

IN THE MATTER OF JENNIFER GRIFFITHS, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. J R C Clitheroe (in the Chair)  
Mr. D W Faull  
Lady Bonham Carter

Date Of Hearing: 14th October 1997

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## FINDINGS

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

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An application was duly made on behalf of the Law Society by Andrew Christopher Graham Hopper, solicitor, of PO Box 7, Pontyclun, Mid Glamorgan on the 31st October 1996 that an order be made by the Tribunal directing that as from a date to be specified in such order 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, Jennifer Griffiths of Thornton Heath, Surrey, CR7 a person who was or had been a clerk, to a solicitor or that such other order might be made as the Tribunal should think right.

The allegation was that the respondent had occasioned or been a party to an act or default in relation to a practice of solicitors to whom she was a clerk which involved conduct on her part of such a nature that it would be undesirable for her to be employed by a solicitor in connection with his practice, in that:-

- (i) she removed into her own possession files and documents belonging to clients of the firm to which she was a clerk;
- (ii) she acted on behalf of clients of the firm to which she was a clerk without the knowledge, approval or authority of the said firm;

- (iii) she used forged notepaper of the firm to which she was a clerk, substituting her own address for that of the firm.

The application was heard at the Court Room, No.60 Carey Street, London WC2 on the 14th October 1997 when Andrew Christopher Graham Hopper, solicitor of PO Box 7 , Pontyclun, Mid Glamorgan appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the oral evidence of Elizabeth Helen Aldred, as to due service of notice of the date of the hearing and the oral evidence of Peter Duncan Thompson and Pat Hanoman, both solicitors who had previously employed the respondent. Exhibit "JG1", a letter dated the 22nd April 1997 was placed before the Tribunal (being notice to admit).

At the conclusion of the hearing the Tribunal ORDERED that as from the 14th October 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, Jennifer Griffiths of Thornton Heath, Surrey, CR7 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 £2,831.27 inclusive.

The facts are set out in paragraphs 1 to 8 hereunder.

1. The respondent, who was not a solicitor, was at times materials to the application a clerk either employed by or otherwise associated with Peter Thomson, solicitor of 203 Coldharbour Lane, London, SW9 and Hanoman & Co. of 9 Fromondes Road, Cheam, Surrey.
2. The respondent, by virtue of her work at advice centres had acquired some knowledge and experience of immigration matters.
3. From 1989 until the 6th May 1994 the respondent was employed by Peter Thomson, solicitors. From September 1993 she had worked three days a week for the firm while taking a course of further education. In addition the respondent worked on a self employed basis from mid 1992 until February 1994 for Hanoman & Co.
4. In the early part of 1993 Peter Thomson decided to reduce the volume of work being undertaken by his practice in immigration matters. The respondent was instructed not to accept new clients in order to allow existing cases to be cleared. However she continued to encourage and accept new instructions without the knowledge of her employer. The respondent had not disclosed to her employer the existence of those clients.
5. The respondent purported to act for such clients through the firm of Hanoman & Co., but although Hanoman & Co. had retained the respondent's services on a self employed basis, and it was intended that clients introduced through her connections should be dealt with by her, she was required to work under the firm's supervision.
6. The respondent, in dealings with third parties such as the Immigration & Nationality Department of the Home Office, used forged notepaper of Hanoman & Co.,

substituting her own address for that of the firm. The Tribunal had before it details of some of these client matters.

7. At the pre-trial review and on an earlier occasion when the respondent attended the Tribunal, she indicated that she contested the facts. She had lodged a written submission with the applicant which was of limited assistance to the Tribunal. It appeared that the respondent's position was that she had the authorisation of her employers to act as she did.
8. On the 21st June 1995 the Conduct Committee of the Adjudication and Appeals Committee of the Law Society decided that application should be made to the Tribunal for an order pursuant to Section 43(2) Solicitors Act 1974 in respect of the respondent.

#### **The Submissions of the Applicant**

9. The respondent had maintained conduct of clients' affairs, with a questionable degree of effectiveness, without the knowledge, approval or authority of the firm by whom she had been employed. Additionally she had inserted her own address on headed notepaper of the firm ensuring that correspondence was thus directed to her and not to the firm. In the circumstances it was right that the respondent's future employment within the solicitors' profession should be controlled.

#### **The Submissions of the Respondent (Contained in her before mentioned submission of July 1997)**

10. The respondent said that she was not dishonest. The respondent had loved her area of work and she had devoted a lot of time to it. She had wanted to help people.

#### **The Findings of the Tribunal**

The Tribunal FOUND the allegations to have been substantiated. The Tribunal had given the respondent every opportunity to put her own case and position before them. They had taken note of the respondent's assertion that she had carried out the work complained of with the full knowledge and authority of her former employers who were both solicitors. Those solicitor employers had in evidence confirmed that the respondent acted entirely without their consent and indeed without their knowledge.

In the circumstances of this case it was entirely right that the future employment of the respondent within the solicitors' profession should be subject to the control of the Law Society.

DATED this 17th day of November 1997

on behalf of the Tribunal



J R C Clitheroe  
Chairman

*Findings filed with the  
Law Society on the 25th  
day of November 1997*