

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 10743-2011

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

RAMINDER KAUR HEER

Respondent

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Before:

Mr E. Richards (in the chair)

Mr R. Prigg

Mr J. Jackson

Date of Hearing: 7th September 2011

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Appearances

Mr Andrew Bullock, solicitor of the Solicitors Regulation Authority, Ipsley Court, Berrington Close, Redditch, Worcestershire B98 0TD for the Applicant.

The Respondent appeared in person.

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## JUDGMENT

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#### Allegations

1. The allegations against the Respondent were that:
  - 1.1 The Respondent failed to act with integrity in breach of Rule 1.02 of the Solicitors Code of Conduct 2007; and
  - 1.2 The Respondent behaved in a manner that was likely to diminish the trust the public placed in her and in the legal profession in breach of Rule 1.06 of the Solicitors Code of Conduct 2007

by reason of her commission of, and conviction for criminal offences.

The Respondent admitted the allegations.

#### Documents

2. The Tribunal reviewed all the documents submitted by the Applicant and the Respondent, which included:

##### Applicant:

- Application dated 28 April 2011 together with attached Rule 5 Statement and all Exhibits;
- Schedule of Costs dated 5 September 2011.

##### Respondent:

- Statement of Raminder Kaur Heer dated 22 August 2011;
- Letter dated 28 July 2011 from the DWP to the Respondent;
- Respondent's bank statement for week commencing 31 August 2011.

#### Factual Background

3. The Respondent, born 13 September 1956, was admitted as a solicitor on 1 October 1988 and her name remained on the Roll of Solicitors.
4. In the Crown Court at Harrow on 22 October 2010 the Respondent was tried and convicted upon indictment on eight counts of fraud by abuse of position and was sentenced on 25 November 2010 to ten months imprisonment suspended for twelve months. Dishonestly was an essential ingredient of the offence of fraud by abuse of position as stated in s.4(1)(b) of the Fraud Act 2006

#### Findings of Fact and Law

5. Allegation 1.1: The Respondent failed to act with integrity in breach of Rule 1.02 of the Solicitors Code of Conduct 2007.

Allegation 1.2: The Respondent behaved in a manner that was likely to diminish the trust the public placed in her and in the legal profession in breach of Rule 1.06 of the Solicitors Code of Conduct 2007.

By reason of her commission of, and conviction for criminal offences

- 5.1 The Tribunal considered carefully all the documents provided and the submissions made. The Respondent admitted both allegations and accordingly, the Tribunal found them both proved.

#### Previous Disciplinary Matters

6. None.

#### Mitigation

7. The Respondent referred the Tribunal to her statement dated 22 August 2011. She had accepted full responsibility for the terrible things she had done and she had accepted the inevitable outcome of the hearing today. She had no excuse for her behaviour, she was very sorry, and felt extremely remorseful. She found it difficult to believe she had got herself into this position at this time of her life and she would accept whatever punishment the Tribunal gave her.
8. The Respondent confirmed that she had suffered from depression for many years and although she had been prescribed medication by her doctors, this had made her worse and she had not taken the medication regularly. She had also suffered from personal difficulties and other medical issues as well. The Respondent confirmed that she had effectively put her head in the sand, and at the time that the offences were committed, she had been drinking a lot of alcohol.
9. The Respondent had two children. She had lost everything as a result of her behaviour and she was extremely ashamed of herself. She apologised profusely to the Tribunal for her conduct and confirmed that she had done some voluntary work with a charitable organisation but was not working at the moment.

#### Sanction

10. The Tribunal had listened carefully to the submissions of the Respondent and had considered all the documents provided. The Tribunal considered this to be a particularly sad case and gave full credit to the Respondent for her open and frank admissions. The Tribunal recognised the considerable courage shown by the Respondent in attending before the Tribunal and facing the regulatory proceedings.
11. The Tribunal had debated at length as to what should be the appropriate sanction in this case, particularly in view of the Respondent's medical background and personal problems. However, the Respondent had not provided the Tribunal with a medical report and the Tribunal noted that the Respondent had been legally represented in the criminal proceedings.

12. It was clear from the Respondent's demeanour before the Tribunal that she was extremely remorseful. However, the Respondent had been found guilty of serious offences of fraud which, by their very nature, included dishonest conduct. The Tribunal was mindful of the case of the Solicitors Regulation Authority v Sharma [2010] EWHC 2022 (Admin) in which Mr Justice Coulson stated that where a solicitor was found to have been dishonest, unless exceptional circumstances could be shown, the normal consequences should be for a solicitor to be struck off the Roll of Solicitors. In this case, the Tribunal could find no exceptional circumstances and accordingly had no option but to strike the Respondent's name from the Roll of Solicitors.

#### Costs

13. The Applicant provided the Tribunal with a Schedule of his costs and requested an Order for those costs in the sum of £1,734.87.
14. The Respondent confirmed that she was receiving Jobseeker's Allowance and she did not have the means to pay any Order for costs. She referred the Tribunal to the letter dated 28 July 2011 from the DWP and the copy of her recent bank statement. These were both accepted by the Applicant.
15. The Tribunal made an Order that the Respondent pay the Applicant's costs in the sum of £1,734.87. However, the Tribunal noted the Respondent was not working and as a result of the Tribunal's order, she had now been deprived of her livelihood. The Tribunal considered the case of William Arthur Merrick v The Law Society [2007] EWHC 2997 (Admin) in which Mr Justice Gross had stated:

“... when an order is made, effectively depriving a solicitor of his livelihood, the question necessarily arises as to how any order for costs would be paid.”

In the circumstances the Tribunal further ordered that the order for costs was not to be enforced without leave of the Tribunal.

#### Statement of Full Order

16. The Tribunal Ordered that the Respondent, Raminder Kaur Heer of 56 Greenway Gardens, Greenford, Middlesex, UB6 9TX, solicitor, be Struck Off the Roll of Solicitors and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,734.87, such costs are not to be enforced without leave of the Tribunal.

Dated this 19<sup>th</sup> day of October 2011

On behalf of the Tribunal

E. Richards  
Chairman