

IN THE MATTER OF SANDRA FENWICK, 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

David Rowland Swift solicitor of 19 Hamilton Square, Birkenhead made application on behalf of the Law Society on the 19th September 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 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 Sandra Fenwick of Hutton, Weston Super Mare, Avon 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 his or her practice.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 23rd January 1997 when David Rowland Swift solicitor and partner in the firm of Messrs Percy Hughes and 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 the admissions of the respondent which had been made in correspondence.

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 Sandra Fenwick of Hutton, Weston Super Mare Avon 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 £603.96p.

The facts are set out in paragraphs 1 to 8 hereunder:-

1. The respondent, who was not a solicitor, was employed as a probate clerk initially by Timothy Stiddard solicitor of 64 Orchard Street, Weston Super Mare and subsequently by Berry Redmond and Robinson solicitors of Worle, Avon who acquired Mr Stiddard's practice.
2. In such capacity the respondent had the conduct of the administration of a number of estates. During the course of the administration the respondent mishandled funds belonging to certain estates and was in breach of the Solicitors Accounts Rules 1991.
3. In the estate of the late Miss M a disbursement was recorded as a payment to Barclaycard which was found to be in respect of the respondent's own account with Barclaycard and a payment was made in respect of the respondent's telephone bill.
4. In the estate of the late F a sum was withdrawn and used to discharge a funeral account in the estate of C.
5. In the estate of V de W a sum was withdrawn and used to discharge a funeral account in the estate of B deceased.
6. In the cases of N and P funds had become mixed and confused.
7. A number of files of which the respondent had conduct had not been traced and the basis of payments and receipts in respect of those matters could not be ascertained.
8. On the 27th March 1996 the Adjudication and Appeals Committee of the Bureau resolved to make application to the Tribunal for an Order pursuant to Section 43 (2) of the Solicitors Act 1974 in respect of the respondent.

There were no submissions

The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated, indeed it was not contested. It was right that an Order should be made controlling the employment of the respondent within the solicitors' profession and the Tribunal ordered that she pay the costs of and incidental to the application and enquiry in a fixed sum.

DATED this 24th day of February 1997

on behalf of the Tribunal

D J Leverton
Chairman

