

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12133-2020

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

BABITA ATTRA

Respondent

Before:

Mr P Jones (in the chair)

Ms A E Banks

Dr P Iyer

Date of Hearing: 21 December 2020

Appearances

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

JUDGMENT ON AN AGREED OUTCOME

Allegations

1. The Allegation against the Respondent was that while in practice as a Solicitor at Carson Kaye Limited, which trades as Carson Kaye Solicitors (“the firm”);
 - 1.1 Between March 2016 to February 2017 she conspired to defraud; concealed, disguised, converted, transferred and removed criminal property; and made a false instrument with intent it be accepted as genuine. In doing so, she breached all, or alternatively, any of Principles 2 and 6 of the SRA Principles 2011.

Background

2. The Respondent was admitted to the Roll on 15 August 2013. The Respondent was practising at Carson Kaye Limited (trading as Carson Kaye Solicitors) from March 2016 to 28 February 2017 as a Consultant and was based in the Firm's office at 154-160 Fleet Street, London, EC4A 2DQ where she conducted criminal Legal Aid work. The Respondent last held a practising certificate for the practice year 2018 to 2019, which expired on 31 October 2019.
3. The Applicant relied on the Respondent's conviction at Inner London Crown Court for the offences of conspiring to defraud and conceal, disguise, convert, transfer, remove criminal property and making a false instrument with intent it be accepted as genuine on 22 January 2020 as evidence that the Respondent was guilty of that offence and relied upon the findings of fact upon which that conviction was based as proof of those facts.

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

4. The parties invited the Tribunal to deal with the Allegation against the Respondent in accordance with the Agreed Outcome annexed to this Judgment. In the Agreed Outcome the Respondent admitted the Allegation in full. The proposed sanction was that the Respondent be struck off the Roll. The parties submitted that the outcome proposed was consistent with the Tribunal's Guidance Note on Sanctions.

Findings of Fact and Law

5. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to the Respondent's rights to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
6. The Tribunal reviewed all the material before it and was satisfied that the Respondent's admissions were properly made. The Allegation was based on a criminal conviction for a serious offence of dishonesty at the Crown Court, which had resulted in the imposition of a suspended term of imprisonment.
7. The Tribunal considered the Guidance Note on Sanction (December 2019). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. The Tribunal considered that the matter was so serious that a strike-off was the most appropriate sanction. There were

no exceptional circumstances advanced by the parties or identified by the Tribunal. The Tribunal therefore approved the Agreed Outcome in the terms proposed.

Costs

8. The parties had agreed that the Respondent, who was of limited means, should pay £337.50 to the Applicant in respect of costs. The Tribunal was content to agree to this arrangement given that it followed a careful review of the Respondent's means.

Statement of Full Order

9. The Tribunal Ordered that the Respondent, BABITA ATTRA, 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 £337.50.

Dated this 15th day of January 2021

On behalf of the Tribunal



P Jones
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
15 JAN 2021

IN THE MATTER OF THE SOLICITORS ACT 1974

SOLICITORS REGULATION AUTHORITY

Applicant

BABITA ATTRA

Respondent

AGREED OUTCOME

- 1 By an Application dated 6 October 2020 and statement made pursuant to Rule 12(2) of the Solicitors Disciplinary Proceedings Rules 2019, which accompanied that Application (the "Rule 12 Statement"), the Solicitors Regulation Authority ("SRA") brought proceedings before the Solicitors Disciplinary Tribunal concerning the conduct of Miss Babita Attra ("the Respondent").

Allegations

- 2 The allegations against the Respondent made by the SRA are that while in practice as a Solicitor at Carson Kaye Limited, which trades as Carson Kaye Solicitors ("the firm"):-
 - 2.1 Between March 2016 to February 2017 she conspired to defraud; concealed, disguised, converted, transferred and removed criminal property; and made a false instrument with intent it be accepted as genuine. In doing so, she breached all, or alternatively, any of Principles 2 and 6 of the SRA Principles 2011.
- 3 The SRA relies on the Respondent's conviction on 22 January 2020 for the offence of conspire to defraud and conceal, disguise, convert, transfer, remove criminal property and make a false instrument with intent it be accepted as genuine as evidence that the Respondent was guilty of that offence and relies upon the findings of fact upon which that conviction was based as proof of those facts.

Admissions

- 4 The Respondent admits the rule breaches set out at paragraph 2.1 (allegation 1.1 of the Rule 12 Statement).
- 5 The SRA has considered the admissions made by the Respondent and in light of those admissions, whether the outcome proposed in this document is in the public interest, having regard to the seriousness of the matters alleged. The SRA is satisfied that the admissions and outcome proposed are in the public interest and that it is a proportionate and appropriate way of resolving this matter. It is agreed that the necessary and proportionate sanction to protect the public interest and reputation of the profession is for the Respondent to be Struck Off the Roll of Solicitors (" the Roll").

Agreed Facts

- 6 The Respondent was born 1978 and was admitted to the Roll on 15 August 2013. The Respondent last held a practising certificate for the practice year 2018 to 2019. The Respondent was employed as a consultant solicitor at the firm between 2016 to 28 February 2017 and was based in the firm's office in London where she conducted criminal Legal Aid work.
- 7 The conduct in this matter came to the attention of the SRA when a Director of the firm informed the SRA of what he described as "an act of fraud" committed by the Respondent in criminal Legal Aid work. In some criminal cases, where a defendant's English was not sufficient, witness statements and relevant parts of the case papers would be translated for the defendant, although not the entirety of the case papers. Before this could be done, it had to be authorised by the Legal Aid Agency ("LAA") and the solicitor's firm would submit a claim for prior authority to the LAA.
- 8 The Respondent was responsible for submitting prior authority claims to the LAA. However, the amount of words requested to be translated was significantly higher than the amount of words in the case, resulting in over claims and payments being made to the translation company.
- 9 The alleged conduct occurred between approximately March 2016 and February 2017.

Allegation 2.1 – Between March 2016 to February 2017 she conspired to defraud; concealed, disguised, converted, transferred and removed criminal property; and made a false instrument with intent it be accepted as genuine. In doing so she breached all, or alternatively, any of Principles 2 and 6 of the SRA Principles 2011

- 10 On 11 January 2016, the LAA granted the firm a contract to provide Legal Aid work after a tender process. A further tender process took place and the firm was successful with the new contract starting from 1 April 2017.
- 11 The Respondent introduced "AM" to the firm. AM was an accredited police station representative and he received referrals from the Romanian Community. AM acted as a police station representative for the firm on five occasions between May and June 2016. AM and the Respondent also had a personal relationship, which was initially unknown to the firm until around 16 December 2016.
- 12 The Respondent applied for prior authority from the LAA on four criminal files where she requested a total of £82,743.48 for translating English case papers into Romanian for clients. In a witness statement prepared for the criminal proceedings, a Director of the firm stated that in order to obtain authority from the LAA, two independent quotes would need to be uploaded to the online system and a form would also need to be completed explaining why extra authority was required.
- 13 Once the LAA granted the authority, the firm could apply for an interim payment and the LAA would send the granted amount.

- 14 The Respondent's files were periodically reviewed. In February 2017, the file of Client D was reviewed, and it was discovered that the Respondent had applied for and received prior authority for a translation of 450,778 words into Romanian. An invoice dated 21 December 2016 from "MT", a translation company, showed that the cost of translating the documents at £75 per thousand words totalled £33,808.35. MT was owned by AM.
- 15 On reviewing the file, it was noted that the document had a word count of 17,999 words and not 450,778.
- 16 Three other client files were reviewed where the Respondent had obtained prior authority quotes. The firm initially calculated that the following claims for translations had been made by the Respondent in respect of the following four clients¹:

Invoice date	Client	Words to be translated	Actual words translated	Amount claimed and paid	Actual cost to translation company	Difference
3 May 2016	A	79,582	13,646	£7,560.29	£1,023.45	£6,536.84
12 July 2016	B	178,585	12,794	£16,965.57	£959.55	£16,006.02
1 November 2016	C	325,457	26,384 ²	£24,409.27	£1,978.80	£22,430.47
21 December 2016	D	450,778	37,500 ³	£33,808.35	£2,520.00	£31,288.35
Totals		1,034,402	90,324	£82,743.48	£6,481.80	£76,261.68

- 17 A discrepancy was noted in all the quotes, in that the prior authority requested and granted was not commensurate with the work on the firm's systems.
- 18 Three examples of the translation claims are exemplified below:

Client A

- 19 On 7 April 2016, the Respondent sent an email to MT requesting a quotation for the translation of case papers from English into Romanian. The Respondent also asked MT to provide confirmation of the total number of words to be translated and the rate

¹ The firm calculated the over-claim on disbursements as £62,889.64 (£82,743.48 - £19,853.84)

² LAA confirmed that their figure for words translated was 91,259, which meant there was an over inflation of 234,198 words

³ LAA confirmed that their figure for words translated was 113,533 words, which meant that there was an over inflation of 337,245 words

charged for the service. The LAA "Crown Court Litigator fees" showed that £7,560.29 was paid.

Client B

- 20 On 4 July 2016, the Respondent sent an email to a translation company requesting a quotation for the translation of 178,585 words from English into Romanian. The company replied on the same date and asked the Respondent to send the text to them, as it was a high-volume request and they wanted to check the text for repetitions. The translation company also explained that they might be able provide a discount on that basis.
- 21 The Respondent asked the translation company to provide an estimate and their rate. The translation company provided a quote in the sum of £15,944.06 (including a volume discount and VAT). The translation company also explained that they suspected there would be room for a higher discount once they reviewed the documents. The Respondent also obtained quotations from a further translation company and MT. The application for prior authority form submitted to the LAA showed the translation company as MT.
- 22 The LAA "Crown Court Litigator Fees" showed that on 18 July 2016, a disbursement in the sum of £16,965.58 for translator fees was requested and paid.

Client D

- 23 On 16 November 2016, the Respondent requested a quotation for the translation of 450,778 words from English into Romanian from a translation company. The company provided a "rough quote" of £28,399.00. The Respondent forwarded the "rough" quote to AM. MT provided a quote of £33,808.35 on 12 December 2016. A third translation company also provided a quote of £40,570.02 on 12 December 2016.
- 24 The LAA "Crown Court Litigator Fees" showed that on 23 December 2016, a disbursement in the sum of £33,808.35 was requested for translator fees for MT and paid.

Client C

- 25 An interim disbursement claim was submitted to the LAA for translation fees in the sum of £24,409.27. The form was signed by the Respondent. The LAA "Crown Court Litigator Fees" showed that on 9 November 2016, a disbursement in the sum of £24,409.27 was requested for translator fees for MT and paid.
- 26 A director at the firm spoke to AM on the telephone on 14 and 15 February 2017 regarding the discrepancies in the translations. On reviewing the bundles of documents, which AM provided on 20 February 2020, the director concluded that the word count was not correct, and he met with AM on 22 February 2017 to discuss the matter further.

- 27 The Respondent sent an email to the director on 23 February 2017 in which she stated that the correct translations were on the firm's case management system. The director noted that the work now provided was commensurate with the word count in the quotes but in every case, the amount of words requested was significantly higher than the amount of words in the actual case. The director also noted that all MT had done was to add a Romanian version of legislation onto the previously translated words for all four cases.
- 28 On 28 February 2017, the director and others from the firm met with the Respondent and AM. The Respondent's consultancy agreement was terminated with immediate effect for gross misconduct.
- 29 The MG5 from the LAA confirmed that the application for prior authority to incur disbursement costs in each case was granted. The LAA received Interim Disbursement Claim forms for each individual case between 4 May 2016 and 22 December 2016. The final bill for each of the four cases was submitted and paid in full between 5 July 2016 and 28 March 2017. The LAA calculated that the actual cost of the translation work as £21,090.96, which meant that the over claim for disbursements was £61,652.52⁴. The LAA also noted from their review of the files that the Respondent was involved in each case and had sent emails requesting quotes to translation companies, which included MT.
- 30 On 23 January 2020, the Respondent was tried and convicted on indictment at the Inner London Crown Court of the following criminal offences of dishonesty:
- 30.1 Count 1: Conspire to defraud
 - 30.2 Count 2: Conceal/disguise/convert/transfer/removed criminal property
 - 30.3 Count 3: Make a false instrument with intent it be accepted as genuine
- 31 On 13 March 2020, the Respondent was sentenced to the following:
- 31.1 Count 1: 24 months Imprisonment suspended for 24 months on Suspended Sentence.
 - 31.2 Count 2: 12 months Imprisonment suspended for 24 months on Suspended Sentence (Concurrent) and that she must carry out unpaid work for 150 hours before 12 March 2021.
 - 31.3 Count 3: 12 months Imprisonment suspended for 24 months on Suspended Sentence (Concurrent) and that she must carry out unpaid work for 150 hours before 12 March 2021.

⁴ £82,743.48 less £21,090.96 = £61,652.52.

32 A timetable was also set for Proceeds of Crime Act proceedings⁵.

33 The Judge in sentencing the Respondent made the following comments:

“You both defrauded the Legal Aid Agency in four cases involving Romania defendants about which the jury heard during the course of your trial. It was done in this way, you Ms Attra asked your partner’s firm “MT” to provide the number of words which were to be translated in each case. You Mr “M” then brazenly exaggerated the number of words that you translated. In one case by way of example, quadrupling the actual word count; as shown by the table at tab three of the jury bundle. And you then provided a quote based in relation to word counts.

“You, Ms Attra, then sought the expected alternative quote but never sent the actual case papers to either translation firm despite their requests for them. You always asked for a quote based on the word count provided to you by Mr “M”. You then ensured that “MT” received the work by for example not submitting the cheapest quote or by getting “MT” to reduce their rate, and, in one instance submitting a bogus quote from a company that had stopped trading some 11 months previously. That quote had been given to you by Mr “M”. You, Ms Attra, were the solicitor responsible for submitting the forms to the Legal Aid Agency and in each case dishonestly claimed that the prosecution papers had been carefully sifted through so that any relevant and necessary papers would have been translated. As a result you both benefited. ...

The loss to Carson Kaye was £62,885.64 with the contract being worth a sum of some £82,743.48. ...

Onto the Sentencing Guidelines for conspiracy to defraud, I find indeed it is on [sic] agreed on your behalf that you each fall into Category A in other words higher culpability...

The factors that show your culpability to be high are as follows. In your case Ms Attra, you had a leading role in that you were the solicitor of the cases and completed and submitted the forms. You abused the position of trust and responsibility placed in you by [C...] Solicitors and also by the Legal Aid Agency. This was an offence that was sophisticated in nature and it took place over an 11-month period. ...

You knew what was expected of you as a solicitor. This was a very serious breach of the trust placed in you by Carson Kaye and the Legal Aid Agency. As a result of which you have lost your job and it is accepted as inevitable that you will be removed from the role [sic] of solicitors and will not work again as a solicitor. There is no doubt that your offending crosses the custody threshold. However, in your case I find that although your role as a solicitor was essential to the operation of the fraud and was a serious breach of trust, your co-defendant was the architect of it. Albeit, he is not the one who was qualified.

⁵ Confiscation proceedings took place on 20 November 2020. The benefit to the Respondent was calculated as £15,300.00 with realisable assets calculated at £5,583.29 payable within 3 months, or period in default 3 months.

I have come to the view that to separate you from your child would result in a significantly harmful impact on that child. Therefore, for that reason, and for that reason alone I am going to suspend the sentence in your case. The sentence that I impose is one of two years' imprisonment, suspended for two years on count one. On counts two and three it will be 12 months' imprisonment suspended for two years on each count, all concurrent.

I am also going to add as a requirement a further punitive element that you undertake 150 hours unpaid work as some form of reparation[?] for what you have done."

34 In her written response dated 25 June 2020 to the SRA, the Respondent explained that:

34.1 She accepts that she was found guilty of the charges faced.

34.2 AM who was described within the proceedings as the "architect of the fraud" used her for her qualifications and to benefit his own financial needs. AM wooed her and she fell in love with him.

34.3 She joined C Solicitors as a consultant solicitor with a promise of referrals from AM. It was clear now that AM's primary interest in working with her and the firm was so that he could obtain the translation work for himself.

34.5 She did not know at the outset that AM's intention was to defraud the LAA. She did not consider that the arrangement was dishonest and was satisfied in any event that the nature of the arrangement was transparent and known to her employers. She accepts now that it was plainly inappropriate and was open to abuse.

34.6 At no time was she aware that AM was inflating the word count in the manner in which he did.

34.7 She accepts that she ensured that AM's quote was authorised by the LAA.

34.8 She understands the perception that the public have of this type of offence and is truly remorseful for bringing the profession into disrepute.

34.9 She is painfully aware of the consequences of her behaviour and how it will impact on her career.

35 The Respondent also confirmed in her Answer that she admits the allegations in their entirety and that she accepts the finding of guilt in relation to the charges that she faced.

36 The Respondent asked MT to provide quotes for the number of words to be translated in each of the four cases. Whilst the Respondent obtained alternative quotes, she never sent the case papers to the translation firms. The Respondent also ensured that

MT received the translation work, as she did not submit the cheapest quote to the LAA or got MT to reduce its translation rate. The Judge, when sentencing the Respondent, noted that in one case, a bogus quote from a company that had stopped trading some 11 months previously was submitted and that quote was provided by AM.

- 37 Whilst the firm initially calculated there had been an over claim of some £76,261.68, the LAA calculated that the amount over claimed amounted to £61,652.52. The Judge in sentencing the Respondent noted that the loss to the firm was in fact £62,885.64.
- 38 The Judge found the Respondent's culpability to be high in that the Respondent had a leading role in the matter, as she was the solicitor responsible for the cases and completed and submitted the forms to the LAA. The Judge also noted that the offence was sophisticated in nature and took place over an 11- month period.
- 39 Whilst the Respondent states that she was not aware that AM was inflating the word count in the manner in which he did, the Respondent accepts that she ensured that AM's quote was authorised by the LAA. A solicitor acting with integrity would have followed the correct process to obtain prior authority from the LAA for translation fees. A solicitor acting with integrity would have ensured that the LAA had the correct word count in documents to enable it to grant prior authority and authorise payment. A solicitor acting with integrity would have ensured that the correct process for obtaining prior authority from the LAA was followed and not taken steps which ensured that her partner's translation company received the work rather than other companies.
- 40 The Respondent accepts that her actions in participating in criminal activity, such as a sophisticated fraud, amounted to a failure to act with integrity in that she failed to act with moral soundness, rectitude and steady adherence to an ethical code. In conspiring to defraud; concealing, disguising, converting transferring and removing criminal property; and making a false instrument with intent it be accepted as genuine, the Respondent admits that she breached Principle 2 of the SRA Principles 2011.
- 41 The trust that the public places in solicitors and in the provision of legal services, depends upon the reputation of the solicitors' profession as one in which every member may be trusted to the ends of the earth. The conviction of a solicitor for serious criminal offences leading to the imposition of a suspended custodial sentence undermines that reputation. The fact that the Respondent was convicted for offences which involved fraudulent claims against a public fund, such as the Legal Aid fund, further undermines the trust that the public places in solicitors and the provision of legal services. The Judge when sentencing the Respondent also commented that this was a very serious breach of trust placed in her by the firm and the LAA.
- 42 In conspiring to defraud; concealing, disguising, converting transferring and removing criminal property; and making a false instrument with intent it be accepted as genuine, the Respondent admits that she breached Principle 6 of the SRA Principles 2011.

Mitigation

- 77 The following is put forward by the Respondent as mitigation for the breaches admitted above. These are not adopted or necessarily accepted by the SRA:

- 77.1 The Respondent accepts that she was found guilty of the charges faced and stated in her letter dated 25 June 2020 that she was truly remorseful for bringing the profession into disrepute.
- 77.2 The Respondent is painfully aware of the consequences of her behaviour and how it will impact on her career. The Respondent is a single parent and has no income. She accepts that her conviction not only precludes her from furthering a legal career and in the current climate, makes it impossible to obtain any gainful employment.

Outcome

- 78 The parties agree that a sanction of striking off is necessary and proportionate.
- 79 It is agreed that the seriousness of the admitted misconduct, which includes a conviction for criminal offences of dishonesty, is at the highest level such that a lesser sanction would be inappropriate and the protection of the public and the protection of the reputation of the profession requires the Respondent's name to be struck off the Roll of Solicitors. It is also agreed that taking into account the case of **Solicitors Regulation Authority v Sharma [2010] EWHC 2022**, there are no exceptional circumstances relating to the admitted misconduct in this case, which would justify a sanction other than strike off.
- 80 The SRA and the Respondent submit to the Tribunal that the following outcome is appropriate:
- 80.1 An order that the Respondent be struck off the Roll of Solicitors; and
- 80.2 An order that the Respondent pay the SRA's costs of these proceedings fixed in the sum of £337.50⁶.

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

- 81 The Respondent was responsible for submitting prior authority claims to the LAA at the time of the admitted misconduct. The Respondent requested quotes from translation companies but did not send the case papers to them. She ensured that AM's company received the translation work despite the number of words to be translated being exaggerated. The loss to the firm was £62,885.64. The Respondent benefitted from £15,300.00 and was ordered to repay £5,583.29 at confiscation proceedings on 20 November 2020.
- 82 The Respondent had direct control of the circumstances giving rise to the misconduct which was serious, and her level of culpability is high. The Respondent's role as solicitor was essential to the operation of the fraud and she had a leading role in that she completed and submitted forms to the LAA. The Respondent abused her position of trust and the responsibility placed in her by the firm and the LAA. The impact of the Respondent's misconduct not only directly impacted upon the firm but also had a direct impact upon the LAA who was defrauded. Harm was caused to the firm, the LAA and the reputation of the legal profession by the Respondent's actions.

⁶ The SRA has agreed to limit its costs to that of the Supervision investigation having received evidence from the Respondent of her limited means.

- 83 The Respondent's conduct was dishonest and represented a significant departure from the "complete integrity, probity and trustworthiness" to be expected of a solicitor.
- 84 The following factors aggravate the seriousness of the Respondent's misconduct:
- 84.1 The misconduct involves the commission of criminal offences of dishonesty.
 - 84.2 The misconduct continued over 11 months.
 - 84.3 The misconduct occurred when the Respondent knew or ought reasonably to have known that the conduct complained of was in material breach of her obligations to protect the public and reputation of the legal profession.
 - 84.4 The Respondent's misconduct had a significant impact upon the firm and the LAA.
- 85 The following factors mitigate the seriousness of the Respondent's misconduct:
- 85.1 The Respondent has shown genuine insight and has stated that she is truly remorseful for bringing the profession into disrepute.
 - 85.2 The Respondent made open and frank admissions at an early stage and has co-operated with the SRA throughout the investigation.
 - 85.3 Save for the misconduct identified in this Agreed Outcome, the Respondent has no adverse regulatory history.
- 86 In light of the misconduct identified and having considered the Solicitors Disciplinary Tribunal's Guidance Note on Sanctions, the SRA contends, and the Respondent accepts, that the proper penalty in this case is an Order that the Respondent be struck off the Roll of Solicitors.

.....
Oliver Sweeney, Head of Legal and Enforcement
On behalf of the Solicitors Regulation Authority
Date: 18/12/2020

Babita ~~Altra~~
Respondent
Date:

18/12/2020