

IN THE MATTER OF KAMLA BELSHAW, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J W Roome (in the Chair)
Mr. A H Isaacs
Mrs. C Pickering

Date Of Hearing: 9th January 1997

FINDINGS

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

An application was duly made on behalf of the Office for the Supervision of Solicitors by Geoffrey Williams of 36 West Bute Street, Cardiff, solicitor, on the 28th day of August 1996 that Kamla Belshaw of Bilton-in-Ainsty, York might be required to answer the allegations contained in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

The allegations were that the respondent had been guilty of conduct unbecoming a solicitor in each of the following respects namely that she had:-

- a. submitted to her employers and received payment for claims for reimbursement of travelling expenses which she knew or ought to have known were false and unjustified thereby causing her employers to submit improper claims for disbursements;
- b. created records of time spent travelling and attending upon clients which records she knew or ought to have known were false and unjustified thereby causing her employers to submit improper claims for costs.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 9th January 1997 when Geoffrey Williams solicitor and partner in the firm of Messrs Cartwrights Adams and Black of 36 West Bute Street, Cardiff appeared for the applicant and the respondent did not appear and was not represented. The respondent addressed a letter to the applicant the date of which was unclear in which she said "Thank you for your letter of the 4th December. I am writing to advise you that I no longer reside in the United Kingdom. I will not be attending the hearing."

The evidence before the Tribunal included an enquiry agents report confirming that the respondent had read the papers served upon her by the Tribunal and had stated that she did not wish to attend the hearing nor to oppose the application. The respondent had also addressed a letter to the Tribunal on the 28th November 1996 confirming that she did not wish to defend the proceedings.

At the conclusion of the hearing the Tribunal ORDERED that the respondent Kamla Belshaw of Sheffield, (formerly of Bilton-in-Ainsty, York) solicitor, be Struck Off the Roll of Solicitors and they further Ordered her to pay the costs of and incidental to the application and enquiry fixed in the sum of £2,232.50p.

The facts are set out in paragraphs 1 to 6 hereunder:-

1. The respondent, born in 1963, was admitted a solicitor in 1992. At the material times and from the 28th September 1992 she had been employed as an assistant solicitor by Messrs Ford & Warren (the firm) solicitors of Westgate Point, Westgate, Leeds. She was summarily dismissed from such employment on the 25th April 1994 following the discovery of the matters upon which the allegations were founded.
2. The respondent was employed by the firm to carry out civil litigation work. This was mainly in relation to medical negligence claims on behalf of plaintiffs most of whom were legally aided.
3. The firm at the material times permitted professional staff to submit travelling expense claims, based on mileage, for payment by its accounts department without the counter-signature of a partner. Also it was left to individual fee earners to submit their own records of time spent to enable claims for costs to be made. (No criticism of the partners of the firm, in particular in relation to the supervision of the respondent, was made).
4. The firm became suspicious about the level of travelling expenses being paid to the respondent and about the amount of chargeable time that the respondent was recording in relation to her work. Consequently, on 21st March 1994, the firm instructed Messrs Wilson Braithwaire Scholey, Chartered Accountants to carry out a full investigation.
5. The Tribunal had before it a copy of the detailed report prepared pursuant to the investigation dated 6th May 1994. The report set out:-
 - a. the methodology, a summary of the work performed and those involved in assisting with the investigation;

- b. the amounts found to have been over claimed by the respondent:-
- i. under the heading "mileage" - travelling expenses over claimed by and paid to the respondent
 - ii. under the heading "travel" - travelling time over stated by the respondent and expressed in the form of the billable value of such time.
 - iii. under the heading "attendance" - attendance times over stated by the respondent and expressed in the form of the billable value of such times.
- c. Section 3 of the report gave details of claims by the respondent both false and genuine for travelling time and expenses. In some cases refunds were required where claims were recognised as being genuine. In such matters the respondent had been entitled to claim some expenses and charge some time but not to the extent that she did. The respondent overclaimed £4,387.07 for mileage which went into her own pocket. There was an overclaim of travel expenses of £12,411.84.
- d. Section 4 of the report gave details of the excessive charging of attendance times. This led to an overclaim of £911.20.
- e. Section 5 of the report was a month by month series of findings in relation to various matters dealt with by the respondent containing both genuine and false claims which were referred to elsewhere in the report. The total sum which the firm was induced wrongly to claim from clients and/or the Legal Aid Board was £13,322.93.
6. Where monies found to be repayable either to the Legal Aid Board or to individual private clients then the firm had made the appropriate repayments.

The submissions of the applicant

7. In making the false claims for mileage travelling time and attendances the respondent had been dishonest over a period of time. The result had been not only that the respondent had received payments of money to which she was not entitled, but the firm had used her false time records in making claims for Legally Aided and private costs. The partners of the firm had trusted its employees and no false claim had been made before in the history of the practice. The partners had since the discovery of the respondent's activities instituted a system whereby partners countersigned claims prepared by employees. The respondent had offered no explanation, but in the submission of the applicant the respondent might have intended to impress her employers with her records of time worked. Those records might have been falsified to support expense claims. It could not be overlooked that the respondent received some personal gain when certain of the expense monies were paid into her own pocket.

8. One example was where the respondent had seen a number of clients of the firm within the city taking each of them in turn in a single trip but had claimed travelling expenses for trips between the office and each client and return to the office from each client.
9. The respondent made those claims from February 1993 until March 1994.
10. The firm had suffered considerable financial loss and huge embarrassment. Their accountants had been engaged in a large exercise to ascertain what had happened and that had been very expensive indeed. The firm had properly reported those findings to the Law Society.

The respondent made no submissions

The Findings of the Tribunal

There could be no doubt that the respondent had embarked upon her dishonest course entirely deliberately and had seriously abused the position of trust in which her employers had placed her. Not only had she enjoyed personal gain but she had placed her employers in a position where they unwittingly had sort payment from clients and the Legal Aid Board supported by false records. The respondent had been guilty of serious dishonesty and that was unacceptable for a member of the solicitors' profession. It was right that she should be Struck Off the Roll of Solicitors and pay the costs of and incidental to the application and enquiry fixed in the sum of £2,232.50p.

DATED this 6th day of March 1997

on behalf of the Tribunal



J W Roome
Chairman

