

IN THE MATTER OF ERROL WAITE, solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr. D J Leverton (in the Chair)

Mr. J C Chesterton

Mr. M C Baughan

Date Of Hearing: 30th September 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 Jonathan Richard Goodwin, solicitor of 19 Hamilton Square, Birkenhead on the 13th March 1997 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 Society might think to specify in the permission, employ or remunerate in connection with the practice as a solicitor Errol Waite then of Mitcham, Surrey (subsequently notified to be of Streatham, London, SW16 ) 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 him to be employed by a solicitor in connection with his practise as a solicitor.

The application was heard at the Court Room, No.60 Carey Street, London, WC2 on the 30th September 1997 when Jonathan Richard Goodwin solicitor and partner in the firm of Messrs. Percy Hughes and 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. The applicant told the Tribunal that following its order for substituted service the advertisement appearing in the Law Society's Gazette had been drawn to the attention of the respondent and he had contacted the applicant direct.

At the conclusion of the hearing the Tribunal ORDERED that as from the 30th September 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 Errol Waite of Streatham, London, SW16 (formerly of Mitcham, Surrey) 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 £2,260.66 inclusive.

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

1. The respondent, who was not a solicitor, was employed as a freelance outdoor clerk by Messrs. Fisher Meredith, solicitors of London, SW4. The respondent had been employed from time to time in that capacity by the firm. He had assisted in the criminal law department. The firm's investigations revealed that fraudulent claims totalling £629.70 had been submitted and paid to the respondent in respect of twelve client matters and that further claims totalling £244.60 had been submitted by the respondent in respect of four client matters but which had not been paid. The claims arose as a result of the respondent falsely making claims for work allegedly undertaken in relation to various client matters, such work not in fact having been undertaken.
2. When interviewed by the firm the respondent admitted his dishonesty. He admitted that he had intended to use the money to discharge a personal debt.
3. On the 22nd January 1997 the Compliance and Supervision Committee of the Office for the Supervision of Solicitors (appointed by the Council of the Law Society) resolved that application be made to the Tribunal for an order under section 43(1)(b) of the Solicitors Act 1974 in respect of the respondent.
4. There were no submissions.

#### The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated. Clearly in the light of the respondent's dishonesty it was right that his future employment within the solicitors' profession should be subject to the control of the Law Society. The Tribunal made the order sought and ordered the respondent to pay the applicant's costs in a fixed sum.

DATED this 4th day of November 1997

on behalf of the Tribunal

D J Leverton  
Chairman

*Findings filed with the  
Law Society on the 7<sup>th</sup>  
day of November 1997*