

IN THE MATTER OF KAREN GOLDING, (also known as Karen Boyce) Solicitor's Clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J W Roome (in the Chair)

Mr. D E Fordham

Mr. K J Griffin

Date Of Hearing: 5th February 1998

FINDINGS

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

An application was duly made on the 12th July 1996 by Roger Field on behalf of the Law Society that an order be made by the Tribunal directing 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 that the Society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Karen Golding (also known as Karen Boyce) of Brentry, Bristol 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 a party to with or without the connivance of a solicitor to whom she was or had been a clerk, an act or default in relation to that solicitor's practice which involved 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 5th February 1998 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 copy of a letter addressed by the respondent to her Principal.

At an earlier hearing before the Tribunal the applicant explained that the respondent's whereabouts had not been ascertained and the Tribunal made an order for substituted service by advertisement of the disciplinary proceedings in a newspaper circulating in the Bristol area. The Tribunal had before it a copy of the Western Daily press of 12th November 1997 in which the disciplinary proceedings were advertised together with a date of the hearing.

At the conclusion of the hearing the Tribunal ORDERED that as from the 5th February 1998 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 Karen Golding (also known as Karen Boyce) of Brentley, Bristol a person who was or had been a clerk to a solicitor and the Tribunal further ordered that she pay the costs of and incidental to the application and enquiry fixed in the sum of £1,394.00 inclusive.

The facts are set out in paragraphs 1 to 4 hereunder:-

1. The respondent, who was not a solicitor, was employed by John Lindley solicitor of 16 Arlington Villas, Clifton, Bristol. She had been so employed from the 1st April 1994 until the 17th August 1995 as Mr Lindley's secretary working under his supervision. Her duties included the operation of the office bank account and her authority in that respect was limited to £250 per transaction.
2. Upon due notice to Mr Lindley the Investigation Accountant of the Solicitors Complaints Bureau carried out an inspection of his books of account. A copy of the Investigation Accountant's Report dated 27th October 1995 was before the Tribunal. The report revealed, inter alia, that over a period between the 7th June 1994 and the 29th March 1995 the respondent misappropriated and/or misapplied funds of Mr Lindley for her own purposes. The total sum identified in the report was £3,772.09.
3. The letter before the Tribunal addressed by the respondent to her former employer was undated but had been written shortly before the 30th August 1995.
4. On the 22nd November 1995 the Adjudication and Appeals Committee of the Solicitors Complaints Bureau resolved that an application be made to the Tribunal for an order pursuant to section 43(2) of the Solicitors Act 1974.

The Submissions of the Applicant

5. The respondent's behaviour was such that it was right that her future employment within the solicitors' profession should be controlled.

The Submissions of the Respondent (contained in her before mentioned letter)

6. The respondent wrote:-

"Words seem pathetically inadequate to describe how truly truly sorry I am for what I have done."

7. She went on to explain that she had always been in debt since starting to work for Mr Lindley and financial problems had arisen when her husband lost his job in 1990. He had been out of work for almost three years. They got into difficulties with their mortgage and a suspended possession order had been made. She had to pay a monthly sum in order not to lose her home. Monies used to preserve her home meant there was little left to pay other debts and utility bills. The respondent's husband was not reasonable and did not handle problems well. As a result she kept details of the debt and the mortgage problems from him. The respondent was threatened with court action from many other quarters. She was frightened and did not know which way to turn. She intended only to borrow the money from Mr Lindley and to put back what she had taken when she could. She had come to realise that that was pathetically unrealistic and she got deeper and deeper into trouble. Her actions were not taken because of greed but desperation.

The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated. In the circumstances it was clearly right that an order controlling the future employment of the respondent within the solicitors' profession should be made. The Tribunal did, of course, have sympathy for the desperate financial situation in which the respondent found herself but stealing money could never be an answer. She should have sought help elsewhere. It was right that the respondent should bear the costs of the application and enquiry.

DATED this 13th day of March 1998

on behalf of the Tribunal



J W Roome
Chairman

Findings filed with the
Law Society on the 18th
day of March 1998.