

IN THE MATTER OF SALLY FRANCES KEABLE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr R B Bamford (in the chair)  
Mr J N Barnecutt  
Lady Maxwell-Hyslop

Date of Hearing: 28th June 2005

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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 advocate of 17e Telford Court, Dunkirk Lea, Chester Gates, Chester CH1 6LT on 16<sup>th</sup> February 2005 that Sally Frances Keable of Worcester Park, Surrey might be required to answer the allegations contained in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

The allegations against the Respondent were that she had been guilty of conduct unbefitting a solicitor in each of the following particulars, namely:-

- i) That she failed to comply with Rule 15 of the Solicitors Practice Rules 1990 and/ or paragraph 2 (b) and 7 (b) of the Solicitors Costs Information and Client Care Code 1999, in that she failed to provide clients with the necessary costs information and / or her complaints procedure.
- ii) That she withdrew monies from client account other than as permitted by Rule 22 of the Solicitors Accounts Rules 1998 (SAR) and/ or in breach of Rule 19 of the SAR.
- iii) That contrary to Rule 7 of the SAR she failed to remedy breaches to the Accounts Rules promptly on discovery.

- iv) That contrary to Rule 32 of the SAR she failed to keep her accounts properly written up.
- v) That contrary to Rule 32 (7) of the SAR she failed to carry out the necessary reconciliations.
- vi) That she utilised clients' funds for her own benefit.
- vii) That she utilised clients' funds for the benefit of other clients and/ or third parties.
- viii) That she failed and/ or delayed in replying to correspondence from The Law Society.
- ix) That she failed to comply with her lender client instructions.
- x) That she failed to comply with an Adjudicator's decision dated 22<sup>nd</sup> December 2003.
- xi) That contrary to Rule 15 (2) of the SAR she allowed interest earned on clients' funds to be credited to the firm's client account.
- xii) That she acted in breach of conditions attached to her Practising Certificate for practice year 2003/2004.
- xiii) That she failed and/ or delayed in filing her Accountant's Report for year ended 31<sup>st</sup> December 2003, due for delivery on or before 30<sup>th</sup> June 2004.
- xiv) That she failed to comply with a direction of an Adjudication Panel dated 22<sup>nd</sup> July 2004.
- xv) That contrary to Rule 34 of the SAR she failed to produce records for inspection upon being required to do so by the Officer.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 28th June 2005 when Jonathan Richard Goodwin, solicitor advocate, appeared as the Applicant and the Respondent did not appear and was not represented.

At the commencement of the hearing the Applicant gave evidence as to due service of the proceedings upon the Respondent and the Tribunal ordered that the matter should proceed.

**At the conclusion of the hearing the Tribunal made the following Order:-**

The Tribunal orders that the Respondent, Sally Frances Keable of Worcester Park, Surrey solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 28<sup>th</sup> day of June 2005 and it further orders that she do pay the costs of and incidental to this application and enquiry to be subject to a detailed assessment unless agreed between the parties to include the costs of the Investigation Accountant of The Law Society.

**The facts are set out in paragraphs 1 to 49 hereunder:-**

1. The Respondent born in 1952 was admitted as a solicitor in 1977 and her name remained on the Roll of Solicitors.
2. At all material times the Respondent carried on practice on her own account under the style of Keable & Company from offices at 309A Kentish Town Road, London NW5 2TJ.

Assigned Risks Pool Monitoring Visit Report - 21<sup>st</sup> August 2003

3. A monitoring visit took place on 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> June 2003. A copy of the resulting report dated 21<sup>st</sup> August 2003 was before the Tribunal.
4. The Respondent indicated that she dealt predominantly with domestic and commercial conveyancing together with some landlord and tenant work. The Monitoring Officer examined 5 client matter files, details of which were set out in the report.

Allegation (i) - breach of Rule 15 of the Solicitors Practice Rules

5. The Report identified that in the matter of Ms G, Mr P, N Ltd - Mr M and Ms S, the Respondent failed to comply with Rule 15 of the Solicitors Practice Rules 1990, and/or paragraphs 2 (b) and 7 (b) of the Solicitors Costs Information and Client Care Code 1999, in that she failed to supply to the client(s) the identity of the individual whom the clients should contact in the event of a complaint, and/ or failed to provide the client(s) with costs, client care or complaints handling information.

Allegations (ii) & (vi) - Breach of Rule 22 of the SAR and Utilisation

6. In the matter of Mr P and N Ltd - Mr M, the Officer noted that monies were transferred from client to office bank account when insufficient monies were held on client bank account to meet those payments. In the matter of Mr P a debit balance of £40.00 arose, and in the matter of N Ltd - Mr M a debit balance of £1,000.00 occurred on client account as a result of over transfers.

Allegation (iii) - Breach of Rule 7 of the SAR

7. In the matter of Mr P, the Officer noted an office account credit of £198.50 as at 8<sup>th</sup> May 2003, which had not been investigated by the Respondent. It appeared that the credit might have arisen due to unpaid disbursements.
8. As referred to at paragraph 6 above, the Officer noted that as at 8<sup>th</sup> May 2003, monies were transferred from client to office bank account in the matter of Mr P in circumstances where insufficient monies were held to meet that payment resulting in a debit balance of £40.00 on client funds which did not appear to have been investigated by the Respondent.

Allegation (iv) - Breach of Rule 32 of the SAR

9. In the matter of N Ltd - Mr M. the Officer, having perused the client matter file found a copy invoice dated 28<sup>th</sup> March 2001, which did not appear on the copy ledger. The copy ledger failed to include details of the date of the transactions.

Allegation (v) - Breach of Rule 32 (7) of the SAR

10. As at the date of the Officer's visit, it was ascertained that the last reconciliation of a client account had taken place during April 2003. Further, there was a failure on the part of the Respondent to reconcile her clients' designated deposit account.

Allegation (viii) - Failure to reply to correspondence from The Law Society

11. By letter dated the 9<sup>th</sup> September 2003 The Law Society wrote to the Respondent enclosing a copy of the Monitoring Officer's report and seeking her explanation in respect of the matters raised. The Respondent failed to reply or provide explanation. The Law Society wrote again by letter dated the 23<sup>rd</sup> October 2003, to which the Respondent failed to reply nor did she provide explanation. By letter dated 24<sup>th</sup> November 2003 The Law Society wrote to the Respondent enclosing a copy of the caseworker's report and indicating that the matter was to proceed by way of formal adjudication.
12. The Respondent provided a handwritten response, which whilst undated was received by The Law Society on the 9<sup>th</sup> December 2003. The Respondent indicated "I do accept the general contents of the Report, and do not propose to comment on the matters individually. I consider that the areas in which I have failed are firstly failing to implement proper practices and procedures, and secondly, general delay... I also accept that I have not replied to The Law Society correspondence, partly because I initially hoped by the time I had to reply I could say something more positive and then, when I couldn't, a sense that nothing I could say could make it any better and a general feeling of hopelessness...".

Allegation (ix) - Failure to comply with lender client instructions

13. The Officer reviewed the client matter file in relation to the matter of Mr P and Miss G, which was a 'right to buy' purchase funded by a mortgage. The Respondent acted on behalf of the lender and their instructions to the Respondent dated 24<sup>th</sup> March 2003 required the solicitor to have "a current practising certificate and have professional indemnity insurance". At the date of the instructions the Respondent was uncertificated (see paragraph 58 below).

Allegation (x) - Failure to comply with Adjudicator's Expectation dated 22<sup>nd</sup> December 2003

14. The matter was considered by an Adjudicator on the 22<sup>nd</sup> December 2003, who made adverse findings against the Respondent in respect of matters contained in the Monitoring Officer's report.

15. Paragraph 9 of the Resolution read as follows:-

“I expect Ms Keable to produce documentary evidence by 31<sup>st</sup> January 2004 to show:-

- a) That the client account debit of £40.00 and the office account credit of £198.50 in the matter of Mr P has been investigated and rectified; and
- b) That the ledger account in the matter of N Ltd - Mr M has been amended to reflect the invoice of 28<sup>th</sup> March 2001 and to reflect the transactions; and
- c) That reconciliations are being properly carried out on client account and on the designated deposit account, failing which I DECIDE to refer the conduct of Ms S F Keable to the Solicitors Disciplinary Tribunal without further notice. ”

16. The Respondent was notified of the Adjudicator’s decision by letter dated 23<sup>rd</sup> December 2003. The Respondent did not seek a review of the decision and failed to produce the documentary evidence referred to in paragraph 9 of the Adjudicator’s decision, with the result that her conduct was referred to the Tribunal.

Assigned Risks Pool (“ARP”) Monitoring Visit Report dated 11<sup>th</sup> December 2003

17. The monitoring visit took place on the 11<sup>th</sup> and 12<sup>th</sup> November 2003, and a copy of the resulting report dated 11<sup>th</sup> December 2003 was before the Tribunal.

Allegation (i) - Breach of Rule 15 of the Solicitors Practice Rules

18. The Report identified that no costs information, client care or complaints handling information was provided to the client, in breach of Rule 15 of the Solicitors Practice Rules 1990, in respect of each of the files reviewed by the Monitoring Officer.

Allegations (ii), (iii) & (vi) - Breach of Rule 22 and/ or Rule 19 of the SAR and Rule 7 and utilisation

19. In the matter of Mr W, the Officer noted that a payment of £161.61 was made on the 18<sup>th</sup> February 2002, when insufficient monies were held in client account to meet that payment, resulting in a debit balance. The Respondent failed to rectify the error promptly upon discovery in breach of Rule 7 of the Solicitors Accounts Rules.

20. In the matter of O and Y the Respondent received funds in excess of costs charged producing a credit balance in office account.

Allegation (iv) - Breach of Rule 32 of the SAR

21. In the matter of Mr ZA, Mr & Mrs B and Mr W it was noted that the books of account were not properly written up to date.

Allegation (v) - Breach of Rule 32 (7) of the SAR

22. The Respondent indicated that the last reconciliation prepared for her practice was the period ending 31<sup>st</sup> December 2002. It was ascertained by the Officer that reconciliations had not been carried out in respect of the firm’s designated deposit

account. The Respondent described her accounting records as “dreadful”. The books of account had only been written up by the Respondent to the end of September 2003. As a consequence, as at the date of the inspection there were no entries in the cash book or on the individual ledgers beyond 30<sup>th</sup> September 2003. The Officer asked the Respondent how in the circumstances, she could be sure that she held sufficient monies on behalf of clients to meet all of their liabilities. The Respondent replied that she did a rough calculation of what funds she held or had paid on individual files, but accepted that it was possible that some items may have been missed.

Allegation (viii) - Failure to reply to correspondence from The Law Society

23. By letter dated the 22<sup>nd</sup> December 2003 The Law Society wrote to the Respondent enclosing a copy of the ARP monitoring visit Report dated 11<sup>th</sup> December 2003, seeking her explanation in respect of the matters contained therein.
24. The Respondent failed to reply or provide explanation and The Law Society wrote again by letter dated the 22<sup>nd</sup> January 2004. The Respondent failed to reply or provide explanation.
25. By letter dated the 26<sup>th</sup> February 2004 The Law Society wrote to the Respondent giving notice that the powers of intervention had arisen on the basis that she had failed to comply with the Solicitors Practice Rules and/ or the Solicitors Accounts Rules. By letter dated the 27<sup>th</sup> February 2004 The Law Society wrote to the Respondent indicating the matter was to be referred to formal adjudication. By letter dated the 11<sup>th</sup> March 2004 the Respondent did write to The Law Society with a number of enclosures.
26. The matter was considered by the Adjudication Panel on the 6<sup>th</sup> April 2004 who resolved to refer the conduct of the Respondent to the Tribunal. By letter dated the 27<sup>th</sup> April 2004 the Respondent was notified of the decision. The Respondent did not request a review.

Allegation (xi) - Breach of Rule 15 of the SAR 1998

27. The Monitoring Officer noted that interest earned was credited to the firm’s client account, when it should have been credited to the firm’s office account.

Allegation (xii) - Acting in breach of condition on Practising Certificate

28. On 6<sup>th</sup> April 2004 the Adjudication Panel resolved to refer the conduct of the Respondent to the Tribunal and to impose immediate conditions on the Respondent’s practising certificate pursuant to Section 13A of the Solicitors Act 1974. The conditions were as follows:-

“3.1 Ms Keable may act as a solicitor only in employment which is approved by The Law Society in connection with the imposition of that condition, or as a member of a partnership which has been so approved, and that she is not an office holder and/ or shareholder of an incorporated solicitors’ practice without prior approval of The Law Society.

- 3.2 That any employer, prospective employer, partner, prospective partner, co-office holder/ shareholder or prospective co-office holder/ shareholder is informed of these conditions.
- 3.3 Condition 3.1 is to become effective within 3 months from the date of the letter notifying Ms Keable of this decision, and condition 3.2 is to have immediate effect. ”
29. The letter notifying the Respondent of that decision was sent by The Law Society on the 27<sup>th</sup> April 2004. Accordingly the Respondent had until 27<sup>th</sup> July 2004 to comply with the conditions.
30. On the 26<sup>th</sup> May 2004 an Adjudicator resolved to grant the Respondent a practising certificate for the practice year 2003/2004, subject to identical conditions to those referred to in the Resolution dated 6<sup>th</sup> April 2004, with the date that the conditions were to become effective being 27<sup>th</sup> July 2004.
31. The Law Society records showed that the firm did not close until 30<sup>th</sup> September 2004, at a time when the Respondent was still in sole practice, in breach of the conditions imposed on her practising certificate.
32. By letter dated the 5<sup>th</sup> August 2004 The Law Society wrote to the Respondent in connection with her failure to comply with the conditions attached to her practising certificate. The Respondent replied by letter dated 9<sup>th</sup> August 2004, in which she stated that she misunderstood the position and was not aware that she needed to cease practising as a sole principal on or before 27<sup>th</sup> July 2004. The Respondent confirmed that she had been running her practice down by not taking on new clients or new work even for existing clients.
33. The Respondent provided further representations by letter dated the 13<sup>th</sup> August 2004, in which she confirmed that she was winding the practice down as quickly as possible, but that she still held clients’ funds of approximately £100,000.00. The Respondent provided further representations by letter dated the 9<sup>th</sup> September 2004, when she confirmed that she still had open files and that the amount of money held on behalf of clients remained the same as referred to in her letter dated the 13<sup>th</sup> August 2004.
34. By letter dated the 16<sup>th</sup> September 2004 The Law Society wrote to the Respondent stating that she should consider informing all of her clients of the closure of her practice. The Respondent replied by letter dated 28<sup>th</sup> September 2004, in which she confirmed that clients with active files had been made aware that the firm was in the process of closing and she was not carrying on any business. The Respondent provided further representations by letter dated 13<sup>th</sup> October 2004.
- Allegation (xiii) - Failure to file accountant’s report for year ending 31<sup>st</sup> December 2003 due for delivery on or before 30<sup>th</sup> June 2004
35. By letter dated 10<sup>th</sup> November 2004 The Law Society wrote to the Respondent in connection with her outstanding accountant’s report for the year ended 31<sup>st</sup> December 2003, which was due to be delivered on or before 30<sup>th</sup> June 2004. The Respondent

was asked to provide an explanation for the failure to deliver same. The Respondent failed to reply or provide explanation. The report remained outstanding.

Allegation (xv) - Breach of Rule 34 of the SAR

36. Upon the Monitoring Officer's attendance at the Respondent's firm, the Respondent was unable to produce various items which had been requested in the notification letter dated 13<sup>th</sup> October 2003, contrary to Rule 34 of the SAR.

Forensic Investigation report dated 31<sup>st</sup> March 2004

37. On 19<sup>th</sup> February 2004 an Officer commenced an inspection of the books of account of the Respondent's practice. A copy of the resulting report dated 31<sup>st</sup> March 2004 was before the Tribunal.

Allegation (iv) - Breach of Rule 32 of the SAR

38. The Officer ascertained that the books of account were not in compliance with the SAR, as a list of liabilities to clients was not available at the commencement of the inspection. Further, there was no evidence that a client account reconciliation had been completed later than December 2002.
39. The Respondent was asked to produce a list of liabilities to clients. A list made up to 24 December 2003 was presented on 9<sup>th</sup> March 2004. The Respondent said the list had been prepared by her bookkeeper and it totalled £337,310.88. A comparison of the total cash held on client bank accounts revealed a cash shortage of £221,307.30. The Respondent did not dispute that her books showed that to be the position, but said that the position shown was not correct.
40. On the 9<sup>th</sup> March 2004 the Respondent indicated that she would personally replace any shortage which may be found to exist on client bank account. On the 16<sup>th</sup> March 2004 the Respondent paid the sum of £50,000.00 into client bank account from her own resources. When the Respondent was questioned by the Officer as to that amount, the Respondent said that she was under the impression a shortage did exist, and that whilst she did not know the exact amount or how it had arisen, she thought £50,000.00 would be sufficient to cover any shortfall. The Respondent indicated that she would personally be investigating her client ledgers to ascertain the true liability for each client.
41. By letter dated the 8<sup>th</sup> April 2004 The Law Society wrote to the Respondent enclosing a copy of the Forensic Investigation Report dated 31<sup>st</sup> March 2004, seeking her explanation in respect of the matters contained therein. The Respondent failed to reply or provide explanation and The Law Society wrote again by letter dated the 27<sup>th</sup> April 2004. The Respondent replied by letter dated 5<sup>th</sup> May 2004 requesting an extension of time which was granted and the Respondent was asked to provide a detailed response no later than 26<sup>th</sup> May 2004. The Respondent failed to provide such response and by letter dated the 16<sup>th</sup> June 2004 the Respondent was notified that the matter was proceeding to formal adjudication.



42. On the 30<sup>th</sup> June 2004 the Respondent wrote to The Law Society. Inter alia she said “firstly I am only too aware of how far behind I am on my original promise to bring my books up to date. I knew when I said 3 weeks that would involve my time in checking the ledger cards that I really have not got, plus pushing my bookkeeper to put another major input into it, when he was studying for his exams in Management Accounting at the end of May. My accountant then told me he was going away, and I, frankly felt like just giving up...”.
43. By letter dated 2<sup>nd</sup> July 2004, The Law Society wrote to the Respondent indicating that she had failed to provide documentary evidence to show that the books of account were now up to date. The Respondent was requested to provide a letter from her Reporting Accountant confirming that the books of account were now up to date.
44. By letter dated the 5<sup>th</sup> July 2004, the Respondent enclosed what she described as “The only documentary evidence I have in my possession at the moment, which as I mentioned, is not easily understandable in this format and is not up to date”.

Allegation (xiv) - Failure to comply with a direction dated 22<sup>nd</sup> July 2004

45. The matter was considered by an Adjudication Panel on the 22<sup>nd</sup> July 2004 who resolved as follows:-
- “The Panel DIRECTED Ms Keable to audit her books of account in accordance with the Solicitors Accounts Rules two months from notification of this decision. Ms Keable is to produce evidence of this to The Law Society at which stage this matter will refer back to an Adjudication Panel to reconsider.”
46. By letter dated the 23<sup>rd</sup> July 2004 the Respondent was notified of the Adjudication Panel’s decision. The Respondent did not request a review, and accordingly was required to notify The Law Society no later than 23<sup>rd</sup> September 2004 that her books of accounts had been audited as directed. The Respondent failed to reply or provide such notification or evidence.
47. By letter dated the 24<sup>th</sup> September 2004 The Law Society wrote to the Respondent requesting documentary evidence or an explanation within seven days from the date of the letter as to why she had been unable to carry out the audit. The Respondent failed to reply or provide explanation. The Law Society wrote to the Respondent on the 7<sup>th</sup> October indicating that in the absence of a response within seven days the matter would be referred back to the Adjudication Panel for further consideration.
48. The Respondent wrote to The Law Society on the 13<sup>th</sup> October 2004 confirming that she had four or five open files in respect of which the clients needed to appoint other solicitors to complete the work for them. The Respondent also confirmed that there were other files open, but those were in respect of matters where the Respondent said she had not completed billing of the clients for the work undertaken or was awaiting payment of invoices rendered. The Respondent confirmed that she was holding approximately £100,000.00 of client funds and that she had ‘disposed’ of approximately £50,000.00 so that the ledger cards showed a nil balance. The Respondent said she was working through the remaining £50,000.00.

49. By letter dated the 21<sup>st</sup> October 2004 The Law Society wrote to the Respondent advising that the matter was to be referred back for formal adjudication. The matter was considered by the Adjudication Panel on the 14<sup>th</sup> December 2004, who resolved to refer the conduct of the Respondent to the Tribunal, and impose immediate conditions on her practising certificate, replacing the conditions previously imposed. By letter dated the 22<sup>nd</sup> December 2004 the Respondent was notified of the Adjudication Panel's decision. The Respondent did not request a review.

### **The Submissions of the Applicant**

50. The appropriate notices had been served on the Respondent and no counter-notices had been received. The Officers were in attendance at the Tribunal but the Applicant was able to proceed on the documents. In the absence of the Respondent he would proceed on the basis that the allegations were denied.
51. The Applicant did not allege dishonesty on the part of the Respondent but submitted that the allegations represented serious breaches.
52. In respect of allegation (i) it was important that solicitors provide client care costs and complains handling information to clients.
53. In relation to Mr P and N Ltd - Mr M and allegations (ii) and (vi) the breaches showed the inadequacy of the Respondent's accounts.
54. In the matter of Mr P and the office account credit (allegation (iii)), proper scrutiny of the accounts on the part of the Respondent would have revealed the error which should have been corrected promptly upon discovery. Further the Respondent had failed to investigate or rectify the small debit balance in the matter of N Ltd at the date of the Monitoring Officer's visit.
55. In the matter of N Ltd- Mr M and allegation (iv) the failure on the part of the Respondent in detailing the invoice dated 28<sup>th</sup> March 2001 on the copy ledger and the failure to include details of the dates of any transactions on the copy ledger amounted to a failure to keep accounting records properly written up. It was essential that solicitors' accounts properly reflected liabilities to clients to ensure a separation of client and solicitor funds.
56. It was a matter of concern that the report indicated that the Respondent was unaware of the requirement to provide reconciliations.
57. The Tribunal was asked to read the Respondent's undated letter received on 9<sup>th</sup> December 2003 in her absence (paragraph 12 above).
58. Allegation (ix) arose from the fact that the Respondent was uncertificated between 20th January and 4th April 2003 (this matter was dealt with by an internal sanction of The Law Society in 2003).
59. At the first ARP monitoring visit the Monitoring Officer had set out several measures. In this way assistance was being offered to the Respondent to regularise her position and to ensure compliance. However the Tribunal was referred to the second

monitoring visit report in November 2003 which stated that the Respondent had not anticipated that the second ARP monitoring visit would occur so soon after the first one and so the practice was largely unchanged. The report of 11<sup>th</sup> December 2003 set out details of the earlier special measures and the Respondent's comments on why these had not yet been addressed. She said that essentially nothing had changed since her last visit and no positive steps had been taken towards documenting the procedures or working towards the implementation of The Law Society's practice management standards.

60. The Respondent had been unaware of the debit balance in the matter of Mr W referred to in the report of 11<sup>th</sup> December 2003 or the credit balance in office account in the matter of O and Y. Had her records been in a satisfactory order such errors would have been spotted.
61. Further special measures had been suggested during the second monitoring visit as set out in the December report. The Monitoring Officer had tried to be as helpful as she could to the Respondent.
62. In the absence of the Respondent the Tribunal was asked to consider in full her letter of 11<sup>th</sup> March 2004.
63. In relation to allegation (xii) it was submitted that the Respondent could have been in no doubt in her mind as to when the conditions on her practising certificate were to become effective. The resolution and the letter from The Law Society had been clear in their terms.
64. The forensic investigation inspection having identified a book shortage it was to the Respondent's credit that she had paid money from her own resources with the intention of replacing any shortage which might be found to exist. It was however a matter of concern that she had no idea of the true position when she made the payment.
65. The Applicant recognised that this was an unfortunate and sad case nevertheless there had been serious failings on the part of the Respondent. Help had been offered in monitoring visits but the Respondent had put her "head in the sand" and things had gone from bad to worse. She herself had referred to the "dreadful" state of her accounts.
66. The Applicant sought his costs in the sum of £12,955.85. If the Tribunal was not minded to make a fixed order then the Applicant asked that an order be made for assessment.

### **The Findings of the Tribunal**

67. The Tribunal considered carefully the documentation, the submissions of the Applicant and representations made by the Respondent in correspondence to The Law Society. The Tribunal was satisfied from the documentation that the allegations were substantiated.

68. The Tribunal considered that this was a very sad case. It appeared that the Respondent had allowed work to get on top of her. The accounting and regulatory requirements were however imposed on the profession in order to protect the public. While the Tribunal gave credit to the Respondent for her intention to replace any shortage which might have existed, it was a matter of serious concern that the Respondent appeared to be guessing the appropriate sum to repay. The rules were designed to prevent that position of uncertainty with respect to client's money. There was no allegation of dishonesty against the Respondent and no dishonesty had been found. The Respondent had not attended the Tribunal, nor submitted written representations to it and the Tribunal had no knowledge of her position. Given the number and seriousness of the allegations and in the absence of any explanation from the Respondent the Tribunal's duty to protect the public meant that the appropriate order was an indefinite suspension. It would however be open to the Respondent to return to the Tribunal to apply for the lifting of the suspension at an appropriate time in the future and in appropriate circumstances.
69. In the absence of the Respondent the Tribunal would make an order for costs to be assessed if not agreed.
70. The Tribunal made the following order:

The Tribunal ordered that the Respondent, Sally Frances Keable of Worcester Park, Surrey solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 28<sup>th</sup> day of June 2005 and it further ordered that she do pay the costs of and incidental to this application and enquiry to be subject to a detailed assessment unless agreed between the parties to include the costs of the Investigation Accountant of The Law Society.

Dated this 5th day of August 2005  
on behalf of the Tribunal

R B Bamford  
Chairman