

IN THE MATTER OF ETHEL M LAYCOCK, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. A.G. Gibson (in the Chair)
Mr. A.G. Ground
Lady Bonham-Carter

Date Of Hearing: 7th August 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 Pal Singh Sanghera, solicitor of Refuge House, 148-150 The Parade, Leamington Spa, Warwickshire on 18th March 1997 that an Order be made by the Tribunal under Section 43(2) of the Solicitors Act 1974 directing that as from a date to be specified in such Order 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 Mrs. Ethel M Laycock of Tyne & Wear a person who was or had been a clerk to a solicitor or that such other Order might be made as the Tribunal should think right.

The allegation was that the respondent, having been a clerk to a solicitor but not being a solicitor, had occasioned an act in relation to the solicitor's practice which involved conduct on the part of the clerk of such a nature that, in the opinion of the Law Society, it would be undesirable that she should be employed by a solicitor in connection with his or her practice in that she committed breaches of the Solicitors Accounts Rules regarding clients' money.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on 7th August 1997 when Pal Singh Sanghera, solicitor and partner in the firm of Messrs. Ian Burr &

Co. of Refuge House, 148-150 The Parade, Leamington Spa, Warwickshire 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 addressed to the applicant's firm dated 4th August 1997 explaining that she had suffered a family bereavement.

At the conclusion of the hearing the Tribunal ORDERED that as from 7th August 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 Ethel M Laycock of Tyne & Wear NE31 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 £849.53 inclusive.

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

1. The respondent, who was not a solicitor, was at the material times employed by or otherwise associated with Messrs. John Foley & Co. ("the firm") solicitors of Worswick House, 6 Worswick Street, Newcastle-upon-Tyne.
2. The respondent was employed as a book-keeper. On 4th July 1996 the firm's accountants, Messrs. Binder Hamlyn, wrote to the Law Society's offices at Redditch reporting that they had been alerted by the firm's principal of his suspicions as to the respondent's handling of petty cash. The accountants carried out an investigation and discovered that there had been two breaches of the Solicitors' Accounts Rules regarding clients' money. A total of £200 had been retained by the respondent.
2. On discovery, the respondent's principal immediately reimbursed the client account. Messrs. Binder Hamlyn reported that they had carried out an interim audit and were satisfied that there were no other instances of clients' money being mishandled.
3. The Office for the Supervision of Solicitors ("the Office") made further enquiry and were informed that the respondent additionally had admitted stealing office funds believed to total between £5,000 and £7,000.
4. The complaint was put to the respondent by the Office on the 18th September 1996 and she replied by letter of the 21st September 1996 expressing regret for her actions and asking that her letter be accepted as an undertaking not to seek or accept employment of whatever kind in any solicitor's office.
5. On the 27th November 1996 the Professional Regulation Casework Sub-Committee of the Office for the Supervision of Solicitors resolved to refer the respondent's conduct to the Tribunal pursuant to the provisions of Section 43 of the Solicitors' Act 1974 (as amended).

The submissions of the applicant

6. The respondent had admitted taking the sums of £200 and a further sum from office account of between £5,000 and £7,000 in correspondence with the Office. There had

been no criminal prosecution and it was accepted that the respondent had re-paid those sums to her former employers. It was a serious aspect of the matter that as a result of the respondent's dishonest activities the firm's books of account had not been properly maintained. There was no doubt that the respondent had been dishonest, but she should be given credit for making admissions in correspondence. It was right that her future employment within the solicitors' profession should be controlled.

The submissions of the respondent (her before-mentioned letter of 4th August 1997 addressed to the applicant)

7. "You are to apply for an Order as above on Thursday 7th August 1997 and I write to inform you that I shall not be present. We have had a family bereavement - my uncle died in hospital last Saturday evening. There is to a post mortem and understandably, I would wish to attend his funeral.

Would you be so kind as to offer my apologies to the Tribunal. I realise that the application will go ahead in my absence and no doubt I will be informed of the result of such application and what has been determined in the way of costs in due course.

Thank you for your courtesy.

Yours faithfully, Signed: E. Laycock"

The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated. The Tribunal cannot overlook the seriousness of the behaviour of a solicitor's clerk employed in a position of trust who abuses that trust and behaves dishonestly to further her own interests. The Tribunal deprecates her behaviour and considers it right that her employment within the solicitors' profession should be regulated by the Law Society in the future. The Tribunal made the Order sought and further Ordered the respondent to pay costs in a fixed sum.

DATED this 7th day of October 1997

on behalf of the Tribunal

A.G. Gibson
Chairman



*Findings filed with the
Law Society on the 14th
day of October 1997*