

IN THE MATTER OF DOREEN JUNE SAYBURN, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J N Barnecutt (in the Chair)

Mr. A G Ground

Mr. K J Griffin

Date Of Hearing: 8th October 1996

FINDINGS

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

An application was duly made on behalf of the Law Society on the 3rd July 1996 by Gerald Malcolm Lynch solicitor of 16 Warrior Square, Southend on Sea, Essex 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 the practice as a solicitor Doreen June Sayburn of Burntwood, Staffordshire, 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 had in the opinion of the Law Society occasioned or been a party to, with or without the connivance of the solicitor to whom she was or had been a clerk, an act or default in relation to that solicitor's practice which included conduct on her part of such a nature that in the opinion of the Law Society it would be undesirable for her to be employed by a solicitor in connection with his or her practice.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 8th October 1996 when Gerald Malcolm Lynch solicitor and partner in the firm of Messrs.

Drysdales and Janes of 16 Warrior Square, Southend on Sea, Essex appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included an acceptance of notice to admit facts signed by the applicant and dated the 20th September 1996.

At the conclusion of the hearing the Tribunal ORDERED that as from the 8th October 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 Doreen June Sayburn of Burntwood, Staffordshire 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 £2,626.00 inclusive.

The facts are set out in paragraphs 1 to 3 hereunder.

1. The respondent who was not a solicitor was employed as a solicitor's clerk by Messrs. Peter J Wilson & Co. at Clock Chambers, 35 Park Street, Walsall. She had been employed by that firm for many years until her dismissal on the 27th July 1995 following the discovery by the firm and its auditors of serious irregularities
2. Following statutory notice the Investigation Accountant of the Law Society had inspected the firm's books of account and had identified a cash shortage on clients' account totalling £3,545.30 which had been caused wholly by the respondent misappropriating clients' money. She had misappropriated cash received by her from clients and not entered into books of account of the firm.
3. The matter, having been reported to the Law Society, was considered by the Conduct Committee of the Adjudication and Appeals Committee who on the 27th March 1996 resolved that application be made to the Tribunal for an order pursuant to section 43(2) of the Solicitors Act 1974.

The Submissions of the Applicant

4. The facts spoke for themselves. It was right that an order restricting the employment of the respondent within the solicitors' profession was appropriate.
5. The applicant had been notified by Messrs. McGregor Reeve of Lichfield, Staffordshire that the respondent had appeared before Wolverhampton Crown Court on the 24th September 1996 where she entered formal pleas of guilty to each of the offences alleged on the indictment and asked for 41 of 63 other offences to be taken into consideration. She was sentenced to a term of nine months imprisonment. The total value of the offences on the indictment was £1,401.50 and the total value of the other offences was £13,958.11.

The Submissions of the Respondent

6. The respondent made no submission but in acceptance of a notice to admit facts sent to the Tribunal by Messrs. McGregor Reeve Solicitors she confirmed she had been

served with the proceedings and having seen the papers accepted their contents and admitted the facts contained therein.

The Tribunal FOUND the allegation to have been substantiated. Clearly it was right that the order sought be made. The Tribunal also ordered the respondent to pay fixed costs which included the costs of the Investigation Accountant of the Law Society.

DATED this 11th day of November 1996

on behalf of the Tribunal



J N Barnecutt
Chairman

Tribunal
Date 20th
November 1996