

IN THE MATTER OF SARAH DEWHURST, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. A H Isaacs (in the Chair)

Mr. D J Leverton

Mr. M C Baughan

Date Of Hearing: 31st 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 by David Rowland Swift solicitor of 19 Hamilton Square, Birkenhead on the 7th August 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 might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Sarah Dewhurst of Cullingworth, Bradford West Yorkshire 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 guilty of conduct 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 the practice as a solicitor. Over a period between the 20th September 1995 and the 27th November 1995 the respondent took sums of money from the petty cash held by her solicitor employers for her own use and benefit culminating in a shortage of £693.52 on the 27th November 1995.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 31st October 1996 when David Rowland Swift solicitor and partner in the firm of Messrs. Percy Hughes & Roberts of 19 Hamilton Square, Birkenhead 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 dated the 27th August 1996 in which she confirmed receipt of the proceedings and admitted all of the facts contained in the applicant's statement.

At the conclusion of the hearing the Tribunal ORDERED that as from the 31st 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, Sarah Dewhurst of Cullingworth, Bradford, West Yorkshire 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 £377.46.

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

1. The respondent, who was not a solicitor, was employed as a cash department clerk by Messrs. Gordons Wright & Wright of 14 Piccadilly, Bradford, West Yorkshire. She was employed in that capacity by the firm at the firm's office at 4 Park Road, Bingley, West Yorkshire from the 26th November 1990 until the 4th December 1995 when her employment was terminated.
2. On the 1st September 1995 the respondent wrote to her employers admitting that sums had been taken from the petty cash to satisfy debts that she accumulated as a result of excessive drinking following the breakdown of a long standing relationship.
3. On the 24th April 1996 the Conduct Sub-Committee of the Adjudication and Appeals Committee of the Solicitors Complaints Bureau resolved that application should be made to the Tribunal for an order pursuant to section 43(2) of the Solicitors Act 1974 in respect of the respondent.

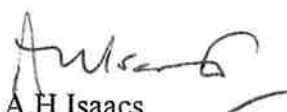
The Submissions of the Applicant

4. When confronted by her employers the respondent had admitted taking monies belonging to the firm at a time when she was suffering financial and social problems. Her behaviour represented dishonest handling of money while employed as a solicitor's clerk and it was appropriate that her future employment within the solicitors' profession should be controlled.

The Tribunal FOUND the allegation to have been substantiated and agreed that it was right that the order sought be made. The Tribunal further ordered the respondent to pay fixed costs.

DATED this 19th day of November 1996

on behalf of the Tribunal


A H Isaacs
Chairman


25th
November 1996