

IN THE MATTER OF JEANETTE FROWLEY, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. G B Marsh (in the Chair)
Mrs. E Stanley
Mr. G Saunders

Date Of Hearing: 3rd December 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 Roger Field solicitor of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands on the 23rd July 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 a period and subject to such conditions as the Society might think to specify in the permission, employ or remunerate in connection with the practice as a solicitor Jeanette Frowley of Chorley, Nr. Bridgnorth, Shropshire 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 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 3rd December 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 from the respondent addressed to the applicant dated 10th August 1996 in which she said none of the facts set out in the applicant's statement were in dispute and she admitted all of them and accepted that the disciplinary charges were justified. (This letter is hereinafter referred to as the respondent's letter).

At the conclusion of the hearing the Tribunal ORDERED that as from the 3rd December 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 Jeanette Frowley of Chorley, Nr. Bridgnorth, Shropshire 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 £616.00 inclusive.

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

1. The respondent, who was not a solicitor, was employed by Messrs. Thomas Horton & Sons solicitor of Strand House, 70 The Strand, Bromsgrove, Worcestershire. She was so employed in connection with the practice from August 1991 until May 1993 as a financial services executive working under the supervision of the partners of the firm.
2. Upon due notice to the firm the Investigation Accountant of the Solicitors Complaints Bureau carried out an inspection of the firm's books of account. A copy of the Investigation Accountant's Report dated the 13th May 1996 was before the Tribunal. The report revealed that the respondent misappropriated client moneys and controlled trust funds for her own purposes in a total sum of £2,000.
3. The respondent in connection with one estate procured a cheque on the firm's Barclays Bank trust account on which she forged the signature of one of the partners. She paid the cheque into her own personal Halifax Building Society account. In another estate part of the trust funds were held in a Halifax Building Society account in the name of the firm. The respondent procured a cheque withdrawal from the Halifax Building Society account made payable to Barclays Bank Plc. She had forged the partners' signatures on the Halifax withdrawal form and the cheque had been paid to her own personal Barclays Bank account. Both offences occurred in April of 1993, each cheque was for £1,000 and the resultant cash shortage on client bank account of the firm being £2,000.

The Submissions of the Applicant

4. The respondent had been guilty of dishonesty. A section 43 order was the mechanism by which the dishonest clerk within the solicitors' profession might be controlled and the respondent a person who should be controlled in that way.

5. The applicant accepted that the respondent had been repaying the monies at regular intervals and at the date of the hearing her indebtedness with the firm had finally been cleared. She had paid on a monthly basis and had adhered scrupulously to the arrangement, which was to her credit.

The Submissions of the Respondent (contained in the respondent's letter)

6. The respondent did not intend to instruct a solicitor to represent her because she did not have the funds to do so. She hoped the costs of the application might be kept to a minimum. At the time of the service of the application she was unemployed, a single parent and in receipt of income support.
7. The respondent deeply regretted her actions which were totally out of character and brought about purely by a personal crisis consisting of the breakdown of a long term relationship, the repossessing of her property and a reduction in her working hours which had occurred some months previously.
8. At the time when the respondent wrote her letter on the 10th August 1996 she had repaid nearly all of the monies owing to the firm by repayments of £100 per month and when she had completed repayment she hoped that she might put the terrible experience behind her.

The Tribunal FOUND the allegation to have been substantiated. Whilst having some sympathy for the personal position of the respondent it was right that an order be made pursuant to section 43 of the Solicitors Act 1974 and the Tribunal further ordered that the respondent should pay the costs of the application in a fixed inclusive sum.

DATED this 8th day of January 1997

on behalf of the Tribunal


G B Marsh
Chairman

