

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF HARRY ENNY JASPER, (the Applicant) former solicitors clerk

Upon the application of David Barton
on behalf of the Solicitors Regulation Authority

Mr E Richards (in the chair)
Mr M Sibley
Mr S Marquez

Date of Hearing: 23rd September 2010

FINDINGS & DECISION

Appearances

Harry Enny Jasper, the Applicant, appeared in person.

The Respondent to his application, the Solicitors' Regulation Authority, was represented by David Barton, Solicitor Advocate.

The application to the Tribunal, by Harry Enny Jasper, was made on 3rd May 2010.

Preliminary Matter

The Tribunal noted that the Application Form referred to both a review and a revocation of the order made on 10th November 2008 by the Tribunal under s.43 of the Solicitors' Act 1974 (as amended). The Tribunal explained to the Applicant that he was out of time for a re-hearing pursuant to Rule 25 of the Solicitors (Disciplinary Proceedings) Tribunal Rules 1994 and that any appeal of the Order would have been to the High Court. The Tribunal further explained that it did not have the power to re-hear the matter or to change the Findings made by the Tribunal on 10th November 2008.

The Applicant explained that his application was to enable him to put his side of the story. He said that although he had known about the proceedings he had been out of the Country during the hearing when the Order of 10th November 2008 had been made and he had not known about the s.43 Order until 26th February 2009. The Applicant provided the Tribunal with details of his medical history. In response to a question from the Tribunal, the Applicant confirmed that he was aware that he was subject to a regulatory Order and that he could seek the permission of the Law Society to be allowed to work.

Factual Background

1. On 26th January 2007 an application was made on behalf of the Law Society for an Order under Section 43 of the Solicitors' Act as amended.
2. The present Applicant had been one of six Respondents (the others being four solicitors and one Registered Foreign Lawyer) and the Tribunal had heard evidence against them over six days from 3rd – 7th November 2008 and 10th November.
3. On 10th November 2008, the Tribunal had made a Section 43 Order in the Applicant's absence. The Applicant had not been represented at the hearing and had not communicated with either the Applicant or with the Tribunal at any time following the personal service of the application on him on 16th April 2007.

Documentary Evidence before the Tribunal

4. The Tribunal reviewed the Application and the Witness Statement dated 3rd May 2010, the Findings dated 1st April 2009 together with the Respondent's written submissions and exhibits.

Submissions of the Applicant

5. The Applicant relied on his statement dated 3rd May 2010. He stressed that he had not been pivotal to the allegations but had been working under supervision unaware that he had been doing anything wrong.

Submissions of the Respondent

6. Mr Barton referred to his detailed written submissions. He noted that although the Applicant said that he had been aware of the Order from 25th February 2009, he had failed to apply for a re-hearing or to appeal the Order.
7. Mr Barton referred the Tribunal to the Findings of the hearing in November 2008 submitting that the evidence against the Applicant had been substantial. He explained that the evidence had been contained in reports following long investigations into the fraudulent conduct of the principals of two firms of solicitors; Omezie & Co and Anthony & Roberts.
8. Mr Barton referred the Tribunal to the details of the Applicant's subsequent activities in the firm of OMBC Solicitors and submitted that in the interests of protecting the public the Order under Section 43 should remain in place.

The Decision of the Tribunal

9. The Tribunal noted that in essence the Applicant was seeking a rehearing of the allegations against him that had been determined in November 2008. Having considered all of the submissions both oral and written, the Tribunal was satisfied that an application for a rehearing was out of time and the Tribunal did not have the power to review the Section 43 Order imposed by a previous Tribunal in November 2008.
10. The Tribunal stressed that its decision did not prevent the Applicant from making an application to the Law Society to be allowed to take up approved employment.

Application for Costs

11. The Respondent applied for the costs incurred in successfully opposing the application. He handed in a Schedule detailing the costs of £2,350.00. The Applicant did not wish to comment on the costs.

Decision as to Costs

12. The Tribunal assessed the Costs in the sum of £2,350.00 and Ordered that the Applicant pay that sum.

The Orders of the Tribunal

13. The Tribunal Ordered that the application of Harry Enny Jasper of 161 Court Lane, London, SE21 7EE for review of a S.43 Order be REFUSED and it further Orders that he do pay the costs of the response of the Law Society to this application fixed in the sum of £2,350.

Dated this 27th day of October 2010
On behalf of the Tribunal

E Richards
Chairman