

IN THE MATTER OF JEAN MARY NOBLE, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. A.G. Gibson (in the Chair)
Mr. J.C. Chesterton
Mrs. C. Pickering

Date Of Hearing: 27th 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 by Peter Harland Cadman, solicitor of 2 Putney Hill, Putney, London SW15 on 12th February 1997 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 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 Mrs. Jean Mary Noble of Offerton, Stockport 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 convicted of a criminal offence with disclosed such dishonesty 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, namely offences of theft and false accounting.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 27th May 1997 when Peter Harland Cadman, solicitor and partner in the firm of Messrs.

Russell-Cooke Potter & Chapman of 2 Putney Hill, Putney, London SW15 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 a letter addressed to the Tribunal by her husband dated 14th March 1997.

The respondent's husband in his letter asked that the Tribunal's hearing might be in private as the respondent suffered from poor health. The Tribunal declined to deal with the case in private. Its Findings inevitably became a public document. It was right that the Tribunal should deal with matters in public and in reality a private hearing would only postpone the matter being brought into the public domain.

At the conclusion of the hearing the Tribunal ORDERED that as from 27th 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 Jean Mary Noble of Offerton, Stockport 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 and application and enquiry, fixed in the sum of £770.65.

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

1. The respondent who was not a solicitor was employed as a secretary and assistant to a partner by Messrs. Abson Hall, solicitors of 30 Greek Street, Stockport, Cheshire from September 1989 until May 1993.
2. The Investigation Accountant reported upon his findings following a visit when he inspected the books of account of Messrs. Abson Hall dated 5th September 1994 which revealed a cash shortage of £14,513.36p.
3. The shortage was attributable to the activities of the respondent.
4. The respondent appeared at the Manchester Crown Court on 8th September 1995 when she pleaded guilty to offences of dishonesty and was sentenced to twelve months imprisonment suspended for two years.
5. On 28th August 1996 the Adjudication & Appeals Committee of the Law Society resolved to seek an Order from the Tribunal pursuant to Section 43(2) of the Solicitors Act 1974.

The submissions of the applicant

6. The respondent had admitted nine criminal offences involving dishonesty. The total sum before the Court in respect of those offences was approximately £12,000 and not the larger sum reported as a shortage by the Law Society's Investigation Accountant.
7. It was right that the future employment of the respondent within the solicitors' profession should be controlled.

The submissions of the respondent (contained in the before-mentioned letter addressed by her husband to the Tribunal)

8. The respondent did not enjoy good health and received a disability pension.
9. She had been under the care of clinical psychologist and later a psychiatrist because of her state of mind caused by what she had done.
10. The respondent would never work again because of the problems with her health. Worry had an adverse effect upon her state of health.

The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated. The Tribunal expressed sympathy for the respondent's difficult physical and mental state of health. However, it was right that a solicitor's clerk who had misappropriated money during her employment by a solicitor should be controlled in her possible future employment within the solicitors' profession in order to protect its good reputation and the interests of the public.

The Tribunal made the Order sought and also ordered the respondent to pay fixed costs, being aware that the Law Society did not assiduously pursue costs in cases where the respondent clearly was in considerable difficulty.

DATED this 1st day of July 1997

on behalf of the Tribunal

A.G. Gibson
Chairman



Findings filed with the
Law Society on the 10th
day of July 1997