

IN THE MATTER OF CYNTHIA MARY GRIFFITHS, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. J.N. Barnecutt (in the Chair)
Mrs. E. Stanley
Dame S. Prendergast

Date Of Hearing: 11th 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 Roger Field, solicitor of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands on the 22nd May 1997 that an Order be made by the Tribunal 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 Cynthia Mary Griffiths of Whittle-le-Woods, Chorley PR6 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 had occasioned such acts or defaults and had been guilty of such conduct as to justify an Order being made in respect of her in the terms of Section 43(2) of the Solicitors Act 1974.

The application was heard at the Court Room, No. 70 Carey Street, London WC2 on the 11th September 1997 when Roger Field, solicitor and partner in the firm of Messrs. Higgs & Sons

of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the fact that notices to admit had been served upon the respondent and no counternotice had been received. The applicant reported that he had spoken with the respondent on the telephone on the day prior to the hearing when the respondent confirmed she had received all of the papers and did not dispute the facts.

At the conclusion of the hearing the Tribunal ORDERED that as from the 11th 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 Cynthia Mary Griffiths of , Whittle-le-Woods, Chorley PR6 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 £870 together with the costs of the Investigation Accountant of the Law Society in the sum of £2,788.49.

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

1. The respondent, who was not a solicitor, was employed by Messrs. Cyril Morris Arkwright, solicitors of Churchgate House, 30 Churchgate, Bolton. Her employment began on 12th February 1990 and ended on 27th July 1994. In the firm she was responsible, under supervision of partners, for the day-to-day conduct of the firm's accounts department.
2. During her employment the respondent misappropriated funds held or received by the firm for and on behalf of clients. In the course of such misappropriation the respondent committed acts which resulted in breaches of the Solicitors Accounts Rules 1991.
3. Following notice duly given to the firm an Investigation Accountant of the Solicitors Complaints Bureau (as it then was) carried out an inspection of the firm's books of account. The Tribunal had before it a copy of the Investigation Accountant's Report dated the 1st September 1995. It appeared that during the period May 1991 to the 27th July 1994 clients' funds totalling £6,775.34p which had been received in cash had been misappropriated by the respondent. The correct amounts had been recorded in the client's ledger but had been disguised by the respondent on the client bank reconciliations. The firm had rectified the deficiency. On the 6th November 1996 the Compliance and Supervision Committee of the Office for the Supervision of Solicitors resolved that an application be made to the Tribunal for an Order pursuant to Section 43 (i)(b) of the Solicitors Act 1974.

The submissions of the applicant

4. An Order pursuant to Section 43 of the Solicitors Act 1974 introduced a mechanism for the control of clerks within the solicitors' profession. In view of the respondent's conduct it was right for an Order to be made controlling her employment within the profession, in order that the money of other clients and the good reputation of the solicitors' profession might be preserved.


The respondent made no submissions

The Findings of the Tribunal

The Tribunal FOUND the allegation to have been substantiated. It was right that a solicitor's clerk who had dishonestly misappropriated clients' monies should be subject to the control of the Law Society in any possible future employment within the solicitors' profession. The Tribunal made the order sought and further ordered that the respondent should pay the applicant's costs and those of the Investigation Accountant of the Law Society in fixed sums.

DATED this 3rd day of October 1997

on behalf of the Tribunal



J N Barneclutt
Chairman

*Findings filed with the
Law Society on the 7th
day of October 1997*