

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF ANTHONY ALABI (The Respondent)

Upon the application of Andrew John Bullock  
on behalf of the Solicitors Regulation Authority

---

Mr D Green (in the chair)  
Mrs E Stanley  
Mr S Marquez

Date of Hearing: 23rd June 2010

---

**FINDINGS & DECISION**

---

**Appearances**

Mr Andrew John Bullock of The Solicitors Regulation Authority, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE.

The Respondent appeared in person.

The application was dated 11<sup>th</sup> December 2009.

**Allegation**

The Respondent failed to reply to correspondence received from the Solicitors Regulation Authority and had thereby failed to deal with the Solicitors Regulation Authority in an open, prompt and co-operative way in breach of the Solicitors Code of Conduct 2007 (“the Code”) rule 20.5 (1).

**Factual Background**

1. The Respondent, born in 1965, was admitted as a Solicitor on 15<sup>th</sup> March 2002 and his name remained on the Roll of Solicitors.

2. At all material times the Respondent carried on in practice as a solicitor on his own account under the style of "Advocates Solicitors" at 6 Connaught Road, Ilford, Essex, IG1 1QT.
3. On 1<sup>st</sup> December 2009 the Solicitors Regulation Authority ("SRA") conducted a monitoring visit at the offices of Advocates Solicitors and produced a Practice Standards Report as a result. A number of breaches of the Code were identified.
4. The SRA wrote to the Respondent on a number of dates, but the Respondent failed to respond either adequately or at all. The letters from the SRA to the Respondent were dated 4<sup>th</sup> December 2008, 6<sup>th</sup> February 2009, 10<sup>th</sup> March 2009, 3<sup>rd</sup> April 2009, 21<sup>st</sup> May 2009 and 9<sup>th</sup> June 2009. None of these were returned to the SRA.
5. The Respondent sent one letter to the SRA dated 26<sup>th</sup> March 2009 but it did not provide the confirmation sought by the SRA.
6. The Tribunal reviewed all the documents submitted by the Applicant, which included:-
  - (1) Rule 5 Statement together with all enclosures.
  - (2) List of documents dated 12<sup>th</sup> February 2010.
  - (3) Schedule of Costs.
  - (4) Electronic proof of delivery from Royal Mail.
7. The Tribunal reviewed all the documents submitted by the Respondent which included:-
  - (1) Respondent's bundle of documents.

### **Witnesses**

8. No witnesses gave oral evidence.

### **Application to Amend Allegation made by Applicant**

9. After the Respondent had made his submissions, the Applicant made an application to amend his allegation to state "he has failed to provide any or any full reply" as he submitted any reply from the Respondent had been inadequate. This would be the Applicant's fallback position, as he had pointed out to the Tribunal that there had been no reply at all to the SRA's letters dated 3<sup>rd</sup> April 2009, 21<sup>st</sup> May 2009 and 9<sup>th</sup> June 2009. The Applicant requested leave to amend his allegation to state "he has failed to provide any or any full reply".
10. The Applicant made his application to amend after the Respondent had made his submission that he had indeed replied to the correspondence from the SRA by sending them a letter of 26<sup>th</sup> March 2009. There had therefore been no failure to reply to

correspondence on his part. The Respondent had also stated that he had not received the SRA's letter of 3<sup>rd</sup> April 2009 or 21<sup>st</sup> May 2009. In response to the Applicant's application to amend, the Respondent relied on the judgement of the Tribunal and was of the view that a full response had been given to the SRA's letters.

### **The Tribunal's Decision on the Applicant's Application to Amend his Allegation**

11. The Respondent in this case was representing himself. The Applicant had made his application to amend his allegation after completing presentation of his own case and indeed, after the Respondent had started making submissions and had started to address the Tribunal in response to the Applicant's case. In the circumstances, the Tribunal were not prepared to grant leave for the Applicant to amend the allegation at this late stage as the Tribunal did not consider it just to do so. The Applicant's application was refused.

### **Findings as to Fact and Law**

12. The Applicant's case was that whilst the Respondent had submitted a letter on 26<sup>th</sup> March 2009 in response to the SRA's earlier letters, this contained an inadequate response. However, the Tribunal noted that the allegation as pleaded was that the Respondent had failed to reply to correspondence and had thereby failed to deal with the SRA in an open, prompt and co-operative way. Any correspondence prior to 26<sup>th</sup> March 2009 had indeed been replied to by the Respondent's letter of 26<sup>th</sup> March 2009.
13. The Applicant further submitted that three letters had been sent by the SRA after the Respondent's letter of 26<sup>th</sup> March 2009. A letter had been sent on 3<sup>rd</sup> April 2009 by post, another letter had been sent on 21<sup>st</sup> May 2009 by DX, and a third letter had been sent on 9<sup>th</sup> June 2009, also by DX. The Applicant had submitted that whilst the Respondent had claimed that he was having difficulties with his DX, there was no explanation as to why the letter of 3<sup>rd</sup> April 2009 sent to the Respondent's office address had not been received. The Applicant further submitted that the Respondent had given no real explanation as to exactly what the problems with his DX had been.
14. The Respondent had submitted that he had not received the letters of 3<sup>rd</sup> April 2009, 21<sup>st</sup> May 2009 or 9<sup>th</sup> June 2009. As he had not received those letters, he had been unable to respond to the contents of those letters and submitted that he could not be in breach of Rule 20.5 (1) for not responding to letters he had not received.
15. The Tribunal noted the Respondent had not given any evidence on oath. The Tribunal did not accept three consecutive letters from the Respondent's regulatory body had not been received by the Respondent when they had been sent by different methods of post. It was inconceivable that all three letters had gone astray and accordingly, the Tribunal found the allegation proved in relation to those three letters.

### **Costs Application**

16. The Applicant requested an order for his costs which came to £2,001.40. He provided the Tribunal with a schedule. The Respondent submitted the costs were excessive and high, and there was some element of duplication. He also submitted that overnight accommodation for today's hearing was disproportionate and that the costs would

have been lower if a local advocate had dealt with the matter.

### **Previous Disciplinary Sanctions before the Tribunal**

17. None

### **Sanction and Reasons**

18. By failing to reply to correspondence from the SRA, the Respondent had prevented the regulator from exercising its proper regulatory function, which was necessary in order to ensure the protection of clients and the public. In the circumstances, the Tribunal ordered the Respondent to pay a fine of £1,000.

### **Decision as to Costs**

19. The Tribunal considered the costs were not excessive in view of the circumstances and ordered they be paid in full.

### **Order**

20. The Tribunal Ordered that the Respondent, Anthony Alabi of 6 Connaught Road, Ilford, Essex, IG1 1QT, solicitor, do pay a fine of £1,000.00, such penalty to be forfeit to Her Majesty the Queen, and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,001.40.

Dated this 24<sup>th</sup> day of September 2010  
On behalf of the Tribunal

D Green  
Chairman