

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 10927-2012

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY

Applicant

and

BHADRESH BABULAL GOHIL

Respondent

---

Before:

Mr D. Green (in the chair)

Mr J. C. Chesterton

Mrs L. Barnett

Date of Hearing: 8th October 2012

---

**Appearances**

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

The Respondent was not present or represented.

---

**JUDGMENT**

---

## **Allegations**

1. The allegations against the Respondent were that, by virtue of his conviction for the various offences described in paragraphs 2 and 3 below:
  - 1.1 He acted without integrity in breach of Rule 1.02 of the Solicitors' Code of Conduct 2007 ("the Code"); and
  - 1.2 He behaved in a way that was likely to diminish the trust the public placed in him or the legal profession in breach of Rule 1.06 of the Code.
2. In the Crown Court at Croydon on 22 November 2010 the Respondent was tried and convicted upon indictment of:-
  - 2.1 Three counts of entering into or being concerned in an arrangement which he knew, or suspected, facilitated the acquisition, retention, use or control of criminal property by another;
  - 2.2 One count of concealing criminal property; and
  - 2.3 One count of making a disclosure likely to prejudice a money laundering investigation and was sentenced to three years imprisonment.
3. In the Crown Court at Croydon on 6 December 2010 the Respondent was, upon his own confession, convicted upon indictment of:-
  - 3.1 One count of conspiracy to defraud;
  - 3.2 One count of conspiracy to make false instruments;
  - 3.3 Two further counts of entering into or being concerned in an arrangement which he knew, or suspected, facilitated the acquisition, retention, use or control of criminal property by another; and
  - 3.4 Four further counts of concealing criminal property and was sentenced to a further seven years imprisonment.

## **Documents**

4. The Tribunal reviewed all of the documents submitted by the parties, which included:

Applicant:

- Application dated 9 February 2012
- Rule 5 Statement with exhibit dated 9 February 2012
- Schedule of costs dated 1 October 2012

### **Preliminary Matter (1) – Proceeding in the absence of the Respondent**

5. The Tribunal noted that the Respondent was not present. The Tribunal was told that the Respondent is a serving prisoner and had not indicated an intention to arrange to be produced at the hearing.
6. There had been a case management hearing in this matter on 30 May 2012, at which the Tribunal had considered an application made on behalf of the Respondent that the proceedings should be adjourned whilst the Respondent considered appealing against his conviction(s). That application had been refused. The notice of hearing was sent on 18 June 2012. In August 2012 an application to adjourn this substantive hearing had been made by Mr Schwartz of Bindmans solicitors, who acted for the Respondent in connection with a proposed appeal against the conviction(s). The Tribunal reviewed a Memorandum of a hearing which had taken place on 6 September in which the application had been considered and refused. Mr Schwartz was not representing the Respondent in these proceedings, but had been advising him and was prepared to act as an additional conduit for information and documents. Mr Bullock was in contact with him, and also sent correspondence to the Respondent in prison; he had recently been moved from HMP Wandsworth. The costs schedule, which referred to this hearing date, had been posted to the Respondent and to Mr Schwartz, who was aware of today's hearing date and had undertaken to pass the schedule on to the Respondent. The Tribunal was invited to proceed in the absence of the Respondent, who had had proper notice of the proceedings and the hearing.
7. The Tribunal determined that it was appropriate to proceed with the hearing in the absence of the Respondent. He had been served with the proceedings and notice of the hearing date. He had not asked for an adjournment since his first application had been refused, nor had he expressed any intention to attend. In all of the circumstances, it was appropriate to hear the case.

### **Preliminary Matter (2) – Burden and standard of proof/independence of the Tribunal**

8. For the avoidance of any doubt, the Tribunal stated that the burden of proving the case rested with the Applicant and the standard of proof which would be applied was the highest i.e. the criminal standard. Further, it was clearly stated that the Tribunal is independent of the SRA.

### **Factual Background**

9. The Respondent was born in 1964 and was admitted to the Roll of Solicitors in 1992. His name remained on the Roll at the date of hearing.
10. On 22 November 2010 the Respondent had been convicted of a number of offences, as set out at paragraph 2 above following a trial and had been sentenced to three years imprisonment. The Certificate of Conviction relied on by the Applicant was dated 20 September 2011.
11. On 6 December 2010 the Respondent had been convicted on his own confession of a further eight offences, as set out at paragraph 3 above and had been sentenced to

seven years imprisonment. The Certificate of Conviction relied on by the Applicant was dated 20 September 2011.

12. The offences had occurred in or about 2006, and involved money laundering of \$37 million from Nigeria, arising from the unlawful dealings of James Ibori, a former governor of Delta State in Nigeria. The offences to which the Respondent had pleaded guilty and those of which he had been convicted after trial were offences of dishonesty.

### **Witnesses**

13. None.

### **Findings of Fact and Law**

14. **Allegation 1.1: He acted without integrity in breach of Rule 1.02 of the Solicitors' Code of Conduct 2007 ("the Code"); and**

**Allegation 1.2: He behaved in a way that was likely to diminish the trust the public placed in him or the legal profession in breach of Rule 1.06 of the Code.**

- 14.1 The Respondent had not indicated whether or not he admitted the allegations, so they were considered as if he had made no admission.
- 14.2 The allegations were based solely on the Respondent's convictions in 2010, set out in more detail at paragraphs 2 and 3 above. It was noted the Respondent had indicated an intention to appeal against his convictions. On enquiry as to the status of the appeal, Mr Bullock had told the Tribunal that he understood from Mr Schwartz of Bindmans that the present position was that the papers were with counsel with a view to preparing a Notice of Appeal. The Tribunal had, of course, already refused two applications to adjourn this matter pending the appeal. Those decisions were undoubtedly correct. This was not a case where the hearing of an appeal was imminent; indeed, no appeal had yet been lodged. The Tribunal noted that several of the convictions followed the Respondent's plea.
- 14.3 The position was, therefore, that a solicitor had against him a number of valid convictions for offences of dishonesty. The Judge's sentencing remarks and the sentences imposed reinforced the view that these were serious offences. In the light of the convictions, it was clear that the Respondent had failed to act with integrity and had behaved in a way which would diminish the reputation of the Respondent and the profession in the eyes of the public. Accordingly, the allegations had been proved to the highest standard.

### **Previous Disciplinary Matters**

15. There were no previous disciplinary matters in which findings had been made against the Respondent.

## **Mitigation**

16. No mitigation was advanced on behalf of the Respondent.

## **Sanction**

17. The Tribunal noted that the Respondent had been convicted of a number of serious offences involving money laundering. The trial judge's sentencing remarks, and the severity of the sentence imposed, left no doubt that the convictions were for offences of dishonesty. Even if not all of the offences necessarily involved dishonesty, they were in any event so serious that the lack of integrity they displayed would be sufficient to justify the imposition of the most serious sanction this Tribunal could impose.
18. Should the Respondent be successful in appealing against his convictions, he would be able to seek restoration to the Roll. However, the convictions existed and were such that the only proper and proportionate sanction was that the Respondent should be struck off the Roll of Solicitors. There was nothing exceptional in this matter to suggest that any lesser sanction might be appropriate.

## **Costs**

19. The Applicant sought an order for costs in the total sum of £3,963.37. It was noted that these costs were higher than in most similar cases, based on criminal convictions alone. However, the Respondent had caused there to be two preliminary hearings to consider applications to postpone these proceedings. His position had been that these proceedings should be put off until the appeal and/or the hearing of a confiscation order matter had been taken place. It was confirmed that copies of the costs schedule had been sent to the Respondent at a prison address and care of Mr Schwartz on 1 October 2012. No response had been received.
20. The Tribunal considered carefully the application for costs. It was satisfied that the rate charged and time spent was reasonable. The explanation about why the costs were higher than in many similar cases was reasonable. There had been two preliminary hearings, where the Respondent had not achieved any postponement of the case. The costs as claimed were reasonable in amount and should be allowed in full. The Tribunal noted that it had been given no information about the Respondent's means. It would expect such information to be provided if a Respondent sought to persuade the Tribunal that his/her means should be taken into account. The Tribunal noted that the Respondent is a serving prisoner. It was further aware that there are confiscation proceedings in train. The Respondent had not made any application to the effect that his means should be considered and he had provided no information about his assets and liabilities. Accordingly, there was no reason to reduce the costs payable, nor any reason to prevent enforcement without the further permission of the Tribunal. The Tribunal would expect the SRA to contact the Respondent to arrange payment in a suitable way. Costs of £3,963.37 would be ordered.

**Statement of Full Order**

21. The Tribunal Ordered that the Respondent, Bhadresh Babulal Gohil, solicitor, be Struck Off the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,963.37.

Dated this 25<sup>th</sup> day of October 2012

On behalf of the Tribunal

D. Green  
Chairman