

IN THE MATTER OF SOHRAB TAHERI, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr L N Gilford (in the chair)
Mr D Green
Mr M C Baughan

Date of Hearing: 12th February 2008

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Robert Simon Roscoe solicitor and partner in Victor Lissack, Roscoe & Coleman, Solicitors of 70 Marylebone Lane, London W1U 2PQ on the 17th September 2007 that Sohrab Taheri of 15 Upper Barker Street, Liversedge, West Yorkshire, WF15 7HF 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 allegations were that the Respondent had been guilty of conduct unbecoming a solicitor in the following particulars namely:

- a) that he failed to act in the best interests of his client(s);
- b) that he failed to deal promptly and substantively with correspondence from The Law Society.

The application was heard at The Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when Robert Simon Roscoe appeared as the Applicant and the Respondent did not appear and was not represented.

At the conclusion of the hearing the Tribunal made the following Order:

The Tribunal ORDERS that the respondent, SOHRAB TAHERI of 15 Upper Barker Street, Liversedge, West Yorkshire, WF15 7HF, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 12th day of February 2008 and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,266.79

The evidence before the Tribunal included a copy of the Civil Evidence Act Notice served upon the Respondent. There had been no counter-notice.

The facts are set out in paragraphs 1 to 13 hereunder:

1. The Respondent, born in 1963, was admitted as a solicitor in 2002. His name remained on the Roll of Solicitors. At the relevant time the Respondent was (between October 2004 and January 2005) an assistant solicitor with Ali & Co Solicitors in Huddersfield and thereafter from 2nd February 2006 the Respondent practised on his own account under the style of Taheri & Co Solicitors in Leeds.

Ali & Co/Mr AA

2. In October 2004 the Respondent joined Ali & Co as an assistant solicitor acting only in immigration matters. He worked under supervision and was given clear instructions on the opening of client files and how to deal with payments received from clients. In December 2004 he arranged leave from his employers to enable him to make an extended visit to Iran to deal with family matters. That leave was extended to the end of March 2005.
3. On 14th March 2005 Mr AA, a client, attended Ali & Co to enquire about the progress of an immigration application in which he had instructed the Respondent in October 2004. He said he had paid the Respondent £500 on account of costs.
4. Ali & Co could find neither a file nor a record of a file being opened for Mr AA. The Respondent's wife confirmed that a file for Mr AA and the £500 were at the Respondent's home address. Mr AA complained to The Law Society that documents relating to his sensitive matter had been left with a third party.
5. The Law Society wrote about the complaint to the Respondent on 19th October 2005, 7th November 2005, 18th November 2005 and 22nd December 2005. The Respondent's only response was a telephone call.

Taheri & Co - Professional Indemnity Meeting

6. On 11th May 2006 Zurich Professional informed The Law Society that the Respondent had defaulted on his (sole principal) monthly instalment payment in respect of his professional indemnity insurance.
7. The Law Society had no record that the Respondent was practising on his own account, or of his practice, Taheri & Co. In response to The Law Society's enquiry,

on 1st June 2006 the Respondent wrote indicating that the firm had been set up on 2nd February 2006. He enclosed a copy of his letter to The Law Society registering the practice dated 10th February 2006.

8. The Law Society wrote further to the Respondent on 8th June 2006, 21st June 2006 and 23rd June 2006, about the setting up of the firm but the Respondent did not respond. In consequence The Law Society's Investigation Manager, visited the Respondent's office on 14th and 21st July 2006.
9. The Investigation Manager was unable to contact anyone at the office or at the Respondent's home. Unopened professional mail had been left at the office premises.
10. The Respondent did not reply to a Law Society letter of 10th August 2006 nor to letters hand-delivered to the Respondent's home address on 4th September 2007.

Mr and Mrs HR

11. On 6th October 2006 The Law Society received a complaint from Mr and Mrs HR, who explained that they had instructed the Respondent on an immigration matter and paid him £300 on account. Despite telephoning and faxing the Respondent for two months he did not return their calls and they could not contact him and were worried.
12. The Law Society wrote to the Respondent on 18th October 2006. He did not respond. On 18th October 2006 a Law Society representative visited the Respondent's home address and met and spoke to the Respondent. He handed the Respondent copies of letters dated 8th June 2006 and 10th August 2006. The Respondent was advised to contact The Law Society but he did not do so.
13. On 4th December 2006 The Law Society's Adjudication Panel ordered intervention into Taheri & Co. The intervention took place on 22nd December 2006.

The Submissions of the Applicant

14. The Applicant relied on the facts to substantiate the allegations. The Respondent appeared to have set up in practice on his own when he was young and inexperienced.
15. The Applicant understood that the Respondent and his wife had separated. There had been the possibility that the Respondent was living in a hostel and had fallen on hard times.

The Tribunal's Findings

16. The Tribunal found the allegations to have been substantiated. Whilst the Respondent was to be criticised for taking a client file home from his employer's firm and leaving it there while on extended leave, the Tribunal did note that the £500 paid on account of costs remained with the file and although the Respondent's behaviour had been inappropriate it appeared not to have been dishonest.

17. Further the Respondent had set up his own practice, had not met his professional indemnity insurance payments, appeared to have abandoned his practice and had not been available to clients, Mr and Mrs HR.
18. The Tribunal had taken into account the fact that the Respondent had left the United Kingdom to attend to family matters in Iran over an extended period of time, had separated from his wife and clearly had fallen on hard times.
19. In all of the particular circumstances of this matter the Tribunal concluded that it would be both appropriate and proportionate to order that the Respondent be suspended from practice for an indefinite period of time in order to protect the public and preserve the good reputation of the solicitors' profession.
20. It was also right that the Respondent should pay the costs of and incidental to the application and enquiry. The Applicant had provided a schedule of costs to the Tribunal. The Tribunal considered that the costs sought were entirely reasonable and ordered the Respondent to pay the Applicant's costs fixed in the sum of £3,266.79. This was not to be regarded as a punishment but reflected the time and trouble to which The Law Society had been put. The Tribunal recognised that the Respondent had fallen on hard times. The Tribunal was fully aware of the fact that it was not The Law Society's policy strenuously to pursue Respondents who were impecunious.

Dated this 19th day of March 2008

On behalf of the Tribunal

L N Gilford
Chairman