

IN THE MATTER OF MICHAEL EDWARD ROBINSON, solicitor's clerk.

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D J Leverton (in the Chair)
Mrs. E Stanley
Dame Simone Prendergast

Date Of Hearing: 23rd January 1997

FINDINGS

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

An application was made on behalf of the Law Society on the 4th September 1996 by Peter Harland Cadman, solicitor of 2 Putney Hill, Putney, London SW15 that an Order be made by the Tribunal directing that as from a date specified in the Order no solicitor should except with permission of the Law Society for such 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 Michael Edward Robinson of Brighton, BN2 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 such a nature that in the opinion of the Law Society it would be undesirable for him to be employed by a solicitor in connection with his or her practice as a solicitor in that he had misappropriated clients' funds and had misappropriated funds belonging to the firm of Fitz Hugh Gates.

The respondent had admitted the allegations during the course of correspondence with the applicant.

At the conclusion of the hearing the Tribunal ORDERED that as from the 23rd January 1997 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 Michael Edward Robinson formerly of Brighton (but subsequently informed to be of Nr Whitby, North Yorkshire) a person who was or had been a clerk to a solicitor and the Tribunal further Ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £722.42p.

The facts are set out in paragraphs 1 to 5 hereunder:-

1. The respondent who was not a solicitor was employed as a financial controller by Messrs Fitz Hugh Gates solicitors of 3 Pavilion Parade, Brighton, East Sussex. The respondent had admitted in a letter to the partners that he misappropriated monies from office and client bank accounts and made false entries in the books of account. Following due notice an Investigation Accountant of the Law Society attended the offices of Messrs Fitz Hugh Gates beginning on the 20th May 1996. The Investigation Accountant's Report dated the 30th May 1996 was before the Tribunal.
2. The Report revealed that on the 27th July 1994 a payment of £1,786.72 was made from client bank account and between the 17th August 1994 and the 1st September 1995 four payments were made from office bank account varying in amount between £1,762.50 and £3,000.00 and totalling £9,673.21 which the respondent admitted had been misappropriated. On the 29th April 1996 the firm had received £11,600.00 from the respondent in rectification of the misappropriations and in contribution to the costs incurred by the firm as a result of his actions. The partners had appraised the Institute of Chartered Accountants of the respondent's actions.
3. In the matter of the misappropriation from client bank account of £1,786.72, a cheque payment was made on the 27th July 1994. The relevant entry in the clients' cash book account described the payment as "comprising 31 items". The relevant journal revealed that the payment had been charged to twenty nine individual accounts in the clients' ledger in amounts ranging from 40p to £387.66p and totalling £1,786.72p. The relevant accounts on the clients' ledger showed that each of the entries described the payee as "The Law Society" with a narrative of "Clear balance on account". The accounts charged were, with one exception, sundry accounts and were set up to account for cheques that had not been presented and were out of date. In each case, the balance of the account was reduced to nil after the payment was made. The returned paid cheque showed the payee to be "Bank of Scotland Mastercard".
4. On the 8th August 1996 at Lewes Crown Court the respondent was found guilty of six offences, three of procuring the execution of a valuable security and three relating to false accounting offences. Four additional matters of a similar nature were taken into account.
5. A custodial sentence was imposed upon the respondent of nine months suspended for two years.

The submissions of the applicant

The Tribunal was referred to the sentencing remarks of His Honour Judge Scott Gall at Lewes Crown Court in particular when he said "you were employed in a position of trust and you broke their trust and abused your position. It has profound consequences upon you; you have lost your hitherto good character."

No submissions were made on behalf of the respondent**The Findings of the Tribunal**

The Tribunal FOUND the allegation to have been substantiated. The Tribunal adopted the sentencing remarks of the Learned Judge at Lewes Crown Court. Clearly it was right that the respondent's employment within the solicitors' profession should be controlled and the Tribunal ordered him to pay the costs of and incidental to the application in the fixed sum of £722.42.

DATED this 24th day of February 1997

on behalf of the Tribunal



D J Leverton
Chairman

Findings filed with the
Law Society on the 28th
day of February 1997