

IN THE MATTER OF RUTH ANN SHAW, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. A H Isaacs (in the Chair)
Mr. D J Leverton
Mr. K J Griffin

Date Of Hearing: 6th May 1997

FINDINGS

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

An application was duly made on behalf of the Law Society on the 12th December 1996 by David Rowland Swift solicitor of 19 Hamilton Square, Birkenhead that an Order be made by the Tribunal directing that as from a date specified in the Order, no solicitor should except in accordance 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 Ruth Anne Shaw of

Ivy Bridge, Devon (subsequently notified to be of Modbury, Devon, PL21) 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; the taking of clients' funds for her own use and personal benefit.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 6th May 1997 when Jonathan Goodwin 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 evidence before the Tribunal included the admissions of the respondent contained in her letter dated the 19th March 1997 addressed to the applicant.

At the conclusion of the hearing the Tribunal ORDERED that as from 6th May 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 Ruth Anne Shaw of Modbury, Devon, PL21 (formerly of Ivy Bridge, Devon) 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 £743.85 together with the costs of the Investigation Accountant of the Law Society to be taxed if not agreed. The Order was filed on the 7th May 1997.

The facts are set out in paragraphs 1 to 3 hereunder.

1. The respondent who was not a solicitor was employed as an accounts clerk by Robert Wade & Co. solicitors of Raglan Chambers, 63 Frogmore Street, Abergavenny, Gwent for approximately four years. In such capacity she had access to Trustee Deposit Accounts maintained by her employer in respect of the estates of M decd and D decd and to the firm's Client Call account.
2. Enquiries by the firm on the 29th November 1995 revealed a shortage of funds in the matter of M Decd and on interview the respondent admitted the improper use of those funds.
3. The Investigation Accountant of the Law Society subsequently visited the firm and prepared his report of the 16th January 1996 a copy of which was before the Tribunal. It revealed a shortfall of £24,509.37 arising as a consequence of the respondent's misappropriation of clients' funds. In particular the total sum of £16,787.62 had been paid from the firm's client account to another firm of solicitors in connection with the respondent's instructions to them to conduct the purchase of a public house on her behalf.

The Submissions of the Applicant

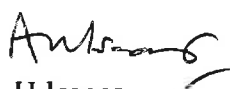
4. It was understood that the respondent's activities had been reported to the police. A claim had been made upon the Solicitors Indemnity Fund which had been settled in full. The cash shortage had therefore been rectified and no client had suffered loss.

The Tribunal's Findings

The Tribunal FOUND the allegation to have been substantiated. It was not only dishonest but a serious breach of trust for a solicitors clerk to take money belonging to clients of her employers and use it for her own purposes. The future employment of the respondent within the solicitors profession had to be controlled and the Tribunal made the order sought and further ordered that the respondent be responsible for all of the costs of the application and enquiry.

DATED this 5th day of June 1997

on behalf of the Tribunal



A H Isaacs
Chairman

