

IN THE MATTER OF JAIPAUL SINGH THAKUR,
A person (not being a solicitor) employed or remunerated by a solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr L N Gilford (in the chair)
Mr D Green
Mr M C Baughan

Date of Hearing: 12th February 2008

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application had been duly made on behalf of The Law Society by David Elwyn Barton, solicitor, of 5 Romney Place, Maidstone, Kent ME15 6LE on the 21st May 2007 that an order be made by the Tribunal in respect of Jaipaul Singh Thakur of Knightswood Close, Edgware, Middlesex a person who was or had been employed or remunerated by a solicitor in the following terms:

That as from a date to be specified in such order no solicitor, Registered European Lawyer or incorporated solicitor's practice should, except in accordance with the permission in writing granted by The Law Society for such period and subject to such conditions as The Law Society might think fit to specify in the permission, employ or remunerate the said Jaipaul Singh Thakur in connection with his or her practice as a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice.

Or that such order might be made as the Tribunal should think right.

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

The allegation was that the Respondent, having been employed or remunerated by a solicitor, had been guilty of an offence of dishonesty or other act which made it undesirable for him to be employed or remunerated by a solicitor in connection with his or her practice.

The Tribunal ORDERS that as from 12th day of February 2008 no solicitor, Registered European Lawyer or incorporated solicitor's practice shall, except in accordance with permission in writing granted by The Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice Jaipaul Singh Thakur of c/o Mr X Johnson, The Gothic Buildings, 353-355 Goswell Road, London, EC1V 7JL a person who is or was a clerk to a solicitor and the Tribunal further Order that he do pay the costs of and incidental to this application and enquiry to be subject to a detailed assessment unless agreed between the parties.

The evidence before the Tribunal included facts admitted by the Respondent that are set out in paragraphs 1 to 8 hereunder:-

1. The Respondent, who was not a solicitor, had been employed or remunerated by Chiltons Solicitors, 2nd Floor, Borough House, 80 Borough High Street, London SE11 1LL. The principals of that firm were Terry Okpoko and Abdul Aziz.
2. The Respondent accepted instructions in immigration matters on behalf of two clients.
3. In about November 2001 the Respondent was instructed by Ms K in an application for leave to remain in the United Kingdom on behalf of her niece (or daughter). Ms K met with the Respondent at the offices of Chiltons solicitors and paid £500 to him on account of costs. Mr Thakur said he had written one letter for Ms K.
4. In about November 2001 the Respondent was instructed by Mr N to make an application for an extension of stay in the United Kingdom. Mr N paid £500 for costs to the Respondent, £100 in cash and two post-dated (to November and December) cheques for £200 each. Mr N had pressed the Respondent to take action. After three years Mr N approached the Home Office himself to discover that no application had been made on his behalf.
5. The Respondent told the Tribunal that he had funded the firm of Chiltons. He had paid the monies received from Ms K and Mr N into his personal bank account but had utilised such money to provide funding for Chiltons.
6. He said that formal invoices for costs were drawn only after the firm had sought advice from a consultant about steps to be taken before a successful application for a Legal Services Commission franchise could be obtained.

7. Mr Okpoko had told The Law Society that the Respondent had represented himself to be a non-practising barrister. Enquiries made of the Bar Council revealed that there was no trace of the Respondent.
8. During the course of The Law Society's investigation into this matter a caseworker spoke to the Respondent on the 7th October 2004 when the Respondent indicated that he believed that he had no obligation to respond to correspondence addressed to him by The Law Society.

The Submissions of the Applicant

9. The Respondent's admitted conduct was such that it would be appropriate that the regulatory order sought be made in respect of him and that he should pay the Applicant's costs.

The Submissions of the Respondent

10. The Respondent considered that the application had been wrongly brought. He wished to re-open The Law Society's adjudicator's decision made in respect of him. He believed that he had not been remiss when paying monies paid to him on account of Chiltons' costs into his personal bank account when he personally was funding that firm.

The Findings of the Tribunal

11. The Tribunal did not find Mr Thakur to be credible. He had on an earlier date sought an adjournment of the hearing fixed for the 12th February on the basis that he would be out of the country on that date. He had nevertheless appeared at the hearing. There had been difficulty in achieving service of the proceedings upon Mr Thakur following his notification of a number of addresses at which he did not appear to reside.
12. Mr Thakur had not grasped the allegation made against him in Mr Barton's application. He appeared to consider that it was acceptable that monies paid to a solicitor's firm on account of costs, which were clients' monies and could not be taken by the firm until a proper bill of costs had been delivered to the client, could properly be paid into his personal bank account. The fact that Mr Thakur had, as he claimed, funded the firm had no relevance to the way in which client monies were required to be handled under the provisions of the Solicitors Accounts Rules 1998.
13. The Tribunal accepted that Mr Thakur had not progressed the clients' matters as he should have done. The Tribunal did not believe the Respondent when he said that he had not intimated to his employer that he was a non-practising barrister. He told the Tribunal that he had not qualified as a barrister.
14. The Tribunal was satisfied that the Respondent's conduct was such that he should not be permitted to be employed within the solicitors' profession (or be employed by a Registered European Lawyer or an incorporated solicitor's practice), without the consent of The Law Society first obtained. The Tribunal made the order sought.

15. The Respondent had caused The Law Society to expend a great deal of time and trouble on this matter not the least because of his failures to respond and his representations as to why he had not been duly served with notice of the proceedings. The Tribunal considered it right that he should bear the costs of and incidental to the application and enquiry. The Tribunal took note of the fact that the parties had not reached any agreement about quantum of costs and ordered the Respondent to pay the Applicant's costs to be subject to a detailed assessment if not agreed.

Dated this 19th day of March 2008

On behalf of the Tribunal

L N Gilford
Chairman