

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11069-2012

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY

Applicant

and

HARJEET KAUR JUDGE

Respondent

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Before:

Mr S. Tinkler (in the chair)

Mr D. Potts

Mrs V. Murray-Chandra

Date of Hearing: 2 October 2013

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**Appearances**

Ms Katrina Wingfield, solicitor of Penningtons Solicitors LLP, Abacus House, 33 Gutter Lane, London, EC2V 8AR for the Applicant

Mr Jonathan Greensmith, solicitor of Kennedys Law LLP, 25 Fenchurch Avenue, London EC3M 5AD for the Respondent

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**JUDGMENT**

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## **Allegations**

1. The allegations against the Respondent were that she created a false document and misled her client as to the position of her case and thereby:
  - 1.1 she failed to act with integrity in breach of Rule 1.02 of the Solicitors' Code of Conduct 2007 ("the 2007 Code") in that she created a false document namely a Decree Absolute;
  - 1.2 she failed to act with integrity in breach of Rule 1.02 of the 2007 Code between 12 September and 5 October 2011 and thereafter in breach of Principle 2 of the SRA Principles 2011 in that she misled her client; further or alternatively she failed to achieve Outcome O (1.1) of the SRA Code of Conduct 2011; and
  - 1.3 she failed to act in the best interests of her client in breach of Rule 1.04 of the 2007 Code and Principle 4 of the SRA Principles 2011; further or alternatively she failed to achieve Outcome O (1.2) of the SRA Code of Conduct 2011; and
  - 1.4 she behaved in a manner that was likely to have diminished the trust the public placed in her or the legal profession in breach of Rule 1.06 of the 2007 Code and Principle 6 of the SRA Principles 2011; further or alternatively she failed to achieve Outcomes O (1.1) and O (1.2); and
  - 1.5 in relation to the above she acted dishonestly, although it was not necessary to prove dishonesty to prove the allegations themselves.

## **Documents**

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

### **Applicant**

- Application dated 3 October 2012;
- Rule 5 Statement and exhibit "KEW1" dated 3 October 2012;
- Witness Statement of Ms KG dated 24 January 2013;
- Schedule of Costs dated 24 September 2013.

### **Respondent**

- Respondent's Bundle of Documents;
- Witness Statement of the Respondent dated 5 February 2013;
- Undated Synopsis document;
- Report of Dr Adrian Lord MBBS MRCPsych dated 25 January 2013;
- Addendum Report of Dr Adrian Lord dated 31 March 2013;
- Statement of Means of the Respondent dated 28 September 2013;
- Testimonials.

**Preliminary Matters**

3. Ms Wingfield asked the Tribunal if Dr Lord could be present during the presentation of the case and her witness evidence. She said that it was in all parties' interests if he was present to hear the evidence and she submitted that in the case of an expert it was not unusual for him/her to be present to hear evidence.
4. Mr Greensmith confirmed that he agreed to Dr Lord being present in the courtroom throughout the proceedings.

**The Tribunal's Decision**

5. Mr Greensmith indicated that the Respondent did not intend giving evidence in person, and the Tribunal therefore drew the Respondent's attention specifically to Practice Direction No. 5 as regards the inferences that could be drawn from that.
6. The Tribunal consented to Dr Lord being present from the outset of the case and that he should hear all of the evidence in the case.

**Factual Background**

7. The Respondent was admitted to the Roll of Solicitors on 3 September 2007. Her name remained on the Roll and she held a current practising certificate although she was not currently practising.
8. At all material times the Respondent practised as an assistant solicitor with Lovell Chohan Solicitors & Advocates ("the firm") in Hounslow, Middlesex.
9. By a letter dated 5 December 2011 the firm reported the alleged conduct of the firm's former employee, the Respondent, to the Applicant. Mr Chohan had suspended the Respondent pending an investigation into a number of client complaints. The Respondent had resigned from her position with the firm by email dated 30 November 2011.
10. On 22 December 2011 Messrs Gordons LLP on behalf of the Applicant wrote to the Respondent requesting a response to the alleged misconduct on her part. On 10 February 2012 Messrs Russell Jones & Walker responded on behalf of the Respondent. The Respondent denied misleading Ms KG.
11. On 4 April 2012 an Authorised Officer of the Applicant referred the Respondent's conduct to the Tribunal.

**Witnesses**

12. Ms KG and Dr Lord gave evidence.
13. Ms KG confirmed the truth of her witness statement dated 24 January 2013 and of her affidavit dated 30 November 2011.

14. Ms KG confirmed that she had commenced her divorce proceedings in late 2009 and her ex-husband had represented himself. She said that she had been represented by the Respondent. She acknowledged that there had been some problems with the transfer of the matrimonial home in the sense that she had had to chase her ex-husband to sign documents including his consent to the divorce and later when it had come to light that the Decree Absolute had been forged. She said there had then been real difficulties as her ex-husband had not by that time wanted to co-operate.
15. Ms KG said that she had had to chase the Respondent for matters to be progressed. She had seen the Respondent several times and had asked how matters were going and when they would be progressing with regard to the divorce. She had spoken to the Respondent on the telephone and had met her on one occasion at court to hand over documents.
16. Ms KG said that at a meeting on 12 September 2011 the Respondent had handed her a Decree Absolute document and had congratulated her and told her that she was divorced. She said that she had identified a spelling error with regard to the hotel where she had married but that the Respondent had told her it did not matter. She said that the Respondent had also asked her if she planned to remarry which she had asked before and which Ms KG had found odd but had told her that she had no plans to remarry.
17. Ms KG told the Tribunal that she had also asked the Respondent about the Consent Order. She said that the Respondent had told her that the Consent Order had been approved by the court and that it would be sent to her in the post.
18. Ms KG told the Tribunal that she had taken the Respondent at her word. She had allowed some time to pass and had then chased the Respondent again on the telephone when she had received no other documents including the Consent Order. She said that her ex-husband had also not received any documents. She was told by the Respondent that she would re-send the documents but still nothing had arrived. Ms KG said that she had contacted the Respondent again and had been told to attend at the office to collect the documents on 21 November 2011 but that that appointment had been cancelled by the Respondent by a telephone call to Ms KG on the preceding Sunday. Ms KG said that she had then been contacted by the firm and had had no further contact with the Respondent.
19. Ms KG said that she had presumed that the Respondent was ill and her case had been passed to Mr Chohan to conclude. She said that when she met him he had told her that she was not divorced but she said that she must be divorced and having returned home to collect the document she had been handed on 12 September showed him the purported Decree Absolute document. She said that she had been angry and shocked when she discovered that she was not divorced and the Decree Absolute had been falsified.
20. In cross examination Ms KG told the Tribunal that the divorce had been a difficult experience; it had dragged on for no good reason and it had then come to light that she was not divorced. She said that she was not able to stress enough how betrayed she had felt and the worry, stress and embarrassment it had caused her. By the time she had discovered that she was not divorced she said that she had not been on good

terms with her ex-husband although initially he had co-operated and mediation had been quite successful.

21. Ms KG said that the issues regarding the transfer of the matrimonial home had been a contributing factor to the delay but that it had not been by any means the most delaying factor.
22. With regard to her affidavit evidence, Ms KG confirmed that she had attended court on 9 June 2011 to see the Respondent and had handed over to her an envelope containing further papers to apply for the Decree Nisi. She said that she had signed an earlier set of papers for the Decree Nisi application but that application had been rejected by the court due to a typographical error and she had been advised by the Respondent that the application had to be re-submitted. She then thought that had been done in November 2010 but it appeared that it had not and she had been told in the New Year that the format of the documents had changed and it had to be done again. She said it had been very frustrating and she had been annoyed.
23. Ms KG said that she had chosen to swear the further application at court as the Respondent had told her that she would be in court and the clerk could swear the documents and the Respondent would then file them. Ms KG said that she had left the documents with the Respondent but had not seen where she had gone or whether she had handed the papers over. She said that the court stated it had no record of having received the further application.
24. In July 2011 Ms KG said that she was told that the Respondent was chasing the court and she had then been given a date for pronouncement. She told the Tribunal that she had just been relieved that a date had been given and she had trusted the Respondent to do what she was supposed to do.
25. Mr Greensmith referred Ms KG to her affidavit which stated:

“... ”

10. Some weeks later Miss Judge told me over the telephone that the Court had given a date of 30 August 2011 for the divorce to be finalised. I never had any confirmation that Decree Nisi had been pronounced”.

26. Mr Greensmith said that the Respondent maintained that she had no recollection of that conversation and no file note. Ms KG told the Tribunal that all of their meetings had taken place either at the office or on the telephone but that there had been between one and three occasions when the Respondent had contacted Ms KG using her own mobile telephone.
27. Mr Greensmith said that Ms KG’s affidavit continued:

“11. I came in to see Miss Judge on Monday 12 September 2011 and she handed me what she described as my Decree Absolute...I could see that it appeared to be my Decree Absolute (but I pointed out a typing error regarding the name of the hotel).

12. I also asked Miss Judge about the Consent Order which I also understood was being finalised and she said that that had been approved by the Court as well and she would send copies of all of these things to Mr [KG] as well”.
28. Ms KG told the Tribunal that the Respondent had appeared the same as usual at her meeting with her on 12 September 2011. She said that the Respondent had handed her the Decree Absolute document and had congratulated her and asked if she was remarrying. She said that she had also asked about the Consent Order. The Respondent had appeared in a normal state of mind and had not been nervous or flustered. Ms KG said that the only occasion upon which the Respondent had mentioned feeling unwell had been the final time she had spoken to her on the telephone when the Respondent cancelled the appointment on 21 November 2011.
29. Ms KG was referred to the purported Decree Absolute dated 30 August 2011. She said that she had produced the original of that document to Mr Chohan on 30 November 2011 when she met with him. She said that she had had no reason to think that the Decree Absolute was forged; it contained what appeared to be a court stamp and was seemingly a legal document. She told the Tribunal that it had not looked fake or amateur to her but she could not comment on whether it had been forged hurriedly or not.
30. Ms KG acknowledged that the Respondent denied that she had told her she was divorced but she said that she had a very clear recollection of her appointment with the Respondent on 12 September 2011 and that she had been told she was divorced. She said that she had no written record but that she had such a clear recollection because she had believed that it was the last time she would meet with the Respondent.
31. Ms KG said that she could not recall the exact words of the Respondent but that she had congratulated her on her divorce and had said “you are divorced” and handed her the Decree Absolute document. She said that the Respondent had asked her about remarrying in a jokey way. Ms KG said that the Respondent had also confirmed that the Consent Order had been approved and would follow.
32. Ms KG said that there was no possibility that she had misheard the Respondent or misinterpreted what she had said to her on 12 September 2011. She told the Tribunal that she had left her meeting with the Respondent with what she believed to have been her genuine Decree Absolute and feeling relieved that the divorce was all over. She said that had she misunderstood she would have clarified matters with the Respondent on the further two/three occasions upon which they had spoken.
33. Ms KG said that she remembered the important things and did not need to be reminded of conversations. She said that she had met Mr Chohan in November 2011 and she had returned on the day with the Decree Absolute document and her own file of papers relating to her case. She said that she had pieced together most of her affidavit and witness statement and had made her own notes to protect her position. Ms KG had told Mr Chohan dates and details of when she had met the Respondent and telephone calls they had had from which he had drafted the affidavit with her help. She said that he had told her he was reporting the matter to the Applicant and that the Respondent was not returning to the office.

34. Ms KG told the Tribunal that she was sure that there were no inaccuracies in her recollection of events. She said that her witness statement was based on her own words and she had been assisted in its preparation by Penningtons for the Applicant. She acknowledged that Mr Chohan had been present but said that he had not taken part. She had told Penningtons what had happened.
35. In relation to her witness statement Ms KG confirmed that the meeting on 12 September 2011 had taken place as detailed in her statement. Her witness statement stated:
- “ ...
- 8 ...I now believe she was trying to make sure that the fact the Decree Absolute was a forgery would not be discovered”.
36. Ms KG agreed that was her belief. She said that she believed that had been the reason for the Respondent asking her about any remarriage plans as the Respondent had asked her that question before and it had been quite odd that she had repeated it. It would have been horrifying if she had planned a wedding but thankfully she had not.
37. Ms KG said that the Respondent’s diagnosis [of PTSD] did not explain to her the Respondent’s conduct. She told the Tribunal that the Respondent had appeared normal when they had met and had never been upset including when she had given Ms KG the false document.
38. Ms KG told the Tribunal that she never wanted to have to deal with a solicitor again as a result of her experiences with the Respondent and what had happened. She said that she certainly did not trust solicitors as a result of her experience.
39. In response to a question from the Tribunal Ms KG said that she had had several meetings in person with the Respondent and although she could not guess how many, it had been more than five meetings.

#### Dr Lord

40. Dr Lord confirmed the truth of his report dated 25 January 2013 and his addendum report dated 31 March 2013.
41. Dr Lord confirmed his professional background. He told the Tribunal that he had prepared psychiatric reports for other disciplinary matters involving solicitors but this had been the first report he had prepared which had involved Twinsectra. Dr Lord acknowledged that his duty was to the Tribunal and not to the Respondent.
42. Mr Greensmith referred Dr Lord to his report, which stated:

“ ...

6. I also interviewed and clinically assessed Harjeet Judge on 12 December 2012 for approximately 2 hours at my consulting room in Devonshire Street, Central London”.

43. Dr Lord said that it had been a standard psychiatric assessment which had included details of the Respondent's background and history including any previous psychiatric history and that he had then focused on the events and history of the matters in question and the mental state of the Respondent at the material time.
44. Dr Lord told the Tribunal that when the Respondent had recounted her experiences at the firm and at the material time she had broken down in tears on a number of occasions and had been visibly distressed in relation to her experiences at the firm.
45. Dr Lord confirmed that as a clinician he was always alert to the possibility of embellishment of events but that in the case of the Respondent he had not felt that she had done so. He told the Tribunal that he had been convinced that her distress was genuine and that that had been how she had genuinely felt at the time.
46. Dr Lord confirmed that he had seen the detailed synopsis document prepared by the Respondent.
47. Mr Greensmith referred Dr Lord to his report which continued:

“ ...

65. Miss Judge told me “it consumed me basically, I was terrified of him [Mr Chohan].

...

80. Nevertheless, she remains fearful and traumatised by her recollection of her time there [at the firm]”.

48. Dr Lord told the Tribunal that he had quoted her exact words as this phrase had struck him and had exemplified what she had conveyed to him during his interview with the Respondent. He said that it went to the level of severity of her symptoms in his diagnosis. Dr Lord referred to his report which continued by detailing the particular stress related symptoms developed by the Respondent, which included, inter alia:

“a. Progressive loss of confidence both professionally and socially.

b. Low mood and unhappiness.

c. High levels of generalised anxiety.

d. The generalised anxiety punctuated by frank panic attacks, incorporating marked physical symptoms of anxiety, including nausea and retching, tremulousness, and stammer.

e. Also a subjective sense of intense panic and fear, tearfulness and emotionality, centred on a phobic fear of Mr Lovell Chohan.

...



g. A pattern of avoidance behaviour set in, in typical phobic fashion.

...

k. She lost ability to concentrate, and became progressively more tired and exhausted...

...

87. When I further consider the symptoms as a whole I diagnose a form of traumatic stress disorder, occasioned by the chronic psychological bullying..."

49. Mr Greensmith referred Dr Lord to the criteria for Post Traumatic Stress Disorder ("PTSD") as detailed in his report, being Criterion A; stressor, Criterion B: intrusive recollection, Criterion C: avoidant/numbing, Criterion D: hyper-arousal, Criterion E: duration and Criterion F: functional significance. Dr Lord said that the symptoms did not have to be apparent all at the same time; some might be apparent and some not. He told the Tribunal that mood would differ at different times and the level of anxiety would differ according to the circumstances in which the person found themselves.
50. Dr Lord told the Tribunal that with regard to dishonesty, if someone with PTSD was suffering from certain of the symptoms at the material time it was possible that they might not recognise that they were acting dishonestly. He told the Tribunal that he stood by his conclusions in this regard and referred to his report which stated:

"...

101. Subjectively, in my clinical judgement, Ms Judge was conscious of her actions at an intellectual level in fabricating a false document and was aware that she had passed it physically into the possession of [Ms KG].

102. Her motives and intent for doing so were, in my clinical judgement, driven purely by her utter fear and dread of a complaint from [Ms KG] to Mr Chohan, leading to an opportunity for him to confront her, bully her, and so trigger her traumatic stress symptoms".

51. Mr Greensmith referred Dr Lord to his addendum report which had responded to questions put by Penningtons on behalf of the Applicant. Dr Lord confirmed that although the Respondent had some residual symptoms including distress and tearfulness, in his judgment the depth and breadth of the Respondent's symptoms were no longer such as to fulfil the criteria for PTSD. She could be considered recovered and in remission.
52. Dr Lord told the Tribunal that at the material time the Respondent had been suffering from PTSD and had been in a state of professional paralysis over a long period of time. Ms KG's case had not progressed as it should have done and the Respondent was in fear of the consequences of that should Ms KG have complained to Mr Chohan. He said that it was his judgment that the Respondent had panicked and created the false document in an effort to stave off any possible consequences but she

had not believed her actions to have been dishonest as she believed that the matter would be resolved namely by granting of the real Decree Absolute in due course.

53. Dr Lord said that the sheer irrationality of the Respondent's actions and her disordered state of thinking supported his diagnosis and that her conduct was professional suicide and inevitably would have been identified had the real documents not followed.
54. Dr Lord said that this was the only explanation and that there was no other motive. The Respondent had attempted to obviate further consequences in her state of fear and terror at work every day at the firm which had eroded her sense of professional judgment as a result of which she had committed the act before the Tribunal. Dr Lord said that she had done something which she would not have done had she been in a normal mental state.
55. In cross examination Dr Lord confirmed that he had seen the Respondent on one occasion in December 2012 and not since. He said that his diagnosis had been based on the 2 hour assessment and regard had to the Respondent's own synopsis document. He had not had the Rule 5 Statement and exhibits until he had received the further questions from Penningtons and had prepared his addendum report.
56. Dr Lord confirmed that the PTSD had pre-dated the Respondent seeing him in December 2012. His report stated:

“..."

2 – Period of Time Affected

The material time to which I refer is specifically when she created the false document and handed it to her client, i.e. on or immediately before 12 September 2011. However, I would say that the impact upon her thinking of her condition would have continued, in all likelihood, throughout the period between 12 September 2011 and through her resignation from her employment on 30 November 2011, and even beyond. The impact on her thinking would have diminished as her condition lessened in intensity and she recovered...”.

57. Dr Lord told the Tribunal that the Respondent had certainly been suffering from PTSD symptoms as 2011 progressed but the exact chronology was impossible to say. He said that she had felt persecuted over a long period of time and had had a number of the symptoms of PTSD probably for most of 2011.
58. Ms Wingfield referred Dr Lord to his report which stated:

“..."

24. ...She [the Respondent] also said that she is sensitive and can take criticism rather personally and as a result can sometimes be under confident...”

59. Dr Lord said that if someone had a pre-morbid personality such as this it was more likely that they would develop PTSD.
60. Dr Lord told the Tribunal that it appeared that the Respondent had thought that matters would resolve themselves in due course and she had maintained that that was her belief but it was another example of her muddled thinking. He said that whether she had been flustered on the day with the client was not inevitable but he could not explain the two different accounts of that day. He told the Tribunal that the Respondent had not told him exactly what she had said to Ms KG on 12 September 2011. Dr Lord said that the false document created by the Respondent had been the professional equivalent of a white lie.
61. Dr Lord said that if one accepted the Respondent's account of her employment experiences at the firm and her mental health during that period as having been accurate, it was apparent that she had been subject to a course of behaviour which was entirely inappropriate as a form of performance management. He acknowledged that his report had arisen out of the Respondent's accounts to him but that there had been information provided by her GP and counsellor.
62. Ms Wingfield referred Dr Lord again to paragraphs 101 and 102 of his report. He agreed that the Respondent had been aware that the document she had created was false and that she must have known she had created a false document. He told the Tribunal that intellectually she must have known it was wrong to have created a false document but that her intention had been purely phobic avoidance to avoid her being in trouble with Mr Chohan. That had been her motive.
63. In re-examination Dr Lord said that the recollection of those with PTSD might be effected by their condition and that the Respondent's recollection of events on 12 September 2011 might therefore have been effected. Dr Lord said that as the Respondent had been suffering from PTSD at the material time she had not been an ordinary solicitor due to her ill health.

### **Findings of Fact and Law**

64. The Applicant was required to prove the allegations beyond reasonable doubt. The Tribunal had due regard to the Respondent's rights to a fair trial and to respect for her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
65. **The allegations against the Respondent were that she created a false document and misled her client as to the position of her case and thereby:**

**Allegation 1.1 she failed to act with integrity in breach of Rule 1.02 of the Solicitors' Code of Conduct 2007 ("the 2007 Code") in that she created a false document namely a Decree Absolute;**

**Allegation 1.2 she failed to act with integrity in breach of Rule 1.02 of the 2007 Code between 12 September and 5 October 2011 and thereafter in breach of Principle 2 of the SRA Principles 2011 in that she misled her client; further or**

**alternatively she failed to achieve Outcome O (1.1) of the SRA Code of Conduct 2011; and**

**Allegation 1.3 she failed to act in the best interests of her client in breach of Rule 1.04 of the 2007 Code and Principle 4 of the SRA Principles 2011; further or alternatively she failed to achieve Outcome O (1.2) of the SRA Code of Conduct 2011; and**

**Allegation 1.4 she behaved in a manner that was likely to have diminished the trust the public placed in her or the legal profession in breach of Rule 1.06 of the 2007 Code and Principle 6 of the SRA Principles 2011; further or alternatively she failed to achieve Outcomes O (1.1) and O (1.2); and**

**Allegation 1.5 in relation to the above she acted dishonestly, although it was not necessary to prove dishonesty to prove the allegations themselves.**

#### Submissions on behalf of the Applicant

- 65.1 Ms Wingfield told the Tribunal that the Respondent had admitted allegations 1.1 to 1.4 but that she denied the allegation of dishonesty 1.5 on the subjective test.
- 65.2 Ms Wingfield referred the Tribunal to the Rule 5 Statement upon which she relied. She referred to the background information and that the Respondent's former firm and employer had reported her conduct by letter dated 5 December 2011 to the Applicant. The Respondent had been suspended by Mr Chohan, the senior partner of the firm pending an investigation into a number of complaints by clients and in particular a complaint by Ms KG who had been a matrimonial client of the Respondent.
- 65.3 Ms Wingfield said that Mr Chohan had seen Ms KG on 30 November 2011 when she informed him that she had attended at the firm's offices to collect the sealed Consent Order. Having explained to Ms KG that the court would not deal with a Consent Order until the Decree Nisi had been pronounced, Ms KG had indicated that she was aware that the court had initially rejected her application for the Decree Nisi but a further application had been made and she had been informed by the Respondent that the Decree Nisi had been granted. Ms Wingfield said that Ms KG had explained that she had attended the firm's offices on 12 September 2011 and had been handed the purported Decree Absolute by the Respondent. She told Mr Chohan that she had been assured by the Respondent that her divorce was complete and that the Decree Absolute had confirmed that.
- 65.4 Ms Wingfield said that at the request of Mr Chohan, Ms KG had returned to the firm's offices on the afternoon of 30 November 2011 and had handed to him the Decree Absolute which had been given to her. Mr Chohan had noted that the document did not bear the court seal and appeared to be a document that had been altered or falsified. Ms Wingfield said that Mr Chohan had contacted Brentford County Court and established that their file showed no activity beyond the return of the application for the Decree Nisi in October 2010. Mr Chohan explained to Ms KG that the document she had been given by the Respondent, which purported to be a Decree Absolute, was not authentic.

- 65.5 Ms Wingfield told the Tribunal that there was no indication on the client file that a second application for Decree Nisi had been made by the Respondent and Mr Chohan had provided copies of relevant correspondence and attendances from the file to Gordons LLP.
- 65.6 On 30 November 2011 Ms KG had sworn an affidavit confirming the chronology of events so far as she was concerned and to which she had exhibited a copy of the purported Decree Absolute. Ms Wingfield said that it was her understanding that the affidavit had been prepared by Mr Chohan for Ms KG for the purposes of her complaint and it bore the court reference of the divorce proceedings.
- 65.7 Ms Wingfield told the Tribunal that Ms KG's affidavit detailed that she had instructed the firm regarding her matrimonial matters in late 2009. Her application for Decree Nisi had been submitted in approximately August 2010 but she was informed that there had been an inconsistency regarding dates and the application had been rejected. Ms KG maintained that she had hand delivered a further application for Decree Nisi to the Respondent at court but Ms Wingfield said that it was unclear what had happened to that application. Ms KG said that she had had a telephone conversation with the Respondent who had confirmed that she had chased the court and had told Ms KG that the court had given a date for pronouncement of the Decree Nisi of 30 August 2011.
- 65.8 Ms Wingfield said that on 12 September 2011 Ms KG had met with the Respondent and had been handed the forged Decree Absolute by the Respondent. Ms KG had queried a typographical error in the spelling of the hotel name referred to in the Decree Absolute but the Respondent had dismissed that as not being important. Ms KG had also asked about the Consent Order and been told by the Respondent that it had been approved and would follow in the post.
- 65.9 Ms Wingfield said that Ms KG had had an appointment to see the Respondent on 21 November 2011 but that the Respondent had telephoned her and cancelled that appointment, having promised to re-schedule it but that had not happened. Ms KG had next heard from Mr Chohan.

65.10 Ms Wingfield referred the Tribunal to Ms KG's witness statement which stated:

“ ...

6. When I attended the office on 12 September 2011, Miss Judge [the Respondent] presented me with the document at page 13 of KEW1 [the purported Decree Absolute]. She congratulated me, told me that it was all over and that I was divorced.

7. When I was given the document, I noticed that the name of the hotel where I got married was spelt incorrectly. I raised this point with Miss Judge, who just smiled and said that it did not matter and did not effect the validity of the document – that I was divorced now.

8. At this meeting, Miss Judge also asked me whether I was planning to remarry. She had asked me this question on at least two other occasions and I

felt that it was strange for her to repeatedly ask me a question of such a personal nature...”.

65.11 Ms Wingfield told the Tribunal that in her synopsis document the Respondent had confirmed that she had asked Ms KG whether she intended to remarry and also whether Ms KG’s husband had an intention to remarry.

65.12 Ms KG’s witness statement continued:

“9. It was not until the meeting with Lovell Chohan on 30 November 2011 that I realised something was wrong with the document Miss Judge had given me. I had attended the meeting with Mr Chohan as I believed that I would be given the sealed Consent Order...

...

13. In conclusion I had placed my absolute trust in Miss Judge to handle my divorce and ancillary relief claim in an honest and professional manner, but instead she behaved dishonestly with me, and misled me to believe that I was divorced, by producing and giving to me a forged Decree Absolute”.

65.13 Ms Wingfield told the Tribunal that the Applicant had subsequently outsourced the conduct complaint to Gordons LLP and on 10 February 2012 Messrs Russell Jones and Walker had responded on behalf of the Respondent. Ms Wingfield referred the Tribunal to that letter which stated:

“ ...

Whilst our client admits and accepts that her actions may have had the effect of misleading Mrs G, this was not her intention. Our client was left with the belief that, having provided Mrs G with the documents, the position would be corrected when the sealed decree and the Financial Order came through from the Court. However, this was superseded by the suspension and subsequent resignation of our client.

It is denied that our client misled Mrs G into believing that her divorce had been finalised. In fact, she did the exact opposite, and correctly informed Mrs G that her divorce would not be finalised until a sealed order from the court was received.

...

Notwithstanding this, our client accepts that, by providing a copy of a Decree Absolute and creating the impression that such an application had been made to the court, she allowed her integrity to be compromised. She also accepts that if a member of the public heard what she had done it may diminish the trust which the public would place in her and the profession...”

- 65.14 Ms Wingfield submitted that since a Decree Absolute had to be applied for, that required a pro-active action and could not have simply happened; it was not automatic.
- 65.15 Ms Wingfield referred the Tribunal to the Statement of Information document which accompanied the Consent Order and she highlighted that the boxes which asked about the parties' future plans including remarriage had not been completed. She said that the divorce had been taken over by Mr Chohan and the actual Decree Absolute date had been 28 February 2012.
- 65.16 Ms Wingfield said that the Authorised Officer's Decision was made on 4 April 2012 to refer the Respondent's conduct to the Tribunal.
- 65.17 In relation to allegations which had been made by the Respondent against Mr Chohan, Ms Wingfield said that she wished to make it clear that these had not been put to Mr Chohan at any time. No complaint had been made to the Applicant regarding his alleged conduct and no other proceedings had been brought against him by the Respondent although it was understood that these might be pending the outcome of these proceedings. Ms Wingfield submitted that none of the Respondent's allegations had been tested and were not supported by any corroborative evidence.
- 65.18 Ms Wingfield said that the synopsis document of the Respondent appeared to be in chronological order but had not referred to the incident of 12 September 2011 until the end of the document. The Respondent appeared to have accepted in relation to the meeting on 12 September 2011 with Ms KG that she had been dishonest on the objective basis regarding the false Decree Absolute but not subjectively due to her medical condition yet Ms Wingfield said that in relation to an incident on 19 September 2011, some 7 days later, when the Respondent had backdated client care letters allegedly at the request of Mr Chohan, she had felt that to be dishonest. Ms Wingfield submitted that this was of concern with regard to the Respondent's ability to identify subjective dishonesty within a very short period of time.
- 65.19 Ms Wingfield submitted that a number of comments had been made by the Respondent regarding her conduct of Ms KG's matrimonial matters but which were not consistent with the law governing such work and yet the Respondent had expressed herself to be an expert in this field of law.
- 65.20 Ms Wingfield submitted with regard to allegation 1.5 that the Respondent's conduct was dishonest by the ordinary standards of honest behaviour and that she knew that she had transgressed those standards because:
- 65.20.1 she was aware that the initial application for the Decree Nisi had been rejected;
  - 65.20.2 she did not lodge a renewed application for Decree Nisi; and
  - 65.20.3 she created a false document namely a Decree Absolute which she gave to Ms KG with the intention of avoiding complaints and with the intention of misleading.

- 65.21 Ms Wingfield submitted that the test for dishonesty per Twinsectra Limited v Yardley and Others [2002] UKHL 12 was met with regard to the Respondent's conduct. She was a solicitor who had practised in the area of family law yet had made a number of statements regarding the process of Ms KG's divorce which had been incorrect and it was beyond belief that she was an expert in that area of law and also believed those statements. In addition, she had asked Ms KG more than once whether she intended to remarry (inviting the Tribunal to infer that the reason for the question was to find out if her faked Decree Absolute would be produced in the future in connection with re-marriage – there was no other reason for the repeated questioning on this subject) and had told the client that her divorce was final when she knew it was not (although there was an issue in that regard as to fact since the Respondent denied having told that to the client).
- 65.22 Ms Wingfield also referred the Tribunal to the case of Iqbal v Solicitors Regulation Authority [2012] EWHC 3251 (Admin) and she said that the best person to have given evidence was the Respondent herself but she had chosen not to do so. Ms Wingfield submitted that the weight to be attached to the Respondent's written evidence was therefore limited and the Tribunal was entitled to draw an adverse inference from her failure to give evidence and to submit herself to cross examination.
- 65.23 In relation to Mr Chohan and the comment that no evidence had been obtained from him Ms Wingfield said that the Applicant had been asked by the Respondent not to disclose any of her explanations to Mr Chohan which it had therefore not done but which meant that it had not then been able to obtain any evidence from him either.

#### Submissions on behalf of the Respondent

- 65.24 Mr Greensmith confirmed that allegations 1.1, 1.2, 1.3 and 1.4 had been admitted by the Respondent at the earliest opportunity and he told the Tribunal that in the main the facts were admitted.
- 65.25 Mr Greensmith referred the Tribunal to the Respondent's witness statement dated 5 February 2013 upon which she relied. He said that she admitted objective dishonesty with regard to allegation 1.5 but that subjective dishonesty was denied. In relation to the synopsis document Mr Greensmith said that this was a rolling document which had been constantly updated by the Respondent and had been provided to Dr Lord for preparation of his report. It was based on contemporaneous documents. Mr Greensmith said that whilst no complaint had been made against Mr Chohan or employment proceedings issued, the synopsis was an aide memoire for the Respondent in the event that such action was taken subsequently.
- 65.26 Mr Greensmith told the Tribunal that there was some disagreement regarding the Respondent having lodged Ms KG's further papers with the court in June 2011. He said that the Respondent could not explain why the papers had not been recorded as having been received by the court.
- 65.27 With regard to the false Decree Absolute document the Respondent admitted having provided that to Ms KG but denied that she had done so dishonestly. Mr Greensmith referred the Tribunal to the Respondent's witness statement which stated:



“ ...

51 I realised when I reviewed the file shortly before the meeting that there had been no follow up with the court after 9 June. I immediately felt sick with fear that Mrs G [Ms KG] would raise a complaint with Mr LC [Mr Chohan].

52 I had another file where a Decree Absolute had been granted whilst I had been away. To my shame, in an out of character act when I cannot have been thinking straight, I photocopied the decree from that file with Mrs G's details on the top. The document I gave to Mrs G did not have the court seal on it and contained spelling mistakes. It was not a pre-meditated or sophisticated forgery. It was a document which, as far as I am able to explain, was hastily put together and given to Mrs G to provide me with breathing space whilst the divorce was finalised.

...

54 At the time I did not think that what I was doing was dishonest and I do not believe that it even struck me that what I was doing was misleading Mrs G. My sole aim was to do what I could to prevent avoid (sic) another run in with Mr LC. With the benefit of hindsight I can now see that I was not able to think straight at the time.

...

56 Looking at the document now I can see that it is plainly not something which could have been issued by the court. It contains errors and it is indicative of my state of mind and my panic at the time and the haste that notwithstanding the amateur nature of this document I still gave the document to Mrs G...”.

- 65.28 Mr Greensmith submitted that the Respondent had taken a blinkered approach to the matter and had been influenced by the perceived risk of a complaint by Ms KG and the possible repercussions of that which she wanted to avoid. The Respondent's intention had not been to mislead but it was the inevitable consequence of her actions and Mr Greensmith said that she accepted that her actions had not been in the best interests of her client and had diminished the trust in her and the profession.
- 65.29 Mr Greensmith submitted that the Respondent's state of mind at the material time was critical. He said that the Respondent was conscious of the implications of Iqbal with regard to her decision not to give oral evidence and that in some cases an adverse inference could be drawn by the Tribunal but he submitted not in this case and he referred the Tribunal to the reports of Dr Lord and to the Respondent's fearfulness and distress which giving evidence would possibly have triggered and possibly have led to a relapse.
- 65.30 Mr Greensmith referred the Tribunal to the case of Twinsectra with regard to the combined test on dishonesty and that this had to be proved to the criminal standard. He submitted that the Tribunal had to be sure so that it was satisfied that the public would say that the Respondent had been dishonest to the objective standard and that at

the time, she had known that what she did was wrong. He said that she accepted that she had been objectively dishonest but crucially, her state of mind at the material time did not satisfy the subjective test and if there was any doubt, the Tribunal had to find that limb not proved.

- 65.31 Mr Greensmith said that Dr Lord's evidence was key and he had used key phrases in his evidence including that the Respondent "did not think like a normal person" at the material time and that she had acted "irrationally" and her actions had been "professional suicide". Mr Greensmith submitted that the Respondent could not have done what she did in a normal state of mind.
- 65.32 Mr Greensmith said that the Applicant had not instructed its own expert and whilst it had put its own questions to Dr Lord he had stood by his written evidence.
- 65.33 In the Respondent's witness statement Mr Greensmith said that she maintained that she had been under significant pressure at the firm as a result of the alleged behaviour of Mr Chohan and his brother and Mr Greensmith submitted that there was nothing to demonstrate that the Respondent had been wrong in that belief.
- 65.34 The Respondent had resigned before these events had been discovered. Mr Greensmith told the Tribunal that Mr Chohan had not provided any evidence and it was the Respondent's case that he had told her that he would ensure that she was struck off the Roll of Solicitors and he had been present throughout the investigation. Mr Greensmith submitted that what was important was that the Respondent had felt pressured, bullied and singled out at the firm which had manifested itself physically and mentally and she had not sought help until it was too late.
- 65.35 The Respondent had been suffering from chronic PTSD and Mr Greensmith submitted that it had been in the course of that that she had created the false document given to Ms KG. Since there was doubt as to the Respondent's state of mind at the material time Mr Greensmith submitted that the Tribunal could not be satisfied beyond reasonable doubt that the subjective test had been met with regard to the alleged dishonesty. He said that no right thinking solicitor would have done what the Respondent did and that was the point.

#### The Tribunal's Findings

- 65.36 The Tribunal had listened very carefully to the parties' submissions and had read all of the documents to which it had been referred.
- 65.37 The Tribunal was satisfied that the Respondent had acted without integrity by having created the false Decree Absolute document which she had given to Ms KG and in doing so that she had misled her client. It followed from this that the Respondent had failed to act in her client's best interests by having conducted herself in this way. The Tribunal was also satisfied that the Respondent's behaviour had diminished the trust the public placed in her or the legal profession. It had heard the very clear and persuasive evidence of Ms KG that she had felt betrayed by the Respondent's actions and that she certainly did not trust solicitors as a result of her experience.

- 65.38 The Tribunal had regard to allegations 1.1, 1.2, 1.3 and 1.4 and found them proved on the facts and on the documents. It noted that the Respondent had admitted these allegations and had admitted creation of the false Decree Absolute document.
- 65.39 With regard to allegation 1.5 the Tribunal noted that that allegation was denied by the Respondent although she had admitted dishonesty on the objective test, not the subjective test. The Tribunal concluded that the behaviour of the Respondent was dishonest by the ordinary standards of reasonable and honest people, and so the objective test in Twinsectra was met.
- 65.40 With regard to the subjective test in Twinsectra, the Tribunal had regard to all of the evidence. The majority of facts were not in dispute. It heard that the Respondent had held herself out as a family law expert yet had made a number of errors in relation to the procedural handling of Ms KG's matrimonial case. The Tribunal was satisfied that the Respondent had asked Ms KG on more than one occasion if she intended to remarry and it accepted the evidence of Ms KG regarding the meeting between her and the Respondent on 12 September 2013 namely that the Respondent had congratulated her on her divorce which she had told Ms KG was final and handed her the false Decree Absolute.
- 65.41 The Tribunal did not find it credible that the Respondent had believed that matters would eventually right themselves on their own and the false Decree Absolute would be superseded by a genuine Decree Absolute.
- 65.42 The Tribunal had further heard evidence from Dr Lord in which he had referred to the Respondent's knowledge that she had created a false document and that it had effectively been a "white lie" and "professional suicide". He stated in his report "Subjectively, in my clinical judgement, Ms Judge was conscious of her actions at an intellectual level in fabricating a false document and was aware that she had passed it physically into the possession of Mrs KG. The Tribunal noted that in Dr Lord's clinical judgement the Respondent had been suffering from PTSD at the material time and he believed that that was the motive for her conduct. However, the PTSD did not mean that she did not know what she was doing when she created the false document, or that creating that false document was dishonest. Dr Lord had clearly stated that she had appreciated that what she did was wrong.
- 65.43 With regard to Dr Lord's report the Tribunal noted that this had been based on a 2 hour assessment of the Respondent and the Respondent's own account of events. There was no corroborative evidence of the Respondent's version of events.
- 65.44 Ms KG had stated in her evidence that the Respondent had seemed normal when she had met with her on 12 September 2011 and no different in manner to previous occasions. The Tribunal accepted that the Respondent had congratulated Ms KG on the divorce and the Tribunal was satisfied that in asking Ms KG whether she intended to remarry the most likely interpretation had been that the question had been to enable the Respondent to determine the likelihood of her conduct being discovered. The Tribunal had found Ms KG to have been a truthful, honest and credible witness upon whose evidence it had relied.

- 65.45 The Respondent had also been afforded the opportunity to give evidence in person as to her version of events but had chosen not to do so. The Tribunal had therefore had regard to Iqbal and the dicta of Sir John Thomas that "...ordinarily the public would expect a professional [man] to give an account of his actions". It took into account that the Respondent had chosen not to give evidence and in particular noted that the Respondent had chosen not to explain why she did not believe at the time that the forging of a court document was dishonest, notwithstanding that she admitted that reasonable and honest people would believe it to be dishonest.
- 65.46 The Tribunal also had regard to the case of Webb v Solicitors Regulation Authority [2013] EWHC 2078 (Admin) and the Judgment of His Honour Mr Justice Jeremy Baker. Mr Webb's appeal had been dismissed and Mr Justice Baker found, inter alia, that:
- 65.46.1 The Respondent's credibility had been crucial to the question of whether the Tribunal had been entitled to reach its decision namely that the Respondent in that case had acted deliberately and dishonestly;
- 65.46.2 It was not part of the Applicant's case to have to establish a motive for dishonesty and the presence of a motive was not a pre-requisite for an adverse finding on dishonesty; and
- 65.46.3 The risk or certainty of Mr Webb's actions being discovered as an argument against dishonesty was a matter of relevance but not one of significance as to weigh so heavily in the balance that it overcame the findings of the Tribunal on dishonesty.
- 65.47 The Tribunal found that the Respondent in this case had known what she was doing when she created the false Decree Absolute and had nevertheless gone on to do it. Her motives for doing so may have included that she had sought to avoid repercussions from her errors but that motive was not a defence to dishonesty. The evidence, including that in person of Ms KG and of Dr Lord, was that the Respondent forged a court document, knew she was forging a court document, and she knew that it was wrong to do so. Accordingly, the Tribunal was satisfied beyond reasonable doubt that the Respondent was dishonest by the ordinary standards of reasonable and honest people and that by those standards she knew at the material time that what she was doing was dishonest.
- 65.48 The Tribunal found allegation 1.5 proved.

### **Previous Disciplinary Matters**

66. None.

### **Mitigation**

67. Mr Greensmith told the Tribunal that the Respondent was ashamed and embarrassed to appear before it and that there was no risk of a repetition of her behaviour in the future. He said that the Respondent apologised to the profession and to Ms KG.

68. Mr Greensmith said that the Respondent had been virtually unemployable whilst the case was ongoing and she had decided to return to full time education. He said that one firm had seen beyond the case and had employed her on a locum basis and he referred the Tribunal to the testimonials provided by two members of that firm in support of the Respondent and confirmed that they had attended the hearing to support her. Mr Greensmith asked the Tribunal to take into account other testimonials which he said were written in glowing terms about the Respondent. He said that they spoke as to her character as a solicitor and as a person and that she was a woman of honesty and integrity and was hardworking and diligent. He also referred to a note from a client which had been attached.
69. Mr Greensmith submitted that the Respondent was not a danger to the public and that she was now in remission from the PTSD. The Respondent had initially had a condition attached to her practising certificate for the year ending October 2013 but that had not related to interaction with clients or approved employment.
70. Mr Greensmith submitted that this had been an aberration in an otherwise blameless career. He referred the Tribunal to its Guidance Note on Sanctions. The Respondent had made admissions at a very early stage and had given explanations for her conduct, not excuses. She had learned from what had happened and she had left the firm and the conflict which had caused her behaviour. She had had extensive counselling for her condition which was likely to be resumed.
71. Mr Greensmith submitted that mitigating factors included:
- 71.1 that the misconduct had been of brief duration;
- 71.2 there had been open and frank admissions by the Respondent;
- 71.3 the Respondent had fully co-operated with the Applicant; and
- 71.4 the Respondent's state of mind went to mitigation.
72. Mr Greensmith asked the Tribunal to take into account the following in the Guidance Notes on Sanction:
- “ ...
45. Particular matters of personal mitigation that **may** [emphasis added] be relevant and **may** [emphasis added] serve to reduce the nature of the sanction, and/or its severity include:
- that the misconduct arose at a time when the respondent was affected by a physical or mental illness that affected his ability to conduct himself to the standards of a reasonable solicitor. Such mitigation should be supported by medical evidence from a suitably qualified practitioner
  - that the respondent was an inexperienced practitioner and was inadequately supervised by his employer

- that the respondent made prompt admissions and demonstrated full cooperation with the regulator”.
73. Mr Greensmith asked the Tribunal to show leniency towards the Respondent. He said that she had been suffering from PTSD at the material time and had not been in a normal state of mind which he submitted could be considered to be exceptional circumstances and that it did not follow that the ultimate sanction should be imposed. He said that this was a genuinely sad case and that there were genuine and exceptional circumstances for that.
74. In reply Ms Wingfield submitted that this had been a very serious case involving the falsifying of a court document and the misleading of a client which could have had unthinkable repercussions and that there were no exceptional circumstances.

### **Sanction**

75. The Tribunal had regard to its Guidance Note on Sanctions.
76. The Tribunal had found all of the allegations proved against the Respondent including an allegation of dishonesty.
77. The Tribunal considered that this was an extremely serious case. It had involved fabrication of a court document which could have caused significant harm to the client Ms KG and others. Mrs KG and her husband would have suffered significantly if either had tried to re-marry, or if they had arranged their financial affairs based on the assumption they were divorced. The Tribunal had heard very eloquently from Mrs KG that in her own mind the image and reputation of the profession had been ruined.
78. The Tribunal heard that the motive for the Respondent’s conduct had arisen from her PTSD from which she had been suffering at the material time.
79. The Tribunal had considered all of the circumstances surrounding the events and the Respondent’s state of mind at the material time which included, inter alia, that the act itself arose very quickly. However the act was not wholly spontaneous as it had involved planning the meeting with Ms KG on 12 September 2011 and the creation of a false document, something which cannot have been done spontaneously and which had been wholly within the control of the Respondent. The Respondent had taken no steps with the court to actually obtain the Decree Nisi or Decree Absolute, and had made no efforts to resolve the situation after 12 September.
80. The Tribunal acknowledged that the Respondent had been a junior solicitor at the material time and this had been a one-off episode in relation to which the Respondent had made early admissions (other than as to dishonesty). The Tribunal had also paid due regard to the Respondent’s testimonials and it recognised her apologies and that she recognised the seriousness of her misconduct.
81. The Tribunal was satisfied so that it was sure however that the Respondent had acted dishonestly and deliberately when she had created the false document and misled her client and it found an aggravating feature to have been that the Respondent had not

revealed or confessed her misconduct to Ms KG or the firm; it had instead been left to be discovered by Mr Chohan.

82. The Tribunal also took into account its own guidance with regard to personal mitigation and when it may be relevant and serve to reduce the nature of the sanction. However the Tribunal was not satisfied that this was a case on the circumstances before it which merited a lesser sanction. The Tribunal had regard to the dicta of Sir Thomas Bingham in Bolton v The Law Society [1994] 1 WLR 512 in which he stated:

“Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal...

...

...a member of the public...is ordinarily entitled to expect that the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question. Otherwise, the whole profession, and the public as a whole, is injured. A profession’s most valuable asset is its collective reputation and the confidence which that inspires...

...

“Because orders made by the Tribunal are not primarily punitive, it follows that considerations which would ordinarily weigh in mitigation of punishment have less effect on the exercise of this jurisdiction than on the ordinary run of sentences imposed in criminal cases. It often happens that a solicitor appearing before the tribunal can adduce a wealth of glowing tributes from his professional brethren...Often he will say, convincingly, that he has learned his lesson and will not offend again...All these matters are relevant and should be considered. But none of them touches the essential issue, which is the need to maintain among members of the public a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness...The reputation of the profession is more important than the fortunes of any individual member...”.

83. The Tribunal had heard evidence from Dr Lord of the Respondent’s motive and why she had not taken an alternative course of action but had heard no evidence from the Respondent herself as to her motives at the material time.
84. The impact on Ms KG had been significant and the Tribunal heard in her evidence that it had substantially affected her trust in the profession as a whole which exceptionally damaging to the profession’s reputation.
85. The Tribunal found that the Respondent had not discharged her professional duties and obligations with the required integrity, probity and trustworthiness. However unfortunate the Respondent's position had been, she had forged a court document, knowing her client and others would rely on it, and the public could not therefore

have confidence in the unquestionable integrity, probity and trustworthiness of the Respondent – and consequently the profession. There is an overwhelming public interest in ensuring the absolute protection of both clients and the administration of justice from the actions of solicitors, who behave as the Respondent has done, and who, for whatever reason, knowingly forge court orders. The public would be shocked if that were not so, and the loss of confidence in the profession would be correspondingly immense. The Tribunal was therefore not satisfied that exceptional circumstances existed to avoid the imposition of the ultimate sanction. Accordingly the Tribunal ordered that the Respondent be struck off the Roll of Solicitors.

### **Costs**

86. Ms Wingfield referred the Tribunal to the Schedule of Costs and asked that the Tribunal summarily assess costs in the sum sought of £17,808.15.
87. Ms Wingfield said that the Respondent appeared to be impecunious but that costs had properly been incurred and if no order was made against the Respondent the costs would fall to be borne by the profession. She asked the Tribunal to consider making an order for part payment of the costs assessed with the remainder to be ordered not to be enforced without leave of the Tribunal.
88. Mr Greensmith said that there was always a risk of costs falling on the profession as the Applicant never knew the means of the Respondent and whether it might recover its costs. He submitted that in this case the Respondent had no means to pay costs.
89. Mr Greensmith asked the Tribunal to summarily assess the costs and to consider the time claimed for preparation and perusal, drafting and preparation of documents which he submitted were excessive.
90. If the Tribunal was minded to make a costs order Mr Greensmith asked that the order be made not to be enforced without leave.
91. The Tribunal had regard to the Applicant's Schedule of Costs, the Respondent's Statement of Means and had listened to the parties' submissions on costs.
92. The Tribunal considered that the costs of the Applicant were high and that excessive costs had been claimed for drafting and preparation including for the Rule 5 Statement, which was a four page document. The case had been straightforward. There had also not been any breakdown of the case working costs.
93. The Respondent had returned to full time education and was not working and had no assets.
94. The Tribunal summarily assessed the costs in the sum of £12,500.00, not to be enforced without leave of the Tribunal.



**Appeal**

95. Mr Greensmith applied for the time to appeal the decision to be 28 days from the date the Tribunal issued its full findings rather than 21 days from the date of decision. The Tribunal granted that application.

**Statement of Full Order**

96. The Tribunal ORDERED that the Respondent, HARJEET KAUR JUDGE, 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 £12,500.00, not to be enforced without leave of the Tribunal.

Dated this 11<sup>th</sup> day of November 2013

On behalf of the Tribunal

S Tinkler  
Chairman