

IN THE MATTER OF KERRY-ANN VERRALL,
A person (not being a solicitor) employed or remunerated by a solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr R J C Potter (in the chair)
Mr I R Woolfe
Mr G Fisher

Date of Hearing: 27th June 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 Michael Robin Havard, solicitor and partner in the firm of Morgan Cole Solicitors, Bradley Court, Park Place, Cardiff, CF10 3DP on 23rd December 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 period and subject to such conditions as the Law Society might think to specify in the permission employ or remunerate in connection with the practice Ms Kerry-Ann Verrall of Hove, East Sussex, a person who was or had been employed or remunerated by a solicitor or that such other Order might be made as the Tribunal should think right.

The allegation against the Respondent was that she, having been employed or remunerated by solicitors but not being a solicitor, had in the opinion of the Law Society, occasioned or been a party to, with or without the connivance of the solicitors by whom she was or had been employed or remunerated, acts or defaults in relation to the solicitors' practice which involved conduct on her part of such a nature that in the opinion of the Society it would be

undesirable for her to be employed or remunerated by solicitors in connection with their practices.

The acts and defaults complained of were:-

1. That Ms Verrall stole a ring from a fellow employee;
2. That Ms Verrall deliberately gave false information to a client company of Arscotts, Solicitors;
3. That Ms Verrall provided misleading information on her curriculum vitae in relation to the reason why she left the firm of Arscotts.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 27th June 2006 when Michael Robin Havard appeared as the Applicant and the Respondent did not appear and was not represented.

At the commencement of the hearing the Tribunal heard submissions as to service of the proceedings upon the Respondent and was satisfied that service had been duly effected.

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

The Tribunal Orders that as from 27th day of June 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 Kerry-Ann Verrall of Hove, East Sussex, 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 to be subject to a detailed assessment unless agreed between the parties.

The facts are set out in paragraphs 1 to 10 hereunder:-

1. At all material times the Respondent, who was not a solicitor, was employed as a paralegal working as an assistant at the firm of Messrs Arscotts Solicitors of 54 Lansdowne Place, Hove, East Sussex, BN3 1FG.
2. The Respondent was dismissed from her employment as a paralegal with Arscotts in 25th June 2004 for gross misconduct.

Theft of ring from former employee

3. Shortly before the dismissal date as outlined in a letter from Arscotts to the Law Society dated 23rd November 2004, it was suspected that a ring belonging to a member of staff had been stolen. Further information in relation to the theft of the ring was provided in a letter of 11th January 2005 to the Law Society from Arscotts.

4. On 19th January 2005, the Law Society wrote to the Respondent asking her for an explanation in relation to the allegations being made against her. By her letter of 31st January 2005, the Respondent admitted stealing the ring for which she was subsequently cautioned by the Police.

Deliberately providing false information to a client company

5. A letter from Arscotts to the Law Society dated 6th April 2005 set out in some detail the circumstances surrounding the dismissal of the Respondent on 25th June 2004.
6. The Respondent worked as an assistant to Mr PA in undertaking property transactions for a major client of the firm. It became apparent that the Respondent was providing information to the client with regard to progress on individual matters which did not correspond with the information on file, thereby misleading the client with regard to progress being made. Such discrepancies were brought to the attention of the Respondent who was warned about her conduct. It came to the stage where the client informed Mr PA that he could no longer trust the Respondent.
7. At or about the same time, the Respondent made an error when sending out information to clients recommended to the firm by an estate agent. The Respondent subsequently denied having made the error and, in order to conceal it, deliberately altered information on her computer. The computer was subsequently checked and the original error discovered.

Providing misleading information on her curriculum vitae

8. A copy of the Respondent's CV was before the Tribunal. The CV had been sent to Arscotts by an employment agency. In their letter to the Law Society of 11th January 2005 the firm said that at the time of her dismissal she was a member of the permanent staff. In the CV it was stated that the Respondent was only employed by Arscotts as a temporary employee and described her as a PA and legal secretary.
9. In a letter to the Law Society dated 31st January 2005 the Respondent set out her explanation, stating that the CV was drawn up by a recruitment agency.
10. A copy of the report of the Law Society Caseworker was sent to the Respondent on 8th June 2005. No further representations were made by the Respondent.

The Submissions of the Applicant

11. The application for a Section 43 Order centred around three acts or defaults by the Respondent.
12. In relation to the theft of the ring the Respondent had apologised in her letter of 31st January 2005. The fact that she had received a Police caution showed that she must have admitted the theft to the Police.
13. In relation to the CV the Respondent had attempted to cover up the circumstances of her departure from Arscotts and the fact that she had been dismissed for gross misconduct. The Applicant did not accept the Respondent's explanation in the letter

of 31st January 2005. The recruitment agency would have relied on the information provided to them by the Respondent in compiling the CV. It was inappropriate for the Respondent to attempt to blame the recruitment company.

14. The Respondent had admitted an offence of dishonesty and had acted in a deceitful way in relation to her dealings with clients and the completion of her CV. The Applicant respectfully submitted that it was wholly justified that the Law Society should seek an Order in accordance with Section 43 to ensure that the appropriate protection was afforded to the public and the profession.

The Findings of the Tribunal

15. The Tribunal had considered carefully the documentation including the correspondence from the Respondent to the Law Society. The Respondent had clearly admitted stealing and then selling a ring belonging to a fellow employee and being cautioned by the Police for the theft. She had attempted in her letter of 31st January 2005 to put forward an explanation for the information contained in her CV but had put forward no evidence to support her assertion that the recruitment agency seemed to be “a little confused” with regard to the reasons for her leaving jobs. The Respondent had also put forward no evidence to contradict the assertion by Arscotts that she had misled a client. The Respondent had neither attended the hearing nor sent to the Tribunal any written submissions. In the circumstances the Tribunal considered that it was right to make the Order sought in order to protect the public and the profession by granting the Law Society the power to control the employment of the Respondent within the profession.
16. The Tribunal made the following Order:-

The Tribunal Orders that as from the 27th day of June 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 Kerry-Ann Verrall of Hove, East Sussex, 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 to be subject to a detailed assessment unless agreed between the parties.

Dated this 10th day of August 2006
On behalf of the Tribunal

R J C Potter
Chairman