

IN THE MATTER OF CHRISTOPHER JOHN PHILLIPS, Solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J C Chesterton (in the Chair)

Mr. J W Roome

Mr. K J Griffin

Date Of Hearing: 17th April 1997

FINDINGS

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

An application was duly made on behalf of the Law Society by Peter Harland Cadman solicitor of 2 Putney Hill, Putney, London SW15 on the 9th September 1996 that an Order be made by the Tribunal directing that as from a date specified in the order no solicitor should except with permission from 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 Christopher John Phillips of Deddington, Oxfordshire, OX15 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 him to be employed by a solicitor in connection with his practice as a solicitor namely that he had:-

- (a) held himself out to be a qualified Legal Executive
- (b) held himself out to be a qualified Solicitor
- (c) during the course of his employment misled other solicitors that he had been placed in funds by and on behalf of a client when that was untrue.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 17th April 1997 when Peter Harland Cadman solicitor and partner in the firm of Messrs Russell,

Cooke, Potter & Chapman of 2 Putney Hill, Putney, London appeared for the applicant and the respondent did not appear and was not represented. In a letter addressed to the applicant, undated but which the applicant received on the 16th December 1996, the respondent made a written statement and stated that he was not able to afford representation.

The evidence before the Tribunal included the admissions of the respondent and those documents which had been subject to a notice to admit served on the 24th March 1997.

At the conclusion of the hearing the Tribunal ORDERED that as from the 17th April 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 Christopher John Phillips of Mortlake, London (formerly of Deddington, Oxfordshire, OX15) 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 £1,078.50

The facts are set out in paragraph 1 to 7 hereunder:-

1. The respondent who was not a solicitor was employed by Messrs Chandler Ray solicitors of 22 West Street, Buckingham, MK18 between August 1993 and July 1995. The respondent then entered into a business arrangement with Messrs Baileys solicitors of Chantry House (first floor) 2A West Street, Buckinghamshire and held himself out as a qualified solicitor.
2. When the respondent joined Messrs. Chandler Ray he held himself out as a Legal Executive. Throughout his employment with that firm he held himself out as a Legal Executive. The respondent had in fact registered himself as a student with the Institute of Legal Executives but was not a fellow of the Institute.
3. The respondent in witnessing a number of documents had described himself as "a Legal Executive."
4. Further, the respondent in witnessing other documents had described himself as "a solicitor."
5. In a letter written to Messrs Herbert, Hewison and Cholmeley solicitors on the 4th July 1995 on the letter head of Messrs Chandler Ray the respondent said "the clients have today placed us in funds of £620.00, being the balance required for the water bill. Once the cheque has cleared we will let your client have a cheque direct." That statement was not true.
6. Mrs Bailey, a solicitor practising under the style of Baileys solicitors at Buckingham had understood that the respondent was a recently qualified solicitor. After some discussion with him she offered him work in her practice on a commission basis. During the course of conversations with the respondent Mrs Bailey confirmed that he was representing himself as a solicitor. He stated that he had been admitted as a solicitor in February 1995 although at a later point the date given was October 1994.

7. On the 24th April 1996 the Conduct Sub Committee of the Office for the Supervision of Solicitors resolved that application should be made to the Tribunal for an order pursuant to Section 43 (1)(b) of the Solicitors Act 1974 in respect of the respondent

The submissions of the applicant

8. The three allegations were substantiated by the facts in the submission of the applicant and represented an unacceptable course of conduct on the part of the respondent. It was right that his future employment within the solicitors' profession should be subject to control.

The submissions of the respondent (contained in the statement which accompanied his beforementioned letter to the applicant - received by the applicant on the 16th December 1996)

9. The respondent had been registered as a student member of the institute of Legal Executives and upon joining Messrs. Chandler Ray confirmed that he was a Legal Executive but made no representation that he was a qualified member of the Institute of Legal Executives. He confirmed to the partners of that firm which examinations he had passed. The respondent assumed that being registered with the Institute of Legal Executives entitled him to call himself a Legal Executive. The respondent had not intended to mislead anyone.
10. The respondent had made a conscious effort to work hard for his employer. The respondent said that he never confirmed to Mrs Bailey that he was a solicitor. He mentioned to her on several occasions that he was a Legal Executive and showed her his conveyancing practice diploma. He believed that Mrs Bailey had convinced herself that he was a solicitor.
11. The respondent said that he had been entrusted with thousands of pounds from clients and he regarded it as a very important aspect of his job to ensure that all clients' money was credited to the firm's client account without delay.

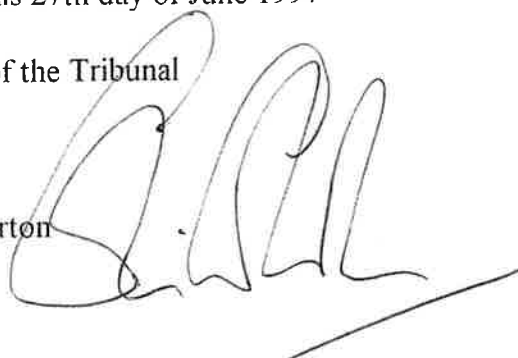
The Findings of the Tribunal

The Tribunal Found the allegations to have been substantiated. It was a serious matter for an unqualified clerk to represent himself as being qualified in the law. The Tribunal made the Order sought and Ordered the respondent to pay the applicants costs in a fixed sum. The Tribunal wished to remind solicitors employing staff that they have a responsibility to make a full check of the bona fides of such employees before taking them on and allowing them to have the conduct of client matters.

DATED this 27th day of June 1997

on behalf of the Tribunal

J C Chesterton
Chairman



Findings filed with the
Law Society on the 2nd
day of July 1997