

IN THE MATTER OF AMANDA GRIFFITH (NÉE MEALAND),  
A person (not being a solicitor) employed or remunerated by a solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr P Haworth (in the chair)  
Mr J P Davies  
Lady Bonham Carter

Date of Hearing: 29th June 2006

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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 George Marriott, solicitor and partner in the firm of Gorvins, 4 Davy Avenue, Knowlhill, Milton Keynes, MK5 8NL on 7<sup>th</sup> March 2006 that an order be made by the Tribunal directing that as from a date to be specified in such order no solicitor, registered European lawyer, or incorporated solicitors' practice shall, 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 fit to specify in the permission, employ or remunerate, in connection with his or her practice as a solicitor, registered European lawyer, or member, director or shareowner of an incorporated practice, the person with respect to whom the order is made namely Amanda Griffiths formerly Amanda Mealand of Fernhill Road, Bootle, 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 undertaken free work on behalf of clients and had operated her own business on the side whilst employed by a firm of solicitors.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 29<sup>th</sup> June 2006 when George Marriott appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included a letter from the Respondent addressed to the clerk to the Tribunal dated 4<sup>th</sup> May 2006 which is referred to below under the heading "The submissions of the Respondent". In that letter the Respondent indicated that she would not attend the hearing and she would like the Tribunal to make a decision in her absence.

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

The Tribunal Orders that as from 29th 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 Amanda Griffith (nee Mealand) of Fernhill, Bootle, 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 £3,000.00 inclusive.

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

1. Ms Griffiths, the Respondent (more commonly known in the firm by her maiden name, Amanda Mealand) was an employee of Kennan Benjamin Kay, solicitors of 36-38 Marion Square, Glovers Lane, Netherton, Bootle, Merseyside, L30 5QA. She was employed as a welfare rights advisor and had been with the firm and its predecessors for approximately fourteen years. Most of the welfare rights advice she gave was funded by the Legal Services Commission. No private fee paying work was undertaken by the Respondent.
2. During the Respondent's absence on long term sick leave in 2004, another employee covered her work and conducted her files. The firm then discovered that there were a number of clients who consulted the firm and were referred to the Respondent who did not have any funding from the Legal Services Commission.
3. At the same time the firm could not trace the files of those clients who did not have funding from the Legal Services Commission and could find no trace of them on the firm's computerised office management system.
4. During this investigation, the firm received a complaint from Ms KOC who had been referred to the firm to make a claim for Disability Living Allowance from the Department of Work and Pensions. Her case was handled by the Respondent.
5. KOC approached the firm in August 2001 and was asked for £60.00 in cash by the Respondent. When invited to renew her claim KOS approached the same firm and was referred to the Respondent. This time the Respondent asked her for cash in the sum of £80.00. KOC's application was refused by the Department of Work and Pensions in July 2003. She was told that she could not be represented at the hearing but the Respondent did prepare and submit a submission to the Appeal Tribunal. The appeal was dismissed. At the time it was understood that KOC's claim failed because of the absence of a medical report. KOC was advised by the Respondent to reapply, and when the Respondent was on sick leave in 2004, KOC saw another employee of the firm. The absence of any record on the firm's system relating to KOC led the other employee

to report the matter to a partner. KOC confirmed that she had paid a total of £140.00 to the Respondent in respect of fees.

6. The firm conducted a thorough search of all its systems and there was no record of any monies being received from KOC and no record of that client on its office management system.
7. After the matter was reported to it, The Law Society on 10<sup>th</sup> March 2005 wrote to the Respondent asking for her explanation. No reply was received and a further letter was sent on 13<sup>th</sup> April 2005. The Respondent replied by letter dated 15<sup>th</sup> April 2005 in which she stated that she had a clear employee record with no complaints from her employer, clients or colleagues: She did not run a freelance sideline at the firm: She had reduced her workload because of ill health: The firm had sent her work to do whilst she was in hospital. She had been invited to find alternative employment by her employer in mid/late 2003: She had been devastated at losing the prospect of her job by virtue of redundancy: She had resigned rather than go through a disciplinary process at her firm. The Respondent said that she made no charge to clients who could not claim funding from the Legal Services Commission and she helped such clients in her own time. The Respondent said she would never be dishonest.

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

8. The Law Society inferred from the Respondent's letter that she admitted doing free work, but denied operating her own business on the side. It was submitted that there was clear evidence that the Respondent was operating her own business on the side, but even if that were not established at the hearing, there was the admission that she was carrying out free work.
9. Even if it was being done for no charge, that work should have been recorded on the firm's computerised office management system but it was not.

#### **The Submissions of the Respondent (contained in her before mentioned letter to the Clerk of 4<sup>th</sup> May 2006)**

10. The Respondent believed that everyone appeared to agree the allegations made against her. The matters alleged were wholly untrue. She felt let down, used, shocked and disgusted at this matter. The Respondent had been supported by her friends and family who recognised the way that she, a person with disabilities, had been treated by her employers of fifteen years.
11. The Respondent's employment record had been excellent. She had been praised by the Legal Services Commission. She had not given incorrect advice to clients. She had been notified that the firm was to close her department down and that she should look for alternative employment shortly after the Respondent was admitted to hospital. Two boxes of work were sent to her there but her consultant would not allow her to deal with it.
12. The allegations began after the work was returned to the firm from the hospital.
13. The Respondent had been greatly upset by what had happened.

14. The partner of the firm who had notified her of her redundancy had confirmed that he would provide her with a good reference.
15. As a result of what had happened the Respondent had been humiliated and stripped of her confidence and self esteem.

**The Findings of the Tribunal**

16. The Tribunal was satisfied that the Respondent had taken money from the client referred to and that she had undertaken work on behalf of the client otherwise than as a fee earning member of the firm.
17. The Tribunal recognises that the Respondent suffered ill health and had been deeply distressed by the fact that the firm of solicitors which had employed her for a number of years no longer wished to do so.
18. A considerable degree of trust reposes in a fee earning employee in a solicitors' firm. It is a breach of that trust if the employee without obtaining fully informed consent from her employer takes on work and requires no payment for it from the client.
19. In all the circumstances the Tribunal considered that it was right that the future employment of the Respondent within the solicitors' profession (and those related to it) should be subject to control. The Tribunal made the order sought. It was right that the Respondent should pay the costs of and incidental to the application and enquiry. The Applicant placed his costs at £3,000.00 which the Tribunal considered to be entirely reasonable. In order to save the expenditure of further time and money on this matter the Tribunal therefore ordered the Respondent to pay the costs in the fixed sum of £3,000.00.

DATED this 12<sup>th</sup> day of August 2006  
On behalf of the Tribunal

P Haworth  
Chairman