

IN THE MATTER OF GABRIEL EZEH GABMAN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mrs K. Todner (in the chair)
Mr. A. Gaynor-Smith
Mr. S. Marquez

Date of Hearing: 8th October 2009

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Solicitors Regulation Authority (SRA) by Ian Newton Jones, a solicitor employed by The Law Society at the Solicitors Regulation Authority at 8 Dormer Place, Leamington Spa, Warwickshire CV32 5AE on 29th May 2009 that Gabriel Ezech Gabman might be required to answer the allegation contained in the statement that accompanied the application and that such Order might be made as the Tribunal should think right.

The allegation against the Respondent, Gabriel Ezech Gabman, was that he had acted in breach of Rules 1.01, 1.02 and 1.06 of the Solicitors Code of Conduct 2007 by virtue of his conviction and imprisonment.

The application was heard at The Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when Ian Newton Jones appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal

The evidence before the Tribunal included two certificates of conviction, the sentencing remarks of Judge Macrae and a letter dated 2nd October 2009 to the Tribunal from the Respondent.

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

The Tribunal Orders that the respondent, Gabriel Ezech Gabman, solicitor, be Struck off the Roll of Solicitors and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,106.62

Application for an adjournment

1. Before the hearing of the substantive application, the Tribunal considered an application for an adjournment made by the Respondent in his letter of 2nd October 2009. In that letter the Respondent sought an adjournment firstly because he maintained his innocence and said that he intended to appeal and secondly because he was unwell and in custody.
2. The Applicant opposed the application for an adjournment on the basis that the Respondent had been convicted on 21st November 2008 and had not provided any evidence that he had taken any steps to institute an appeal. Further that he had provided no evidence of his medical condition.
3. The Tribunal refused the application for an adjournment noting that it had been made just before the hearing date and that the Respondent had been served with the application on 16th June 2009. There was no evidence of any steps to appeal, no medical evidence or evidence of any attempt to obtain permission to attend the proceedings.

The facts are set out in paragraphs 4 - 6 hereunder:

4. The Respondent, born in 1960, was admitted as a solicitor in 2004, his name remains on the Roll of Solicitors.
5. At the material times the Respondent had practised under the style of Gabman Solicitors, 383 High Street North, Manor Park, London E12 6PG.
6. At the Crown Court at Croydon on 21st November 2008 the Respondent had been convicted of two counts of assisting unlawful immigration into EU member states and one count of possession of false identity documents with intent. He had been sentenced to a total of four years imprisonment (concurrent on all counts).

The submissions of the Applicant

7. The Applicant explained that although the usual Civil Evidence Act Notices had been served on the Respondent he had not corresponded with the SRA or with the Tribunal apart from returning the acknowledgement of service and applying for an

adjournment. The Applicant referred to the sentencing comments of the Judge at the Crown Court when he had said inter alia:-

“You are a dishonest crook, swindler and cheat. You were a solicitor. You are a disgrace to that profession. People came to you looking for assistance, legitimate assistance and it is quite clear that you knew exactly what you were doing. You paid scant regard to the laws of the land in relation to immigration.....you preyed upon vulnerable people.”

The decision of the Tribunal

8. The Tribunal found the allegation proved. It noted that the Applicant's costs were £1,106.62. Although the Tribunal had no evidence of the Respondent's assets, given his age, it was satisfied that it could be assumed that once released he would be capable of seeking alternative employment. Moreover, it noted the policy of the SRA to pursue costs only if such were recoverable and to negotiate payment by instalments if appropriate.

Dated this 18th day of December 2009
On behalf of the Tribunal

Mrs K Todner
(in the Chair)