

IN THE MATTER OF TONY DETTMAR, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D.E. Fordham (in the Chair)
Mr. A.G. Ground
Mr. K.J. Griffin

Date Of Hearing: 18th September 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 the 1st May 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 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 Tony Dettmar of Chigwell, Essex IG7 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.

Subsequent to the application the Tribunal was notified that the respondent's address at which he was served with papers by a process server was Grange Park, Chigwell, Essex.

The allegation was that the respondent, having been a clerk to a solicitor but not being a solicitor, had been convicted of a criminal offence which disclosed such dishonesty that in the opinion of the Law Society it would be undesirable that he should be employed by a solicitor in connection with his or her practice.

At the conclusion of the hearing the Tribunal ORDERED that as from the 18th 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 Tony Dettmar of Chigwell, Essex 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 £2,113.19 to include the costs of the Investigation Accountant of the Law Society.

The application was heard at the Court Room, No. 60 Carey Street, London WC2 on the 18th September 1997 when Pal Singh Sanghera, solicitor 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 an affidavit of the process server confirming that the respondent had told him that he was not disputing anything.

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

1. The respondent, who was not a solicitor, was at the material times a clerk employed or otherwise associated with Messrs. Forsyte Saunders Kerman, solicitors of 79 New Cavendish Street, London W1. The respondent had been employed since 1989 as a solicitor's clerk and subsequently fulfilled the function of office account cashier. He was made redundant on the 4th April 1996 when he obtained temporary employment through an agency in the accounts department of another firm of solicitors..
2. Subsequent to his departure from Messrs. Forsyte Saunders Kerman, that firm discovered that between the 20th June 1995 and the 19th March 1996 the respondent had misappropriated £15,981.81 from the firm's office bank account. The respondent had posted overnight receipts to the income account in a lesser sum than had been received at the bank. He then drew the difference in cash either by posting it to the exchange cheques account or by drawing cash sums supposedly to reimburse valid petty cash or expense claims. The system used by the respondent appeared to have differed from time to time.
3. As a result of his activities the respondent was charged with four counts, two of theft and two of false accounting. The respondent pleaded guilty to those charges and in addition twenty other offences were admitted by the respondent and taken into consideration upon sentence.
4. On the 26th November 1996 the Crown Court at Middlesex Guildhall imposed two nine months terms of imprisonment in respect of the counts of theft and two six months terms of imprisonment in respect of the two counts of false accounting. All such terms were to run concurrently. The total effective sentence was nine months imprisonment and the respondent had been released from prison on the 10th April 1997.
5. On the 22nd January 1997 the Compliance & Supervision Committee of the Office for the Supervision of Solicitors resolved that application should be made to the Tribunal

for an Order pursuant to Section 43(2) of the Solicitors Act 1974 in respect of the respondent.

The submissions of the applicant

6. The respondent had been employed by a firm of solicitors in a position of responsibility and trust. The allegation and the facts in support of them spoke for themselves. It was right that the respondent's future employment within the solicitors' profession should be controlled.

The Tribunal FOUND the allegation to have been substantiated. It deprecated the behaviour of the respondent who had been placed in a position of trust by his solicitor employers. It was right that any future employment of him within the solicitors' profession should be subject to the control of the Law Society. The Tribunal made the Order sought and further ordered that the respondent should pay the applicant's costs in a fixed sum, together with the costs of the Investigation Accountant of the Law Society who had inspected and reported upon the accounts of the respondent's former employers.

DATED this 19th day of November 1997

on behalf of the Tribunal



D.E. Fordham
Chairman

