

# **SOLICITORS DISCIPLINARY TRIBUNAL**

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11866-2018

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY

Applicant

and

DILJIT BACHADA

Respondent

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**Before:**

Mr A. N. Spooner (in the chair)

Mr P. Jones

Mrs N. Chavda

Date of Hearing: 31 October 2018

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**Appearances**

There were no appearances. The matter was dealt with on the papers

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**JUDGMENT ON AN AGREED OUTCOME**

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### **Allegations**

1. The allegations contained in the Rule 5 Statement against the Respondent made by the Solicitors Regulation Authority (“SRA”) were that on 20 July 2017 she was convicted after trial of two counts of fraud by false representation and two counts of committing acts with intent to pervert the course of justice, and thereby failed to:
  - 1.1 uphold the rule of law and the proper administration of justice in breach of Principle 1 of the SRA Principles 2011 (“the Principles”); and/or
  - 1.2 act with integrity in breach of Principle 2 of the Principles; and /or
  - 1.3 behave in a way that maintains the trust the public places in her and in the provision of legal services in breach of Principle 6 of the Principles.

### **Documents**

2. The Tribunal had before it the following documents:-
  - Rule 5 Statement dated 7 September 2018
  - Respondent’s Answer dated 8 October 2018
  - Statement of Agreed Facts and Indicated Outcome dated 25 October 2018

### **Factual Background**

3. The Respondent was born in 1972 and was admitted to the Roll in December 2001. She remained on the Roll, but did not have a current practising certificate.
4. On 20 July 2017, the Respondent was convicted of the offences detailed in paragraph 1 above. On 23 August 2017 she was sentenced to a total of 4 years 6 months imprisonment.

### **Application for the matter to be resolved by way of Agreed Outcome**

5. The parties invited the Tribunal to deal with the Allegations against the Respondent in accordance with the Statement of Agreed Facts and Indicated Outcome annexed to this Judgment. The parties submitted that the outcome proposed was consistent with the Tribunal’s Guidance Note on Sanctions.

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

6. 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 her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
7. The Tribunal reviewed all the material before it and was satisfied beyond reasonable doubt that the Respondent’s admissions were properly made.

8. The Tribunal considered its Guidance Note on Sanction (December 2016). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. The Tribunal considered that given the nature of the matters of which the Respondent was convicted, the only appropriate sanction was to strike the Respondent off the Roll.
9. Having determined that the proposed sanction was appropriate and proportionate, the Tribunal granted the application for matters to be resolved by way of the Agreed Outcome.


#### **Costs**

10. The parties agreed that the Respondent should make a contribution to costs in the sum of £1,650.00. The Tribunal considered the costs application to be appropriate and proportionate, and ordered that the Respondent pay a contribution to the costs in the agreed amount.

#### **Statement of Full Order**

11. The Tribunal Ordered that the Respondent, DILJIT BACHADA, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,650.00.

Dated this 31<sup>st</sup> day of October 2018  
On behalf of the Tribunal

  
A. N. Spooner  
Chairman

Judgment filed  
with the Law Society  
on 01 NOV 2018

**IN THE MATTER OF THE SOLICITORS ACT 1974**

**SOLICITORS REGULATION AUTHORITY**

**Applicant**

**DILJIT BACHADA**

**Respondent**

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**STATEMENT OF AGREED FACTS AND INDICATED OUTCOME**

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1. By its application dated 7 September 2018, and the statement made pursuant to Rule 5(2) Solicitors (Disciplinary Proceedings) Rules 2007 which accompanied that application ("the statement"), the Solicitors Regulation Authority ("SRA") brought proceedings before the Solicitors Disciplinary Tribunal concerning the conduct of Diljit Bachada.

**The allegations**

2. The allegations made against Ms Bachada within the statement were that: on 20 July 2017 she was convicted after trial of two counts of fraud by false representation and two counts of committing acts with intent to pervert the course of justice, and thereby failed to:
  - 2.1 uphold the rule of law and the proper administration of justice in breach of Principle 1 of the SRA Principles 2011 ("the 2011 Principles");
  - 2.2 act with integrity in breach of Principle 2 of the 2011 Principles.
  - 2.3 behave in a way that maintains the trust the public places in her and the provision of legal services, in breach of Principle 6 of the 2011 Principles.

**Admissions**

3. Ms Bachada admits all the allegations made against her in the statement and as set out in paragraph 2 above.

**Agreed Facts**

4. The following facts and matters are agreed between the SRA and Ms Bachada:
  - 4.1 Ms Bachada was born January 1972 and was admitted to the Roll of Solicitors on 3 December 2001. At the date of this statement, Ms Bachada remains upon the Roll of Solicitors but does not hold a current practising certificate.

4.2 As at the date of this statement, Ms Bachada's address is ( )

4.3 On 20 July 2017 Ms Bachada was convicted after trial of two counts of fraud by false representation (dishonestly making false representations to make gain for self/another or cause loss to other/expose other to risk) and two counts of committing acts with intent to pervert the course of public justice.

4.4 On 23 August 2017 Ms Bachada was sentenced to a total of 4 years 6 months imprisonment.

4.5 The background to the convictions can be briefly summarised as:

- i. A dispute arose between Ms Bachada and an ex-employee, Mrs A.
- ii. Ms Bachada created false documents regarding Mrs A's employment, e.g. contracts, and made false representations in support of a civil claim against Mrs A.
- iii. False documentation was also presented to police, to attempt to assure them that the matters they were considering were a genuine civil dispute between herself and Mrs A.
- iv. The second count of intending to pervert the course of justice related to further false documentation being submitted to police after Ms Bachada had been charged with the initial offences.

4.6 The offences of fraud by false misrepresentation are offences involving dishonesty, and in this matter relate to Ms Bachada creating, presenting and seeking to rely on false documentation in a civil court and a criminal investigation.

4.7 As a solicitor, Ms Bachada is an officer of the Court but was also convicted of two counts of intending to pervert the course of public justice.

4.8 During his sentencing remarks, HHJ M Horton made various statements regarding Ms Bachada's actions. Several of these were set out at paragraph 9 of the statement, including that:

- i. *"Within days after hearing the police did not intend to proceed with any formal charge of harassment [but after being served with a harassment notice]...you used, and I mean that in a pejorative sense, your secretary, to draft completely new false contracts with amended additional clauses in them suggesting that you had a clawback for any claims clawed back by the LSC....These two contracts were then used, together with the Particulars of Claim, to commence the civil action...the subject of counts 2 and 3"*
- ii. *"you began to rewrite a complete employment file...these were not simply verbal lies, but the wholesale forgery and creation of a number of consecutive documents...to help you pursue your claim in a civil court, and to defend the criminal case...this whole file was served upon the police, hoping to persuade them to discontinue the case against you. Much like you had successfully done with the harassment charge."*
- iii. *"In relation to Counts 2 and 3, this was not simply a case where you sought falsely to claim £21,000...It was a devious, planned and lengthy attempt, initially to deceive both the civil and criminal courts of this country, not simply by lying or*

*perjury, but by the planned and sophisticated forgery and creation of documents, files, signatures...It is clear there was virtually no step not undertaken by you to seek to deceive the police and to pervert the course of criminal justice"*

- iv. *"You used all your ability to lie to the jury and I regret to conclude you are a deeply dishonest woman. The determined, relentless and planned way you created the contracts, combining them with supporting documents to support a completely fraudulent history by documents aimed to deceive the police, the criminal and civil courts, which used every ounce of your professional knowledge of the criminal process, to seek actively over four and a half years to pervert the course of justice, has been a deliberate, persistent attack on the very heart of the legal system by seeking to pervert justice, using all of your effort and ability to do so."*

4.9 Ms Bachada's conviction was publicised in various media outlets, with the reports noting her position as a solicitor.

### **Mitigation**

5. Ms Bachada has previously stated that she does not wish to make any representations. She has made early admissions in these proceedings and has stated she wishes to conclude the matter as soon as possible.
6. Ms Bachada acknowledges that she has been convicted of multiple offences of fraud (involving dishonesty) and intending to pervert the course of justice, and does not contend that there are any exceptional circumstances which would justify the Tribunal in making any order other than that her name should be struck off the Roll of Solicitors.

### **Proposed penalty**

7. Ms Bachada and the SRA agree that the seriousness of Ms Bachada's misconduct is such that the Tribunal should order that she be Struck off the Roll of Solicitors, with any lesser sanction being inappropriate.
8. With respect to costs, Ms Bachada agrees to pay the SRA's costs of the application fixed in the sum of £1,650.

### **Explanation as to why such an order would be in accordance with the Tribunal's sanctions guidance**

9. Having considered the Solicitors Disciplinary Tribunal's Guidance Note on Sanctions, Ms Bachada accepts that the level of culpability and harm from her misconduct are high.
10. Ms Bachada has been convicted of offences of fraud and intending to pervert the course of justice. In relation to culpability, her conviction arose from matters over which she had direct control and which took place over a period of time.
11. Prior to her conviction, harm was directly caused to Mrs A in relation to dealing with the dispute and claims of Ms Bachada, with significant wider harm to the reputation of the profession arising from Ms Bachada's conviction for serious offences of fraud and perverting the course of public justice.
12. The following aggravating factors apply to Ms Bachada's misconduct:

- i) it involves the commission of serious criminal offences, which led to a substantial custodial sentence;
- ii) the offences of fraud by false misrepresentation involve findings that she dishonestly made false representations
- iii) the breaches of the law took place over a period of time, with the sentencing Judge describing the actions as set out in paragraph 4.8 above.
- iv) it is misconduct that she knew or ought reasonably to have known was in material breach of obligations to uphold the proper administration of justice and protect the reputation of the legal profession.

13. Ms Bachada was convicted for serious offences, with two explicitly requiring a dishonesty finding under the same test and standard of proof as currently required before the Tribunal. Although the SRA's allegations are based on the fact of the conviction, with no additional allegation of dishonesty regarding the underlying conduct, Ms Bachada agrees that her circumstances do not fall into those that would exceptionally mean that striking off would be disproportionate (*as discussed in Sharma [2010] EWHC 2022 (Admin)*).

14. Accordingly, having regard to Ms Bachada's convictions and admissions to the misconduct charges, the SRA and Ms Bachada invite the Tribunal to make an Order that Daljit Bachada, ..... be Struck off the Roll of Solicitors and pay costs of the SRA's application fixed in the agreed sum of £1,650.

Dated this 25<sup>th</sup> day of October 2018

.....  
SONATHAN RICHARD LEGG  
SOLICITOR / LEGAL ADVISOR  
On behalf of the SRA

.....  
Ms Diljit Bachada