

IN THE MATTER OF KAREN POINTON, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. R B Bamford (in the Chair)
Mr. A G Ground
Mr. K J Griffin

Date Of Hearing: 25th February 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 4th November 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 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 Karen Pointon of Warley, West Midlands, B67 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 practice as a solicitor namely that she had:-

- (a) utilised clients' funds for her own purposes;
- (b) misappropriated clients' funds.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 25th February 1997 when Peter Harland Cadman, solicitor and partner in the firm of Messrs. Russell-Cooke Potter & Chapman of 2 Putney Hill, Putney, London, SW15 6AB appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the admission of the respondent made during the course of correspondence.

At the conclusion of the hearing the Tribunal ORDERED that as from the 25th February 1997 no solicitor should except in accordance with permission in writing granted by the Law Society for such a period and subject to conditions as the Society might think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Karen Pointon of Warley, West Midlands, 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 £1,552.15 (which included the costs of the Investigation Accountant of the Law Society).

The facts are set out in paragraphs 1 to 5 hereunder.

1. The respondent who was not a solicitor was employed as a legal secretary by the firm of W D Clark, Brookes & Co. (later incorporated into Silks) solicitors of 368 High Street, Smethwick, West Midlands, B66 3PG.
2. The respondent had been employed in that capacity by that firm and its predecessors since approximately February 1986 until her employment was terminated in January 1995.
3. Upon due notice to the respondent's employers the Investigating Accountant of the Law Society carried out an inspection of their books of account and a copy of the Investigating Accountant's Report of the 20th December 1995 was before the Tribunal. It revealed a misappropriation in the sum of £3,895.98.
4. In her letter to the Solicitors Complaints Bureau dated 15th June 1996 the respondent admitted the misappropriation and made expressions of regret.
5. On the 17th July 1996 the Adjudication and Appeals Committee of the Solicitors Complaints Bureau resolved to make an application to the Tribunal 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 misappropriated funds in excess of £3,000 by diverting small residuary balances on clients' accounts to her personal building society account.

The Submissions of the Respondent (contained in her before mentioned letter addressed to the Solicitors Complaints Bureau)

7. The respondent expressed her extreme remorse for her actions. She had been in considerable debt and only ever intended to borrow the funds. She realised that was no excuse but she felt she would lose both her home and her family because of the debt she was in. She would never do anything like that again. Her debt problems were easing and she had the support of her family. Her actions had been carried out in sheer desperation and were out of character.

The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated. It was right that any future employment of the respondent within the solicitors' profession should be controlled. They made the order sought and further ordered the respondent to pay the costs of and incidental to the application and enquiry. In view of the respondent's unfortunate position the Tribunal trust that the Law Society will feel able to reach an accommodation with the respondent upon the payment of costs as she appeared to have taken the steps which she did whilst being desperate about her then state of indebtedness.

DATED this 11th day of April 1997

on behalf of the Tribunal



R B Bamford
Chairman