

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF ALOYSIUS IGWEBUIKE OBI, solicitor (The Respondent)

Upon the application of Peter Harland Cadman
on behalf of the Solicitors Regulation Authority

Miss J Devonish (in the chair)
Mr A H B Holmes
Mr S Marquez

Date of Hearing: 26th October 2010

FINDINGS & DECISION

Appearances

Peter Harland Cadman, a Solicitor and Partner in the firm of Russell-Cooke, Solicitors of 8 Bedford Row, London WC1R 4BX, appeared on behalf of the Applicant.

The Respondent, who was present, was represented by Mr Rene of Counsel.

The Application to the Tribunal, on behalf of the Solicitors Regulation Authority ("SRA"), was made on 12 December 2008 in the form of an Amended Statement pursuant to Rule 4(2) of the Solicitors' (Disciplinary Proceedings) Rules 1994 following an Order of the High Court Queen's Bench Divisional Court on 14 October 2008 for the re-hearing of the previous Application heard on 28 and 29 September 2006.

Allegations

The allegations against the Respondent were that he had been guilty of conduct unbecoming a Solicitor in that he had:

- (i) Set up and/or been involved in a solicitor's firm, Chris Dale & Co, in circumstances in which he had known or ought to have known had been improper and/or unprofessional.
- (ii) Falsely witnessed a mortgage deed on 13 January 2003 and had falsely stated that he had been a solicitor with a current practising certificate.
- (iii) Produced three practising certificates that had been false.
- (iv) Attempted to deceive The Law Society by producing three false practising certificates.
- (v) Misrepresented to the Law Society his involvement in the practice of the solicitor's firm of Chris Dale & Co.

Preliminary Matter

Counsel for the Respondent informed the Tribunal that the allegations (i), (ii) and (v) were admitted by the Respondent but that the allegations (iii) and (iv) relating to the false practising certificates were denied.

Factual Background

1. The Respondent, born in 1962, was admitted to the Roll of Solicitors on 17 November 2003. As at the date of the hearing he was not on the Roll.
2. At all material times the Respondent had been involved with the practice of Chris Dale & Co, 200 The Grove, Stratford, London, E15 1NS.
3. However, at the relevant time, the Respondent had been a member of ILEX but had not been a qualified solicitor.
4. The Respondent had subsequently become a partner with Equitable Solicitors of 30A Brixton Road, Kennington, London, SW9 6BW.
5. The firm of Chris Dale & Co had been registered with The Law Society from 16 December 2002 with Mr Ijomanta as the sole practitioner. The firm had ceased on 17 December 2004. Both the Respondent and Mr Ijomanta had been involved in the firm. The firm's headed notepaper showed Mr Ijomanta as the sole practitioner and the Respondent as practice manager.
6. Messrs White & Bowker had complained to The Law Society by letter on 15 January 2003. The complaint had related to a document signed by Mr Ijomanta on 13 January 2003. That document showed that the Respondent had signed as "a solicitor holding a current practising certificate". The Law Society had written to the Respondent for an explanation. He had stated that "the problem arose because of an error with regard to a stamp".
7. As a result of the complaint, The Law Society had written to both Mr Ijomanta and the Respondent generally and had raised particular questions as to their involvement

in the firm of Chris Dale & Co. In correspondence, both Mr Ijomanta and the Respondent had attempted to distance themselves from the firm.

8. Mr Ijomanta had asserted that he was only a consultant. He had however accepted that he had been receiving a payment of £1,000 per month.
9. The Respondent had asserted that he had only been an employee and had never been held out as a solicitor. However he had confirmed that he had provided the majority of the investment in the firm and considered Chris Dale & Co to be his firm and had lodged a complaint that Mr Ijomanta was attempting to "sell my business".
10. In all the circumstances the arrangement had resulted in a solicitor's firm owned in whole or in part by the Respondent who had not at the material time been a solicitor. Mr Ijomanta's involvement had been solely to ensure compliance with The Law Society's regulations. At that stage Mr Ijomanta had also been the sole practitioner in the firm of Mantas & Co.
11. Mr Ijomanta had produced to The Law Society three "practising certificates" of the Respondent and had stated that the Respondent had produced them to Mr Ijomanta to prove qualification. Those "practising certificates" had been in due course presented by Mr Ijomanta to The Law Society.
12. The matter had been considered by an Adjudicator who on 15 October 2004 had referred the conduct of both Respondents and Mr Ijomanta to the Solicitors Disciplinary Tribunal.

Documentary Evidence before the Tribunal

13. Inter alia, the Tribunal reviewed the Rule 4(2) Statement and the documentary exhibits attached to that Statement together with further bundles from both the Applicant and the Respondent, including witness statements and agreed excerpts from the transcript of the previous proceedings.

Opening Submissions by the Applicant

14. The Applicant took the Tribunal briefly through the allegations against the Respondent and the documentary evidence relating to each allegation. He noted that the Respondent had admitted allegations (i), (ii) and (v).
15. In relation to allegation (i), the Applicant submitted that the arrangements as to the practice of Chris Dale & Co had been totally improper and in relation to allegation (ii), that the Respondent's explanation as to his use of the wrong stamp had provided no explanation whatsoever for the assertion by him in the main part of the document that he had been signing as "a solicitor holding a current practising certificate".
16. In relation to allegations (iii) and (iv), the Applicant referred to the conflict of evidence between the Respondent and Mr Ijomanta and submitted that the only reason for the production by the Respondent of the three false practising certificates had been to mislead. The Applicant explained that the Tribunal would be hearing new evidence on behalf of the Respondent that had not been available at the previous hearing.

17. In relation to allegation (v), the Applicant submitted that far from being just the Practice Manager, the Respondent had been totally involved in the firm of Chris Dale & Co and had controlled that firm on a daily basis.

Witnesses called by the Applicant

18. Wendy Godlyn Nkichi Chikwe gave evidence relying on the contents of her Statement, dated 7 October 2009, and her Statement of 28 November 2005 that had been prepared for the previous Tribunal proceedings. She also confirmed the truth of her evidence, given as a witness, before the Tribunal on 28 September 2006. Her evidence related to her recollection of events during the time that she had been employed as an assistant solicitor in the firm of Chris Dale & Co.
19. Ms Chikwe confirmed that she had checked her records and had been unable to find a client care letter, dated 10 June 2003, said to have been written to her from Russell Stanley and signed by the Respondent.
20. In cross-examination, inter alia, Ms Chikwe stressed that she had believed the Respondent to have been a solicitor when he had employed her as a part-time assistant solicitor, although she agreed that she had never seen any documentary evidence that he was a solicitor. She agreed that she had seen an ILEX Practising Certificate.
21. Ms Chikwe said that on the day after the telephone call to her from Mr Ijomanta, she had seen a Practising Certificate, in colour, on the table at Chris Dale & Co when the Respondent and Mr Ijomanta had been arguing. She had not seen the name on the certificate. Ms Chikwe insisted that she had not known or met Mr Ijomanta before he had telephoned her, sometime in September 2003, when she had been picking up her child.
22. Ms Chikwe explained that once she had discovered that the Respondent had not been a solicitor, she had wanted to leave Chris Dale & Co immediately but had been persuaded by Mr Ijomanta to stay to explain things to the firm's clients. She said that she had only stayed for a matter of weeks, moving to a new job at Eve Wee Solicitors in early November 2003.
23. Ms Chikwe agreed that she had used the firm's headed notepaper because she had signed letters that she had dictated at Chris Dale over some four months, but she did not remember now, and had not in 2006, remembered, who had been on that notepaper. She stressed that she had certainly not believed while working at Chris Dale that the Respondent had been the Office Manager because she had been working under him.
24. Ms Chikwe agreed that she and her husband had attended a second meeting with the Respondent, Mr Ijomanta, Kate Echeazu and Mr Agapo at which it was possible that a practising certificate had been produced but she had not read it.
25. Godwin Ijomanta relied on his Statement, dated 6 October 2009 together with the evidence he had given to the Tribunal on 28 September 2006. He confirmed that he had been a Respondent in the original proceedings and had been suspended for two years.

26. Mr Ijomanta explained that the Respondent had been introduced to him in late 2002 by Kate Echeazu. A man, called Agakpo, had also been present at the meeting in his office that had gone on until about 2.00am. Kate had told him that the Respondent was going to open up a law firm, to be called Chris Dale after her son and the Respondent's son, and that he needed a partner. She had pleaded with him to join the Respondent as a partner in the new firm. Mr Ijomanta said that he had agreed very reluctantly but insisted that he, Kate and Mr Agakpo had all believed the Respondent to be a solicitor.
27. After that initial meeting, Mr Ijomanta said that the Respondent had attended at his office at Mantas & Co and had given him three original practising certificates, which Mr Ijomanta had copied, returning the originals to the Respondent.
28. Mr Ijomanta confirmed that he had not known Ms Chikwe before he had telephoned her, on her mobile 'phone, to tell her that the Respondent was not a solicitor. He said that he had contacted her following his receipt of the letter, dated 22 September 2003, from the OSS. He said that on the day he had received that letter, he had gone to see the Respondent, and had said to him that they should post his practising certificates to the OSS. However, the Respondent had burst out crying and had said that he was sorry that he had deceived Mr Ijomanta. Mr Ijomanta said that he had got Ms Chikwe's mobile number when he had asked the Respondent who was working at Chris Dale.
29. Mr Ijomanta explained that on the day after he had called Ms Chikwe, she had come to the office of Chris Dale & Co and he had told her what had been happening, in the presence of the Respondent. He had said that she and the Respondent should change rooms as Ms Chikwe was a solicitor and as such should deal with the firm's clients.
30. Mr Ijomanta confirmed that he had read the statements of the four "new" witnesses; Faith Moyo, Esther Ndiragu, Yemi Akinbami and George Akpamgbo. In relation to Ms Akinbami's statement, Mr Ijomanta said that he knew Emenike Mgbemena but denied ever having had a conversation with him about forging practising certificates.
31. In relation to the statement of George Akpamgbo, Mr Ijomanta denied that the events, as detailed in that statement, involving Ejike and forged practising certificates, had taken place. He explained that George had not had a car during that period.
32. In cross-examination, inter alia, Mr Ijomanta insisted that he had been paid £1,000 per month as a Consultant Partner of Chris Dale because of his knowledge of conveyancing and because the Respondent had wanted the firm on lenders' panels. He explained that a Mr Smith of Britannia Immigration Centre had sold files to the Respondent and that his impression had been that he had been joining an up and running practice. He insisted that the Respondent had told him that he had been qualified for three years. Mr Ijomanta denied that his role had been to supervise the firm of Chris Dale & Co. Mr Ijomanta said that he had never attended the firm's offices to open the post. He explained that once Kate Echeazu had been able to leave her firm, the plan had been for her to join Chris Dale & Co as she had invested in the firm.

33. Mr Ijomanta said that he could not remember where he had kept the copies of the Respondent's practising certificates but that he had had them at the meeting, with Kate Echeazu and others, held after the letter from the OSS of 22 September 2003. He explained that he did not know if he still had those copies as he had lost his practice and his Landlord had locked him out.
34. Mr Ijomanta agreed that he had taken over Chris Dale & Co when he had found out that the Respondent had not been a solicitor but he stressed that before making that discovery, he had believed that the Respondent had been a solicitor of some years standing and as such competent to run his firm. He denied that he had been supervising both his own firm and Chris Dale & Co or that he had been holding Chris Dale on trust for the Respondent. Mr Ijomanta insisted that subsequently, after the letter from the OSS, he had only been trying to limit the damage and had instructed Ms Chikwe to tell clients that the firm could not progress their matters.
35. Mr Ijomanta explained that the letter of 27 October 2003, written by the Respondent to him and copied to Kate Echeazu, had reflected the true position in that the Respondent had owned Chris Dale & Co and that he had been sorry for what he had done. Mr Ijomanta denied that the letter of 15 October 2002, applying to The Law Society for the registration of Chris Dale & Co, had been drafted on his instructions. Mr Ijomanta agreed that it showed his correct Roll Number but insisted that he had discovered that letter later.
36. Mr Ijomanta insisted that he had never had a conversation with Emenike Mgbemena in the presence of Yemi Akinbami. He said that he had laid off George Akpamgbo because he could not spell and had not passed his law degree examinations.
37. At the second meeting which he said had taken place about a week after the first letter from The Law Society dated 22 September 2003, Mr Ijomanta insisted that he had had in his hand the three practising certificates given to him by the Respondent and that he had said to the Respondent, "This is the instrument of your deceit".

Application by Counsel for the Respondent of "no case to answer" in relation to allegations (iii) and (iv)

38. Counsel submitted that as at the close of the Applicant's case, if the Respondent decided not to give evidence, no reasonable Tribunal, given the available evidence, could find allegations (iii) and (iv) proved to the higher standard. Counsel referred to specific details in the evidence of Ms Chikwe; that she had seen a colour copy of a practising certificate but not the name of the Respondent and to the evidence of Mr Ijomanta in that he had been unable to explain why he had not sent copies of the Respondent's practising certificates with his first letter to the OSS on 20 October 2003, in response to their letter of 22 September 2003. Counsel submitted that the Tribunal had to consider whether Mr Ijomanta had given reliable evidence on which it could rely.
39. The Applicant opposed the application on the basis that in order for the application to succeed the Tribunal would have to conclude that there was no evidence to support the allegations, whereas, the Applicant submitted that, there was clear evidence from both Mr Ijomanta and from Ms Chikwe, which had not been undermined during

cross-examination. The Applicant referred to Mr Ijomanta's response to the OSS dated 20 October 2003 in which he had referred to "Practising certificates produced to me supported this."

40. The Applicant stressed that the test that the Tribunal had to apply in an application of no case to answer was whether evidence had been produced which, if accepted, was capable of sustaining the Applicant's case.

The Decision of the Tribunal on the application of "no case to answer"

41. Having considered the submissions of the parties and the evidence presented by the Applicant, the Tribunal was satisfied that there was a case for the Respondent to answer.
42. In considering the appropriate test for an application for no case to answer, the Tribunal had relied upon R v Galbraith [1981] in which Lord Lane CJ had established the principles upon which such applications were to be decided. Where the evidence was tenuous, either because of inherent weakness or vagueness or because it was inconsistent with other evidence, so that the prosecution evidence, taken at its highest, was such that no reasonable Tribunal could properly convict upon it, then the case was to be stopped.
43. The Tribunal had considered that the Applicant's evidence, taken at its highest, could support findings of fact relevant to the allegations the subject of the application of no case to answer.

Witnesses called on behalf of the Respondent

44. Esther Ndiragu gave evidence relying on her Statements of 21 November 2005, 30 September 2006 and 26 January 2010. Part of her statement dated 30 September 2006 was redacted by consent as it contained hearsay evidence.
45. In cross-examination, Ms Ndiragu confirmed that the Respondent had let her do work experience at Chris Dale & Co between July and September 2003. She explained that she had thought that the firm belonged to Mr Ijomanta, whom she had seen at the firm about three times and whose practising certificate she thought had been displayed in the firm's reception area.

The Oral Evidence of the Respondent

46. The Respondent relied on his statements, dated 5 January 2010 and 21 October 2010 together with the evidence he gave to the Tribunal on 29 September 2006. He gave evidence of his training and various employments confirming that he had left Russell Stanley Solicitors in December 2002 and had returned to work there in October 2003. However, because Chris Dale & Co had not had a Housing Franchise, the Respondent explained that he had continued some housing matters at Russell Stanley while working at Chris Dale & Co.
47. In cross-examination, dealing with his certification of identification evidence and his witnessing of a mortgage deed on 13 January 2003, the Respondent stressed that he

had signed not as a solicitor but as a FILEX and he had believed that he had had the right to do so.

48. The Respondent agreed that the letter of 15 October 2002, sent to the Registration Department of The Law Society, had been false in describing him as a Partner & Practice Manager but he insisted that it had been generated, in error, by the computer. He confirmed that between December 2002 and September 2003, Mr Ijomanta had attended the offices of Chris Dale & Co about three times but that he would read every letter to him by telephone. He insisted that Ms Chikwe had known that he had not been a solicitor when she had been working at Chris Dale & Co because it was not logical for a reasonable person to have believed that he had been a solicitor at that time.
49. The Respondent confirmed that the paragraphs, numbered 2 and 3 in his letter dated 5 November 2003 to the OSS, had not been true but that he had been telling the OSS the position that had been agreed in the meeting with Mr Ijomanta. In fact, he explained, by the time he had written that letter, he had been thrown out of Chris Dale & Co so his paragraphs had reflected the position then.
50. In his letter of 27 October 2003 to Mr Ijomanta, the Respondent explained that he had not been saying sorry but had been regretting his whole investment and partnership in Chris Dale & Co. His role in the firm had been to transfer the files from Britannia and prepare them for audit. He denied that once Kate Echeazu had been in a position to join Chris Dale & Co it had been agreed that Mr Ijomanta would withdraw.
51. The Respondent denied having had any conversations with Ms Chikwe about displaying practising certificates and denied providing any practising certificates to Mr Ijomanta.
52. At the meeting with Mr Ijomanta and Ms Chikwe, the Respondent insisted that the only document referred to had been the mortgage deed that he had signed and that, as at the second meeting, there had not been any discussions about practising certificates.
53. The Respondent agreed that he had signed the letter of 15 October 2002 to The Law Society applying for the registration of Chris Dale & Co but that he had not noticed that the letter had referred to him as "Partner & Practice Manager: A.I. Obi Filex, LLB (Hons)".
54. The Respondent agreed that in his evidence to the Tribunal on 29 September 2006, he had said that the information that he had provided, under the paragraphs numbered 2 & 3 in his letter to the OSS of 5 November 2003, had been true as to the position at Chris Dale & Co before September 2003. However, the Respondent explained that what he had said to the Tribunal, on 29 September 2006 in relation to Mr Ijomanta's supervision of the work of the firm, had not been true and that he had said what he had because he had been under pressure and without legal representation.
55. The Respondent said that his agreement with Mr Ijomanta had been that he would fund and practice-manage Chris Dale & Co, while Mr Ijomanta had been the Principal and Supervisor, on trust until the Respondent had qualified. The Respondent said that he had not known that such an agreement had been improper.

56. In relation to the new evidence from Yemi Akinbami, the Respondent said that he had learnt about the content of Yemi's evidence after he had been struck off the Roll on 29 September 2006.
57. As to George Akpango, the Respondent said that he had met him at an African party where everyone had been introducing themselves and there had been rumours about his strike-off. The Respondent was unable to remember whether he or George had drafted the Statement.
58. In response to a question from the Tribunal, the Respondent explained that Kate Echeazu had given him the Business Plan attached to his application for registration and she had also prepared the projected cash flow, all of which he had sent to the Registration Department at The Law Society under cover of his letter of 15 October 2002.

Further evidence on behalf of the Respondent

59. Faith Moyo gave evidence relying on her statements of 17 April 2006, 30 September 2006 and 19 January 2010. In cross-examination, she said that Mr Ijomanta had attended the offices of Chris Dale & Co some 10 times over a period of about nine months. Ms Moyo explained that she had been unable to attend the hearing on 28 and 29 September 2006 for which she had prepared her first statement.
60. In response to a question as to why she had not included the information about overhearing Mr Ijomanta talking about forging a document, in her first statement, Ms Moyo said it was because she had not been sure that they had gone ahead with it and also that she had remembered it later. Ms Moyo said that she had told the Respondent about the forgery conversation in September 2003, on the day after it had taken place and that he had said that he would deal with it.
61. In response to a question from the Tribunal, Ms Moyo explained that she had overheard the conversation about forging a document after the falling out between the Respondent and Mr Ijomanta. The conversation had taken place in a room in the offices of Chris Dale & Co, the door to which was not closed.
62. Yemi Akinbami gave evidence relying on her statements of 9 November 2006 and 28 January 2010. She said that she had been present at a conversation that had taken place about November or December 2003 between Emenike Mgbemena, who had been the Principal of Russell Stanley & Co, Solicitors, and Mr Ijomanta at the offices of Russell Stanley. Ms Akinbami said that Mr Ijomanta had stated that he had forged the practising certificates that he had sent to The Law Society.
63. In cross-examination, Ms Akinbami explained that she had not discussed the conversation with either Mr Mgbemena who was now in Nigeria or Mr Ijomanta or with anyone else until she had contacted the Respondent when she had heard that he had been struck off the Roll. She had made her Statement after she had spoken to the Respondent and had taken it back to the office and had given it to him.

64. George Akpamgbo gave evidence relying on his statements of 5 January 2007 and 29 January 2010. He said that while working at Mantas & Co, he had had a car; a VW Golf and that Mr Mantas had used it when his own car had been impounded.
65. In cross-examination, Mr Akpamgbo said that he had stopped doing work experience at Mantas & Co because the firm had been chaotic. He explained that he had seen the Respondent in a restaurant and had recognised and approached him having heard about what had happened. Mr Akpamgbo said that he had told the Respondent that he would give him a statement about the way things had happened with a man called Ejike bringing forged practising certificates for Mr Ijomanta.
66. Mr Akpamgbo said that Ejike, who has now been deported to Nigeria, and Jo, who he had worked with at Mantas & Co and who he had also told the Respondent about, had also been in the room with him and Mr Ijomanta discussing about forgery and presenting something to The Law Society.

The Applicant's Closing Submissions

67. The Applicant referred to and summarised what he submitted was conflicting evidence in relation to the copies of three forged practising certificates, in the name of the Respondent, sent to The Law Society by Mr Ijomanta.

Closing Submissions on behalf of the Respondent

68. Before Counsel began his closing submissions the Tribunal indicated that, having heard all the evidence in the case and the helpful submissions to date from both parties, it considered that allegations (iii) and (iv) had not been proved to the higher standard. The Tribunal stressed that while it was not making a finding of fact as to what had actually happened, it was not satisfied that it had been proved to the higher standard that the Respondent had produced the three practising certificates and had then attempted to deceive The Law Society by producing those three certificates to it.
69. Having considered the indication of the Tribunal in relation to allegations (iii) and (iv) and on the basis of the Respondent's admissions to allegations (i), (ii) and (v), Counsel addressed the Tribunal in mitigation.
70. Counsel detailed the history of the matter and the efforts of the Respondent to prove his innocence. He referred to the previous hearing when because of a misunderstanding the Respondent had attended without any legal representation or any witnesses. Counsel referred to the penalty imposed on Mr Ijomanta at that previous hearing and asked the Tribunal to read those Findings when considering proportionality of penalty.
71. Counsel submitted that the Respondent had been a victim of his own ambition but that the last four years, during which he had been unable to work, even in a quasi-legal capacity, should serve as his punishment and he should now be allowed back on the Roll, subject to strict supervision criteria. Counsel handed references to the Tribunal and provided details of the Respondent's continuing legal education and of his financial position.

Application for Costs

72. The Applicant handed a Costs Schedule to the Tribunal and sought an Order for costs.

The Tribunal's Findings as to Fact and Law, Sanction and Reasons

73. The Tribunal had given full and careful consideration to the matter. The Tribunal found allegations (i), (ii) and (v) both admitted and proved. It considered those allegations as proved to have been very serious.

74. As it had indicated previously, the Tribunal was not satisfied that allegations (iii) and (iv) were proved to the higher standard. However, the Tribunal wished it to be noted that it had not been impressed with the credibility of the new evidence.

75. Ms Moyo's first witness statement, dated 17 April 2006, had not referred to the over-heard conversation related in her second witness statement, dated 30 September 2006. More importantly, Ms Moyo had told the Tribunal that she had told the Respondent of that over-heard conversation, relating to the forgery of a document, in September 2003. However, the Tribunal noted that the Respondent had not referred to what he must have considered to be a key fact in his evidence at the first hearing in September 2006. In those circumstances the evidence of the over-heard conversation did not appear to be "new" evidence. Moreover, the Tribunal considered Ms Moyo to have been a poor and unconvincing witness.

76. The Tribunal considered that the evidence of George Akpangbo was unimpressive in that his oral evidence had referred to the presence of two persons not referred to as having been present during key admissions of forgery in his written statement.

77. The Tribunal did consider that Ms Chikwe had given clear, credible and consistent evidence. While her recollection in 2010 of events of 2003 had not been as precise as that in 2006, the Tribunal accepted her evidence noting that if she could not remember clearly she had said that was the position.

78. The Tribunal noted the requirements for solicitors as referred to in Bolton v The Law Society [1994] 1 WLR 512 in which the Court had said that solicitors must discharge their professional duties with integrity, probity and complete trustworthiness and that any solicitor failing in such discharge must expect the imposition of severe sanctions.

79. The Tribunal was not been impressed with the evidence of the Respondent, which it considered to have been evasive and inconsistent. The Tribunal was satisfied that the Respondent had been involved in setting up a solicitor's firm and had represented himself as a qualified solicitor-partner. The letter dated 15 October 2002, to the Registration Department of The Law Society, that he had signed had stated that he was a Partner and Practice Manager in the firm of Chris Dale & Co Solicitors. The attachments to that letter, in particular the Business Plan, had referred to the partners in the firm being experienced and it was clear from the letterhead that there had been only two partners in the firm; the Respondent and Mr Ijomanta.

80. The Respondent had admitted witnessing a mortgage deed as a solicitor. Looking at the wording of the mortgage deed, the Tribunal was unable to accept the

Respondent's explanation that he had been signing only as a member of ILEX because the document had clearly stated that the person had been signing as "a solicitor holding a current practising certificate".

81. The Tribunal was concerned that, particularly in relation to allegation (v), the Respondent had admitted when giving evidence before it that evidence he had given on oath before the previous Tribunal in relation to his letter of 5 November 2003 to the OSS, had been untrue. The Tribunal considered the contents of that letter, particularly under paragraphs numbered 2 and 3, to have been a blatant misrepresentation of the true position to his professional regulator.
82. In the context of a solicitor being required to discharge his professional duties with integrity, probity and complete trustworthiness, the Tribunal could not find that the Respondent had met that standard in fact it found that the Respondent had fallen far below it.
83. In all the circumstances, the Tribunal considered that the appropriate penalty was that the Respondent be struck off the Roll of Solicitors and it so Ordered.

Decision as to Costs

84. The Tribunal ordered that the Respondent do pay the costs fixed in the sum of £23,000.00, but having taken into consideration the submissions as to the means of the Respondent, that its Order was not to be enforced without leave.

The Order of the Tribunal

85. The Tribunal Ordered that the Respondent, Aloysius Igwebuike Obi of 4 St James Avenue East, Stanford-Le-Hope, Essex SS17 7BQ solicitor, be Struck Off the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £23,000.00, such Order not to be enforced without the leave of the Tribunal.

Dated this 1st day of December 2010
On behalf of the Tribunal

Miss J Devonish
Chairman