

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF VERONICA MARGARET HYLAND (Respondent) Solicitor

Upon the application of Jayne Willetts
On behalf of the Solicitors Regulation Authority (SRA)

Mr R Nicholas (in the chair)
Mrs E Stanley
Mrs L Barnett

Date of Hearing: 30th March 2010

FIINDINGS AND DECISION

Appearances

Ms Jayne Willetts, Solicitor Advocate & Partner in the firm of Townshends LLP, Cornwall House, 31 Lionel Street, Birmingham, B3 1AP, the Applicant, on behalf of the Solicitors' Regulation Authority (SRA).

The Respondent did not appear and was not represented.

The application to the Tribunal on behalf of the SRA was made on 16th November 2009 and a Supplementary Statement was made on 12th January 2010.

Allegations

The allegations against the Respondent were that:-

1. In forging a client's signature on an Enduring Power of Attorney and in producing other false documentation, the Respondent had acted in a fraudulent and deceitful manner and contrary to her position as a solicitor in breach of Practice Rule 1(a), 1(c) and 1(d) of the Solicitors Practice Rules 1990 and Rule 1.02, 1.04 and 1.06 of the Solicitors' Code of Conduct 2007. (This was an allegation of dishonesty.)
2. The Respondent had behaved in such a way as was likely to diminish the trust that the public placed in her or in the profession in that she had been convicted at Stafford Crown Court on 4th December 2009 of theft, fraud and using a false instrument in breach of Rule 1.06 of the Solicitors' Code of Conduct 2007.

Preliminary Matter

The Applicant invited the Tribunal to deal with the matter in the absence of the Respondent. She referred the Tribunal to the Respondent's letter of 17th March 2010 and to her telephone conversation with the Respondent on 3rd December 2009. The Respondent admitted all the allegations and serving a custodial sentence, wished the matter to be dealt with in her absence.

The Tribunal was satisfied that the Respondent had been properly served with all the papers and that the matter could proceed in her absence.

Factual Background

1. The Respondent, born in 1959, was admitted in 2003. Although on the Roll as at the date of the hearing, she did not hold a current practising certificate.
2. The Respondent had been employed as an assistant solicitor at Dunham Brindley & Linn (DBL) Solicitors. She had practised as a Senior Probate Lawyer at their Codsall office, near Wolverhampton, from December 2004 until she had been dismissed on 21st August 2008.
3. An Interim Forensic Investigation Report dated 2nd April 2009 (the FI Report) had been prepared following a complaint to the SRA by the firm about the conduct of the Respondent. (The FI Report was before the Tribunal.)
4. The Respondent had acted on behalf of Mr & Mrs C in 2006 in connection with the sale of their house. On 19th June 2006 the Respondent had attended, at the Codsall office, on Mr & Mrs C, during a 24 minute meeting, when Mrs C had executed an Enduring Power of Attorney (EPA) appointing her husband, Mr C as her attorney. An attendance note had been placed on the file.
5. On the file was a further attendance note, dated 19th June 2006, recording a meeting between the Respondent and Mr & Mrs C at their home in Glamorgan. The note stated that Mr & Mrs C had agreed to the preparation of a second EPA appointing Mr C and the Respondent to act jointly but only to be used if Mr C were to become unable to act. The second EPA was to have been retained by Mr & Mrs C. The attendance note further recorded that the second EPA had been signed by Mrs C appointing Mr C and the Respondent to act jointly as attorneys. The note also stated that Mrs C's signature had been witnessed by the Respondent and Mrs B.
6. Also on the file was a letter from the Respondent to Mrs C dated 28th June 2006, referring to a meeting at her home address in Glamorgan and referring to the execution of the second EPA appointing Mr C and the Respondent to act as attorneys. The letter further recorded that the second EPA would be retained by Mrs C.
7. On 19th April 2008, the Respondent attended on Mr C at hospital in Cardiff. Mrs B had also been present. The Respondent's attendance note recorded that she had discussed with Mr C registering the second EPA so that the joint and several attorney could continue to act after his death. Mr C had signed a Notice of Intention to apply for

registration of the second EPA. That document had also been signed by the Respondent. Mr C had also signed an Application for registration of the second EPA. That document had also been signed by the Respondent.

8. The Respondent had applied to the Office of the Public Guardian (OPG) to register the second EPA. The OPG had acknowledged receipt of the application by letter dated 23rd April 2008 to the Respondent's home address. On 28th May 2008 the OPG had written again to the Respondent's home address confirming that the second EPA had been registered.
9. Mr C had died on 21st May 2008. As a result of his death the Respondent had held sole Power of Attorney over Mrs C's property and affairs.
10. On 28th & 29th May 2008 the Respondent had attended at the home of Mr & Mrs C and had brought back to the office boxes of papers relating to the estate of Mr C. The Respondent had instructed her secretary to shred some of the documents. However, her secretary had been concerned and had not shredded the documents but had subsequently, on 5th August 2008, given them to one of the partners of DBL.
11. Amongst the documents, intended for shredding, had been the original letter, dated 28th June 2006, sent to Mrs C. That letter made no reference to the second EPA and on it had been a handwritten note "Phoned acknowledgement 29/6/06", presumably written by Mr or by Mrs C.
12. DBL had subsequently contacted the purported witness to the second EPA, Mrs B, who confirmed that she had witnessed a document at the hospital in 2008. However, she denied that she had had any dealings with Mr & Mrs C in regard to witnessing a document in 2006.
13. DBL had arranged for the documents to be examined by a Forensic Practitioner who had reported that in his expert opinion Mrs C had not signed the second EPA.
14. The Respondent provided a response dated 11th August 2009 to the FI Report.
15. On 4th December 2009, at Stafford Crown Court, the Respondent had been convicted of four counts of theft, eleven counts of fraud by abuse of position and one count of using a false instrument. (The Certificate of Conviction, dated 8th December 2009, was before the Tribunal.) The Respondent had been sentenced to 28 months imprisonment and also ordered to pay £38,500 in compensation to Mrs C within six months.
16. The count of using a false instrument had related to the Enduring Power of Attorney that had been forged by the Respondent and used by her to obtain monies belonging to her client Mrs C. Some of the counts of theft had related to a sum of over £90,000 from Mrs C.
17. The Respondent had also been convicted of theft from her employers DB&L and of fraud, in that she had substituted her details as payee on cheques payable to her employers.

18. The proceedings in the Crown Court had attracted considerable adverse publicity both locally and nationally.

Documentary Evidence before the Tribunal

19. The Tribunal reviewed the Rule 5 Statement and the Supplementary Statement together with the accompanying bundles and the Respondent's letter to the Applicant of 17th March 2010.

Findings as to fact and law

20. Having considered all the evidence, including the Notice of Conviction, the Tribunal found the two allegations both proved and admitted.
21. The Tribunal was satisfied that the purported meeting of 19th June 2006 at the home of Mr & Mrs C had not taken place and that the attendance note of that purported meeting had been prepared by the Respondent as a false record for the file. It was also satisfied that the letter of 28th June 2006 had been prepared by the Respondent as a false record for the file and was not the letter sent to Mr and Mrs C. The Tribunal found that the actual letter sent to Mr & Mrs C, after the meeting in the Codsall office on 19th June 2006, had been among the documents provided by the Respondent for shredding.
22. Moreover, the Tribunal was satisfied that the Respondent's conduct had been dishonest by the standards of reasonable and honest people and that she herself had realised that by those standards her conduct was dishonest.

Costs Application

23. The Applicant requested fixed costs in the sum of £9,571.87.

Sanction and Reasons

24. The two allegations had been proved and admitted. The Respondent had stolen both from her clients, by way of an EPA, and from her employer. The Tribunal was extremely concerned by the very serious breaches of trust committed by a solicitor. The Respondent had perpetrated pre-meditated fraud on a vulnerable and incapacitated client. The Tribunal considered it to have been an outrageous exploitation and that by her actions the Respondent had seriously undermined the confidence of the public in the Profession.
25. The Tribunal concluded that both to protect the interests of the public and to safeguard the reputation of the Profession, the Respondent would be struck off the Roll of Solicitors.

Decision as to Costs

26. The Tribunal was of the view that the SRA's costs should be awarded in full and it so ordered.

The Order of the Tribunal

27. The Tribunal Ordered that the Respondent, Veronica Margaret Hyland of 126, Priory Road, Stone, Staffordshire, ST15 8NN, be STRUCK OFF the Roll of Solicitors and it further Ordered that she do pay the costs of and incidental to the application fixed in the sum of £9,571.87.

Dated this 19th day of May 2010
On behalf of the Tribunal

R Nicholas
Chairman