

IN THE MATTER OF HELEN HERBERT, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS' ACT 1974

Mr P Kempster (in the chair)
Ms A Banks
Mr M C Baughan

Date of Hearing: 18th December 2006

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Paul Robert Milton, solicitor, of The Law Society, Victoria Court, 8 Dorner Place, Leamington Spa, Warwickshire, CV32 5AE on 11th September 2006 that Helen Herbert (also known as Keeling) of Llanelli, Dyfed, a former solicitor, be required to answer the allegations contained in the statement which accompanied the application and that such Order might be made as the Tribunal should think fit.

The allegation was that at a time when she was on the Roll of Solicitors, she conducted herself in a manner unbecoming a solicitor. In particular at Carmarthen Crown Court on 20th July 2005 the Respondent appeared to answer four counts of forgery and one count of misfeasance in public office. The Respondent pleaded guilty to one count of forgery and was sentenced to two years conditional discharge with the other four counts to remain on file.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 18th December 2006 when Paul Robert Milton appeared as the Applicant and the Respondent did not appear and was not represented. The Respondent had confirmed that she would not attend the hearing.

The evidence before the Tribunal included the admissions of the Respondent contained in the completed questionnaire returned to the Tribunal dated 2nd November 2006.

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

The Tribunal Orders that the Respondent, Helen Herbert of Llanelli, Dyfed, former solicitor, be prohibited from having her name restored to the Roll of Solicitors except by Order of the Tribunal and it further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £261.

The facts are set out in paragraphs 1-3 hereunder:

1. The Respondent, born in 1962, was admitted as a solicitor in 1987. She voluntarily removed her name from the Roll of Solicitors on 31st March 2004.
2. At all material times the Respondent was employed as a solicitor by Llanelli Borough Council. During the course of that employment she forged court documents on the local authority's file.
3. At Carmarthen Crown Court on 20th July 2005 the Respondent appeared on four counts of forgery and one count of misfeasance in public office. The Respondent pleaded guilty to one count of forgery and was sentenced to two years conditional discharge with the other four counts to remain on file.

The Submissions of the Applicant

4. As a consequence of the removal of the Respondent's name from the Roll of Solicitors the Tribunal's jurisdiction permitted it to make an Order under Section 47(2)(g) of the Solicitors Act 1974, the effect of which would be to prohibit the restoration of the Respondent's name to the Roll of Solicitors except by Order of the Tribunal.
5. The Applicant referred the Tribunal to the sentencing remarks of His Honour Judge Keith Thomas in the Crown Court at Swansea, on 20th July 2005 and in particular when he said:

"I am sure you will appreciate as a solicitor that to forge documents in a local authority file is a serious breach of the trust that was reposed in you....."

The Tribunal's Findings

6. The Tribunal found the allegation to have been substantiated. It is a serious matter for a solicitor to have committed and be found guilty of a criminal offence involving dishonesty. Such behaviour on the part of a solicitor will not be tolerated as it serves seriously to undermine the good reputation of the solicitors' profession. The Tribunal Ordered that the Respondent might not be restored to the Roll of Solicitors without an Order of the Tribunal to that effect and further Ordered that she do pay the costs of

and incidental to the application and enquiry fixed in the sum sought by the Applicant.

DATED this 28th day of February 2007
on behalf of the Tribunal

P Kempster
Chairman