

IN THE MATTER OF SONIA RISHI, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mrs. E Stanley (in the chair)  
Mr. I R Woolfe  
Mrs. C Pickering

Date of Hearing: 24th June 2003

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## FINDINGS

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Office for the Supervision of Solicitors (the "OSS") by Linda Louise Rudgyard solicitor of the OSS, Victoria Court, 8 Dormer Place Leamington Spa, Warwickshire CV32 5AE on 13<sup>th</sup> November 2002 that Sonia Rishi of Harrow, Middlesex, solicitor 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 she had been guilty of conduct unbefitting a solicitor in each of the following respects namely:-

- i) That she created or caused to be created documents which were false and/or misleading;
- ii) that she tendered to clients documents which she knew or ought to have known were false and/or misleading;
- iii) that she misled clients as to the progress of their matters
- iv) that she delayed unreasonably in the conduct of professional business.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 24<sup>th</sup> June 2003 when Linda Louise Rudgyard solicitor employed by the OSS, Victoria Court, 8 Dormer Place Leamington Spa, Warwickshire CV32 5AE 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 to the allegations save that she denied dishonesty.

At the conclusion of the hearing the Tribunal ordered that the Respondent Sonia Rishi of Harrow, Middlesex, solicitor be Struck Off the Roll of Solicitors and they further ordered her to pay the costs of and incidental to the application and enquiry fixed in the sum of £1,773.83.

The facts are set out in paragraphs 1 to 12 hereunder: -

1. The Respondent, born in 1970, was admitted as a solicitor in 1996 and her name remained on the Roll of Solicitors.
2. At all material times the Respondent carried on practice as an assistant solicitor in the employ of McMillen Hamilton McCarthy at 17-19 Alie Street, London E1 8DE. The Respondent joined the firm in 1992 and resigned on or about 25th October 2000.
3. The Respondent acted for various clients in relation to matrimonial and ancillary relief proceedings between March 1997 and October 2000.
4. Ms K
  - a) The Respondent was instructed by Ms K to act on her behalf in divorce proceedings. On or about 4th December 1998 the Respondent wrote to Ms K informing her that she had received Notice from the Court confirming that the final hearing of her matter would be on Tuesday 26<sup>th</sup> January 1999 at 10.30am in the Bow County Court. At paragraph 2 of that letter the Respondent advised Ms K that her attendance at that final hearing would be of assistance.
  - b) Ms K duly attended Court with the Respondent on Tuesday 26<sup>th</sup> January 1999 whereupon she was asked by the Respondent to wait for her in a waiting area. When the Respondent returned she advised Ms K that "the Judge had not turned up".
  - c) On or about 6th October 1999 Ms K again attended Court with the Respondent and was asked on this occasion to wait for the Respondent in one of the corridors. When the Respondent returned she informed Ms K that everything was now ended and that she would send Ms K the Order. Shortly thereafter Ms K received a document purporting to be a Decree Nisi dated 6th October 1999 and bearing the seal of the Family Division of the High Court of Justice and a document which purported to be a Decree Absolute dated 3rd December 1999.
  - d) The aforementioned documents, together with advice given to her by the Respondent, led Ms K to believe that her marriage had been annulled by the Court and divorce proceedings concluded when this was not the case. The true

position at that time was that the divorce proceedings were in their early stages and Ms K remained lawfully married.

e) In her letter to the OSS dated 27<sup>th</sup> January 2001 the Respondent stated :

“With very sincere regret I accept that I manufactured the said documents. It is also accepted that I misled the clients as to the progress of each case”.

5. Mrs B

- a) The Respondent was instructed by Mrs B to act on her behalf in relation to divorce proceedings. Due to difficulties in effecting service of the divorce petition on Mrs B’s husband, Mr A, the proceedings were still in their very early stages by the latter part of 1999. Notwithstanding this the Respondent on 4th November 1999 forwarded to Mrs B a document which purported to be a Form D84A Certificate of Entitlement to a Decree indicating a date fixed for pronouncement of Decree Nisi and bearing the seal of Bow County Court.
- b) The said Notice was sent to Mrs B with a compliments slip bearing the Respondent’s handwriting in terms “Please telephone Ms Rishi on receipt” . Mrs B duly telephoned the Respondent. As a result of that conversation Mrs B understood herself to be legally divorced. Mrs B then purported to remarry and within that “marriage” gave birth to a child. At the time the Respondent left her employment with McMillen Hamilton McCarthy in October 2000 Mrs B remained legally married to Mr A.
- c) Within her letter to the OSS of 27 January 2001 the Respondent accepted that she had notified Mrs B she had been divorced and was free to remarry when the divorce proceedings had not been concluded and that she had drafted the document which purported to be Form D84A .

6. Mrs D

- a) The Respondent was instructed by Mrs D to act on her behalf in divorce and ancillary relief proceedings. On 27th November 2000 Mrs D wrote to McMillen Hamilton McCarthy complaining about the service she had received from the Respondent. McMillen Hamilton McCarthy set out their response to that complaint in their letter dated 5th December 2000. Ms D complained in particular that on a number of occasions between July and October 2000 the Respondent had indicated to her there was to be an initial hearing of her application for ancillary relief on 24th October 2000. Further Mrs D stated that she had been due to attend an appointment with the Respondent on 23rd October 2000 in preparation for that hearing but was telephoned by the Respondent at 2.30 that day and informed that the hearing had been cancelled and that the Court had given a new hearing date of 1<sup>st</sup> February 2001.
- b) When Mrs D later telephoned the Court to enquire as to whether her hearing date could be brought forward she was informed there was no record of her case having been listed for hearing on 24th October 2000. Court Records indicated the application for ancillary relief had been received by the Court on 5th July 2000 but had been returned to the Respondent as the application had been

submitted with an incorrect fee. The application was resubmitted on 26th October 2000 and the matter was then given an initial hearing date of 1st February 2001. This was the first occasion upon which the matter had been listed for hearing.

- c) In her letter to the OSS of 27th January 2001 the Respondent accepted that she had indicated to Mrs D there was to be an initial hearing of her application on 24th October 2000 when there was no such hearing and that this created a situation whereby Mrs D was misled as to the progress of her matter.

7. Mrs E G

- a) The Respondent was instructed by Mrs E G in January 2000 to institute divorce proceedings which she wished to be commenced as a matter of urgency as she wished to re-marry as soon as possible.
- b) In May 2000 Mrs E G attended at the Respondent's office to finalise and subsequently depose to an Affidavit in Support of Divorce Petition. Mrs EG recalled attending at a local solicitor's office to swear the Affidavit and returning this document to the Respondent's office. Subsequent examination of the file by Ms Hamilton of McMillen Hamilton McCarthy revealed first that at that time the divorce proceedings had not yet reached the stage at which it would have been appropriate for the client to depose that Affidavit and second that there was no copy of the document on the file.
- c) Mrs E G received repeated assurances from the Respondent that her divorce proceedings were progressing smoothly. Further, she informed Ms Hamilton that during a telephone conversation on 16th August 2000 the Respondent informed her that her divorce would be finalised in six weeks time. There was no record of this telephone conversation on Mrs E G's file.
- d) Following the Respondent's departure from the practice on 25th October 2000 the solicitor assuming conduct of the file discovered the Divorce Petition had not been forwarded to the Court for issue until 19th October 2000, some ten months after the Respondent had first been instructed and six months after she had prepared and arranged for Mrs E G to depose to the Affidavit in support of that Petition - a step which would not have been appropriate until proceedings had been issued and served upon Mrs E G's husband and he had then completed and returned his signed Acknowledgement of Service.
- e) In her letter to the OSS dated 27th January 2001 the Respondent admitted misleading Mrs E G as the progress of her matter and that she drafted the Affidavit referred to above when the proceedings had not reached the appropriate stage for her to do so.

8. Mr B

- a) The Respondent was instructed by Mr B in July 1999 in relation to contact with his daughter. On 12th August 1999 the Respondent wrote to Mr B confirming that his application had now been forwarded to the Southend County Court and thanking him for his payment of the £80 needed to issue the application. Within that letter the Respondent also referred to a copy of the

application being enclosed. There was no evidence to show this particular application was ever prepared or submitted to the Court and on 31st October 2002 when the client ledger was reviewed by McMillen Hamilton McCarthy the ledger indicated the firm continued to hold the £80 received from the client in August 1999.

- b) On a date between September 1999 and 25<sup>th</sup> October 2000 the Respondent handed to Mr B a document purporting to be a draft Consent Order in proceedings in the Southend County Court. As a result of this document together with advice given to him by the Respondent Mr B was led to believe that an Order had been made regarding contact with his daughter.
- c) On 25th October 2000, the day upon which the Respondent left her employment with McMillen Hamilton McCarthy, the client file indicated that the Respondent wrote to the Southend Family Proceedings Court enclosing an application for contact and parental responsibility on behalf of Mr B together with Notice of Acting. That application was returned by the Court on 6<sup>th</sup> November 2000 as the application had not been signed or dated, the Notice of Acting had not been signed and no fee had accompanied acting the application.
- d) In her letter to the OSS dated 27<sup>th</sup> January 2001 the Respondent had admitted preparing the Consent Order for approval in draft though she stated this did not purport to be a document from the Court. The Respondent further admitted delay in progressing the matter but said that this was not intentional or deliberate.

9.

Mr M

- a) On or about 25th March 1997 the Respondent received instructions to act on behalf of Mr M in relation to divorce proceedings. Divorce proceedings were issued but on 8th March 1999 were returned by the post office marked "gone away". The Bow County Court advised the Respondent of this in March or April 1999. The client file recorded that on 3rd November 1999 the Respondent wrote to Mr M advising, inter alia, that she had now been informed by the County Court that the date for Decree Nisi had been fixed. Within that letter the Respondent purported to enclose a copy of the notification from the Court together with a Request for Decree Nisi to be made Absolute. The Respondent also advised Mr M that he would be entitled to apply for Decree Absolute on 23rd December 1999.
- b) The client file indicated that on 25th October 2000 the Respondent wrote to Mr M advising him that he was now divorced and free to remarry, and enclosing a document which purported to be his Decree Absolute. Accordingly, Mr M thereafter believed himself to be divorced.
- c) On 2nd November 2000 in response to their request for copies of the Decree Nisi and Decree Absolute the Bow County Court wrote to McMillen Hamilton & McCarthy confirming the Court was unable to supply copies of those documents because, according to Court records, they had not yet been applied for. Within that letter the Court further advised that on 8th March 1999 the divorce papers

were returned by the post office marked gone away and that “no further action has been taken since”.

- d) In her letter to the OSS dated 27th January 2001 the Respondent accepted that she manufactured the aforementioned documents and that she misled both Mrs K and Mr M as to the progress of each case.
10. McMillen Hamilton McCarthy reported the aforementioned matters to the OSS by way of letters dated 5th, 7th, 8th and 15th December 2000 and 2nd January 2001. Copies of those letters together with enclosures were before the Tribunal.
11. The OSS wrote to the Respondent seeking her observations upon the complaint. Her reply dated 27th January 2001 was before the Tribunal.

### **The Submissions of the Applicant**

12. The Respondent had until the previous week been represented by a solicitor and through him she had indicated that she admitted the facts and allegations but denied dishonesty. Further in her fax to the Applicant and to the Tribunal on 24<sup>th</sup> June 2003 the Respondent had said “I do not wish to contest any decision made by the Tribunal”. The Applicant would therefore put the case to the Tribunal as an admitted matter save for the issue of dishonesty.
13. The Respondent was not currently practising as a solicitor.
14. Allegations (i) and (ii) related to Ms K, Mrs B, Mr B and Mr M. Allegation (iii) related to those four clients and in addition to Mrs D and Mrs EG. Allegation (iv) related to Mrs EG.
15. The Tribunal was asked to note that the purported form D84A forwarded to Mrs B by the Respondent bore case number which related to another case entirely.
16. In relation to Mr B, the Tribunal was asked to note that at the time the Respondent handed to Mr B the purported draft Consent Order she had not in fact issued proceedings. Although Mr B had paid the Court issue fee prior to 12th August 1999, the proceedings were not issued until 25<sup>th</sup> October 2000 and even then were not accompanied by the appropriate fee.
17. In relation to Mr M, although the Respondent had written to the client on 3<sup>rd</sup> November 1999 advising that the date for the Decree Nisi had been fixed, the true position was that by 2<sup>nd</sup> November 2000 when Bow County Court wrote to the firm no action had been taken.
18. In relation to Mrs E G, the Tribunal was asked to note that the client was misled as to the stage her divorce proceedings had reached. Mrs E G’s urgent instructions had been received in January 2000 but proceedings were not issued until October 2000.
19. In relation to the issue of dishonesty, the Tribunal was referred to the Respondent’s letter of 27<sup>th</sup> January 2001 in which she had accepted that she had manufactured

documents and misled clients. In the submission of the Applicant it was very clear that the Respondent knew what she was doing and knew that it was wrong.

20. The Respondent's motive appeared to have been that she felt that she could not cope but rather than admit to this she began to manufacture documents and mislead clients. This was not a single event in a moment of panic but was a continuing course of conduct over some two years.
21. In the submission of the Applicant and in the absence of a credible explanation from the Respondent, the Respondent's conduct raised an irresistible inference of dishonesty. The Respondent must have known that her conduct was dishonest by the standards of honest and reasonable men.
22. The public had to have confidence that any solicitor, however young and pressured, would not behave in such a way. The public had to be protected.
23. The Respondent had agreed the Applicant's costs.

#### **The Submissions of the Respondent**

24. In her fax of 24<sup>th</sup> June 2003 addressed to the Clerk to the Tribunal and the Applicant the Respondent said that she would not be attending the hearing as she did not wish to contest any decisions made by the Tribunal and did not wish to make any excuses for her actions.
25. She said that she continued to receive medical assistance but found it difficult to accept that the career that she had chosen had impacted upon her mental state. She said she had on numerous occasions attempted to write to the Applicant to explain the situation but had failed to do so.
26. She said that she felt terribly guilty for all the distress she had caused to clients and to her former colleagues and did not intend to apply to renew her Practising Certificate or return to the profession.
27. She said that she had not meant to do what she did but had started work an enthusiastic and honest person. She apologised for all the distress and inconvenience.
28. She said that during her period in the profession she had got into debt and this should have alerted her to her depression but at the time she was just managing to cope and just wanted to get through the day. She had not discussed this with anyone and as her work began to suffer she did not feel she could approach her employers.
29. She had decided not to be represented at the Tribunal as she did not wish to create further financial burdens for her family given that she did not wish to contest the Tribunal's decision.
30. She concluded that there was a great deal to explain and she wished she could do so, however she could not see any reason to waste anyone's time any further.

### **The Findings of the Tribunal**

31. The Respondent had admitted the allegations but had denied dishonesty. The Tribunal had carefully considered the representations of the Respondent in the correspondence which was before them. The facts had been admitted and in the correspondence the Respondent had admitted misleading clients and manufacturing documents. This had not happened on one isolated occasion but had been a course of conduct. While the Respondent had referred to her mental state, at the time she had put forward no medical evidence. In the absence of such evidence or other persuasive explanation for the Respondent's conduct the Tribunal was satisfied that, applying the tests in the case of *Twinsectra v. Yardley*, dishonesty was proved to the high standard of proof required. The Respondent must have known that her conduct was dishonest and that it would be seen as dishonest by honest and reasonable people. The Tribunal therefore found the allegations substantiated and dishonesty proved.
32. The Tribunal considered that this case verged on the shocking in terms of the havoc which the Respondent had wreaked on the lives of not just one but many trusting clients who had relied on her for professional advice and assistance. The Tribunal regretted that it had not had the opportunity to hear from the Respondent in person but in the absence of the most persuasive medical evidence it was difficult to envisage any mitigation that could explain or excuse the Respondent's behaviour. Clients had suffered and the reputation of the profession had been damaged. The public had to be protected from such conduct and it was right that the Tribunal impose the ultimate sanction upon the Respondent.
33. The Tribunal therefore ordered that the Respondent Sonia Rishi of Harrow, Middlesex, solicitor be struck off the Roll of Solicitors and they further ordered her to pay the agreed costs of the application and enquiry fixed in the sum of £1,773.83.

DATED this 5th day of August 2003  
on behalf of the Tribunal

E Stanley  
Chairman