

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11099-2012

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

JULIE WEEKES

Respondent

Before:

Mr S. Tinkler (in the chair)

Miss N. Lucking

Mr D. Gilbertson

Date of Hearing: 2nd May 2013

Appearances

Andrew Bullock, barrister of the Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham B1 1RN for the Applicant.

Mr David Barton, solicitor advocate instructed by Mr Richard Hawgood of Berry & Berry LLP Solicitors, 3 Tonbridge Road, Maidstone, Kent ME16 8RL for the Respondent

JUDGMENT

Allegations

1. The allegations against the Respondent were that, by virtue of her conviction:
 - 1.1 She had failed to uphold the rule of law and the proper administration of justice contrary to Principle 1 of the SRA Code of Conduct 2011;
 - 1.2 She had failed to act with integrity contrary to Principle 2 of the SRA Code of Conduct 2011; and
 - 1.3 She had failed to behave in a way that maintained the trust the public placed in her and in the provision of legal services contrary to Principle 6 of the SRA Code of Conduct 2011.

Documents

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

Applicant:

- Application dated 27 November 2012
- Rule 5 Statement and exhibit "AJB1" dated 27 November 2012
- Statement of Costs dated 24 April 2013

Respondent:

- Report of Dr R Dhar dated 10 December 2011
- Letter from the Blackthorn Trust dated 28 April 2013

Preliminary Matter

3. None.

Factual Background

4. The Respondent was admitted to the Roll of Solicitors on 15 December 2004.
5. At the material time the Respondent was employed as a solicitor by Stevens & Sons LLP ("the Firm"). She had initially been a trainee at the firm and had then qualified as a solicitor in November 2004. Thereafter the Respondent had worked in the Probate Department and by December 2007 had become a salaried partner. The Respondent forged documents, including Letters of Administration and a Grant of Probate, to cover up that she had not undertaken certain probate work for which she was responsible.
7. In the Bexley Magistrates Court on 18 November 2012 the Respondent pleaded guilty to seven offences of forgery and one offence of theft. She was remanded to the Woolwich Crown Court for sentencing.

8. In the Crown Court at Woolwich on 16 March 2012 the Respondent was sentenced to 12 months imprisonment suspended for two years which was to run concurrently on each charge and was further required to have 12 months supervision by the probation service and to undertake unpaid work of 150 hours.

Witnesses

9. None.

Findings of Fact and Law

10. 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.

11. **Allegation 1.1: She had failed to uphold the rule of law and the proper administration of justice contrary to Principle 1 of the SRA Code of Conduct 2011;**

Allegation 1.2: She had failed to act with integrity contrary to Principle 2 of the SRA Code of Conduct 2011; and

Allegation 1.3: She had failed to behave in a way that maintained the trust the public placed in her and in the provision of legal services contrary to Principle 6 of the SRA Code of Conduct 2011.

Submissions on behalf of the Applicant

- 11.1 Mr Bullock referred the Tribunal to the Rule 5 Statement and the allegations against the Respondent resulting from her conviction.
- 11.2 Mr Bullock said that the Respondent remained on the Roll of Solicitors. He said that at the material time she was aged 31 and had been qualified for two years and at the time of sentencing, she was aged 35 and had been qualified for approximately six years.
- 11.3 Mr Bullock told the Tribunal that the Respondent's criminal conviction had been for offences of dishonesty namely seven offences of forgery and one offence of theft. He said that following her conviction at Bexley Magistrates Court on 18 November 2011, she had been remitted to Woolwich Crown Court for sentencing which had taken place on 16 March 2012. Mr Bullock referred the Tribunal to the sentencing remarks of His Honour Judge Sullivan.
- 11.4 Mr Bullock also referred the Tribunal to the facts of the offences and the mitigation factors to which the Judge had had regard when sentencing the Respondent.
- 11.5 Mr Bullock submitted that the Tribunal had to bear in mind the case of Bolton v The Law Society [1994] 1 WLR 512 with regard to dishonesty and the reputation of the profession. He also referred the Tribunal to the case of Solicitors Regulation Authority v Sharma [2010] EWHC 2022 (Admin) and the proposition that a finding

of dishonesty generally carried the ultimate sanction other than in exceptional circumstances when an alternative order might be appropriate.

The Tribunal's Findings

- 11.6 The Tribunal found the allegations proved on the facts and on the documents, which included the Respondent's conviction for offences of forgery and one offence of theft and it also noted the Respondent's admission of the allegations.

Previous Disciplinary Matters

12. None.

Mitigation

13. Mr Barton told the Tribunal that the Respondent had admitted the allegations via her solicitor and arising from the convictions. He confirmed that the Respondent had pleaded guilty at the Magistrates Court to the charges of forgery and one charge of theft. Mr Barton said that there had been a charge of criminal damage which had been withdrawn.
14. Mr Barton told the Tribunal that the Respondent saw the hearing before the Tribunal as the final stage in what had been a very lengthy and painful process for her since approximately 2004. He said that she had accepted full responsibility in the Crown Court for her actions.
15. Mr Barton referred the Tribunal to the Report of Dr Dhar which he said explained the circumstances in which the Respondent had lived and worked. He said that the Judge had taken the Report into account when sentencing the Respondent and that this had not been a case of a solicitor deriving any personal gain of any kind as a result of her actions. Mr Barton said that the Crown Prosecution Service had found the Respondent's case unusual as a result of that.
16. Whilst Mr Barton said that he relied upon the Psychiatric Report, he told the Tribunal that he did not propose to refer to the Report publicly but he asked the Tribunal to take it into account when considering its decision including the pre-sentencing remarks of the trial Judge, which included, inter alia:

“I have read the pre-sentence report, as I indicated earlier, and also a report from Dr Darr (sic), a Consultant Psychiatrist, who describes you as having a pre-existing psychological inability to deal with the situation in which you found yourself. You told Dr Darr (sic) and the probation service that you became overwhelmed by the work and were unable to cope. You kept this to yourself because you could not bring yourself to say that you were not coping. Had you spoken out sooner, the loss you have caused would not have been substantial, and I am sure that help would have been available”.

17. Mr Barton submitted that it had been the complete inability of the Respondent to speak out which lay at the root of the matter. He said that the Respondent had kept her illness and problems secret from both the firm and members of her family until she had spoken to her father at which point he had contacted the firm and on the following day, two members of the firm had met with the Respondent which had been the last occasion upon which she had seen anyone from the firm. Mr Barton said that it was not known whether civil proceedings might be brought against her by the firm.
18. Mr Barton told the Tribunal that the Respondent was completely remorseful. He said that she had shown insight into her actions and that she understood the damage to her reputation, the reputation of the profession and the reputation of the firm which had resulted from her actions. He said that she had never intended to inflict damage on anyone.
19. Mr Barton referred the Tribunal to the letter dated 28 April 2013 from The Blackthorn Trust ("the Trust") which said that with help from the Trust the Respondent was now embarking upon a new path in life and for the first time in a long time, she could look forward positively.
20. Mr Barton told the Tribunal that the Respondent had a clear intent never to work in the legal profession again whatever penalty might be imposed by the Tribunal.
21. Mr Barton said that the Respondent would soon be aged 37 and had been aged 31/32 when these events had taken place. He said that it had taken a long time to reach this point and whilst the Respondent was seeking to put these matters behind her, she would have to live with the consequences of her actions.
22. Mr Barton said that her appearance before the Tribunal was her opportunity to apologise and to leave the profession in the most dignified manner she could. Mr Barton said that the Respondent had at all times facilitated the Applicant's investigation; she had made early admissions and had agreed costs.

Sanction

23. The Tribunal had regard to its Guidance Note on Sanctions.
24. The Tribunal found the allegations against the Respondent proved. It had regard to the Respondent's conviction for offences of forgery and one offence of theft, the mens rea for which was dishonesty.
25. The Tribunal Chairman stated that he and his colleagues had sympathy for the Respondent and the length of time over which both the criminal and disciplinary proceedings had continued. The Tribunal noted that the Respondent had shown insight in relation to her actions, that she had fully co-operated with the Applicant and had made early admissions and that she had dealt with these proceedings in a dignified manner and was now moving forward.
26. Whilst the Tribunal had taken these mitigating factors into account it had to recognise that the Respondent had been convicted of very serious offences as a result of which she had been found to have failed to uphold the rule of law and the proper

administration of justice, she had failed to act with integrity and she had behaved in a way which had failed to maintain the trust the public placed in her and in the provision of legal services contrary to her professional Principles. The Tribunal had regard to the case of Bolton and in particular the Judgment of Sir Thomas Bingham M.R. which stated:

“... It is required of lawyers practising in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness...”.

27. The Tribunal also had regard to the case of Sharma when considering the mitigation on behalf of the Respondent and the appropriate sanction to impose. The Tribunal had not found any exceptional circumstances to persuade it that there could be any sanction other than the ultimate sanction.
28. The Tribunal ordered that the Respondent be struck off the Roll of Solicitors.

Costs

29. Mr Bullock confirmed that the Applicant sought its costs of the proceedings and he told the Tribunal that costs had been agreed in the sum of £1,805.63.
30. Mr Barton confirmed that the Respondent had agreed the Applicant's costs as stated.
31. The Tribunal noted that costs had been agreed between the parties and it ordered that costs be paid by the Respondent in the sum of £1,805.63.

Dated this 13th day of May 2013

On behalf of the Tribunal

S. Tinkler
Chairman