

IN THE MATTER OF TREVOR ROUTLEDGE, 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 by David Rowland Swift, solicitor of 19 Hamilton Square, Birkenhead 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 permission from 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 of a solicitor Trevor Routledge of Hebburn, Tyne and Wear 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.

The application was made 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 & Roberts of 19 Hamilton Square, Birkenhead appeared for the applicant and the respondent did not appear and was not represented.

The respondent had admitted his financial irregularities.

At the conclusion of the hearing the Tribunal ORDERED that as from the 23rd January 1997 no solicitor should, accept in accordance with permission in writing granted by the Law Society, for such a period and subject to such conditions that the Society might think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Trevor Routledge of Hebburn Tyne & Wear 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 £410.71p. The facts are set out in paragraphs 1 to 5 hereunder:-

1. The respondent, who was not a solicitor, was employed as a conveyancing manager by Messrs. Hannay & Hannay solicitors of Barclays Bank Chambers, 2 Fowler Street, South Shields, Tyne & Wear. The respondent had been employed in that capacity by the firm from the 29th May 1990 until his employment was terminated on the 6th September 1995 as the consequence of the discovery of misappropriations.
2. The respondent had misappropriated clients' funds as demonstrated in the Report prepared by the Investigation Accountant of the Law Society dated the 13th May 1996 which was before the Tribunal. The total sum so obtained by the respondent and retained for his own use and benefit was £2,490.00.
3. The Investigation Accountant's Report revealed that since the respondent's dismissal in September 1995 a thorough review of all of his client matters had taken place. Ninety separate clients either purchasing or remortgaging residential properties were identified as having been over-charged in respect of HM Land Registry fees. Full restitution had been made by the partners.
4. It had been the respondent's practice to make an overcharge in respect of HM Land Registry fees and to send the amount charged to HM Land registry. In due course he would receive back from the Registry a cheque for the sum overpaid. The cheque was made payable to the respondent's employers. He retained the cheque until he received a payment in cash when he would retain cash for the amount shown on the face of the cheque and pay the cheque into firm's account in place of cash retained. On another occasion the respondent had used the sum overcharged to a client in respect of Land Registry fees to pay the Land Registry fees incurred by him in connection with the remortgage of his own property.
5. On the 26th June 1996 the Adjudication and Appeals Committee of the Bureau resolved to make application 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

6. The respondent had pursued a dishonest course of conduct during the course of his employment with a firm of solicitors as a conveyancing manager.

No submissions were made on behalf of the respondent

The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated. Clearly the respondent had abused his position of trust and had stolen clients' monies. It was right that his employment within the solicitors' profession should be controlled and he was Ordered to pay the applicant's costs in a fixed sum.

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