

IN THE MATTER OF MAYA DEVANI, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. A. G. Ground (in the chair)
Mr. S. N. Jones
Lady Maxwell-Hyslop

Date of Hearing: 22nd April 2008

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Solicitors Regulation Authority 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 28th December 2007 that Maya Devani of Coventry, West Midlands, 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 thought right.

The allegation was that the Respondent had been guilty of conduct unbecoming a solicitor in that on 22nd June 2006 at the Central Criminal Court, following a trial, she was convicted upon indictment of perverting the course of public justice and, on 29th September 2006, sentenced to twelve months imprisonment.

The application was heard at The Court Room, Third Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 22nd April 2008 when Robert Simon Roscoe appeared as the Applicant and the Respondent was represented by Simon Farrell of Queen's Counsel.

The Evidence Before the Tribunal

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 the Respondent, Maya Devani, of Coventry, West Midlands, 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 £1,000.00.

The facts are set out in paragraphs 1 - 6 hereunder:-

1. The Respondent, born in 1980, was admitted as a solicitor on 1st November 2004. Her name remained on the Roll of solicitors.
2. Following her admission as a solicitor the Respondent was employed as an assistant solicitor by Arani & Co, solicitors. In December 2004 Arani & Co were acting for a Mr Timothy Merchant, who was charged with the attempted murder of persons in a car by shooting at them. Mr Merchant had been remanded in custody at HM Prison Belmarsh and was classified as a category A prisoner. The Respondent had conduct of Mr Merchant's case under the supervision of a partner.
3. Mr Merchant attempted to fabricate exculpatory evidence. On 25th January 2005 the Respondent attended HMP Belmarsh as Mr Merchant's solicitor having booked a pre-arranged solicitor's visit to see him. The meeting was monitored by a CCTV camera, although no sound was recorded. Prison staff observed Mr Merchant give a letter to the Respondent, which was in breach of the prison rules under which the Respondent had been allowed to conduct a solicitor's visit.
4. At the conclusion of her visit the Respondent left the interview room but, before leaving the prison she was stopped and asked if she had received anything from Mr Merchant. The Respondent prevaricated but a letter was recovered. The letter had been given to the Respondent by Mr Merchant during her visit and contained instructions from Mr Merchant to a third party in respect of the fabrication of exculpatory evidence.
5. At the Central Criminal Court the Respondent entered a not guilty plea. Following trial by jury and conviction, on 29th September 2006 the Respondent was sentenced to 12 months imprisonment.
6. At the date of the hearing the Respondent had served the sentence.

The Submissions of the Applicant

7. The Respondent's criminal conduct had been serious.
8. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Focke QC in the Central Criminal Court on 29th September 2006 and in particular where he said "the authorities need to be able to trust and rely upon the integrity of solicitors. You let them down."

9. The Applicant sought costs in the figure of £1855.98. He accepted that the matter as it appeared before the Tribunal was not one of complexity, but he had been supplied with a number of papers by The Solicitors Regulation Authority and it was incumbent upon him to spend time reading all of them.

The Submissions of the Respondent

10. The Respondent accepted that her conviction for the offence which she committed was a serious matter. She had at the material time been very young and newly qualified. She had not planned what had happened in advance rather it had happened to her and in a moment of madness she had agreed to take two sealed letters out of the prison for Timothy Merchant. He had passed over the letters within a folded piece of paper. The offending letter had a “post it” note on it saying phone this number and meet him away from the car park at Belmarsh.
11. The Respondent had wanted to be a solicitor from an early age.
12. The Respondent accepted that the Tribunal would make a striking off order.
13. The Respondent and her family had already suffered a great deal. So far as the Tribunal was concerned, the matter was not one of complexity and the costs sought by the Applicant were considered to be high. It was hoped that the Tribunal would feel able to exercise its discretion so as to be lenient with regard to the costs to be paid by the Respondent.

The Findings of the Tribunal

14. The Tribunal found the allegation to have been substantiated, indeed it was not contested.
15. The Tribunal found this to be an extremely sad case. The Respondent was very young when she committed the offence and had been admitted as a solicitor for about one month. The Tribunal questioned the prudence of sending a young, newly qualified solicitor unaccompanied to meet with a client who had been charged with a most serious offence who was detained in a maximum security prison.
16. The Tribunal was of the view that the offence was so serious that it was appropriate and proportionate to order that the Respondent be struck off the Roll of solicitors.
17. The Tribunal took into account the Respondent’s unhappy personal position and in all of the circumstances considered that it would be appropriate to order that she pays a contribution of £1000.00, inclusive, towards the Applicant’s costs.

Dated this 3rd day of June 2008

On behalf of the Tribunal

A G Ground
Chairman