

IN THE MATTER OF MINA PANCHAL, solicitor

AND

IN THE MATTER OF THE SOLICITORS ACT 1974

Miss. T Cullen (in the chair)

Mr. A H B Holmes

Mrs. C Pickering

Date of Hearing: 14th 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 Iain George Miller solicitor of 9 Grays Inn Square, London, WC1R 5JF on 19th December 2001 that Mina Panchal solicitor of Old Church Lane, Perivale, might be required to answer the allegation contained in the statement which accompanied the application and that such order might be made as the Tribunal should think right.

The allegation against the Respondent was that she had been guilty of conduct unbefitting a solicitor in that she altered a cheque given to her by her former employer to increase the amount of the cheque from £415.52 to £1,415.52 and presented the cheque for payment.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS, on 14th May 2002 when Iain George Miller solicitor and partner in the firm of Wright Son & Pepper of 9 Gray's Inn Square, London, WC1R 5JF appeared as the Applicant and the Respondent was represented by David T. Morgan, solicitor of 9 Gray's Inn Square, London, WC1R 5JF.

The evidence before the Tribunal included the admission of the Respondent together with a letter dated 9th May 2002 from R Craig and a letter dated 10th May 2002 from O Okenia which documents were submitted on behalf of the Respondent during the hearing.

At the conclusion of the hearing the Tribunal ordered that the Respondent Mina Panchal of Old Church Lane, Perivale, solicitor be suspended from practice as a solicitor for an indefinite period to commence on 14th day of May 2002 and they further ordered that she do pay the costs of and incidental to the application and enquiry fixed in the sum of £1,410.

The facts are set out in paragraphs 1 to 6 hereunder:-

1. The Respondent born in 1971 was admitted as a solicitor in 1996 and her name remained on the Roll of Solicitors.
2. At all material times until 30th June 2000 the Respondent practised as an assistant solicitor at Blatchfords in South Harrow, Middlesex. From about January 2001 she had been a partner in the Mountain Partnership of 807 Old Kent Road, London SE15.
3. On 26th April 2000 the Respondent gave notice under her employment contract with Blatchfords. Shortly prior to the date of her departure (30th June 2000) she was informed by Blatchfords that owing to a miscalculation the Respondent had underpaid her tax contributions. It was subsequently agreed between Mr T, the senior partner of Blatchfords, and the Respondent that the underpayment would be deducted from her final pay.
4. On 11th July 2000, Mr T handed the Respondent a cheque for £415.52 signed by him and the firm's cashier.
5. Some two weeks later during the course of carrying out a bank reconciliation the firm's cashier noticed that the cheque had been cashed in the amount of £1,415.52. A copy of the cheque stub and the altered cheque was before the Tribunal.
6. Following discovery of the altered cheque Mr T contacted the Respondent who returned £1,000.

The Submissions of the Applicant

7. The facts in this matter were simple. The Respondent had been provided with a cheque by her employers representing a balancing payment at the end of her employment. The following morning it had been paid in having been altered to add £1,000.
8. The Tribunal was asked to note that the words one thousand and the number "1" had been added and that the words had been very carefully added and looked similar to the rest of the handwriting.
9. This was a dishonest act by the Respondent being conscious wrongdoing or impropriety on her part. The Applicant had every sympathy for the very tragic personal circumstances which had led up to this event but those circumstances did not explain what the Respondent had done nor excuse such an act on the part of a solicitor.

The Submissions of the Respondent

10. The Respondent gave oral evidence.

Oral evidence of the Respondent

11. The Respondent confirmed that her written statement dated 7th May 2002 was true and accurate to the best of her knowledge and belief.
12. The Respondent had still been suffering from the loss of her brother by suicide at the time of the events in question.
13. She had been counselled by R Craig a grief counsellor. At that time she was seeing her Counsellor intermittently and had not seen her in July 2000, but had seen her in August.
14. Since January 2001 the Respondent had been in partnership with Mr Okenia who had provided a letter of reference in support of the Respondent.
15. The Respondent currently dealt with administration as the managing partner. She had not really practised in her current partnership as she had been doing a MBA.
16. The Respondent wanted to try to go into a different field when she finished her MBA at the end of May 2002.
17. The following submissions were made on behalf of the Respondent.
18. The Respondent had undergone a traumatic experience namely the suicide of her brother.
19. The Respondent had been unable to explain what she had done. She accepted that it was wrong and accepted that she must have done it, but did not remember doing it.
20. Such an act was totally out of character as stated in Mr Okenia's letter.
21. The Tribunal was asked to take into account the circumstances in which it had taken place and the Respondent's relative youth and inexperience.
22. It was hoped that the Respondent could be given another chance and be allowed to continue in practice.
23. The Respondent bitterly regretted these matters and apologised to all concerned.
24. The Respondent had paid all the money back.

The Findings of the Tribunal

The Tribunal found the allegation to have been substantiated, indeed, it was not contested.

The Tribunal had listened carefully to the arguments put forward and had considered the documents including the Respondent's written statement and the letters of reference in support of the respondent. The Respondent had accepted that she must have altered the cheque although she stated that she could not remember doing so. The cheque had been altered carefully and the Tribunal found the Respondent's actions to have been dishonest.

Having found dishonesty proven, the Tribunal had considered whether the ultimate sanction of striking off should be imposed. Given the exceptional and tragic circumstances surrounding the Respondent at the time these events had occurred, details of which were before the Tribunal, the Tribunal had accepted that a suitable penalty would be to impose a period of indefinite suspension from practice in the hope that this would allow the Respondent to continue her recovery from her loss and to recover her health. Although dishonesty had been found against the Respondent, in the particular circumstances of this case and without in any way minimising the wrongdoing of the Respondent, the Tribunal did not rule out the possibility that the Respondent might one day in the future apply to resume practice.

DATED this 30th day of July 2002

on behalf of the Tribunal

T Cullen
Chairman