

IN THE MATTER OF KAMAL JEET SINGH BRAM, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr J N Barnecutt (in the chair)
Mr W M Hartley
Ms A Arya

Date of Hearing: 21st May 2002

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Office for the Supervision of Solicitors ("OSS") by Stuart Roger Turner solicitor and partner in the firm of Lonsdales solicitors, 342 Lytham Road, Blackpool, Lancashire, FY4 1DW on 12th October 2001 that Kamal Jeet Singh Bram solicitor of Leegomery, Telford, Shropshire, might be required to answer the allegations contained in the statement which accompanied the application and that such order might be made as the Tribunal should think right.

The allegations against the Respondent were that the Respondent had been guilty of conduct unbecoming a solicitor in the following circumstances:-

1. That he breached Practice Rule 1 in that during the course of retainers with clients his professional behaviour compromised or impaired or was likely to impair any or all of the following:-
 - (i) his independence or integrity;
 - (ii) his duty to act in the best interest of his clients;
 - (iii) his good repute or the good repute of the solicitors' profession;
 - (iv) his proper standard of work.

2. That he failed to comply with a professional obligation;

3. That he failed to comply with a decision of the Hybrid Committee of the OSS;
4. That he failed to comply with an Order of the Court and wasted the Court's time;
5. That he failed to provide clients with an adequate professional service;
6. That he overcharged a client.
7. That he breached Practice Rule 15;
8. That he failed to reply to correspondence from the OSS.

By a supplementary statement of Stuart Roger Turner dated 21st March 2002 it was further alleged that the Respondent had been guilty of conduct unbecoming a solicitor in that:-

9. The Respondent had been convicted of offences of dishonesty.

By a second supplementary statement of Stuart Roger Turner dated 30th April 2002 it was further alleged against the Respondent that he had been guilty of conduct unbecoming a solicitor in that:-

10. He had failed to comply with a Client Relations Review Section Direction of 12th September 2001 requiring the Respondent to pay a complainant £875 compensation and to refund costs of £250 inclusive of VAT forthwith;
11. He failed to answer correspondence from the OSS;

and the Applicant sought an Order that the Direction of the Client Review Section of 12th September 2001 be treated for the purposes of enforcement as if it had been made by the High Court.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when Stuart Roger Turner solicitor and partner in the firm of Lonsdales solicitors, 342 Lytham Road, Blackpool, Lancashire, FY4 1DW appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the Respondent together with a letter to the Tribunal dated 16th May 2002 which had not been received by the Tribunal at the date of the hearing but a copy of which was handed in by the Applicant.

At the commencement of the hearing the Applicant sought leave of the Tribunal to abridge service of the second supplementary statement dated 30th April 2002, the Respondent having indicated in a letter to the Tribunal dated 15th May 2002 which was before the Tribunal that he consented to all allegations being dealt with together. The Tribunal gave leave for service to be abridged.

At the conclusion of the hearing the Tribunal ordered that the Respondent Kamal Jeet Singh Bram solicitor of Leegomery, Telford, Shropshire, solicitor be struck off the Roll of

Solicitors and they further ordered that he do pay the costs of and incidental to the application and enquiry to be subject to a detailed assessment unless agreed.

The Tribunal made the following further Orders:-

The Respondent Kamal Jeet Singh Bram of Leegomery, Telford, Shropshire, solicitor having failed to comply with a Direction of the Client Relations Review Section of the Law Society of 12th September 2001 requiring the Respondent to pay a Complainant the sum of £875 compensation and to make a refund of costs of £250 inclusive of VAT forthwith, the Tribunal order that the said Direction be treated for the purposes of enforcement as if it were contained in an Order made by the High Court.

The Respondent Kamal Jeet Singh Bram of Leegomery, Telford, Shropshire, solicitor having failed to comply with a Direction of the Hybrid Sub-Committee of the Office for the Supervision of Solicitors of 12th July 2000 requiring the Respondent to pay a Complainant the sum of £1,000 compensation, the Tribunal order that the said Direction be treated for the purposes of enforcement as if it were contained in an Order made by the High Court.

The Respondent Kamal Jeet Singh Bram of Leegomery, Telford, Shropshire, solicitor having failed to comply with a Decision of the Client Relations Office of the Law Society of 27th September 1999 requiring the Respondent to pay a Complainant the sum of £1,000 compensation and to make a refund of costs of £306.22, the Tribunal order that the said Decision be treated for the purposes of enforcement as if it were contained in an Order made by the High Court.

The facts are set out in paragraphs 1 to 51 hereunder: -

1. The Respondent born in 1961 was admitted to the Roll of Solicitors in 1991 and his name remained on the Roll of Solicitors.
2. At all material times the Respondent practised on his own account under the style of Bram & Co of 170 Dudley Road, Wolverhampton, West Midlands, WV2 3DN.
3. During the course of the years 1998, 1999 and 2000 the OSS received from various complainants numerous complaints about the Respondent. In each of the circumstances listed below it was resolved to refer the Respondent's conduct to the Solicitors Disciplinary Tribunal.

Bahia & Co

4. Bahia & Co ("B") acted for purchasers in a conveyancing transaction and the Respondent acted for the vendors. The transaction was completed on 4th March 1999 when B forwarded completion monies by telegraphic transfer to the Respondent to be held to their order and on condition that the title deeds and undertaking to discharge any outstanding mortgages were sent by the Respondent by return.
5. B wrote again on 16th March 1999 to the Respondent because the title deeds had not been received.

6. B wrote again to the Respondent on 12th, 22nd and 29th April 1999 expressing their concern that they had not received a reply to their earlier correspondence and that they had not yet received the title deeds from the Respondent.
7. The requisitions on title stated that the pre-registration documentation would be handed over on completion and that the Charge Certificate would be handed over within seven days of its receipt from the bank.
8. On 19th May 1999 B received the title deeds from the Respondent and a request to be discharged from his undertaking. The delay in forwarding the deed caused a delay in the registration of the title.
9. B complained about the Respondent to the OSS who in turn wrote to the Respondent on 17th February 2000 asking him to respond to the allegations raised in B's complaint. No response was received.
10. On 12th July 2000 the Hybrid Sub-Committee resolved inter alia to refer the conduct of the Respondent to the Solicitors Disciplinary Tribunal.

Bray & Bray

11. Bray & Bray ("BB") were requested by Mr W to take over conduct of his case from the Respondent and on 23rd September 1998 they wrote with an authority to the Respondent for Mr W's file of papers to be transferred to them. Further letters were written on 8th December 1998, 4th March and 20th April 1999. Eventually under cover of a letter dated 25th June 1999 an incomplete file of papers was sent.
12. On 5th November 1999 having already complained to the OSS about the Respondent's delay in transferring their client's file of papers to them BB wrote to the OSS again this time complaining about the Respondent's conduct of Mr W's case.
13. The Respondent acted for Mr W in criminal proceedings. Mr W was committed to Wolverhampton Crown Court on 30th July 1997 on a charge of wounding contrary to Section 18 Offences Against the Person Act. A guilty plea was entered on 29th August 1997 and sentencing was adjourned for the preparation of reports including a psychiatric report. The Respondent did not contact a psychiatrist until 13th October and did not instruct him until 25th October 1997.
14. On 30th October the psychiatrist asked for the case papers and asked for them again on 14th November. On the latter occasion he also wanted confirmation of Legal Aid authority for the payment. Authority had been granted by the Legal Aid Board on 27th October 1997.
15. On 25th November the Respondent wrote to the Sentencing Court seeking a delay in sentencing. The Sentencing Judge refused to allow any delay and on 1st December 1997 Mr W received a custodial life sentence and was criticised for his lack of co-operation in the preparation of a psychiatric report.
16. The Respondent also acted for Mr W in another trial heard on 27th August 1997 and a guilty verdict was returned on 29th August. Following his conviction Counsel advised in writing that the appeal should be renewed. The Respondent failed to pass on that

letter to Mr W his then client. The consequence was that Mr W did not discover the contents of his Counsel's advice on renewing the appeal until July 1999, more than twelve months later, when Mr W went through it with BB.

17. The OSS wrote to the Respondent on 17th February 2000 and the Respondent failed to reply.
 18. On 12th July 2000 the Hybrid Sub-Committee of the OSS resolved inter alia to refer the conduct of the Respondent to the Solicitors Disciplinary Tribunal and directed that the Respondent pay the sum of £1,000 to Mr W by way of compensation. The payment was to be made not more than 28 days from the date of notification to allow time for an appeal and if no appeal was received seven days thereafter.
 19. The Respondent was notified by letter on 21st August that the time for appealing had expired and to remind him of his obligation to pay the compensation. On 30th August 2000 this still had not been paid and on 26th September 2000 it was resolved that his failure in complying with that compensation direction should be referred to the Solicitors Disciplinary Tribunal.
- Wolverhampton Magistrates' Court
20. On 16th November 1998 the Clerk to the Wolverhampton Justices complained to the OSS about the Respondent's conduct in a family case. The Respondent acted for Mr and Mrs H in family proceedings before the Wolverhampton Family Proceedings Court. On 7th September 1998 the Court ordered a psychological report on Mrs H. It was the Respondent's responsibility to act as the lead solicitor in instructing a psychologist.
 21. At a Court hearing on 23rd October 1998 the Magistrates expressed concern over the delay in the preparation of the report and in view of the absence of the Respondent at the hearing adjourned the case until 26th October requiring the Respondent's attendance to give an explanation for the delay.
 22. On 26th October the Respondent informed the Court that:-
 - (i) no psychological report had been requested;
 - (ii) no letter of instruction had been drafted for agreement between the parties;
 - (iii) no application had been made to the Legal Aid Board for an authority to incur the cost of a psychological report.
 23. At the hearing on 26th October the Magistrates were concerned about the Respondent's attitude towards the delay and found him to be at times flippant and bordering on disrespectful towards the Court.
 24. The OSS wrote to the Respondent on 17th February 2000 asking him to respond to the allegations made against him by the complainants. The Respondent did not reply.
 25. On 12th July 2000 the Hybrid Sub-Committee of the OSS resolved inter alia to refer the Respondent's conduct to the Solicitors Disciplinary Tribunal.

Mr S

26. Mr S attended a free surgery held by the Respondent at a local Sikh Temple on 4th October 1996 regarding the adoption of his niece from the Indian Sub-Continent. After the initial discussion, Mr S formally instructed the Respondent to act on 11th October 1996. The Respondent had told Mr S that he had previously undertaken four adoption cases from the Indian Sub-Continent.
27. By 2nd June 1997 Mr S had become dissatisfied with the way his case was being handled and had by that stage lost confidence in the Respondent's abilities to handle the case properly. Mr S sought advice elsewhere and a file transfer request was sent to the Respondent on 2nd June. The Respondent refused to release the file, purportedly exercising a lien over the file until his bill was paid. A bill was not delivered until 23rd July 1997. The bill was in the sum of £671.25 costs plus disbursements and VAT creating a total of £888.72.
28. On 5th August 1997 Mr S requested that the Respondent obtain a Remuneration Certificate. This was not done until November 1997 and on 23rd November 1998 the amount certified was £350 costs against £671.25 charged, a reduction in costs of 48%.
29. Mr S made an official complaint about the Respondent's service and conduct on 22nd October 1997, which was dealt with in the first instance by The Law Society's Client Relations Office. A decision was made on 27th September 1999. A finding of inadequate professional service was made and compensation of £1,000 was awarded to Mr S. In addition, the Respondent's bill of costs was further reduced from £350 to £125, a fee reduction of £225.

Cox McQueen Howard Tain

30. On 25th August 1998 Cox McQueen Howard Tain ("CMHT") complained to the OSS about the Respondent.
31. The OSS wrote to the Respondent on 2nd February 2000 after having spoken previously to the Respondent on the telephone.
32. Despite agreeing to provide written confirmation that certain action had been taken the Respondent failed to reply to the OSS. He failed to respond to a fax sent on 2nd February 2000 chasing a response and failed to return a telephone message left for him on 20th February 2000 by a caseworker.
33. The Respondent's failure to co-operate with the OSS was formally raised by letter on 17th October 2000. No reply was received.
34. On 12th July 2000 the Hybrid Sub-Committee of the OSS resolved inter alia to refer the conduct of the Respondent to the Solicitors Disciplinary Tribunal.

TSB Securities

35. On 15th March 1999 the OSS received a complaint from TSB Securities ("TSB") that the Respondent had failed to register a second legal charge over a property despite the purchase having completed on 13th August 1997.

36. An explanation with warning letter was sent by the OSS to the Respondent on 18th April.
37. The Respondent replied on 22nd May 2000 and admitted he had failed to register the charge. He also explained that an employee, Mr C, had conduct of the matter. The OSS contacted Mr C who replied on the 1st August 2000 to the effect that he was supervised by the Respondent and that from 6th August 1997 the Respondent had assumed conduct of the conveyancing transaction.
38. TSB withdrew their complaint on 1st June 2000 as they no longer needed the charge.
39. On 24th November 2000 an application to the Adjudicator for authorisation to add this matter to the existing disciplinary proceedings was approved.

Monitoring and Investigation Unit

40. On 9th August 1999 the Respondent's firm had a Monitoring & Investigation Unit ("MIU") inspection on which the MIU reported on 15th October 1999. No action was recommended in respect of Solicitors Accounts Rules issues. However an explanation was sought from the Respondent in a letter sent on 21st December 1999 in respect of the failure of the Respondent to comply with a mortgagee client's instructions.
41. The Respondent failed to reply despite a reminder being sent on 19th July 2000.
42. On 24th November 2000 an application to the Adjudicator for authorisation to add this matter to the existing disciplinary proceedings was approved.

Convictions

43. On 9th November 2001 the Respondent was tried and convicted by a jury of five counts of theft.
44. On 20th December 2001 at the Crown Court at Stafford the Respondent was sentenced by Mr Justice Poole on each count to nine months imprisonment suspended for two years.

Mrs R

45. On 16th July 2001 the Client Relations Sub-Committee considered a complaint made by Mrs R against the quality of professional services provided by the Respondent's firm. As a consequence the Sub-Committee directed the Respondent to pay £500 compensation and refund the sum of £250 inclusive of VAT to Mrs R.
46. On 27th July Mrs R appealed against the Sub-Committee's decision and on 12th September 2001 the Client Relations Review Section decided to vary the original decision and directed the Respondent to pay Mrs R the sum of £875 compensation and to make a refund of costs of £250 inclusive of VAT forthwith.
47. The Respondent was notified of the decision of the Client Relations Review Session by a letter on 14th September 2001. This was sent to his practice address. A further letter was sent to the Respondent on 24th September 2001 both to his practice address and known home address. The letter to his home address was returned by the Royal

Mail marked "Addressee gone away." On 11th January 2002 the OSS wrote again to the Respondent at his current home address enclosing the letters of 14th and 24th September. The Respondent failed to reply to that letter and had not complied with the Client Relations Review Panel Direction.

48. On 16th July 2001 the Professional Regulation Casework Sub-Committee resolved to refer the Respondent's conduct to the Solicitors Disciplinary Tribunal for failing to deal promptly and substantively with correspondence from the OSS,
49. On 16th June 1999 Mrs R raised a complaint with the OSS against the Respondent. The OSS wrote to the Respondent on 14th July 1999 by DX but this was returned to them on 19th July as the Respondent was no longer a Document Exchange member. On 18th November 1999 further details of the complaint were sent to the Respondent and a reminder sent in December 1999.
50. On 19th January 2000 the Respondent wrote to the OSS requesting a copy of the letter of 18th November and one was sent on 26th January 2000 allowing the Respondent fourteen days to respond. By 18th February no response had been made and a telephone call was made to the Respondent who then faxed his response. On 6th March 2000 a further letter was received from the Respondent enclosing a copy letter he had received from Mrs R indicating that she would be contacting him with regards to her complaint within the next two weeks. On 21st March 2000 having not received confirmation from the Respondent that the complaint had been resolved a further letter was sent to him asking him for his substantive response within 21 days.
51. On 13th April a Statutory Notice was sent to the Respondent but no response was received. The Respondent did not respond to further letters from the OSS dated 22nd August 2000 and 9th February 2001.

The Submissions of the Applicant

52. In his Second Supplementary Statement the Applicant had sought an Order that a Direction of a Committee of The Law Society be treated for the purposes of enforcement as if it had been made by the High Court.
53. The Applicant sought similar Orders in relation to two Committee Directions referred to in his Rule 4 Statement.
54. The Respondent's conduct in relation to Mr W had seriously prejudiced Mr W's position.
55. The Tribunal was referred to the letter of 11th March 1999 from TSB Securities to the then Solicitors Complaints Bureau in which they wrote:-

"The bank has experienced difficulties in obtaining any explanation as to why our Legal Charge has not been registered at the Land Registry or to the whereabouts of the bank's Legal Charge which the solicitors confirmed was executed in their letter of 6th August 1997."

56. In relation to the MIU Report the Respondent had been asked to respond in relation to five matters but had failed to do so.
57. The most serious allegation against the Respondent was that of dishonesty which related to his conviction. The Tribunal was asked to note the sentencing remarks of Mr Justice Poole.
58. As set out in the Applicant's Second Supplementary Statement, in relation to Mrs R the Respondent had again failed to comply with the direction of his regulatory body and had failed to respond to correspondence from the OSS.
59. In his letter of 15th May 2002 the Respondent had said that he had made a payment to Mrs R of £1,125. This letter had however only been received by the Applicant on the previous Friday and so the Applicant had been unable to confirm this. The Applicant therefore sought an Enforcement Order in relation to this matter.
60. The Applicant had urged the Respondent to take independent advice but the Respondent had decided he was not well enough to do so.
61. The Respondent had written that he wanted all matters dealt with today. He said that on the one hand he was not fully able to comprehend the allegations and relied on a social work report prepared for his Crown Court sentencing, on the other hand the Respondent had admitted all matters.
62. In relation to the matter complained of by B & Co the Applicant clarified that he was alleging a breach of a professional obligation on the part of the Respondent not breach of an undertaking.
63. The Applicant sought an Order for Costs to be assessed and said that the Respondent had wanted the Tribunal to know that the Respondent had discussed costs with the Applicant.

The Submissions of the Respondent

64. The Submissions of the Respondent were set out in his letters of 15th and 16th May 2002.
65. In his letter of 15th May the Respondent included the following submissions:-

"With no disrespect intended toward the Tribunal or Mr Turner, as I have already informed him, I am not able to fully comprehend and answer the allegations contained within the applications at the above hearing. I did write letters to the Office for the Supervision of Solicitors at the time of the complaints putting forward my version. That was at a time when I still had my practice. I no longer have my practice, that ceasing in October 2000.

A long time has elapsed and my life has changed for the worst. In those circumstances, I wish to admit all matters raised in these applications before the Tribunal and consent for all matters to be dealt with together and do not wish for matters to be adjourned and unnecessary costs incurred. I wish for

this part of my life to be put behind me in order that I may start to build up my health and life again and that I may start living a life.

Of the recent papers sent to me by Mr Turner, regards Mrs R, a payment of £1,125 has been made to her. Mr Turner has been informed of the same. I was not aware that the payment had not been made until I received the above papers and made the necessary checks.

You will be aware from the papers submitted by Mr Turner that during the latter days of my practice and the subsequent closure and to the present date I have been and are still suffering from illness. I attach herewith a report which I understand from Mr Turner will be treated in the strictest of confidence during these proceedings from Mr TB.

I am still under medication, which was recently increased. It is not only my health that has suffered over the last two years, but also my wife and my parents. My father sustained heart attacks a few months ago upon hearing about these proceedings. I have hurt and let down a lot of persons in the last few years and everyday is a reminder and punishment of the same. I just wish to resolve matters, if they can be, and put matters behind me and start living and enjoying life if that can at all be possible.

My present position is that I am unemployed and in receipt of Incapacity Benefit.

I would humbly request the Tribunal to deal with these matters fairly and consider all the circumstances and not to strike me off the Solicitors Roll. It is still my desire one day to return to the legal profession for which I still have the utmost respect and loyalty. I would understand if a condition was imposed on my practising certificate for me to be employed only and work under supervision for a period. To strike me off the Roll would be an incarceration of immense proportion as I could not otherwise contemplate life.

I would ask you to consider my employment history to my self-employment and the early part of the same without condemnation. Please consider the exceptional circumstances referred to in the report attached leading to my demise for which I am still suffering mentally and physically. I ask that you please allow me in years to come to continue with my profession albeit in limited circumstances."

66. In his letter dated 16th May 2002 the Respondent wrote-

"Further to my letter of 15th May I would like to add the following. I understand from my solicitors that the trial judge confirmed on court record, as he could not deal with sentencing due to prior engagements, that the sentencing judge should bear in mind that my case was not a typical breach of trust case. I would ask that you please bear that in mind when considering the matter. I further understand from Mr Turner that reasonable costs of these proceedings may be awarded at your discretion. I have tried, through my wife, to liase with Mr Turner throughout these proceedings to reduce the work and

costs. I again would ask you to please bear in mind my current employment status and that I am in receipt of incapacity benefit.

Finally, please do not hold it against me that I could not travel and attend the proceedings in person."

The Findings of the Tribunal

The Tribunal found the allegations to have been substantiated indeed they were not contested.

The Tribunal had considered carefully the documentary evidence and the submissions including those contained in the letters of the Respondent together with the report of Mr TB submitted by the Respondent.

The Respondent's current state of health was noted. The Tribunal had before it however evidence of a woeful catalogue of failures on the part of the Respondent to comply with directions of The Law Society, substantial failings by the Respondent in respect of his obligations to the Court and a disregard by the Respondent of his duties to his clients. The Tribunal had been horrified to read of the way in which the Respondent had treated certain clients. Overriding all of this was the fact that the Respondent had been found guilty of offences of dishonesty in criminal proceedings. It was clearly inappropriate that the Respondent should be allowed to continue in practice as a solicitor although the Respondent, despite admitting to such serious allegations, had expressed a wish to be allowed to continue in practice.

In the interests of the protection of the public and of the reputation of the profession the Respondent could not remain a member of that profession.

The Tribunal therefore ordered that the Respondent Kamal Jeet Singh Bram of Leegomery, Telford, Shropshire, solicitor be struck off the Roll of Solicitors and they further ordered him to pay the costs of and incidental to the application and enquiry to be subject to detailed assessment unless agreed.

The Tribunal made the further following orders:-

The Respondent KAMAL JEET SINGH BRAM of Leegomery, Telford, Shropshire, solicitor having failed to comply with a Direction of the Client Relations Review Section of the Law Society of 12th September 2001 requiring the Respondent to pay a Complainant the sum of £875.00 compensation and to make a refund of costs of £250.00 inclusive of VAT forthwith, the Tribunal order that the said Direction be treated for the purposes of enforcement as if it were contained in an Order made by the High Court.

The Respondent Kamal Jeet Singh Bram of Leegomery, Telford, Shropshire, solicitor having failed to comply with a Direction of the Hybrid Sub-Committee of the Office for the Supervision of Solicitors of 12th July 2000 requiring the Respondent to pay a Complainant the sum of £1000.00 compensation, the Tribunal order that the said Direction be treated for the purposes of enforcement as if it were contained in an Order made by the High Court.

The Respondent Kamal Jeet Singh Bram of Leegomery, Telford, Shropshire, solicitor having failed to comply with a Decision of the Client Relations Office of the Law Society of 27th September 1999 requiring the Respondent to pay a Complainant the sum of £1000.00 compensation and to make a refund of costs of £306.22, the Tribunal order that the said Decision be treated for the purposes of enforcement as if it were contained in an Order made by the High Court.

DATED this 22nd day of August 2002

on behalf of the Tribunal

J N Barnecutt
Chairman