN PACKMAN, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. J.R.C. Clitheroe (in the Chair)

Mr. A.G. Gibson

Mr. D.E. Marlow

Date Of Hearing: 16th July 1996

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## FINDINGS

of the Solicitors' Disciplinary Tribunal  
constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Law Society by Roger Field of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands on 19th April 1996 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 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 John Packman of  
Hollesey, Woodbridge, Suffolk 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 allegations were that the respondent had -

- (a) between 1993 and 1995 misappropriated funds of the firm by whom he was employed;
- (b) in so doing forged the signatures of partners;
- (c) in so doing falsified entries in the firm's books;
- (d) during the period 1994-1995 misappropriated monies belonging to the S.P.A.H. Trust;

- (e) between February and September 1993 misappropriated client account funds;
- (f) in so doing forged the signatures of partners;
- (g) in so doing falsified entries in the firm's books of account;
- (h) been convicted of a criminal offence involving dishonesty on 1st April 1996.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 16th July 1996 when Roger Field, solicitor and partner in the firm of Messrs. Higgs & Sons of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands 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 applicant which was undated but received shortly after the 26th April 1996 in which the respondent admitted the allegations.

At the conclusion of the hearing the Tribunal ORDERED that as from 16th July 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 John Packman of  
Holesley, Woodbridge, Suffolk HP12 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 £780 inclusive.

The facts are set out in paragraphs 1 to 6 hereunder.

1. The respondent, who was not a solicitor, was employed by Messrs. Landons solicitors of Landon House, 9 Shenfield Road, Brentwood, Essex ("the firm").
2. The respondent was employed by the firm in connection with their practice as solicitors from 13th October 1987 until 30th May 1995 as a senior accounts manager and had responsibility also to maintain the records of a small insurance agency. He worked under the supervision of the partners in the firm.
3. The Investigation Accountant of the Solicitors Complaints Bureau ("the Bureau") carried out an inspection of the firm's books of account and a copy of his Report dated 22nd December 1995 was before the Tribunal. The Report revealed that between 1993 and 1995 the respondent had misappropriated funds of the firm and in so doing had forged the signatures of partners and had falsified entries in the firm's books of account.
4. During the period 1994 to 1995 the respondent had misappropriated monies belonging to a trust for whom the firm acted. Further, between February 1993 and September 1993 the respondent misappropriated client account funds and in so doing had forged the signatures of partners and had falsified entries in the firm's books of account.
5. On 15th February 1996 the Adjudication & Appeals Committee of the Bureau resolved that an application be made to the Tribunal for an Order pursuant to Section 43(2) of the Solicitors Act 1974 in respect of the respondent.

6. After the matter had been referred to the Tribunal, on 1st April 1996 at the Crown Court at Basildon the respondent was upon his own confession convicted upon indictment of three counts of making a false instrument and three counts of using a false instrument. He was sentenced to two years imprisonment concurrent. The Tribunal had before it a copy of the Certificate of Conviction.

**The submissions of the applicant**

7. The respondent had admitted all of the allegations and was at the time of the hearing serving a custodial sentence.
8. The Tribunal was referred to the sentencing remarks of His Honour Judge Clegg in the Crown Court at Basildon when he said, "The position is this that you were employed as an accounts clerk in a solicitors' office since 1987. In 1988 you noticed that their accounting particulars were particularly lax, you pointed that out to them, they did very little about it and you exploited it. You swindled the firm out of just under £35,000 over a period of six years. You did that for one reason and one reason only. Since the age of 16 you have nursed a secret and terrifying passion for gambling. .... The aggravating features are the position of trust that undoubtedly you were in, the fact that you had clients' money, the fact that it took place over such a long period of time."
9. The Learned Judge went on to recognise that as soon as the respondent was caught he was totally co-operative and helped both the police and the Law Society.
10. No submissions were made on behalf of the respondent.

The Tribunal FOUND the allegations to have been substantiated. In view of the respondent's behaviour it was entirely appropriate that his future employment within the solicitors' profession should be controlled. The Tribunal made the Order sought in respect of the respondent and further Ordered him to pay fixed costs.

DATED this 23rd day of August 1996

On behalf of the Tribunal



J.R.C. Clitheroe  
Chairman

