

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12617-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

HEATHER ROBERTS

Respondent

Before:

Mrs L Boyce (Chair)

Mr C Cowx

Dr S Bown

Date of Hearing: 29-30 April 2025

Appearances

Matthew Edwards, barrister in the employ of Capsticks, 1 St George's Road, Wimbledon, London SW19 4DR for the Applicant.

Christopher Hamlet, barrister of 23 Essex Street Chambers, 1 Gray's Inn Square, Holborn, London, WC1R 5AA, for the Respondent, who was present.

JUDGMENT

Allegations

1. The allegation against the Respondent, Heather Roberts, made by the SRA was that, while in practice as a Solicitor at Irwin Mitchell LLP (“the Firm”):
 - 1.1 On 29 December 2021, she caused or allowed the five email chains identified in Schedule 1 to be deleted from the Firm’s case management system in respect of Client A’s matter, when she knew or ought to have known that by doing so she was concealing her involvement in issues that were relevant to the Firm’s handling of Client A’s complaint. In doing so, she breached Principles 2, 4 and/or 5 of the SRA Principles (“the Principles”) and/or Paragraphs 1.4 and/or 3.5(a) of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code for Solicitors”).

PROVED

Executive Summary

2. The allegations centred on the Respondent’s alleged deletion of email chains from the Firm’s case management system relating to a client complaint and the handling arising from the drafting of the client’s Particulars of Claim (PoC). The Applicant alleged that the Respondent improperly deleted the email correspondence. Specifically, it was said she had removed these emails to conceal her involvement in the issues raised in the complaint. This action, according to the Applicant breached several principles and codes of conduct, including those related to honesty, integrity, and supervision of junior staff.
3. The Respondent accepted making the deletions but denied the alleged breaches of the Principles and Codes of Conduct, citing health issues and disputing the underlying relevance of the emails.
4. The Tribunal found the allegation proved in full, including dishonesty and all Principle breaches and the breach of the code. The Tribunal found on the balance of probabilities, that the Respondent had knowingly deleted the e-mails. In applying the test in *Ivey* (set out below) the Tribunal found the Respondent to have been dishonest. The Tribunal considered the character evidence and information regarding her circumstances at the time of the events but reached the view that this material was not sufficient to satisfy it that she did not knowingly delete the emails and that she had not been dishonest.

Sanction

5. The Respondent was suspended from practice for 12 months.

Documents

6. The Tribunal considered all the documents in the case which were contained in the electronic bundle.

Preliminary Matters

Potential Conflict

7. Solicitor member, Mr Cowx, declared he had a tangential connection with the Firm. A family member was deciding whether to instruct it on a personal matter. To assist the family member, Mr Cowx had had contact with a member of the Firm on their behalf. This was the limit of his involvement and Mr Cowx had had no other or deeper professional or social connection to the Firm or with those involved in the case.
8. Mr Cowx declared a second interest. Just prior to coming into court Mr Cowx learned that the Respondent was represented by Mr Hamlet of counsel. Both had served in the Army Legal Service. They had been in the same department for about 12 months though there had been limited contact and Mr Cowx had left in 2004. In the intervening 21 years Mr Cowx had had no professional contact with Mr Hamlet and no social meetings, save for a hearing in the Medical Practitioners' Tribunal, in similar circumstances to the present matter i.e. Mr Hamlet was presenting a case in which Mr Cowx was the Legally Qualified Chair of the Panel. On that occasion the matter had been resolved by each declaring the previous connection and the hearing proceeded without the need for Mr Cowx to recuse himself.
9. Mr Hamlet confirmed the earlier connection. His client had no objection to Mr Cowx remaining with the case.
10. Having taken instructions, Mr Edwards indicated that the Applicant similarly had no objections.

Private Hearing

11. Mr Hamlet indicated that, given the nature of some of the evidence, he would be making an application for the Tribunal to sit in private.
12. The Chair stated that the starting point was open justice. The Panel would not decide immediately on the question of sitting in private but review the position when the circumstances required it. The parties were reminded that the Panel had read all the material and could be directed by the advocates to specific documents or parts thereof for it to read. This would avoid such material being referred to in public and have the benefit of maintaining an open hearing. It later ruled against hearing the matter in private, for the reasons set out above.

Factual Background

13. The Respondent, a solicitor was admitted to the Roll on 17 September 2007. She commenced employment with the Firm on 23 July 2018, as an Associate Solicitor in the Wills, Trusts and Estate Disputes team. She was promoted to Senior Associate Solicitor on 1 February 2020. Her employment ceased on 28 February 2022, by mutual agreement with the Firm.

Findings of Fact and Law

14. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under Section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent's right to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
15. The Tribunal had due regard to the following and applied the various tests in its fact-finding exercise:

Dishonesty

The test set out at paragraph 74 of [Ivey v Genting Casinos \(UK\) Ltd t/a Crockfords \[2017\] UKSC 67](#).

Integrity

The matters set at paragraphs 97 to 107 of [Wingate v SRA \[2018\] EWCA Civ 366](#).

NOTE: While all the evidence was carefully considered the Tribunal does not refer to each and every piece of the evidence or submissions in its judgment and findings.

16. **Allegation 1.1 - On 29 December 2021, she caused or allowed the five email chains identified in Schedule 1 to be deleted from the Firm's case management system in respect of Client A's matter, when she knew or ought to have known that by doing so she was concealing her involvement in issues that were relevant to the Firm's handling of Client A's complaint. In doing so, she breached Principles 2, 4 and/or 5 of the SRA Principles ("the Principles") and/or Paragraphs 1.4 and/or 3.5(a) of the SRA Code of Conduct for Solicitors, RELs and RFLs ("the Code for Solicitors").**

The Applicant's Case

Rule 12

- 16.1 The Applicant's investigation was initiated following a report from Irwin Mitchell LLP on 7 February 2022 regarding the Respondent's conduct. A more detailed report was provided on 29 April 2022, stemming from the Firm's investigation into another employee, Ms Williams who had been supervised by the Respondent and who assisted her on the matter. The complaint concerned the advice given, particularly in relation to the Particulars of Claim "PoC."
- 16.2 The core allegation was that on 29 December 2021, the Respondent caused or allowed the five email chains to be deleted from the Firm's case management system in respect of Client A's matter. These deleted email chains were between the Respondent and her colleague Ms Williams and revealed her involvement in relation to the PoC. The Firm discovered the deleted emails during a separate investigation into Ms Williams by reviewing her email inbox. The emails were found in her inbox but were absent from

the client file. The Recycle Bin on the client file showed they were deleted by The Respondent on 29 December 2021.

- 16.3 There were several email exchanges between the Respondent and Ms Williams between October and December 2020, which showed Ms Roberts' involvement in the amendment of the PoC:
- **October 5, 2020:** Discussion about adding a plea of undue influence to the PoC. Ms Williams asked if Counsel should do it, and the Respondent replied, "*We can add in. Just repeat the advice and cost consequences when sending for signing.*" Ms Williams then asked for a precedent, to which The Respondent replied, "*I have (sic) issued on one in a long time – maybe check the old precedent bank?*"
 - **October 7, 2020:** Ms Williams sent the Respondent the amended PoCs for review, and the Respondent replied, "*I am happy with that.*"
 - **October 8, 2020:** Further discussion regarding the inclusion of case law in the undue influence pleading in the PoCs. The Respondent advised, "*You wouldn't normally put caselaw in POCs unless it is a breach of a specific established principle like the golden rule etc – caselaw is for the skeleton argument for trial, not for POCs.*" The Respondent also "*Slightly amended*" a letter to the client drafted by Ms Williams, which stated Counsel would do a "*final check*" of the PoC.
- 16.4 Client A's complaint raised concerns that the PoC had been substantially amended without Counsel's approval. On 22 December 2021, a Partner, Ms Cornford, asked The Respondent for a full chronology together with a complete run of correspondence demonstrating the history of the PoCs and each revised draft of the PoCs labelled with a version number and date. On 5 January 2022, The Respondent provided a response that did not refer to the emails or her involvement in the PoC. Her draft letter to the client, while including a chronology, did not include any reference to her involvement in supervising Ms Williams in relation to amending the PoC between 5 October and 8 October 2021.
- 16.5 Notably, the Respondent had not deleted an email from 7 October 2020 where she stated, "*we can confirm that we will ask Sarah to review the changes etc*" and the Applicant argued this selective deletion made it look as though her only advice was that Counsel would check the PoC, which reflected her in a positive light, considering the nature of the client's complaint.
- 16.6 The Applicant alleged that the Respondents were breaches of the following:
- 16.7 Principle 4 (Dishonesty): The Applicant applied the test from *Ivey* stating that the Respondent's deletion of the emails, knowing her involvement in the PoC was in issue, was dishonest by the standards of ordinary decent people.
- 16.8 Principle 5 (Integrity): By deleting relevant emails revealing her involvement when she knew the PoC drafting was the subject of a complaint, The Respondent failed to act with integrity (see *Wingate* cited above).

- 16.9 Principle 2 (Public Trust): The Applicant argued that deleting relevant correspondence to hide involvement and mislead undermines public trust in the solicitors' profession as the public would expect a solicitor to respond to a complaint in an honest and straightforward manner and not to delete relevant correspondence.
- 16.10 Paragraph 1.4 of the Code for Solicitors (Misleading): The Applicant contended that by deleting the emails, the Respondent attempted to mislead both the client and the Firm into believing that Ms Williams was entirely to blame for the alleged inadequate PoC, which was not the case.
- 16.11 Paragraph 3.5(a) of the Code for Solicitors (Supervisory Accountability): The deletion of emails that evidenced her advice and review of Ms Williams' amendments to the PoC meant the Respondent failed to remain accountable for her supervision of Ms Williams.

The Respondent's Case

- 16.12 The Respondent gave evidence. She maintained the account she had provided to the Applicant at the investigation stage, namely that she did not dispute deleting the emails but stated she could not recall doing so due to being in a "haze" because of worsening health due to demanding working conditions at the Firm, she said she had been approaching burnout. Other matters had arisen on Ms William's files, and this was 'the last straw.' She was signed off work with stress in January 2022. She also contended that the emails were not relevant to the issues in the complaint and would have had no impact on it.
- 16.13 She accepted as a matter of fact that she had caused or allowed the emails in question to be deleted, since this had been established from a search of the electronic case history. The complaint arose from dissatisfaction with a settlement agreement regarding a will validity dispute and specifically concerning the review of an amended PoC. She had been asked to prepare a chronology and the run of correspondence related to the POC.
- 16.14 The deletion of five email chains between the Respondent and Ms Williams occurred on 29 December 2021 while organising the file. The Respondent believed that the deleted emails did not suggest that she had been aware that the amended PoC had not been sent to Counsel and the deletion had not prevented her from providing a full and accurate chronology. She did not believe the deleted emails were relevant to the client's complaint, as the complaint focused on whether counsel had approved the amendments, not who drafted them initially.
- 16.15 The Respondent said she was aware at the time that any emails deleted from the system were recoverable and left a record. She had had personal experience of recovering other emails on other matters that had been deleted, whether intentionally or in error. She denied being dishonest and denied specifically deleting the emails she knew, or ought to have known, were concealing her involvement in issues relevant to the Firm's handling of Client A's complaint. She did not recall deleting them nor the reason why she deleted them.
- 16.16 The Respondent also submitted that she had not lacked integrity, and did not mislead or attempt to mislead the Firm or Client A, nor undermine public trust in the profession

as alleged. She said she had she trusted Ms Williams to send the amendments to counsel, as reflected in the letter to the client and her non-deleted email. However, she confirmed that she had not ensured that Ms Williams had done so. The Respondent denied attempts to mislead her colleagues or conceal her role by casting Ms Williams as appearing to be wholly culpable.

- 16.17 The Respondent explained that she had had unblemished career and was of exemplary character and she presented the Tribunal with a number of character references and material showing that she was held in high professional regard. She had received positive feedback received from clients and was ranked highly in legal directories.
- 16.18 The Respondent's set out her career history and the move to the Firm where she was quickly promoted to Senior Associate and took over running a new team, consistently receiving positive feedback and high performer rankings. The Respondent took on extra-curricular responsibilities, including being part of the Regulatory and Compliance team and creating the precedent bank, in pursuit of Partnership. She said that she had been expected to meet her billing target and her high chargeable hours target (6.3 hours a day) and was expected to ensure that her team met their targets.
- 16.19 There had been additional pressures upon the Respondent due to the Covid pandemic and personal challenges related to her daughter starting school. Further, the Respondent described the onset and worsening of her mental health from late 2020 and said that she developed a depressive illness in late 2020 which got progressively worse over the subsequent couple of years, which impacted on her work performance in late 2021. The Respondent said that she had felt unable to discuss her struggles, initially, due to her perception that colleagues and superiors were equally busy.
- 16.20 Despite raising workload concerns with a Partner, the Respondent's workload was not reduced. She recounted that she started to suffer from chest pains. She was not sleeping well as work was playing on my mind, and she was often tearful in the office. The discovery of issues with a colleague's (Ms Williams) files and being tasked with reviewing them added significantly to the Respondent's burden.
- 16.21 The Respondent sought medical help in January 2022 and was diagnosed with anxiety and prescribed medication. The Respondent produced a letter from a Consultant Psychiatrist which she submitted corroborated the development of a depressive illness impacting upon her work performance and her judgment at the time of the alleged events. The Respondent said that there had been significant improvement in her mental health since seeking help, undertaking therapy, and moving to a new firm where there was a supportive culture and better work-life balance. The prognosis for recovery was good and no risk of repetition.

The Tribunal's Findings

- 16.22 The Tribunal reviewed all the evidence before it and considered the submissions made by counsel for the Respondent and the Applicant. The Tribunal applied the civil standard of proof, as it was required to do. The burden of proof lay entirely with the Applicant.

- 16.23 There was no dispute that the Respondent had deleted the emails, and the Tribunal was satisfied that this basic fact had been proved to the requisite standard.
- 16.24 The crux of the case rested upon the Respondent's her motivation and intention in carrying out the deletions i.e. her state of mind at the time of the deletion, specifically, whether she knew she was concealing information which could be relevant to the complaint and if her actions were dishonest and/or lacked integrity.
- 16.25 The Applicant alleged the Respondent's actions were designed to hide her involvement in the handling of the amendments to the PoC, to deflect blame away from her on to a junior whom she was responsible for supervising, and to cast herself in a better light.
- 16.26 The Tribunal considered the most serious part of the allegation, dishonesty, first in accordance with the test set out in *Ivey*. The first part of the test was for the Tribunal to determine the Respondent's actual state of knowledge or belief as to the facts.
- 16.27 The Respondent had said that at the relevant time she had been on the point of burn out, she had been feeling overworked and very stressed. She had been called upon to deal with problems found on some of Ms Williams' other cases and this one, Client A's complaint, was the last straw. The Respondent said she had not formed any intention; she had acted in a 'haze' and could not otherwise explain why she had deleted the emails. To support this account the Respondent presented the Tribunal with medical information as to her health at the time and a plenitude of character references attesting to her professional and personal qualities. Fundamentally, it was asserted that she had acted out of character, and she had not been dishonest.
- 16.28 The email deletions were easily found in the recycle bin on the client file, not in a hidden or in an inaccessible location. This indicated that it had not been a sophisticated attempt at thorough concealment.
- 16.29 The Tribunal noted that prior to the deletion the Respondent had been called upon by Ms Cornford, a partner at the Firm, to provide her with a *full* (emphasis added) chronology and with a *complete* (emphasis added) run of correspondence. The emails would have assisted in presenting a full picture of the events. By deciding not to include reference to the emails in the chronology and actively deleting the e-mails the Respondent had clearly exercised some evaluative judgment in her own mind. She later said that while she had acted in a 'haze' at the time, the deleted e-mails did not amount to critical information and were not relevant. Whilst it had not been for the Respondent to make this assessment as she had been asked for all the correspondence her contention on this point was undermined by the fact that within this tranche of emails one stood out as having not been deleted, namely the Respondent's email of 7 October 2021 to Ms Williams which stated, "*we can confirm that we will ask Sarah to review the changes etc.*" For this e-mail not to have been deleted the Respondent would have had to have exercised conscious thought to differentiate its relevance from the purported irrelevance of the other, deleted e-mails, which had been sent in the chain. The one difference between this e-mail and the ones which the Respondent had deleted was that it was favourable to the Respondent; the deleted ones had not shown her in such a positive light.

- 16.30 Before reaching any definitive conclusion on the point, the Tribunal considered the medical information to which it had been taken, along with the character references.
- 16.31 As for the medical evidence this had not been adduced by the Respondent in a way compliant with the Tribunal's rules and its evidential status was questionable. Nevertheless, it had included useful and relevant explanatory information to which the Tribunal attached some weight though it was noted that there was no information within this material which demonstrated that the Respondent's condition would have been of a degree where she would have not been able to exercise control over her actions.
- 16.32 The character references had been glowing and when added to the Respondent's hitherto unblemished record went to her credibility and her propensity not to act dishonestly.
- 16.33 However, when weighing up the above factors the Tribunal found on the balance of probabilities that the Respondent had exercised conscious thought/intent when carrying out a selective deletion of the e-mails. The fact that the Respondent did not delete an email which appeared to reflect positively on her actions, was indicative of a deliberate and dishonest attempt on her part to shape the narrative. Her subsequent inability to provide an explanation was secondary and a consequence of her actions, which even she may not have comprehended after the event.
- 16.34 Objectively, by the standards of ordinary decent people, the Tribunal found that the Respondent would be considered to have acted dishonestly.
- 16.35 It followed therefore that having found the Respondent dishonest her conduct would necessarily have been lacking in integrity and a failure to behave in a way which maintains the public trust and confidence in solicitors and in finding a breach of Principle 2 and 6 of the 2011 Principles. By deleting relevant emails revealing her involvement, when she knew the PoC drafting was the subject of a complaint, the Respondent lacked integrity. By deleting relevant correspondence to hide her involvement and mislead Ms Cornford and Client A would undermine public trust in the solicitors' profession as the public would expect a solicitor to respond to a complaint in an honest and straightforward manner and not to delete relevant correspondence.
- 16.36 Further, the Tribunal found to the same standard that the deletion of emails that evidenced her advice and review of Ms Williams' amendments to the PoC meant the Respondent failed to remain accountable for her supervision of Ms Williams and was a breach of Paragraph 3.5(a) of the Code for Solicitors (Supervisory Accountability)
- 16.37 The Tribunal found Allegation 1.1 proved in full on the balance of probabilities, including breaches of Principle 2 and 4 and 5 of the Principles 2019, and Paragraph 3.5 (a) of the Code.

Previous Disciplinary Matters

17. There were no previous findings.

Mitigation

18. Mr Hamlet referred the Tribunal to an additional character reference from Sarah Lawrenson of counsel who drafted the PoC. He also referred to additional material comprising two short course certificates, for webinars attended by the Respondent on 10 April 2025; one, “Acting with integrity” and the other on “SRA Code of Conduct”. Both webinars were relevant to SRA competencies A (ethics, professionalism, and judgment) and D (managing yourself and your own work). The courses demonstrated the Respondent’s insight into the seriousness of the allegation and steps taken by her to improve professional and personal skills and minimised and reduced the risk of repetition.
19. That said, Mr Hamlet acknowledged that a finding of dishonesty and lack of integrity was very serious and likely to attract the sanction of strike off absent exceptional circumstances as set out in the case of [Sharma](#) , referred to in the latest edition of the Tribunal’s Guidance Note on Sanctions. A finding of exceptional circumstances required a careful assessment of the particular facts rather than categorising every instance of dishonesty as automatically leading to a strike off. The need to protect the public and the reputation of the legal profession was important, however, Mr Hamlet argued that public protection was not the primary issue in this case, and he submitted that neither public protection nor reputation protection in this instance justified striking off.
20. He urged the Tribunal to consider a lesser sanction, such as suspension as there were significant mitigative features. These included the fact that this had been an isolated incident taking place nearly 5 years ago within the context of an unblemished career and impeccable character, a point supported by the character evidence. There had been no financial gain and no actual harm done to the client, as there was no objective evidence it had prejudiced the client’s complaint or her original litigation matter. It was also noted that adverse health had played a significant, if not a decisive role and she had been under great work pressure. The risk of repetition was minimal. Strike off, in such circumstances would be disproportionate.
21. It was suggested that a member of the public, if they had full knowledge of the case, would likely consider suspension adequate, appropriate, and proportionate.

Sanction

22. The Tribunal applied the Guidance Note on Sanction (11th Edition) (“the Sanctions Guidance”) and the proper approach to sanctions as set out in [Fuglers and others v SRA](#) [2014] EWHC 179. In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.

Stage one: seriousness of the misconduct (culpability and harm).

23. The Tribunal found that the Respondent had been dishonest albeit it was an isolated event which was likely to have been spontaneous with an element of basic planning in terms of forming the idea of deleting the emails to hide her involvement. She was directly responsible for her actions. She was an experienced solicitor, but she had been motivated to deflect any negative criticism away from herself and camouflage her

involvement. Her culpability was assessed as high though there was no loss to any party nor any gain to the Respondent.

24. In terms of harm, her actions would have had a significant impact on the trust the public place in the profession, but the well informed observer knowing all of the facts and circumstances would recognise that the likely reputational harm, whilst significant, was not at the highest level. There was no direct harm to any client in this case. Overall, the harm was categorised as moderate to medium.
25. The Respondent advanced mitigation regarding an unblemished career, and numerous character references which the Tribunal accepted demonstrated that she was held in high regard by professional colleagues and clients. She had been struggling with the volume of work, and she may have been unwell at the relevant time. However, her level of insight was equivocal given that when asked by the Lay member whether she would have done things differently her answer seemed to suggest that she would have done so merely to avoid appearing before the Tribunal.

Stage two: the purpose of sanctions

26. The Tribunal had regard to the observation of Sir Thomas Bingham MR (as he then was) in Bolton v Law Society [1994] 1 WLR 512 that the fundamental purpose of sanctions against solicitors was:

“to maintain the reputation of the solicitors’ profession as one in which every member, of whatever standing, may be trusted to the ends of the earth.”

Stage three: the most appropriate sanction

27. Mr Hamlet conceded that the starting point in this matter, with proven findings of dishonesty would be ‘strike off’ absent any finding of exceptional circumstances. In considering whether exceptional circumstances existed in this case it had recourse to the decision in Sharma and SRA -v James [2018] EWHC 2058 (Admin) and at para 100 of the judgment it stated:

“the most significant factor carrying most weight and which must be the primary focus of the evaluation is the nature and extent of the dishonesty.”

28. The extent of the dishonesty in the instant case was limited in duration and the Tribunal was prepared to accept it had been a ‘moment of madness’ on the Respondent’s part at a time when she had been moving into a zone of ill health, a factor which may not have been immediately apparent to her. She acted wholly out of character. There had been no sophisticated attempt at cover up and the fact of the deletions had been easily uncovered. The Respondent did not gain from her actions nor did she cause loss to the client or the firm. She accepted from the start that she had deleted the e-mails although she denied doing so knowingly or having any recollection of doing so.
29. The Tribunal found that the Respondent’s conduct fell within *the small residual category* where striking off would be a disproportionate sanction. That said, the matter was still a very serious one and for which her culpability was high

30. The Respondent's actions were a significant departure from the "*complete, integrity and probity*" expected of a solicitor and corresponding harm had been caused to the reputation of the provision of legal services. The misconduct, aggravated by dishonesty, was of such seriousness that a reprimand, a restriction order or a fine would each be an insufficient sanction and that in all the circumstances of the case, it would be proportionate and in the public interest for the Respondent to be suspended from practice for a period of 12 months.
31. The Tribunal noted that while it had found the Respondent dishonest on this one occasion this did not mean that the Respondent was a dishonest person. The character evidence pointed completely to the reverse and in all other respects she was a highly regarded solicitor. It was hoped that the Respondent would be able to pick up her career once the period of suspension ended.
32. The Tribunal urged people in similar circumstances to ensure that they sought appropriate help before matters spiralled out of their control.

Costs

33. Mr Edwards submitted that as a matter of principle the Applicant was entitled to its proper costs. The Applicant had succeeded on its case in relation to Allegation 1.1 which included dishonesty. The Applicant had pursued its case in a reasonable and proportionate way and followed all directions.
34. The quantum of costs claimed by the Applicant was set out in its itemised statement of costs dated 17 April 2025 in the total sum of £27,631.20. Mr Edwards submitted that this was a reasonable and proportionate sum given a case of this nature, though the Applicant was prepared concede a reduction in its costs to £24,948.70 as there had been an element of duplication in some of the work covered as an inevitable result of personnel changes during the preparatory phase of the case..
35. Mr Hamlet raised an additional observation regarding costs incurred after the withdrawal of one of the two original allegations in February 2024 and he questioned whether all work reflected in the schedule post-February 2024 related *solely* to the single remaining allegation or whether it included time spent on the withdrawn allegation, noting the significant volume of evidence related to the withdrawn allegation and recent work to redact references to it. He stated that it is unclear from the schedule to what extent work was conducted on matters that should not have been dealt with after the withdrawal decision.
36. Mr Hamlet highlighted the Respondent's full cooperation with proceedings and agreement to all the Applicant's evidence to minimise cost and expense, resulting in the Applicant not needing to call live evidence. Mr Hamlet invited the Tribunal to take this cooperation into account when considering her ability to pay the overall figure and/or her obligation to pay the overall figure.

Tribunal's Decision on Costs

37. The Tribunal noted that under Rule 43 (1) of The Solicitors (Disciplinary Proceedings) Rules 2019 it has the power to make such order as to costs as it thinks fit, including the

payment by any party of costs or a contribution towards costs of such amount (if any) as the Tribunal may consider reasonable. Such costs are those arising from or ancillary to proceedings before the Tribunal.

38. By Rule 43(4), the Tribunal must first decide *whether* to make an order for costs and when deciding whether to make an order, against which party, and for what amount, the Tribunal must consider all relevant matters such as:
 - The parties' conduct.
 - Were directions/ deadlines complied with?
 - Was the time spent proportionate and reasonable?
 - Are the rates and disbursements proportionate and reasonable?
 - The paying party's means.
39. The Tribunal found the case had been properly brought by the Applicant and that the parties had complied with the directions and deadlines set. The Respondent had engaged appropriately. The Tribunal also noted the following factors:
 - The substantive hearing had taken one and half days and not two full days.
 - This had not been a case of legal complexity, and the matters had been straightforward.
 - The Applicant had not been required to call live evidence.
 - The rates at which the Applicant claimed its costs appeared proportionate and reasonable.
 - The Respondent had provided evidence of her means.
40. As usual in dealing with costs applications the Tribunal adopted a 'broad brush' approach to the costs and looked at matters in the round. The Tribunal found that the costs claimed by the Applicant were reasonable and the reduction it had made was a pragmatic and sensible concession on its part. The Respondent was not impecunious, though her income would likely be affected by the outcome of today's hearing for at least the next year.
41. Taking all matters into account, it was right for the Respondent to pay the reduced costs claimed by the Respondent and there was no reason for any further reduction.

Statement of Full Order

42. The Tribunal ORDERED that the Respondent, HEATHER ROBERTS solicitor, be SUSPENDED from practice as a solicitor for the period of 12 months to commence on the 30th day of April 2025 and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £24,948.70.

Dated this 19th day of May 2025
On behalf of the Tribunal

L. Boyce

L. Boyce
Chair