

IN THE MATTER OF ELIZABETH REBECCA HANDLEY, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr A G Gibson (in the chair)  
Mr P Haworth  
Lady Bonham Carter

Date of Hearing: 4th October 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 Robert Simon Roscoe, solicitor and partner in Victor Lissack, Roscoe & Coleman solicitors of 70 Marylebone Lane, London W1U 2PQ on 15th April 2005 that Mrs Elizabeth Rebecca Handley, solicitor of Acklam, Middlesbrough, 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 allegation was that the Respondent had been guilty of conduct unbecoming a solicitor in that on 26th November 2004 at Durham Crown Court she was convicted upon indictment of four counts of theft and four counts of false accounting for which she was sentenced to three months imprisonment on each count concurrent and ordered to pay £6,000 to Messrs Freers Solicitors.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Robert Simon Roscoe appeared as the Applicant. The Respondent did not appear and was not represented.

The evidence before the Tribunal included a letter addressed by the Respondent to the Applicant, received by the Applicant on 8th May 2005, admitting the allegation.

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

The Tribunal orders that the Respondent, Elizabeth Rebecca Handley of Acklam, Middlesborough, solicitor, be struck off the Roll of Solicitors and it further orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,576.90.

**The facts are set out in paragraphs 1 to 9 hereunder:-**

1. The Respondent, born in 1974, was admitted as a solicitor in 1999.
2. The Respondent (then Elizabeth Rebecca Mulligan) joined Messrs Freers Solicitors in July 1997 as a prospective trainee solicitor. She completed her training and was admitted as a solicitor in August 1999. She was then employed as an assistant solicitor by Freers until she moved to a new firm in May 2002. During her employment at Freers the Respondent had conduct of personal injury claim files. The subject matter of the criminal offences of which the Respondent was found guilty arose on five of those files.

Client: Mr H (whom the Respondent subsequently married)

3. In May 2001 the Respondent secured a compensation payment of £3,250 for Mr H from Zurich Insurance. The Respondent paid the cheque directly into Mr H's account. The receipt and payment did not appear in Freers' accounts records. Zurich Insurance sent a further cheque for £2,300 in respect of fees, disbursements and VAT due to Freers. This cheque was paid into Freers' account on 15th May 2001. On 18th May 2001 the Respondent, without permission, caused a cheque for £2,300 to be issued to Mr H (her husband).

Client: Ms T

4. The Respondent received a cheque for £2,500 in respect of fees, disbursements and VAT due to Freers in respect of Ms T. At the instigation of the Respondent this money was credited to the ledger account of Mr H. On 31st July 2001 the Respondent, without permission, caused a cheque for £2,500 to be issued to Mr H (her husband).

Client: Mr T

5. On 9th January 2002 the Respondent received a cheque for £5,600 in respect of fees, disbursements and VAT in respect of Mr T due to Freers. At the instigation of the Respondent this money was credited to the ledger account of Mr H. On 15th January the Respondent, without permission, caused a cheque for £3,000 to be issued to Mr H (her husband).

Clients: Mrs AS and Mr and Mrs D

6. The Respondent represented Mrs S. Compensation was paid to Mrs S and the court order provided for costs to be paid. On 8th January 2002 the defendant's solicitors sent Freers a cheque for £1,836.25 in respect of Mrs S costs. At the instigation of the Respondent this money was credited to the ledger account of Mr and Mrs D. On 31st

July 2001 the Respondent, without permission, caused a cheque for £1,836.25 to be issued to Mr and Mrs D. Freers surmised the Respondent thought Mr and Mrs D's claim had become statute barred owing to her negligence.

7. Freers discovered that significant parts of the computerised accounts records in respect of Mrs T, Mr T, Mrs S and Mr and Mrs D had been deleted by the Respondent. Relevant correspondence, records and files were also missing.
8. There was no suggestion that Mr H (the Respondent's husband) was complicit in her activities.
9. Upon arraignment at Durham Crown Court the Respondent entered guilty pleas on four counts of theft and four counts of false accounting and was sentenced to three months imprisonment on each count concurrent. She was ordered to pay £6,000 compensation to Messrs Freers.

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

10. The Tribunal was invited to consider the sentencing remarks. His Honour Judge Lancaster in the Crown Court at Durham said:-

“The victim of the thefts was your employer, a firm of solicitors. Overall you stole in excess of £9,600 from them over a period of some months. You stole money which had been allocated to them as costs and devised a plausible method to cover the thefts. ... It must be pointed out however that by reason of your profession as a solicitor your employer vested a great deal of trust in you which gave you the freedom to act as you did. I probably have no need to remind you, but I do, that your profession demands high standards of integrity and probity which you have failed to keep. ... I have considered very hard whether I could fulfil my public duty properly by not imposing a prison sentence, but regrettably I am unable to do that for the reasons which I hope I have made clear. These offences were a serious breach of trust which deserve imprisonment.”

### **The Respondent's letter received by the Applicant on 8th May 2005**

11. “Dear Mr Roscoe

re: Law Society -v- Myself, No. 9235-2005

Further to your letter of 21.04.05 I write to confirm that I have contacted the Law Society and advised them that I admit the allegations contained in your statement and I do not intend to attend the pre-listing date on 3rd June 2005. I trust this information assists.

Yours sincerely  
Signed

E Handley”

### **The Tribunal's Findings**

12. The Tribunal found the allegation substantiated, indeed it was not contested.
13. The Tribunal considers it sad for a young solicitor at the start of her career to behave in such a despicable manner. Despite her lack of experience the Respondent can have been in no doubt that the profession of a solicitor is one in which the highest standards of integrity, probity and trustworthiness are required and is a profession in which dishonesty cannot be tolerated. It is a fundamental requirement that solicitors deal properly and honestly with monies entrusted to them and a failure so to do cannot be tolerated. In order to protect the public and the good reputation of the solicitors' profession, the Tribunal ordered that the Respondent be struck off the Roll of Solicitors. The Tribunal also ordered that she should pay the costs of and incidental to the application and enquiry and fixed such costs in the sum sought by the Applicant in order to save time and further expense.

Dated this 17th day of November 2005  
On behalf of the Tribunal

A G Gibson  
Chairman