

IN THE MATTER OF HARJIT KAUR SANGHA, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A H Isaacs (in the chair)
Mr A H B Holmes
Mr D E Marlow

Date of Hearing: 28th July 2005

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Robert Simon Roscoe solicitor and partner in the firm of Victor Lissack, Roscoe and Coleman solicitors of 70 Marylebone Lane, London W1U 2PQ on 11th March 2005 that Harjit Kaur Sangha solicitor of Whetstone, Leicestershire 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 in that she had on 6th May 2004 at Northampton Crown Court been convicted upon indictment of doing an act tending and intended to pervert the course of public justice for which she was sentenced to 18 months imprisonment.

The application was heard at the Court Room 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Robert Simon Roscoe appeared as the Applicant. The Respondent appeared in person.

The evidence before the Tribunal included the admission of the Respondent. The oral testimony of Ms Watson and written references were handed up at the hearing.

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

The Tribunal orders that the Respondent, Harjit Kaur Sangha of Whetstone, Leicestershire, solicitor, be struck off the Roll of Solicitors and it further orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,111.00.

The facts are set out in paragraphs 1 to 4 hereunder:-

1. The Respondent, born in 1965, was admitted as a solicitor in 1992. Her name remained on the Roll of solicitors.
2. On 11th June 2003 Mr T was the victim of an attack by KS, the Respondent's nephew. Mr T suffered serious injury and ultimately on 6th May 2004 at Northampton Crown Court Mr S was convicted upon indictment of causing Mr T grievous bodily harm and sentenced to 20 months in custody.
3. On 12th June 2003 the Respondent provided the police officers investigating the assault on Mr T with a false alibi for the benefit of her nephew. The jury at Northampton Crown Court found that at the time the Respondent gave that information in a written statement she was aware that the alibi was false and that she was deliberately misleading the investigating police officers. The statement contained the following declaration: "This statement consisting of (x) pages, signed by me, is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true".
4. The Respondent had entered a not guilty plea at Northampton Crown Court but was convicted following a trial. She was sentenced to 18 months imprisonment.

The Submissions of the Applicant

5. There could be no doubt that a conviction of this nature amounted to conduct unbefitting a solicitor.
6. The Tribunal was invited to consider the sentencing remarks of Mr Recorder Ross in the Crown Court at Northampton on 6th May 2004. The learned Recorder said:-

“ for this court to have to deal with a solicitor on an offence such as this is, as you will appreciate, enormously disturbing. You know as well as I do, and you know why I know it, that the Guide to the Professional Conduct of solicitors and all commentaries that have been written upon it make it clear that a solicitor's word must be their bond. The whole world must be able to rely upon the word of a solicitor. You have brought the profession into disrepute and your professional body will deal with that. I know that the consequences of this conviction will be that you will be struck off. You will never be readmitted to the Roll of solicitors that is almost certain”.

He went on to say:-

“the fact that you are a well known, effective and respected solicitor brought this police investigation to a screeching halt when you advanced what you knew to be a false alibi on your nephew’s behalf... I accept that there was not careful planning between you and your nephew. ... neither was this an entirely spur of the moment decision by you to give a false alibi”.

The Submission of the Respondent

7. The Respondent accepted the inevitable outcome as a result of her conviction. She had served her sentence having the period that she spent on remand taken into account. She had been in prison from 6th May to 12th June and then released on a home detention curfew.
8. The Respondent’s life had changed dramatically. She was going to have to live with what had happened for the rest of her life. She thought about it every waking moment of the day.
9. At the time of the hearing the Respondent was working as a human resources manager. The income which she previously enjoyed as a solicitor had been drastically reduced.
10. The Respondent owned a home subject to a mortgage. She had kept up with her mortgage payments by drawing upon savings. She no longer had any savings. She had been in a position where she had had to rely on her parents, both of whom were pensioners, for extra support.
11. The Respondent had recognised her professional position at an early stage and had invited The Law Society to put in place the procedure to deal with her strike off. She hoped that the Tribunal would be able to take account of that and her financial position in dealing with any order for costs.
12. Ms Watson who spoke for the Respondent at the hearing and the written testimonials submitted on her behalf asserted that she displayed high professional standards and had been a hard working and competent solicitor. The Respondent’s current employers spoke highly of her the Respondent was a caring individual who had raised a great deal of money for charitable causes. The Respondent was described as a trustworthy, kind, approachable and likeable person.

The Tribunal’s Findings

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

The Tribunal’s decision and its reasons

14. The Tribunal found this to be a very sad case. The Respondent was a highly thought of solicitor practising in the criminal field. Those who knew her both on a professional and a personal level spoke highly of her. The Tribunal appreciated that it was difficult for the Respondent to attend the disciplinary hearing and she conducted

herself at the hearing with dignity even though she accepted what she expected to be the inevitable outcome.

15. The Tribunal has not only to consider the individual but must also take into account its wider duty to protect the public and in this case in particular to protect the good reputation of the solicitors' profession which is ultimately also for the public's protection. A solicitor who falls below the high standards of probity, integrity and trustworthiness required for membership of the profession must expect a serious disciplinary sanction and a solicitor convicted of a serious criminal offence cannot expect to remain on the Roll of Solicitors.
16. In all of the circumstances of this case and having taken into account the learned Recorder's sentencing remarks, the Tribunal concluded that it could fulfil its important duties only by ordering that the Respondent be struck off the Roll of Solicitors.
17. In such circumstances it was right that the Respondent pay the costs of and incidental to the application and enquiry. The Tribunal considered that the sum sought by the Applicant was entirely reasonable and in order to save time and further expense the Tribunal fixed the costs in the sum of £1,111.00.

Dated this 23rd day of September 2005
on behalf of the Tribunal

A H Isaacs
Chairman