

IN THE MATTER OF CARMEL ELLEN GERALDINE MORRISON, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J R C Clitheroe (in the Chair)

Mr. K I B Yeaman

Mr. G Saunders

Date Of Hearing: 24th September 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 or 2 Putney Hill, Putney, London, SW15 on the 6th July 1996 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 a period and subject to such conditions as the Law Society should think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Carmel Ellen Geraldine Morrison of Swindon, Wiltshire, 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 that she had been convicted of ten offences of obtaining payment from the Legal Aid Board by deception.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 24th September 1996 when Peter Harland Cadman solicitor and partner in the firm of Messrs.

Russell-Cooke Potter & Chapman of 2 Putney Hill, Putney, London, SW15 appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included a certificate of conviction and the admissions of the respondent contained in a letter addressed by Messrs. Bishop Longbotham and Bagnall solicitors of Trowbridge, Wiltshire dated the 16th August 1996 to the applicant.

At the conclusion of the hearing the Tribunal ORDERED that as from the 24th September 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 Carmel Ellen Geraldine Morrison of Swindon, Wiltshire, 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 £329.12 inclusive.

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

1. The respondent who was not a solicitor was employed as a costing clerk by solicitors Kenneth Morrison & Co. of 197 Cricklade Road, Gorse Hill, Swindon, Wiltshire. The respondent had been employed in that capacity by that firm and its predecessors since about 1989. The partner responsible for the supervision of the respondent was Richard Kenneth McDougall Morrison, who was at the material time the respondent's husband.
2. The respondent had been convicted of a number of offences relating to obtaining funds from the Legal Aid Board by false reports and by making false claims. The respondent's Principal had been convicted of similar offences and at the time of the hearing was serving a prison sentence. The respondent had received a fifteen month term of imprisonment suspended for two years and a supervision order for two years.

The Submission of the Applicant

3. It was right that an order restricting the employment of the respondent within the solicitors profession should be made.

The Submission of the Respondent (contained in the letter addressed by Messrs. Bishop Longbotham & Bagnall to the applicant of the 16th August 1996 referred to above

4. The respondent had been dealt with by way of a suspended sentence supervision order meaning that there were exceptional circumstances. The respondent did not feel that it would be desirable or appropriate to ventilate those exceptional circumstances before the Tribunal.
5. The respondent had said that should the time ever come when she wished to seek employment with a solicitor she hoped the Law Society would take into account such matters as might then be submitted to the Law Society by any prospective employer in considering whether to give permission for her employment.

6. It was hoped that the respondent's very realistic approach would be taken into account.

The Tribunal FOUND the allegation to have been substantiated, indeed it was not contested. It was right that an order should be made in respect of the respondent pursuant to section 43 of the Solicitors Act 1974 and that she should pay costs in a fixed sum.

DATED this 11th day of October 1996

on behalf of the Tribunal



J R C Clitheroe
Chairman

Original filed with the
Tribunal on the 14th
day of October 1996