

IN THE MATTER OF ELIZABETH GOUGH,
A person (not being a solicitor) employed or remunerated by a solicitor

- and -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr D J Leverton (in the chair)
Mr A H. Isaacs
Mr D Gilbertson

Date of Hearing: 11th April 2006

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Stephen John Battersby, solicitor and partner in the firm of Jameson & Hill of 72/74 Fore Street, Hertford, Hertfordshire SG14 1BY on the 16th May 2005 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 periods 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, Elizabeth Gough of Banbury, Oxfordshire 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 been guilty of conduct of such a nature that in the opinion of The Law Society it would be undesirable for her to be employed or remunerated by a solicitor in connection with his or her practice as a solicitor, namely that she misled clients and used funds belonging to clients for the purposes of other clients.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 11th April 2006 when Stephen John Battersby appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included evidence as to due service of the documents in the proceedings following the Tribunal's agreement on 4th October 2005 that the Tribunal would consider service to have been achieved if notice of the application and hearing date were advertised in a newspaper with a country-wide circulation in the locality in which it was believed the Respondent lived.

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

The Tribunal Orders that as from this 11th day of April 2006 no solicitor, Registered European Lawyer or incorporated solicitor's practice shall, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice, Elizabeth Gough of Banbury, Oxfordshire, a person who is or was a clerk to a solicitor and the Tribunal further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,221.30

The facts are set out in paragraphs 1 to 7 hereunder:-

1. The Respondent, who was not a solicitor, was employed in a paralegal capacity by Blake Laphorn Linnell Solicitors at Seacourt Tower, West Way, Oxford, Oxfordshire OX2 0FB.
2. The Respondent joined the firm of Linnells in 1999 and when this firm merged with Blake Laphorn on 1st May 2003 she continued to be employed by the new firm Blake Laphorn Linnell ("BLL") in the Debt Recovery and Asset Finance Department of the firm.
3. In late 2003 BLL became concerned about the progress of certain matters which the Respondent was handling. The supervising partner took this up with her.
4. While the Respondent was on extended leave in December 2003 and January 2004 checks were carried out on a number of her files. She had on occasions misled clients as to the progress of their matters by telling them that steps had been taken when they had not.
5. The Respondent was asked to go to a meeting at her employer's office 19th January 2004, but she did not attend. She sent a letter to BLL dated 19th January 2004 tendering her resignation with immediate effect and apologising for the embarrassment which she had caused to her department and the firm,
6. A further investigation was carried out by BLL and revealed that the Respondent had arranged improper payments to be made from the account of one client to other unconnected clients. For example in one case the Respondent had told her client, Ms S, that judgment had been obtained and a payment arrangement had been set up. She made payments to Ms S from the accounts of three unconnected clients.
7. The Respondent had made no response to letters addressed to her by BLL or The Law Society.

The Submissions of the Applicant

8. The Respondent's activities clearly had been dishonest. She had attempted to cover up what she had done and had perpetuated her deceptions by using monies belonging to other clients to pay the clients that she had deceived.
9. The Applicant sought his costs which he put at the figure of £1,221.30.

The Tribunal's Findings

10. The Tribunal found the allegation to have been substantiated. It also concluded that the Respondent had acted dishonestly.

The Tribunal's decision and its reasons

11. The Tribunal concluded that it would be right to make an order pursuant to Section 43 of the Solicitors Act 1974 (as amended) in order to safeguard the interest of the public and the good reputation of the solicitors' profession by regulating the Respondent's possible future employment within the solicitors' profession. In all of the circumstances the Tribunal considered that it would be right for the Respondent to pay the Applicant's costs. As the figure sought by the Applicant appeared to the Tribunal to be entirely reasonable, the Tribunal ordered the Respondent to pay the Applicant's costs in the fixed sum which he sought.

Dated this 24th day of May 2006
On behalf of the Tribunal

D J Leverton
Chairman