

**BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL****IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)****AND IN THE MATTER OF:****SOLICITORS REGULATION AUTHORITY LIMITED**Applicant

and

**ADRIAN BERKELEY**Respondent

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**STATEMENT PURSUANT TO RULE 12 (2) OF THE SOLICITORS (DISCIPLINARY  
PROCEEDINGS) RULES 2019**

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I, **Rachel White**, am a Solicitor employed by the Solicitors Regulation Authority Limited of The Cube, 199 Wharfside Street, Birmingham, B1 1RN. I make this Statement on behalf of the Applicant, the Solicitors Regulation Authority Limited ("SRA").

**The Allegations**

1. The allegations against the Respondent, Adrian Berkeley, made by the SRA are that:

1.1 On 27 December 2023, the Respondent sent an email to Mr G and Mr N that contained misleading information and/or attempted to take unfair advantage of Mr G and Mr N, in that the Respondent stated in an email all or any of the following information which the Respondent knew to be untrue:

(a) He had been instructed by Mr G and Mr N's mother, Ms G.

(b) He was instructed to act as Ms G's Next of Kin.

(c) He had instructions to bring a claim for false imprisonment and assault, in the event that Mr G and Mr N had any involvement in a decision to have Ms G sectioned.

(d) Mr G and Mr N had been removed as Ms G's Next of Kin.

(e) His charging rate was £500 per hour.

(f) Ms G intended to transfer her property to the Respondent as she understood that his fee notes would be substantial.

And in doing so, acted in breach of any or all of Principles 2, 4 and/or 5 of the SRA Principles 2019 ("the Principles") and/or Paragraphs 1.2 and/or 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs ("the Code").

The facts and matters relied upon in support of this allegation are set out in paragraphs 14 to 23 below.

- 1.2 Between 7 June 2023 and 3 November 2023, the Respondent pursued a course of conduct that amounted to stalking, causing Ms A serious alarm or distress, resulting in his conviction for an offence contrary to section 4A(1)(a)(b)(ii) and (5) of the Protection from Harassment Act 1997 before the Magistrates' Court at Manchester City on 28 June 2024.

And in doing so acted in breach of any or all of Principles 2 and/or 5 of the SRA Principles 2019.

The facts and matters relied upon in support of this allegation are set out in paragraphs 31 to 40 below.

The Applicant relies on the Respondent's conviction for the offence of stalking involving serious alarm or distress, with the Certificate of Conviction dated 23 April 2025, as evidence that the Respondent was guilty of that offence and relies upon the findings of fact upon which that conviction was based as proof of those facts.

**Appendices and Documents**

2. I attach to this Statement the following appendices:

Appendix 1: Relevant Rules and Regulations

3. I attach to this statement a bundle of documents, marked ["RW1"] to which I refer in this statement. Unless otherwise stated, the page references ("RW1 [ ] p") in this statement relate to documents contained in that bundle.

4. The bundle is divided into the following sections:

Section A: Notice Representations

Section B: Evidence Schedule

Section C: Relevant Law

Section D: Decision Making Framework

**Professional Details**

5. The Respondent was born on [REDACTED]. He was admitted to the Roll of Solicitors on 15 October 1993. He is a non-practising solicitor, having not held a practising certificate since 2015. He remains on the Roll with an attribute next to his name that prevents him from removing himself from the Roll without the Applicant investigating the circumstances.

6. The Respondent set up an organisation called Lawfriend which is non-authorised by the Applicant.

**The Facts and Matters Relied Upon in Support of the Allegations****Background**

7. On 29 January 2023, Mr G made a report to the Applicant setting out his concerns about the Respondent's conduct (RW1 [B4] p50-54). Thereafter, the Applicant commenced an investigation.

8. Mr G's concerns centred around the Respondent's involvement with Mr G's mother and statements that the Respondent was making with regards to her. Mr G sets out in his statement (**RW1 [B20] p116-149**) that his mother is an extremely vulnerable woman. She suffers from significant mental health issues to the extent that she was sectioned under the Mental Health Act and was detained in Southern Hill Hospital ("the Hospital"). Ms G remained under the care of the Hospital when her son became aware of the Respondent.
9. Mr G understands that the Respondent met his mother at a speed dating group (**RW1 [B13] p89**).
10. Mr G was contacted by the Respondent out of the blue by email. The email was addressed to Mr G and his half-brother, Mr N. In this email the Respondent made a number of concerning assertions (**RW1 [B1] p45**). As a result, Mr G contacted the Applicant.
11. During the investigation, the Applicant issued the Respondent with a Production Notice to obtain documents and information (**RW1 [B10] p81-82**). the Respondent replied to the Production Notice on 10 July 2024 (**RW1 p [B14] p98-104**).
12. The information provided by the Respondent included copies of WhatsApp messages between the Respondent and Ms G (**RW1 [B15] p105-109**). In the messages the Respondent states that: "what we had was genuine. I was falling for you" (**RW1 [B17] p107**). The messages highlight that the Respondent had been arrested and charged with a criminal offence. That criminal offence was stalking contrary to section 4A(1)(a)(b)(ii) and (5) of the Protection from Harassment Act 1997. The victim was another woman, Ms A
13. The Applicant commenced a separate investigation into this aspect of the Respondent's conduct. It was found that the Respondent was convicted, following trial, of harassment

and sentenced to a period of imprisonment, of 26 weeks, suspended for 18 months, see Certificate of Conviction (**RW1 [B21] p150-157**).

### **Allegation 1.1**

14. Mr G first heard from the Respondent when the Respondent contacted him by email. The Respondent sent the email on 27 December 2023. The Respondent addressed the email to both Mr G and his half-brother, Mr N ((**RW1 [B1] p 45**). At the time of this email, their mother, Ms G, was detained in the Hospital, having been so detained pursuant to section 2 of the Mental Health Act, on 2 December 2023. Ms G has bipolar disorder.

15. In the email, the Respondent stated the following:

- i. He was instructed by their mother, Ms G.
- ii. He had been instructed to act as “her Next of Kin”.
- iii. “You have been removed as her next of kin”.
- iv. “It would be inappropriate for you to have any further contact with her or involvement in her health care”.
- v. “If it turns out you had any involvement in [her] Sectioning, I am instructed to bring a Claim against you for false imprisonment and assault”.
- vi. “As [her] family, I should bring to your attention, my charging rate for Mental Health Law services. I charge £500/ hour in 6-minute units”.
- vii. Ms G “intends to transfer her property to me as she understands my fee notes will be substantial”.
- viii. “I am unable to give any estimate of costs”.
- ix. “I advise you to seek urgent independent legal advice”.

16. At the bottom of the email, the Respondent identifies himself as the “Principal of LawFriend”, “Solicitor (non-practising)” and includes his SRA number.

17. Mr G states that receiving this email made him feel “physically sick. The stress this put me under then led to some periods of illness for me. I found it extremely hard to cope” (**RW1 [B20] p124**).
18. On 27 December 2023, the Respondent also wrote to the Hospital and stated that he was: “acting for and representing [Ms G] both as her solicitor and her Next of Kin” (**RW1 [B5] p55**). The Respondent requested information about her medical situation and how she came to be sectioned. He also said that it was inappropriate for Mr N to remain as Ms G’s Next of Kin and that he “clearly has significant conflicts of interests in regard to acting in [her] best interests”.
19. On 28 December 2023, the Hospital raised concerns with the relevant County Council Safeguarding Team. “The details [of the concern raised] were that he was ...providing questionable advice in the capacity as a non-practising solicitor, to a vulnerable patient with the intent of charging extortionate sums of money for his service”. The Hospital confirmed the concerns that they raised in a letter to Mr G dated 23 January 2024 (**RW1 [B3] p48-49**).
20. The Hospital also made a report to Action Fraud about the Respondent. This report was confirmed on 9 January 2024 (**RW1 [B6] p58-59**).
21. The Respondent sent a further email to Mr G and Mr N, dated 6 January 2024, in which he set out: “I am writing to confirm at this time, all costs to date have been discharged by the Charity, Distress Support Foundation and that I currently have no instructions that would be chargeable to Ms G personally” (**RW1 [B2] p46**). The Respondent is the trustee of this Foundation.

22. By this time, Mr G was so concerned about the Respondent that he had contacted a solicitor for legal advice (RW1 [B20]) p127-128, who advised that he should contact the Hospital, police and the Applicant.
23. On 27 June 2024, in response to the Applicant's investigation into the Respondent's conduct, the Hospital stated they were concerned "that he [the Respondent] was acting dishonestly and would not have been able to support or guide our patient in her best interests (RW1 p[B11] p83)."

### **Breaches – Allegation 1.1**

#### **Paragraph 1.2 SRA Code of Conduct for Solicitors – You do not abuse your position by taking unfair advantage of clients or others**

24. In writing to two members of the public, setting out claims he knew that he had no evidential foundation to make, the Respondent has breached Paragraph 1.2 of the Code. The claims in the email that he sent to Ms G's two sons were intended and/or would foreseeably have led to the two sons being concerned about their mother and their own position. This email was sent at a highly vulnerable time for Ms G and her family, as she was in Hospital suffering from a serious mental health illness. The Respondent abused his position, setting out his SRA number, and qualification as a solicitor in order to seek to take an unfair advantage as a result. The inclusion of his role as a solicitor, including the Respondent's assertion in correspondence with the Hospital, that the Respondent was 'acting for' and 'representing' Ms G as her solicitor, sought to add weight and take further unfair advantage of others, by lending credence to baseless claims and matters that were not factually and/or legally accurate. Furthermore, the Respondent's conduct was of concern to the Hospital to the extent that they reported the Respondent to the relevant County Council Safeguarding Team as well as Action Fraud.

#### **Paragraph 1.4 SRA Code of Conduct for Solicitors**

**You do not mislead or attempt to mislead your clients, the court or others, either by your own acts or omissions or allowing or being complicit in the acts or omissions of others (including your client)**

25. The email that the Respondent sent to Ms G's sons is demonstrably misleading in a number of significant respects and misled and/or amounted to an attempt to mislead the two sons in respect of the following:
- i. He had been instructed by Ms G to act as her Next of Kin, when the Respondent knew that he was not acting as her Next of Kin and was not the Next of Kin. The Respondent was aware that he could not be Next of Kin without a court order and that there had been no court order.
  - ii. Mr G and Mr N had been removed as Next of Kin, when this was not the case.
  - iii. His charging rate was £500/hour, when he knew that it was not.
  - iv. Ms G would be transferring her property to him, when no such instructions and/or undertaking was in place.
  - v. His fee notes would be substantial, when he did not intend on charging Ms G any money and does not work as a solicitor.
26. Further, he has admitted in writing that his knowledge was such that he would have appreciated that the email was misleading.

**Principle 2, SRA Principles – You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.**

27. Behaviour within or outside practice which undermines public confidence damages not only any individual involved but also the ability of the legal profession as a whole to serve society. The Respondent's behaviour in writing to Ms G's sons in the terms that he did, damages trust and confidence in the solicitor's profession. The public should be able to trust and have confidence in the fact that solicitors will not send misleading correspondence and that matters that they set out will be accurate in fact and in law. Further, that solicitors will not try to intimidate and/or influence people into acting on the basis of incorrect information.

**Principle 4, SRA Principles - You act with honesty**

28. The SRA rely on the test as set out in *Ivey (Appellant) v Genting Casinos (UK) Ltd t/a Crockfords (Respondent)* [2017] UKSC 67, namely:

*When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.*

29. The Respondent's conduct was dishonest applying the standards of ordinary decent people, given that he knew that:

- i. He had not been instructed by Ms G to act as her Next of Kin. The Respondent has admitted in writing that he knew that he could not be Next of Kin without a court order (**RW1 [B8] p67**). There had been no court order.
- ii. Mr G and Mr N had not been removed as Next of Kin. The Respondent had no evidential and/or reasonable basis to state that they had been.
- iii. His charging rate was not £500/hour. He does not act as a solicitor despite the Respondent's assertion to the Hospital on 27 December 2023 that he was 'acting for' and 'representing' Ms G as a solicitor. He does not act in mental health law.
- iv. Ms G would not be transferring her property to him. Ms G was concerned about retaining her property and had given no instructions that she would be transferring it to him. The Respondent has stated in writing that: "This [agreement] never existed, nor was such instruction given" (**RW1 [B14] p100**).
- v. He had no letter of instruction and/or written material that he was instructed to bring a claim for false imprisonment and assault. In correspondence with the Applicant on 26 April 2024, the Respondent stated "There was never a retainer/client instructions. And you have seen what papers there are and there is nothing else. I never even opened a file (**RW1 [B9] p72**)".

- vi. The Respondent has stated, in writing, that his instructions were to draft a letter before action in relation to Ms G's house and her concern was the house (**RW1 [B9] p76-79**), rather than a claim for false imprisonment and/or assault.
- vii. His fee notes would not be substantial. The Respondent has stated in writing that he did not intend on charging Ms G any money (**RW1 [B9] p72**).

### **Principle 5, SRA Principles You act with Integrity**

30. The definition as set out by the Court of Appeal in *Wingate and Evans v SRA; SRA v Malins* [2018] EWCA Civ 366 is to be applied:

*Integrity is a broader concept than honesty. In professional codes of conduct the term "integrity" is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members.*

31. In making false, inaccurate assertions, using the weight of his knowledge as a solicitor to impact others, the Respondent's behaviour fell short of the standards that the public can expect from a solicitor.

### **Allegation 1.2**

32. The conviction for stalking concerns a woman, Ms A (police case summary, (**RW1 [B22] p164-175**)). Ms A did not want contact from the Respondent from June 2023. However, he remained contacting her. This contact included getting a third party, a friend of his, to contact Ms A. Ms A eventually reported the Respondent to the police.
33. The Respondent was arrested on 12 August 2023 and interviewed under caution (**RW1 p [B22] p166**). In interview, he said that he did not appreciate that his ongoing contact

was causing Ms A distress. No further action was taken on that occasion; however, he was given a warning to have no further contact with her.

34. Despite the police warning, the Respondent went on to contact Ms A. He sent unwanted gifts to her children, emails and a card with sexual fantasies as to what he wanted to do with her (Ms A said that she found the latter contact particularly distressing). The unwanted contact, that caused her alarm and distress, continued from 18<sup>th</sup> August 2023 (notwithstanding the police interview on the 12<sup>th</sup> of that same month) until his re-arrest on 3<sup>rd</sup> November 2023).
35. In this second police interview under caution, the Respondent maintained again that he was not stalking Ms A. He claimed that he thought stalking required “going around following someone”. Further, he stated that Ms A had not asked him to stop contact and he was simply doing “nice things”.
36. The Respondent was charged with pursuing a course of conduct, namely sending texts, WhatsApp’s, emails, letters and gifts, flowers, greeting cards, making third party contact and attending the home of the complainant, which amounted to stalking, causing Ms A serious alarm and distress and having a substantial adverse effect on her usual day to day activities. The charge was under section 4A(1)(a)(b)(ii) and (5) of the Protection from Harassment Act 1997. The wording of the legislation particularising the offence is provided within the accompanying bundle. The Respondent was charged by way of postal requisition to appear at the Magistrates’ Court on 28 February 2024(**RW1 [B22] p161-163**).
37. With reference to the Certificate of Conviction, the Respondent failed to attend on 28 February 2024 (**RW1 at [B21] p150-157**). A warrant for the Respondent’s arrest without bail was issued by the Magistrates’ Court at that hearing. Subsequently, the Respondent appeared before same Court on 2 March 2024, when he entered a not guilty plea and the matter set down for a trial to take place on 16 May 2024, with the trial going part-

heard to 28 June 2024 (Certificate of Conviction, **(RW1 [B21] p150-157)**). The Respondent had been conditionally bailed by the Court in the period between plea and trial. Ms A gave evidence in the trial as did the Respondent. The Respondent was convicted on 28 June 2024 of stalking involving serious alarm or distress. The Respondent was conditionally bailed again to attend the Magistrates' Court for sentence on 21 August 2024.

38. On 21 August 2024, the Respondent was sentenced to a period of 26 weeks imprisonment, which was suspended for 18 months. He was also ordered to participate in an accredited programme for 21 days and fined £120. In addition, the court imposed a restraining order prohibiting him from making any contact directly or indirectly with Ms A. The restraining order was imposed for a period of a two-years, expiring on 20 August 2026 **(RW1 [B21] p153)**. A copy of the relevant sentencing guidelines the Magistrates' Court applied for the offence are at **RW1 [C3&C4] p266-278**.

39. The certificate of conviction records that the sentence was imposed because **(RW1 [B21] p153)**:

*The offences are so serious that only a custodial sentence can be justified. The defendant has a flagrant disregard for people and property. Persistent offending, defendant shows a lack of remorse.*

40. The Respondent was convicted by a criminal court that heard the evidence at trial of both the victim and the Respondent. In one of Ms A's witness statements for the trial, she describes the impact of the Respondent's conduct towards her:

*This ongoing issue has given me a breakdown, I struggle to cope with daily life, and the children. I am being monitored closely by the GP for my mental health. It has affected my physically because as I have a form of IBS which gets really affected by emotions. I am also not sleeping.*

*The children are nervous about answering the door and are now not allowed to open it until I have checked the camera's and they are also feeling the stress. 2 of my children are diagnosed with [a health condition] which has*

*impacted them, and my eldest child is having counselling through their school, and my youngest's school is looking into what therapeutic help they can provide whilst at school.*

41. A criminal conviction “will constitute evidence that the person was guilty of the offence. The findings of fact upon which that conviction was based will be admissible as conclusive proof of those facts save in exceptional circumstances (Rule 32 of the Solicitors (Disciplinary Proceedings) Rules 2019). There are no exceptional circumstances. Accordingly, the Applicant relies on the Respondent’s conviction for the offence of stalking, committed between 7 June 2023 and 11 November 2023, as evidence that the Respondent was guilty of that offence and relies upon the findings of fact upon which that conviction was based as proof of those facts.

## **Breaches**

### **Principle 2 - You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons**

42. The SRA’s Guidance on *Public Trust and Confidence* makes plain that where a criminal offence has been committed, a solicitor is likely to have breached Principle 2, given the key role that solicitors play in the administration of justice and the high degree of trust placed in them by the public. In stalking a woman for a significant period of time, causing her harm by so doing, after a warning by the police and having previously been arrested, the Respondent has conducted himself in a way that damages public trust and confidence in the profession

### **Principle 5 – You must act with integrity**

43. The Respondent's actions amounted to a failure to act with integrity (i.e. with moral soundness, rectitude and steady adherence to an ethical code<sup>1</sup>) in breach of Principle 5 of the Principles.

44. In *Wingate v Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366, it was held:

*The term "integrity" is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members...the underlying rationale is that the professions have a privileged and trusted role in our society. In return, they are required to live up to their own professional standards.*

45. The magistrates found that the Respondent had caused a woman considerable distress and had no regard for her, no remorse and no insight. This conduct is the exact opposite of acting with integrity. Stalking is regarded as violence against women and any such conduct breaches the standards and trusted role that solicitors are required to uphold.

46. In *Beckwith v SRA* [2020] EWHC 3231 (Admin), it was held that,

*There can be no hard and fast rule either that regulation under the Handbook may never be directed to the regulated person's private life, or that any/every aspect of her private life is liable to scrutiny. But Principle 2 or Principle 6 may reach into private life only when conduct that is part of a person's private life realistically touches on her practise of the profession (Principle 2) or the standing of the profession (Principle 6). Any such conduct must be qualitatively relevant. It must, in a way that is demonstrably relevant, engage one or other of the standards of behaviour which are set out in or necessarily implicit from the Handbook' [at 54].*

47. The SRA's Guidance, Acting with integrity, states:

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<sup>1</sup> *Hoodless v Financial Services Authority* [2003] UKFSM FSM007

*In the Beckwith case the court considered the application of the principle of integrity to a solicitor's private life and was clear that the conduct must touch realistically upon the individual's practice of the profession and in a way that is demonstrably relevant.*

*We take the approach that the closer any behaviour is to the individual's professional activities, workplace or relationships, and/or the more it reflects how they might behave in a professional context, the more seriously we are likely to view it.*

*However, where no such connection exists we will still take action where the conduct is sufficiently serious and morally culpable as to call into question whether they meet the high personal standards expected from a member of the solicitors' profession.*

48. Further, the SRA's Topic Guidance, *Criminal Offences Outside of Practice* sets out that:

*Serious criminal conduct outside of practice raises questions of integrity and is likely to damage public confidence.*

49. Whilst the misconduct in respect of this matter occurred outside of the Respondent's practice, the misconduct was so serious that it resulted in a criminal conviction. In those circumstances, the Respondent failed to meet the high standards expected of him and acted in such an objectionable manner, that his conduct lacked integrity within the meaning of the regulatory framework. Accordingly, the Respondent breached Principle 5 of the Principles.

### **The SRA's investigation**

50. The SRA has taken the following steps to investigate the allegations which it makes against the Respondent.

51. On 8 March 2024, the SRA notified the Respondent that a report had been made against him by Mr G and that the concerns raised were being assessed (**RW1 [B8] p69**).
52. On 11 March 2024, the Respondent sent an email setting out that (**RW1 p[B8] p66-69**):
- i. I am a non-practising solicitor who runs a Not For Profit Legal Advice and Assistance company”.
  - ii. “I have never asked for nor taken any money or monies worth from [Ms G] and I have no intention to”.
  - iii. “[Ms G] requested my legal assistance to protect her and her assets. She wanted me to take over as her Next of Kin. I said I don’t think I was able to, knowing she would require a Court Order for such a change”.
  - iv. “[Ms G] asked me to contact her boys to stop them taking her home and to organise her release. At least she wanted to know why the police had broken into her home to section her...I told [her] she must contact a Mental Health solicitors’ firm”.
  - v. “At [Ms G’s] express instructions I was to protect her home. I hence wrote a letter before action to her two sons”.
  - vi. “I advised [Ms G] of the specific contents of the email I suggested was sent and advised this would shake the boys into showing if they were trying to take [her] money or if they cared”.
  - vii. “My email from LawFriend had to set out the seriousness of the consequences if the boys were trying to take [Ms G’s] home. It had to be that it would shake them to show their intentions”.
53. On 17 April 2024, the SRA sent the Respondent a letter notifying him that he was the subject of an SRA investigation and seeking some information.
54. On the same date, the Respondent replied setting out, inter alia, that Ms G “never incurred any fees and no fee note has been produced, nor will be” (**RW1 [B8] p64 -65**).
55. On 26 April 2024, the Respondent sent the SRA an email stating (**RW1 [B9] p72**):

- i. "There was never a retainer/client instructions".
- ii. "I never even opened a file".
- iii. "Very much, [Ms G] and I were investigating a possible future together".
- iv. "I believe that [Ms G] and as well as her sons, will agree that the email to them has had the desired effect: to bring about an appropriate relationship between them and to put the past behind them".
- v. "The comments regarding fee note and charging rates, which draft received [Ms G's] approval, were intended to alert her sons to the potential costs should this necessitate [Ms G] to take protective proceedings against them".
- vi. "I remind you I am not a Mental Health solicitor".
- vii. "I was only ever requested to make a 'shot across the bow' to flush out any activities of her sons against [her] interests".
- viii. "I can confirm that [Ms G] and I have never had a relationship. But who knows what the future may bring".

56. On 27 June 2024 the SRA served a Production Notice on the Respondent seeking material, including copies of all documents relating to Ms G (**RW1 [B10] p81-82**).

57. On 1 July 2024 the SRA investigator had a telephone conversation with the Respondent (**RW1 [B12] p85-87**). During this call, the Respondent stated that:

- i. Ninety five percent of his instructions from Ms G were taken over the phone.
- ii. He has some WhatsApp messages, but Ms G has instructed them not to be released as they contain sexually explicit content.
- iii. He was instructed by Ms G to "shake the tree" and he had been told by Ms G to write the letter and that she had removed her sons as Next of Kin. He did not think that you could be removed.
- iv. He would have had to instruct a third party to do the work, so the costs were based on the "best available information".
- v. The intention was to put her property into a trust, and he would be a trustee.

58. On 22 April 2025, the SRA sent the Respondent the Notice recommending referral to the Tribunal and invited him to make representations (**RW1 [A3] p26**).

59. On the same date the SRA spoke to the Respondent on the telephone to notify him that a Notice had been sent. The Respondent stated, inter alia, that “what we are doing is pointless. He does not intend to practise again, and the SRA was wasting money proceeding” (**RW1 [A2] p24**).
60. Having received no representations, a voicemail was left for the Respondent on 14 May 2025, referring to the Notice and the lack of a response (**RW1 [A5] p30**). An email was sent on the same date to the same effect (**RW1 [A6] p31**).
61. On 14 May 2025, the Respondent sent a response stating that: “I am advised by my mental health and physical health specialists that my health will be further damaged if I take any part in this matter...I cannot work again and have not worked since my medical retirement in 2015...I shall not be engaging further” (**RW1 [A7] p35**).
62. There has accordingly been no substantive response post the Notice.
63. On 16 June 2025 an Authorised Decision Maker of the SRA decided to refer the conduct of the Respondent to the Tribunal.

I believe that the facts and matters stated in this statement are true.

.....**Rachel White**

Dated this .....23 October 2025

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**APPENDIX 1 TO STATEMENT PURSUANT TO RULE 12 (2) SOLICITORS  
(DISCIPLINARY PROCEEDINGS RULES) 2019****Relevant Rules and Regulations**

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Code of Conduct for Solicitors, RELs and RFLs:

Paragraph 1.2 - You do not abuse your position by taking unfair advantage of clients or others

Paragraph 1.4 - You do not mislead or attempt to mislead your clients, the court or others, either by your own acts or omissions or allowing or being complicit in the acts or omissions of others (including your client).

SRA Principles 2019

2. You must act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons
4. You must act with honesty
5. You must act with integrity

Rule 32(1) of the Solicitors (Disciplinary Proceedings) Rules 2019

A conviction for a criminal offence in the United Kingdom may be proved by the production of a certified copy of the certificate of conviction relating to the offence and proof of a conviction will constitute evidence that the person in question was guilty of the offence. The findings of fact upon which that conviction was based will be admissible as conclusive proof of those facts save in exceptional circumstances.