

IN THE MATTER OF KIRAN DOHIL,
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. N. Pearson
Mr. S. Marquez

Date of Hearing: 11th December 2007

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by David Elwyn Barton solicitor of 13-17 Lower Stone Street, Maidstone, Kent, ME15 6JX on 23rd August 2007 that Kiran Dohil of Kingshill Drive, Kenton, Harrow, Middlesex, a person that an Order might be made that as from a date to be specified in such Order 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 Law Society might think fit to specify in the permission, employ or remunerate the said Kiran Dohil 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 other Order might be made as the Tribunal should think right. 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 her to be employed or remunerated by a solicitor in connection with his or her practice.

The application was heard at The Court Room, Third Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 11th December 2007 when David Elwyn Barton appeared on behalf of The Law Society and Nick Trevette appeared for the Respondent.

The evidence before the Tribunal included the admissions of the Respondent.

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

The Tribunal Orders that as from 11th day of December 2007 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 Law 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 Kiran Dohil of Kingshill Drive, Kenton, Harrow, Middlesex, a person who is or was a clerk to a solicitor and the Tribunal further Orders that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £5,520.60.

The facts are set out in paragraphs 1 - 16 hereunder:-

1. At all material times the Respondent was employed by Nicholas and Co solicitors of 18 - 22 Wigmore Street, London, W1U 2RG as a trainee solicitor. Her training contract commenced on the 31st August 2004. Mrs Dohil was suspended from her employment on 30th March 2007 and had since resigned. The Respondent's date of birth was 2nd July 1978.
2. A student named Kiran Aytan was enrolled as a law student at London Metropolitan University with an ID number of 96150973. She registered to start an HND in Business and Finance in September 1996. Her date of birth was 2 July 1978. In 1998 she transferred to a law course. On 8th May 2002 she was expelled for cheating and did not graduate.
3. On 12th August 2002 the University wrote to The Law Society to notify it of the expulsion.
4. Kiran Aytan commenced employment as a trainee solicitor with Nicholas and Co on 31st August 2004. She became known as Kiran Dohil following her marriage.
5. The Respondent gained her training contract by deception on The Law Society and Nicholas and Co., having perpetrated a series of discrete dishonest acts.
6. On 14th March 2001 The Law Society wrote to Miss Aytan to confirm the grant of Student Enrolment with The Law Society with effect from that date. Her student reference number was stated as 333614. On 27th November 2002 The Law Society wrote again using the same reference number in connection with her progress. However on 23rd July 2004 The Law Society wrote to her with a different reference number, 334382, stating that her Certificate of Completion of the academic stage had been granted from 16th July 2004. This letter was in substance a repeat of the letter of 27th November 2002, sent to the same person at the same address, but with a different reference number.
7. On 19th August 2002 The Law Society wrote to Miss Aytan and notified her that she might need to be interviewed by an Adjudicator. This followed the receipt of the University's letter notifying The Law Society of her expulsion for cheating. Miss Aytan was duly interviewed on 4th February 2003. The Adjudicator decided she was unfit to remain a student member of The Law Society and that her membership should

be cancelled. Miss Aytan was notified of this on 6th February 2003. The reference number used was 334382.

8. The persons to whom reference numbers 334382 and 333614 were allocated were one and the same, namely Kiran Aytan. Their addresses were the same. Miss Aytan appeared to have acquired a duplicate entry as the result of an unfortunate administrative error - one which the Respondent dishonestly exploited.
9. On 14th August 2004 Kiran Aytan wrote to The Law Society to state that she was not the Kiran Aytan interviewed by the Adjudicator on 4th February 2003. She produced the documents attached to her letter to show that she was a different person. The person named as Panna Ramesh Joshi in the copy Degree Certificate was, according to the University, a different person from Kiran Aytan.
10. On 2nd September 2004 The Law Society wrote to Miss Aytan because it was not satisfied with the replies she had given. On 15th September 2004 The Law Society was sent an application for Law Society student membership from Kiran Naytan. Kiran Naytan was given reference number 404868. She commenced a training contract with Nicholas and Co on 31 August 2004, expiring 29th August 2007. The firm applied to register her training contract on 3rd December 2004. The Law Society wrote on 16th December 2004 confirming the registration.
11. It was not known by The Law Society or Nicholas and Co that Kiran Naytan was the same person as Kiran Aytan.
12. On 6th June 2006 The Law Society wrote to Kiran Naytan because it appeared there were a number of records relating to her or someone with a similar name. She was asked to provide certain documents.
13. On 12th October 2006 Kiran Naytan sent an email from her work place and a letter from an address in Harrow enclosing the requested documents which were said by her to be certified copies of originals and signed as such "Nicholas and Co 12/10/2006". The documents so marked were:-
 - a) Degree Certificate in the name of Kiran Naytan;
 - b) Marriage certificate 19th August 2006, showing change from Naytan to Dohil;
 - c) Passport in the name of Naytan
14. The Law Society's enquiries continued and on 19th October the Respondent was asked for further information. A letter was addressed to Mr K Nicholas on 19th October and a reply was purportedly sent by him on 26th October 2006. That letter was a forgery, and so was a further letter of 16th November.
15. When confronted the Respondent confirmed that she had certified the documents as true copies without the knowledge or authority of any partner; the documents were not genuine and the passport and marriage certificate had been altered and the letters to The Law Society of 16th November 2006 and 11 January 2007 were forgeries created and signed by her. She had intercepted letters addressed to Nicholas and Co.
16. The University confirmed by letter that it had no record of a student named Naytan.

The Submissions of the Applicant

17. The Respondent had been expelled from University for cheating under the name of Aytan and her student membership of The Law Society had been cancelled as a consequence. Nonetheless she applied for and obtained student membership in the name of Naytan. The Respondent lied to The Law Society when she denied she was "Aytan". She obtained a training contract in a false name of "Naytan". She produced to The Law Society documents that she had forged and altered to support her identity as "Naytan". Further she forged letters apparently written by her employers and sent them to The Law Society.
18. The Respondent's deception had been to change the name on documents from "Aytan" to "Naytan". She gave Nicholas and Co the name of "Aytan" and at the same time gave The Law Society the name of "Naytan" for whom false documents had been created. She sought to exploit The Law Society's earlier administrative error by claiming that she was a different Kiran Aytan from the one who had been expelled. The Respondent had been dishonest in all these respects.

The Submissions of the Respondent

19. The Respondent admitted the facts and the allegation.
20. When The Law Society in error confirmed that a Certificate of Completion had been granted, the Respondent made an application to attend the LPC at the College of Law using the Certificate of Completion, that had been sent to her in error, to evidence the qualifying Law Degree that was required. She unfortunately failed that course and then approached Nicholas and Co solicitors who offered her a part time training contract in conjunction with a part time LPC at London Guildhall. Nicholas and Co were unaware that she had been disqualified from completing her Law Degree. The Respondent fully recognised that this was extremely deceitful and it was a decision she regretted but would have to live with for the rest of her life.
21. In 2004 the Respondent made an application to register the training contract with Nicholas and Co. and made false claims concerning a marriage and her true identity.
22. To make matters worse, when she realised that registering the training contract in her real name would raise further problems, she slightly altered her name to "Naytan". The forged documents and untruthful letters that followed were a further deceit, not only upon The Law Society but also her employers.
23. The Respondent was extremely remorseful for her actions. She had always been extremely concerned and worried about the situation she had created and felt somewhat relieved when matters came to a head. She sought to make no excuses for her actions. She was trying to fulfil the aspirations that her close family had for her. She had let them, her employers, the profession and herself down by a series of decisions that were ill conceived and selfish.
24. The Respondent accepted that the Order sought should be made in respect of her. She sincerely apologised for her actions.

The Findings of the Tribunal

25. The Tribunal found the allegation to have been substantiated, indeed neither it nor the facts were contested. The Respondent had demonstrated a remarkable degree of dishonesty. It was right that any person who had perpetrated such dishonesty should not be employed within the solicitors' profession without first obtaining the consent of The Law Society to such employment. Both solicitors and staff that they employ are required to act at all times with unquestionable probity, integrity and trustworthiness.
26. The Tribunal made the Order sought and further ordered the Respondent to pay the Applicant's costs. The Respondent had agreed the figure sought and the Tribunal therefore ordered her to pay the costs fixed in the agreed sum of £5520.60.

Dated this 5th day of February 2008

On behalf of the Tribunal

L. N. Gilford
Chairman