

IN THE MATTER OF PHILIP VALENTINE, 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 19th November 1996 that an order be made by the Tribunal directing that as from a date 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 Philip Valentine of Plas Goulbourne, Wrexham, LL13, 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 allegations were 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) utilised clients' funds held by his employers for the purposes of other clients;
- (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 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 contained in 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 such conditions as the Society might think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Philip Valentine of Plas Goulbourne, Wrexham, LL13 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 £3,937.83.

The facts are contained in paragraphs 1 to 4 hereunder.

1. The respondent who was not a solicitor was employed as a litigation clerk by solicitors Edmund Pickles & Uptown of Bromfield Chambers, 27 Rhosddu Road, Wrexham, LL11 1EE.
2. The respondent had been employed in that capacity by the firm and its predecessors since approximately 1st January 1987 and was dismissed on 21st July 1995.
3. Upon due notice to the employers of the respondent an Investigating Accountant of the Law Society carried out an inspection of their books of account. A copy of the Investigating Accountant's Report dated 29th September 1995 was before the Tribunal. It revealed a misapplication of clients' funds by the respondent. The respondent had perpetrated a complex "teeming and lading" operation and the books of account contained numerous false entries made at his instigation. There was a cash shortage of £102,785.49 as at the 21st July 1995 as a result of the respondent's conduct. The partners of the firm rectified that in full during the Investigation Accountant's inspection.
4. The respondent had not appeared to have gained any personal benefit from the misapplied funds and was receiving psychiatric treatment.

The Submissions of the Applicant

5. The facts spoke for themselves. The Investigation Accountant had taken considerable time on the matter as the books of account had been in disarray.

The Submissions of the Respondent

6. The respondent made no submission but the Tribunal noted that he had apparently made no personal gain from his actions and was undergoing psychiatric treatment.

The Findings of the Tribunal

The Tribunal FOUND the allegations to have been substantiated, indeed they were not contested. They considered it right that any future employment of the respondent within the solicitors' profession should be controlled and it was also right that the respondent should pay the costs of and incidental to the application and enquiry including the costs of the Investigation Accountant of the Law Society which were in the sum of £3,341.98.

DATED this 11th day of April 1997

on behalf of the Tribunal



R B Bamford
Chairman