

IN THE MATTER OF KEZIA NAA OYOE ASARE (Nee Quartey), a former solicitor

- AND -

IN THE MATTER OF THE SOLICITORS' ACT 1974

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Mr R J C Potter (in the chair)  
Mr S N Jones  
Mrs V Murray-Chandra

Date of Hearing: 8th November 2005

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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 Law Society by Hilary Susan Morris, solicitor employed by the Law Society at Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 18th January 2005 that Kazia Naa Oyoe Asare, a former solicitor of Walthamstow, London, E17 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 allegation was that the Respondent had been guilty of conduct unbecoming a solicitor by virtue of her conviction for an offence of dishonesty at Snaresbrook Crown Court on 1st July 2003.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Hilary Susan Morris appeared as the Applicant. The Respondent did not appear and was not represented.

The evidence before the Tribunal included evidence as to substituted service upon the Respondent which the Tribunal accepted. The Respondent had played no part in the proceedings.

At the conclusion of the hearing the Tribunal made the following order:-

The Tribunal Orders that the Respondent, Kezia Naa Oyoe Asare (nee Quartey) of Walthamstow, London, E17 (formerly of Dagenham, Essex) former solicitor, be prohibited from having her name restored to the Roll of Solicitors except by Order of the Tribunal and it further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,022.20.

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

1. The Respondent, born in 1966, was admitted as a solicitor in 1995. She last held a Practising Certificate for the year 2002/2003 until 2nd June 2003, when she voluntarily removed herself from the Roll.
2. At all material times the Respondent was a partner in the firm of Ned & Chucks of 48 Balls Pond Road, Kingsland Junction, London, N1 4AP.
3. On 1st July 2003 the Respondent pleaded guilty at Snaresbrook Crown Court to making an untrue statement to procure a passport. She was sentenced to a 120 hours community punishment order and ordered to pay £250 towards the costs of the prosecution.

**The Submissions of the Applicant**

4. It was in the public interest that the name of the Respondent should not be restored to the Roll except by Order of the Tribunal after proper consideration.
5. The Tribunal was invited to consider the sentencing remarks of Mr Recorder JK Benson QC on 14th October 2003 when the learned Recorder said that the Respondent had signed an application for a passport. The details of Georgina Rose Margaret Brown and the date of birth belonged to a child who had died a week after her birth in 1979. The Respondent had admitted to the Police that she had signed the application form and the photographs despite not knowing the applicant at all. The person who was going to receive the passport had not ever been identified.
6. The learned Recorder went on to say that all offences involving the obtaining of false passports were serious, particularly where a qualified solicitor was involved. The Respondent had committed a very serious breach of trust and that was why the courts took a very serious view of these sorts of offences. In certifying the passport application the Respondent had been in a position of trust.

**The Findings of the Tribunal**

7. The Tribunal found the allegation to have been substantiated.

### **The Decisions of the Tribunal and its Reasons**

8. The Tribunal adopted the sentencing remarks of the learned Recorder. A solicitor is a person trusted to countersign passport applications. This is because there is a legitimate expectation that any solicitor undertaking such countersigning will be a person of the highest integrity, probity and trustworthiness. In this case the Respondent fell very far short of those high standards and had been guilty of a serious breach of trust which calls into question whether she should ever again be permitted to practise as a solicitor. As the Respondent had already taken the step of removing herself from the Roll of Solicitors the Tribunal considered it appropriate to make the order open to it prohibiting the Respondent from having her name restored to the Roll of Solicitors except by Order of the Tribunal. In all the circumstances it was right that the Respondent should pay the Applicant's costs. The Respondent had played no part in the proceedings and had not made any representations either as to the liability or quantum of costs. As the figure claimed was in the Tribunal's view reasonable, the Tribunal ordered that the Respondent pay the Applicant's costs in the fixed sum which the Applicant sought.

Dated this 20th day of December 2005  
On behalf of the Tribunal

R J C Potter  
Chairman