

IN THE MATTER OF AKINBOLADE KEHINDE ARIKAWE, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr J P Davies (in the chair)
Mr D Potts
Lady Maxwell-Hyslop

Date of Hearing: 9th August 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 Inderjit Singh Johal, a Barrister employed by the Law Society at the Solicitors Regulation Authority of Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE on 29th March 2007 that Akinbolade Kehinde Arikawe of 2 Strathearn Avenue, Twickenham, Middlesex, TW2 6JU, 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 should think right.

The allegations were that the Respondent had been guilty of conduct unbecoming a solicitor in each of the following respects:

- (i) that he dishonestly misappropriate clients' monies;
- (ii) that he dishonestly misappropriated office monies;
- (iii) that he withdrew money from client account other than as permitted by Rule 22 of the Solicitors Accounts Rules 1998;

- (iv) that he provided false information in an employment information form to Pedro Emmanuel, solicitors;
- (v) that he provided a false letter of reference to Pedro Emmanuel Solicitors;
- (vi) that he provided a false letter of reference to The Law Society in support of his application for admission;
- (vii) that he failed to disclose relevant information on his application for admission as a solicitor.

The application was heard at The Court Room, 3rd Floor, Gate House, 1 Farrington Street, London, EC4M 7NS on 9th August when Inderjit Singh Johal appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the Respondent contained in an e-mail message sent by the Respondent to the Applicant dated 14th May 2007 (set out in full under the heading "The Submissions of the Respondent"). At the end of the hearing the Tribunal made the following Order:

The Tribunal Orders that the Respondent Akinbolade Kehinde Arikawe of 2 Strathearn Avenue, Twickenham, Middlesex, TW2 6JU, solicitor, be Struck Off the Roll of Solicitors and they further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,973.20.

The facts are set out in paragraphs 13 hereunder:-

1. The Respondent, born in 1979, was admitted to the Roll of Solicitors. The Respondent qualified as a solicitor by completing the Qualified Lawyers Transfer Test (QLTT), having been called to the Bar in November 2003 and having the status of a non-practising Barrister. A certificate of eligibility was granted to the Respondent by The Law Society which required, inter alia, that the Respondent undertake two years work experience in a solicitor's firm prior to being admitted to the Roll. The Respondent completed the QLTT examination in December 2004.
2. The Respondent undertook his training at two different firms of solicitors. In October 2004 he commenced training at CFB Legal Limited Liability Partnership ("CFB") of Wanstead, London. He was dismissed from that firm for gross misconduct on 11th November 2005.
3. In December 2005 the Respondent recommenced his training at Pedro Emmanuel Solicitors at Sutton. He was dismissed from that firm for gross misconduct on 28th February 2006.
4. He was subsequently admitted to the Roll of Solicitors on 3rd April 2006.
5. On 1st July 2006 the Respondent became a member of Cherith Solicitors Limited Liability Partnership ("Cherith") of Victoria Park Road, London, E97 HD and he remained a partner until 27th November 2006 when he was dismissed for gross misconduct.

6. The Forensic Investigation Unit of The Law Society ("the FIU") carried out inspections of the books of account of CFB and Cherith after receiving complaints from the partners at these firms about the Respondent's fraudulent activities. The interim FIU Report on CFB was dated 12th September 2006 and the FIU Report on Cherith was dated 1st March 2007. Both Reports were before the Tribunal.
7. The interim FIU Report on CFB revealed that:
 - (a) On the 31st October 2005 the Respondent misappropriated £15,300.72 from client bank account. The Respondent forged the partners' signatures on a CHAPS transfer request form and faxed it to HSBC Bank requesting them to transfer the monies into his personal bank account.
 - (b) The Respondent admitted responsibility for the fraudulent transaction at a disciplinary hearing on 11th November 2005. The Respondent repaid the monies and was subsequently dismissed from the CFB.
 - (c) After the Respondent left the CFB the partners discovered that the Respondent on 21st October 2005 had drawn a cheque from client account for £10,000 payable to himself. The Respondent forged a partner's signature on the cheque and in order to conceal the transaction made out the cheque stub to "Mr K", a client of the firm. The partners also discovered that the Respondent improperly transferred by CHAPS £3,500 from client bank account to a "DP", a beneficiary in the USA.
 - (d) The Respondent denied all knowledge of the cheque or any involvement in the CHAPS transaction however he agreed to repay all the monies.
 - (e) the Respondent told the FIU that the CHAPS transfer of £15,300.72 into his own account had been made in error and the £10,000 cheque was a bonus paid out of client bank account by a CFB partner to him although he had not cashed it as it was drawn on client account. As for the £3,500 transfer to "DP" he claimed that he was instructed to make the payment by a client of the firm.
 - (f) The Respondent said that he had repaid all the monies to the firm because he was keen to sever all ties with it and clear his name. He intended to reclaim all the monies once the investigation was complete.
 - (g) The partners in CFB reported the Respondent to the police but he was not prosecuted for any criminal offence, partly because the monies were repaid to the firm. He repaid approximately £28,000 from his mother's account to the firm.
8. The Respondent continued his training at Pedro Emmanuel Solicitors during December 2005 under the supervision of Mr O. On 5th December 2005 the Respondent filled in an employment information form which all prospective employees were required to complete. Within the form the Respondent gave one of his reasons for leaving CFB as "Law Society intervention" and he failed to disclose the investigation and disciplinary hearing at CFB as well as his subsequent dismissal.

9. On 28th November Mr O sent a letter to CFB in which he requested a reference for the Respondent. Subsequently someone purporting to be a CFB partner telephoned Mr O and informed him that CFB had been intervened and that he would provide a reference for the Respondent on plain paper rather than the firm's headed paper. On 6th December Mr O received a reference from someone purporting to be "LF". The Respondent was described in the reference as being "trustworthy and diligent"; no mention was made of any of his indiscretions at the firm. The mobile telephone number given at the head of the reference was the Respondent's mobile number.
10. After having reason to doubt the Respondent's integrity Mr O, phoned The Law Society on 24th February 2006. He was informed that CFB had not been intervened into. Mr O subsequently phoned CFB and spoke to Mr F who confirmed that they were still operating and had never been intervened into. Mr F also informed Mr O that they had never previously spoken over the telephone or at all and he had not provided any reference on behalf of the Respondent. On 28th February 2006 Mr O dismissed the Respondent.
11. The Respondent made an application to be admitted to the Roll on 2nd March 2006. He failed to disclose any details of his dismissal from CFB and Pedro Emmanuel Solicitors despite the fact that it was a matter which should have been disclosed under Section 2(3) of the form.
12. In support of his application for admission the Respondent provided a reference to The Law Society, purportedly from Mr O, under cover of a letter dated 2nd March 2006. The reference, also dated 2nd March 2006, was on the firm's headed paper and was signed by Mr O. Mr O confirmed to The Law Society that he was not the author of the reference, noting in particular that the signature on the reference was not his and the headed paper used was a forgery.
13. The FIU Report into Cherith was before the Tribunal and revealed:
 - (a) at the commencement of the partnership the Respondent informed the senior partner of Cherith that he had completed his training at Pedro Emmanuel after leaving CFB because the partners requested that he launder money through his personal bank account, which he refused to do.
 - (b) the Respondent's curriculum vitae was produced to the senior partner and the Respondent's mobile number set out in his CV was the same as the mobile number set out in the heading of the reference received by Pedro Emmanuel purporting to be from the CFB partner;
 - (c) at Cherith the Respondent made cash withdrawals and payments from office account to pay personal liabilities. The Respondent used £1,723.06 of office monies over a period of four months. The Respondent fabricated office and client bank account statements in order to conceal the transactions;
 - (d) the Respondent fabricated office account statements to show a purported transfer of £871.42 from office account to the office savings account on 18th August 2006. On 4th October 2006 the Respondent transferred £871.42 from

client account to the office savings account in order to conceal the fact that he had failed to complete the original transfer;

- (e) the Respondent admitted to the fraudulent transactions and fabrication of bank statements when confronted by the senior partner after the bank had confirmed to her that the statements were indeed forgeries.
- (f) the Respondent misappropriated £600 of monies received from clients and £50 from another client.
- (g) The Respondent was formally dismissed from the practice on 27th November 2006 after being suspended on 19th October. The Respondent repaid all the office monies to the practice in two instalments. On 7th October the senior partner reported the Respondent to the police.
- (h) The FIU Investigator contacted the Respondent on his mobile phone on 26th February 2007. The Respondent said that he had resigned from Cherith after the senior partner discovered The Law Society's investigation into his activities at CFB. He explained that the payments from the office account were made to administrative staff employed at Cherith in breach of an agreement that he had made with the senior partner only to hire volunteers. He denied that he had fabricated bank statements, incorrectly transferred £871.42 from client to office savings account or that he had provided a false reference to Pedro Emmanuel Solicitors.

The Submissions of the Applicant

- 14. The Applicant had been able to demonstrate to the Tribunal that all documents had been served on the Respondent. It was understood that the Respondent had relocated to the United States of America and was no longer practising as a solicitor, although he continued to hold a practising certificate which was subject to conditions including a condition that he worked in employment approved by The Law Society only.
- 15. Although the Respondents had attempted to repay monies with cheques, a number of these had not been honoured on presentation.
- 16. The Tribunal was invited to note that the Respondent had pursued a thoroughly dishonest course of conduct.
- 17. The Tribunal would also be aware that allegation (iv), (v), (vi) and (vii) related to a period of time prior to the Respondent's being admitted to the Roll of Solicitors. In the submission of the Applicant the Tribunal did have jurisdiction to consider those allegations as examples of conduct unbecoming a solicitor, despite the fact that the misconduct complained of occurred prior to the admission of the Respondent to the Roll of Solicitors. The Applicant relied on the High Court authority in the case of *Ofosuhene CO 2860/96*.
- 18. Allegations (i), (ii) and (iii) related to an incident that occurred both before and subsequent to the Respondent's admission to the Roll.

The Submission of the Respondent
(The Respondent's email referred to above)

19. "I admit all the allegations not because I am guilty of everything alledge [sic] but because I am of most of them. I would also like this nightmare I find myself to end.

I implore that you deal with me leniently. I did complete 2 years training and in my actual work I have not had a complaint. I knew I could no longer practice in the UK, which is why I relocated to the USA. I am sorry for the disrepute that I have caused the profession and if you could be lenient with me I would be most grateful.

All that happened was because I found myself in a dangerous situation because I witnessed certain incidents and was held to ransome[sic].

This was not my aim when I decided to be lawyer.

I admit my faults but I know that even my accusers have taken advantage of situation I found myself."

Thanks.
 Akinbolade Arikawe"

The Findings of the Tribunal

20. The Tribunal found the allegations to have been substantiated indeed they were not contested.

The Tribunal's decision and its reasons

21. The Respondent had been thoroughly dishonest He had pursued a dishonest course of conduct and admitted that he had done so. Such behaviour placed the public in danger and served seriously to damage the good reputation of the solicitors' profession. Such behaviour would not be tolerated by the profession or this Tribunal. The Tribunal Ordered that the Respondent be struck off the Roll of Solicitors and further Ordered him to pay the costs of and incidental to the application and enquiry. The Tribunal considered the costs sought by the Applicant at £3,973.20 to be entirely reasonable and Ordered the Respondent to pay those costs fixed in that amount.

Dated this 19th day of October 2007
 On behalf of the Tribunal

J P Davies
 Chairman