

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11192-2013

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

PETER CHAHAL

Respondent

Before:

Mr I. R. Woolfe (in the chair)

Mr K. W. Duncan

Mr P. Wyatt

Date of Hearing: 3 February 2014

Appearances

David Barton, Solicitor Advocate of Flagstones, High Halden Road, Biddenden, Ashford, Kent, TN27 8JG for the Applicant

The Respondent did not appear and was not represented.

JUDGMENT

Allegations

1. The allegations against the Respondent were that:
 - 1.1 On 7 September 2012 the Respondent signed Section B of Land Registry ID1 describing the capacity in which he did so as that of a Solicitor of the Supreme Court and Partner whereas he was suspended from practice as a solicitor by order of the Solicitors Disciplinary Tribunal dated 19 April 2012 and he thereby breached both, alternatively either of Principles 2 and 6 of the SRA Principles 2011.
 - 1.2 On 1 June 2012 the Respondent attended Sandwell Magistrates Court and represented Mr MSB at a taxi licence appeal pre trial review hearing whereas he was suspended from practice as a solicitor by order of the Solicitors Disciplinary Tribunal dated 19 April 2012 and he thereby breached both, alternatively either of Principles 2 and 6 of the SRA Principles 2011.
 - 1.3 In March 2012 the Respondent acted for Mr OA and wrote on his behalf to E-ON Energy Solutions whereas he was suspended from practice as a solicitor by order of the Solicitors Disciplinary Tribunal dated 19 April 2012 and he thereby breached both, alternatively either of Principles 2 and 6 of the SRA Principles 2011.
 - 1.4 On 23 May 2013 the Respondent appeared before Judge Blandy, a Judge of the First-tier Tribunal Immigration and Asylum Chamber as a sole practitioner when conditions on his Practising Certificate prohibited him from doing so and he thereby breached both, alternatively either of Principles 2 and 6 of the SRA Principles 2011.

Documents

2. The Tribunal reviewed all the documents submitted by the Applicant and the Respondent which included:

Applicant:

- Application dated 29 October 2013 together with attached Rule 5 Statement and all exhibits
- Witness Statement of Michael Baker dated 28 January 2014
- Emails dated 23 and 27 January 2014 between David Barton and the Respondent
- Letter dated 6 December 2013 from David Barton to the Respondent
- Statement of Costs dated 22 January 2014

Respondent:

- Letter from HM Revenue and Customs to Mrs SK dated 13 January 2014
- Email from the Respondent to the Tribunal dated 28 January 2014
- Certificate of Readiness completed by the Respondent dated 22 January 2014

Application to Proceed in the Respondent's Absence

3. Mr Barton, on behalf of the Applicant, referred the Tribunal to an email dated 23 January 2014 which he had received from the Respondent. In that email, the Respondent had referred to the date of the substantive hearing as 14 February 2014. He had stated he received correspondence by recorded delivery some time ago relating to this hearing. The Respondent stated he did not know "what and why you are making an application to the Tribunal". He stated he could not pay costs. He had provided some financial information. In his email of 23 January 2014 the Respondent had also requested the hearing on 14 February 2014 be conducted by telephone conference and had indicated he would send a witness statement by 31 January 2014. Mr Barton was unable to say why the Respondent had referred to the date of the substantive hearing as 14 February 2014 as this had not been referred to in any correspondence. The Respondent had not filed the witness statement indicated.
4. Mr Barton had written back to the Respondent on 27 January 2014 clarifying that the substantive hearing was on 3 February 2014 and not 14 February 2014 as stated by the Respondent. On 31 January 2014 the Tribunal had informed the Respondent that his request for the substantive hearing to be conducted by telephone conference had been refused by the Chairman. Nothing further had been heard from the Respondent.
5. The Tribunal had served the proceedings by recorded delivery on the Respondent on 4 November 2013. These documents included Notice of the substantive hearing on 3 February 2014. Mr Barton reminded the Tribunal that the Respondent had completed and returned a Certificate of Readiness to the Tribunal. This indicated he had received the Tribunal's letter of 4 November 2013 as Mr Barton had not sent him a Certificate of Readiness at any stage. The Respondent must have therefore received the Tribunal's letter of 4 November 2013, despite his claim in his email of 23 January 2014 that he did not know why an application was being made to the Tribunal or what it related to.
6. Mr Barton had also served proceedings on the Respondent at the same address. This address was the same as the address given in the Respondent's letter to the SRA dated 8 July 2013. Although the Respondent claimed not to have received the documents served by Mr Barton, they were never returned. On 6 December 2013 a Civil Evidence Act Notice was served at the same address and that was not returned either.
7. By the time Mr Barton received the Respondent's email dated 23 January 2014, he had already instructed a process server to personally serve a further copy of all the documents on the Respondent again. This was done on 25 January 2014 and the Tribunal was referred to a witness statement from Mr Michael Baker dated 20 January 2014 to confirm this.

The Tribunal's Decision

8. The Tribunal considered the submissions of the Applicant and the various documents provided carefully. The Tribunal office had served details of the proceedings and Notice of today's substantive hearing on the Respondent by recorded delivery on 4 November 2013. The letter attached a Certificate of Readiness which the Respondent had been required to complete and return to the Tribunal by 3 January

2014. That letter from the Tribunal had been accepted by a signature on 7 November 2014. Furthermore, the Respondent had completed a Certificate of Readiness dated 22 January 2014 which the Tribunal office had received on 28 January 2014. This Certificate had not been sent to the Respondent by any party other than the Tribunal.

9. The Tribunal also noted that an additional copy of the proceedings and the date of the substantive hearing had been personally served on the Respondent on 25 January 2014 by Mr Barton. In addition to this, Mr Barton had clarified the correct date of the substantive hearing in an email to the Respondent dated 27 January 2014. The Tribunal was satisfied that the Respondent had received the Tribunal's letter of 4 November 2013 and had been properly served with notice of the proceedings.
10. The Tribunal was further satisfied that the Respondent had chosen to voluntarily absent himself from the hearing. He had been notified by the Tribunal in an email dated 31 January 2014 that the substantive hearing would not be conducted by telephone conference due to the seriousness of the allegations. The correct hearing date had been highlighted in that email. The Respondent had been informed that he could send any representations or mitigation by email to be considered in his absence. He had not responded to that email or provided any other information. He had not provided a witness statement despite stating in his email of 23 January 2014 to Mr Barton that he would. The Tribunal noted that the bundle of documents provided by the Applicant contained various letters from the Respondent with his responses to the matters raised. These would all be considered by the Tribunal before making findings of fact.
11. The Tribunal was of the view that even if the substantive hearing were to be adjourned today, it was unlikely the Respondent would attend a future hearing and nor would it be in the public interest to delay the matter any further given the serious nature of the allegations. Accordingly the Tribunal was satisfied it was appropriate to proceed in the Respondent's absence.

Factual Background

12. The Respondent, born in 1968, was admitted as a solicitor on 1 November 2001.
13. On 19 April 2012, the Solicitors Disciplinary Tribunal ("the Tribunal") made an Order in Case Number 10821/2011 suspending the Respondent from practice as a solicitor for a period of 6 months commencing on that date, and further ordered that upon the expiry of the said fixed term of suspension he was subject to the following conditions imposed by the Tribunal:

“1(a) The Respondent may not practise as a sole practitioner, manager, partner of a Recognised Body or member of a Limited Liability Partnership or Legal Disciplinary Practice or Alternative Business Structure;

(b) For the avoidance of doubt the Respondent may only work as a solicitor in employment approved by the Solicitors Regulation Authority”

14. At the time the Order was made, the Respondent was a partner with Zak Solicitors. As a result of the Order, the Respondent was suspended until 16 October 2012. On 6 February 2013 the Respondent was granted a practising certificate for the year 2012/2013 subject to the said conditions.

Allegation 1.1

15. On 7 September 2012, the Respondent signed Land Registry Form ID1 on which he ticked the relevant box indicating his status as “solicitor”. He also used a stamp which stated “ZAK SOLICITORS Peter Chahal Solicitor of the Supreme Court PARTNER” and which gave the address and contact details of Zak Solicitors. At the time this form was signed, the Respondent was suspended as a result of the Order of the Solicitors Disciplinary Tribunal.
16. On 8 February 2013, LV, a solicitor and senior partner at Zak Solicitors made a statement in which she stated that on 19 April 2012 the Respondent informed her he had been suspended by the Solicitors Disciplinary Tribunal that day. LV told the Respondent that he could no longer work for the firm. He resigned and signed a letter to that effect. However, following that resignation, the firm had received a fax and a phone call from the Land Registry in October 2012 about a Land Registry document which the Respondent had signed on 7 September 2012 and which contained the stamp for Zak Solicitors. LV confirmed the document contained the Respondent’s signature and that the stamp was consistent with the office stamp used by the Respondent during his time with the practice. She also stated the stamp had not been seen since the Respondent left the firm and it was believed he had taken it with him.

Allegation 1.2

17. On 13 August 2012 Zak Solicitors wrote to the Applicant to report that they had reason to suspect the Respondent was still holding himself out to be a practising solicitor and working for Zak Solicitors even though he had been suspended and had resigned from the firm on 19 April 2012. The firm had received a letter dated 19 July 2012 from Sandwell Metropolitan Borough Council attaching various documents. These related to a hearing concerning Mr MSB scheduled for 3 August 2012. The letter from Zak Solicitors stated this case could not be located on their systems and that when they contacted Mr MSB to ascertain when he had instructed the firm, Mr MSB was evasive and reluctant to give any information about his case. Zak Solicitors contacted Sandwell Metropolitan Borough Council and were informed the Respondent had attended a pre-trial review hearing on 1 June 2012.
18. On 18 October 2012 Mr DE from Sandwell Metropolitan Borough Council wrote to the Applicant stating the Respondent had attended Sandwell Magistrates Court on 1 June 2012 and said he was representing Mr MSB in proceedings relating to a taxi licence appeal. The Respondent had informed Mr DE that “he had not done a taxi appeal before” and he requested a copy of the Council’s guidelines. He had given Mr DE a handwritten note, which gave the address for Zak Solicitors, as the address to which the guidelines were to be sent.

Allegation 1.3

19. On 18 July 2012 the Applicant received a report from Mr OA in which Mr OA stated the Respondent had refused to complete his case or refund his money. Mr OA stated the Respondent had told him that he had a case and could sue his electricity supplier. Mr OA stated “we went ahead” and that he had given the Respondent £210 which had not been refunded to him. Mr OA had believed the Respondent was pursuing his case. Mr OA also made a number of other allegations in the report. Mr OA provided receipts which he alleged were evidence of payments he had made to the Respondent on 27 April 2012 in the sum of £20, on 21 May 2012 in the sum of £100 and on 24 May 2012 in the sum of £25. These payments were made after the Respondent was suspended by the Tribunal.
20. On 27 March 2012 the Respondent wrote to E-ON Energy Solutions Ltd on behalf of Mr OA and continued to represent him thereafter. On 11 May 2012, after he had been suspended by the Tribunal, the Respondent wrote to E-ON Energy Solutions Ltd and stated the following:
- “Please note that I am writing this letter on behalf of Mr [OA]. I was the solicitor dealing with this matter at ZAK Solicitors, however I no longer work there. Please address all future correspondence directly to Mr [OA].....
- We intend to issue legal proceedings in 14 days....”

Allegation 1.4

21. On 24 May 2013 David Taylor, a Designated Immigration Judge of the First Tier Tribunal Immigration and Asylum Chamber Hatton Cross, wrote to the Applicant to report that the Respondent had appeared before Tribunal Judge Blandy on 23 May 2013 in connection with a bail application on behalf of Mr NA.
22. The letter attached a report from Judge Blandy dated 23 May 2013. In the report Judge Blandy stated the Respondent had appeared before him that day. The Respondent had arrived at 3pm for a hearing listed at 2pm. When Judge Blandy asked the Respondent the name of his firm, the Respondent had said he practised as a sole practitioner and had given his home address as the address of his firm. His home address was also given on the bail application form. Judge Blandy stated that he told the Respondent he was surprised to hear this as, whilst he had been waiting for the Respondent to arrive, he had read the judgment of the Solicitors Disciplinary Tribunal dated 22 May 2012 from which Judge Blandy observed the Respondent had been suspended from practice for a period of 6 months from 19 April 2012 and that at the end of that period, the Respondent was not permitted to practise as a sole practitioner. Judge Blandy stated the Respondent said he was only acting in a private capacity as a family member. Judge Blandy informed the Respondent he would refer the matter to the relevant authority.

Witnesses

23. No witnesses gave evidence.

Findings of Fact and Law

24. The Tribunal had carefully considered all the documents provided and the submissions of the Applicant. The Applicant was required to prove the allegations beyond reasonable doubt. The Tribunal had due regard to the Respondent's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 25. Allegation 1.1: On 7 September 2012 the Respondent signed Section B of Land Registry ID1 describing the capacity in which he did so as that of a Solicitor of the Supreme Court and Partner whereas he was suspended from practice as a solicitor by order of the Solicitors Disciplinary Tribunal dated 19 April 2012 and he thereby breached both, alternatively either of Principles 2 and 6 of the SRA Principles 2011.**
- 25.1 The Tribunal had been provided with a copy of Form ID1 which the Respondent had signed on 7 September 2012. The form was also endorsed with a stamp bearing the details of Zak Solicitors and the Respondent's own name. The Respondent had been suspended by the Tribunal on 19 April 2012 for a period of 6 months and therefore would not have been entitled to practise as a solicitor until after 16 October 2012. This form had been signed within that 6 month suspension period.
- 25.2 In an email to the Applicant dated 15 November 2012 the Respondent stated the following:
- “i [sic] signed the land register form as a witness not as a representative.”
- 25.3 It was clear to the Tribunal that, despite the Respondent's assertion that he had signed the form as a witness, his signature was beneath a heading which stated “Signature of solicitor, licensed conveyancer, notary public, barrister or Land Registry officer”. The Respondent had also ticked a box on the form denoting his status as “solicitor”. Furthermore, beneath the Respondent's signature was the Zak Solicitors stamp which contained the Respondent's own name and described him as a “Solicitor of the Supreme Court Partner”. The Respondent had admitted he had signed the form in his email of 15 November 2012.
- 25.4 The Tribunal was in no doubt at all that the Respondent had signed the Land Registry Form ID1 as a solicitor on 7 September 2012, at a time when he was suspended from practice. This was clear on the face of the document. The Respondent knew he could not practice as a solicitor at that time due to the Tribunal's Order of 12 April 2012. The Tribunal was satisfied that, in signing the form, the Respondent had acted with a lack of integrity and had behaved in a way that did not maintain the trust the public placed in him and in the provision of legal services. The Tribunal was satisfied that allegation 1.1 was proved.
- 26. Allegation 1.2: On 1 June 2012 the Respondent attended Sandwell Magistrates Court and represented Mr MSB at a taxi licence appeal pre trial review hearing whereas he was suspended from practice as a solicitor by order of the Solicitors**

Disciplinary Tribunal dated 19 April 2012 and he thereby breached both, alternatively either of Principles 2 and 6 of the SRA Principles 2011.

- 26.1 The Tribunal had been provided with the hand written note the Respondent had given to Mr DE on 1 June 2012 at Sandwell Magistrates Court. The note contained the name and address of Zak Solicitors. The Tribunal had been referred to an email from Mr DE to his colleagues dated 1 June 2012 in which Mr DE stated Mr MSB:

“.....is represented by Zak Solicitors, [address of Zak Solicitors] (Mr Chahal). Mr Chahal has not done a taxi appeal before!”

Mr DE was clearly of the view that the Respondent was working for Zak Solicitors, and indeed, had sent the guidelines to Zak Solicitors as requested by the Respondent.

- 26.2 The Tribunal was referred to a letter from Zak Solicitors to the Applicant dated 13 August 2012 confirming the firm could not locate details of this client, and that the Respondent had resigned from the firm on 19 April 2012.
- 26.3 The Tribunal was also referred to a letter dated 8 August 2012 from Sandwell Metropolitan Borough Council to Zak Solicitors which confirmed that the Respondent represented Mr MSB at the pre-trial review hearing for a taxi appeal.
- 26.4 The Respondent in his email to the Applicant dated 15 November 2012 stated the following in relation to this matter:

“i [sic] appeared at a pre trial review and confirmed zak solicitors on record.

the [sic] [MSB] attended my home and insisted that i help him at court i told him that i was no longer working at zak solicitors but they would represent him at court. i attended the first hearing has [sic] a friend to mr [MSB] and gave the details of zak soliccitors [sic].”

- 26.5 The Respondent had accepted in his email of 15 November 2012 that he had appeared at the first hearing, which was a pre-trial review on 1 June 2012. This was during the period of his suspension. The Tribunal was satisfied that by attending this hearing and providing a handwritten note giving the details of Zak Solicitors, the Respondent had allowed Mr DE and Sandwell Magistrates Court to believe he was a solicitor working for that firm. He had informed Mr DE he had never done a taxi appeal before and had asked for the Council’s guidelines to be sent to Zak Solicitors. This clearly implied those documents would come to his attention at that address.
- 26.6 The Tribunal was satisfied that the Respondent had therefore held himself out as a solicitor during the period of his suspension. The Respondent knew he was suspended from practice as a solicitor on 1 June 2012. By appearing at a pre-trial review hearing on that date, while he was suspended from practice, and by giving details of Zak Solicitors as his own contact details, the Respondent had shown a lack of integrity and had acted in a way that did not maintain the trust the public placed in him and in the provision of legal services. The Tribunal found allegation 1.2 proved.

27. Allegation 1.3: In March 2012 the Respondent acted for Mr OA and wrote on his behalf to E-ON Energy Solutions whereas he was suspended from practice as a solicitor by order of the Solicitors Disciplinary Tribunal dated 19 April 2012 and he thereby breached both, alternatively either of Principles 2 and 6 of the SRA Principles 2011.

27.1 The Applicant's case was that Mr OA had paid sums of money to the Respondent after the Respondent had been suspended from practice as a solicitor. Mr Barton submitted the Respondent had taken money from a client during his suspension period. Mr Barton also submitted that the letter dated 11 May 2012 written by the Respondent to E-ON Energy Solutions Ltd referred to MR OA as "Our client" and the tenor of the wording was as if he was writing from a solicitors' practice.

27.2 The Respondent in his email of 15 November 2012 to the Applicant stated Mr OA knew the Respondent was no longer a solicitor at Zak Solicitors, and had asked the Respondent to write a letter "as a friend not a solicitor". The Respondent also stated he had received "a donation" for the letter he had written, not a fee.

27.3 The Tribunal considered carefully the content of the letter dated 11 May 2012 written by the Respondent to E-ON Energy Solutions. The letter was not on headed notepaper. Although that letter referred to Mr OA as a "client" and made reference to issuing legal proceedings, the letter also clearly stated the Respondent:

"...was the solicitor dealing with this matter at ZAK Solicitors, however I no longer work there."

The letter also made a request for all future correspondence to be sent directly to the client. The letter did not contain any contact details for the Respondent himself.

27.4 The Tribunal was not satisfied that simply referring to Mr OA as "Our client" and making reference to issuing legal proceedings was sufficient evidence that the Respondent had held himself out to be a solicitor during his period of suspension. The Tribunal was also mindful that the payment of monies by Mr OA to the Respondent did not necessarily mean the Respondent had been paid for providing legal advice in his capacity as a solicitor. It was not unusual for a member of the public to pay funds to non-legal representatives. The Tribunal found allegation 1.3 was not proved to the requisite standard.

28. Allegation 1.4: On 23 May 2013 the Respondent appeared before Judge Blandy, a Judge of the First-tier Tribunal Immigration and Asylum Chamber as a sole practitioner when conditions on his Practising Certificate prohibited him from doing so and he thereby breached both, alternatively either of Principles 2 and 6 of the SRA Principles 2011.

28.1 This allegation related to the Respondent's appearance before Judge Blandy at the First Tier Tribunal Immigration and Asylum Chamber. The Tribunal had been referred to a statement from Judge Blandy dated 23 May 2013. This stated the Respondent arrived an hour late at the Tribunal in relation to a bail application concerning Mr NA which had been listed for 2pm. As a result of the Respondent's

delayed arrival, Mr NA's application was dealt with in the Respondent's absence at about 2.40pm.

- 28.2 The Respondent subsequently arrived at about 3pm and, Judge Blandy stated that, as a matter of courtesy, he returned to court in order to inform the Respondent what had happened. Judge Blandy had asked the Respondent the name of his firm. The Respondent had informed Judge Blandy that he practised as a sole practitioner and gave an address which was his home address. Judge Blandy stated in his statement dated 23 May 2013 that this was the same address given on the bail application. The Tribunal had not been provided with a copy of that bail application.
- 28.3 Judge Blandy informed the Respondent that he was surprised to hear the Respondent's reply in light of the fact that the Respondent was suspended from practice for 6 months from 19 April 2012 as a result of an order of the Solicitors Disciplinary Tribunal. The Respondent then informed Judge Blandy that he was only acting in a private capacity. Judge Blandy stated this was clearly not the case as the Respondent had held himself out to be Mr NA's "lawful authorised representative". The Respondent then stated he was acting purely privately as a family member.
- 28.4 In a letter to the Applicant dated 8 July 2013, the Respondent stated he had represented Mr NA through Tudor Law Chambers who had indemnified him to undertake representation. He stated he did not hold himself out to be a sole practitioner. He produced a copy of a professional indemnity insurance certificate in relation to Tudor Law Chambers which indicated their business activities were "Immigration consultant (OISC – Level 3)". This certificate covered the period from 29 May 2012 to 28 May 2013 and therefore included the date of the Respondent's appearance before Judge Blandy.
- 28.5 The hearing relating to Mr NA's bail application had already taken place prior to the Respondent's arrival at court and he did not therefore represent Mr NA at that actual hearing. However, the Tribunal was mindful that the Respondent had not informed Judge Blandy that he was acting as an Immigration Consultant under an insurance certificate from Tudor Law Chambers. There was an inconsistency between what he had said to Judge Blandy at the court and what he had said in his letter dated 8 July 2013 to the Applicant. The Tribunal was particularly concerned that a copy of the written bail application form relating to Mr NA had not been produced, despite Judge Blandy stating the Respondent had given his home address on that application. Without seeing that application form the Tribunal could not ascertain in what precise capacity the Respondent had stated on the form he had been representing Mr NA. Whilst Judge Blandy had stated the Respondent was referred to as "the appellant's representative" on the bail application it was not clear on what basis Judge Blandy had thought the Respondent was appearing as a solicitor. It was possible the Respondent had been representing Mr NA as an Immigration Consultant, not as a solicitor, or that there had been some misunderstanding between him and Judge Blandy. In the absence of the bail application form, the Tribunal concluded allegation 1.4 had not been proved to the requisite standard.

Previous Disciplinary Matters

26. The Respondent had appeared before the Tribunal on one previous occasion on 29 February and 19 April 2012.

Mitigation

27. There was little mitigation from the Respondent other than the information contained in his emails of 15 November 2012 and 23 January 2013 to the Applicant, his letter of 8 July 2013 to the Applicant and the documents from HM Revenue & Customs relating to financial matters.

Sanction

28. The Tribunal had considered carefully the Respondent's documents. The Tribunal referred to its Guidance Note on Sanctions when considering sanction.
29. The Tribunal noted that when the Respondent had previously appeared before the Tribunal a number of allegations had been proved including a failure to ensure there was a system in place for supervising client matters, failing to report to the SRA serious misconduct by an employee, failing to cooperate with the SRA, a number of breaches in relation to the Solicitors Accounts Rules 1998, a failure to produce documents to the SRA and a failure to comply with a written notice from the SRA. On that occasion the Tribunal had also found the Respondent had acted in a way that was likely to diminish the trust placed in him or the legal profession. The Respondent had been suspended from practice as a solicitor for 6 months commencing 19 April 2012.
30. It was clear to the Tribunal from the allegations proved on the previous appearance that the Respondent had, at that time, failed to cooperate with his Regulator. This conduct had continued. The Tribunal today had found two allegations proved which both related to the Respondent holding himself out as a solicitor during his period of suspension thereby showing a lack of integrity and behaving in a way which did not maintain the public's trust in him or in the provision of legal services. He had disregarded the previous Order made by the Tribunal. This was not acceptable behaviour. A failure to adhere to Orders made by the Tribunal, particularly those relating to a solicitor's ability to practice, was very serious misconduct. The Respondent had placed members of the public at risk in that he had led third parties to believe he was practising as a solicitor during a period when he was not entitled to do so.
31. The Tribunal took into account the case of Bolton v The Law Society [1994] CA and the comments of Sir Thomas Bingham MR who had stated:

“It is required of lawyers practising in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness... Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal... If a solicitor is not shown to have acted dishonestly, but is shown to

have fallen below the required standards of integrity, probity and trustworthiness, his lapse is less serious but it remains very serious indeed in a member of a profession whose reputation depends upon trust. A striking off order will not necessarily follow in such a case but it may well.”

32. The Tribunal had no doubt at all that the Respondent was not fit to be a member of the profession and indeed, could not be trusted to act in a manner expected from solicitors. He had not cooperated with his Regulator previously. As a result of being referred to the Tribunal, he had been suspended from practice for 6 months. He had then failed to comply with that Order of the Tribunal. In doing so he had shown a complete disregard for the Tribunal. He was a risk to the public and to the reputation of the profession. In all the circumstances, the Tribunal was satisfied that it was necessary for the protection of the public and the reputation of the profession that the Respondent should be struck off the Roll of Solicitors.

Costs

33. Mr Barton, on behalf of the Applicant, requested an Order for his costs in the total sum of £5,922.00. He provided the Tribunal with a breakdown of those costs, details of which had been served on the Respondent on 22 January 2014. Mr Barton accepted some reduction would need to be made to the costs as the substantive hearing had not lasted as long as expected. He estimated approximately 5 hours needed to be deducted from the Schedule. Mr Barton also confirmed that his travel costs should be apportioned as he had appeared before the Tribunal on other matters that day. However the costs of the process server in the sum of £144 needed to be added as they were incurred after the Schedule of Costs had been prepared.
34. The Tribunal considered carefully the question of costs and noted the Schedule was high in view of the amount of time spent on this matter. Taking into account Mr Barton’s submissions that a reduction of about 5 hours was required for today’s hearing, the Tribunal deducted £900 in this regard. The Tribunal also apportioned the travel/waiting time and train fare as Mr Barton had appeared on other matters that day. The process server fee had not been included on the Schedule and, as there was no evidence that the Respondent had been given prior notice of this, the Tribunal did not allow it. The Tribunal assessed the overall costs inclusive of VAT in the total sum of £4,500 which the Respondent was ordered to pay.
35. The Tribunal noted the Respondent had produced some documentation from HM Revenue & Customs dated 13 January 2014. Although the letter made reference to the Respondent, it was actually addressed to Mrs SK whose relationship to the Respondent was not known. Furthermore, the address given on the letter was not the Respondent’s own address.
36. The Standard Directions Order dated 4 November 2013, which accompanied the letter from the Tribunal to the Respondent dated 4 November 2013, made it clear that the Respondent was required to produce a Statement of Means by 3 January 2014 which included full details of assets/income/outgoings supported by documentary evidence if he wished his means to be taken into consideration by the Tribunal in relation to possible sanction and/or costs. Mr Barton had also confirmed that the process server had served documents on the Respondent on 25 January 2014 which included a copy

of the Standard Directions Order. Despite being given the opportunity to do so, the Respondent had failed to comply with that Order and had produced no evidence of his own assets/income/outgoings. Therefore it was difficult for the Tribunal to take a view of his financial circumstances.

37. The Tribunal was mindful of the cases of William Arthur Merrick v The Law Society [2007] EWHC 2997 (Admin) and Frank Emilian D'Souza v The Law Society [2009] EWHC 2193 (Admin) in relation to the Respondent's ability to pay the costs ordered. The limited documents provided by the Respondent were far from adequate. In this case, the Respondent was relatively young and it was possible he could gain some form of alternative employment. Indeed, the Respondent had provided evidence that he had worked as an Immigration Consultant with Tudor Law Chambers in or around May 2013. Accordingly, the Tribunal did not consider it necessary or appropriate to place any restriction on the enforcement of the costs order.

Statement of Full Order

38. The Tribunal Ordered that the Respondent, PETER CHAHAL, 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 £4,500.00.

DATED this 12th day of March 2014

On behalf of the Tribunal

I. R. Woolfe
Chairman