

IN THE MATTER OF BENEDICT EMEKA UZOR, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Miss T Cullen (in the chair)
Mr N Pearson
Mr M G Taylor CBE

Date of Hearing: 22nd January 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 the firm of Victor Lissack, Roscoe & Coleman solicitors of 70 Marylebone Lane, London W1U 2PQ on 14th May 2007 that Benedict Emeka Uzor formerly of 1-2 Astoria Parade, Streatham High Road, London SW10 1PR and 273 Southcroft Road, London SW16 6QT (now of 137 Woodcote Valley Road, Purley, Surrey CR8 3BN), 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. Robert Simon Roscoe further applied that a direction be made by the Tribunal that the directions of The Law Society relating to inadequate professional services dated 22nd March 2006, 28th March 2006, 16th June 2006, 29th June 2006, 30th June 2006, 10th July 2006, 16th August 2006, 24th August 2006, 15th September 2006, 27th September 2006, 3rd October 2006, 5th January 2007 and 21st March 2007, made in respect of the Respondent, by which the Respondent was ordered to pay compensation and refunds to clients and third parties and costs to The Law Society, be treated for the purposes of enforcement as if such directions were contained in an Order of the High Court.

The allegations against the Respondent were that he had been guilty of conduct unbefitting a solicitor in each of the following particulars namely:-

- a) That he failed to act in the best interests of his clients by leaving his practice without an appropriately qualified supervisor to supervise his practice in breach of Rule 1 of the Solicitors Practice Rules 1990 [as amended with the consent of the Tribunal].
- b) That his standard of work on behalf of his clients fell below a proper standard in breach of Rule 1 of the Solicitors Practice Rules 1990.
- c) That his conduct was likely to compromise or impair his good reputation as a solicitor or that of the solicitors' profession in breach of Rule 1 of the Solicitors' Practice Rules 1990.
- d) That in breach of Rule 1 of the Solicitors Practice Rules 1990 he attempted to mislead The Law Society and the Law Society's investigator by asserting that he was closing down the firm and that there were "no live files left in the firm", despite the fact that he held clients money and had current clients.
- e) That he failed to avoid conflicts of interest in conveyancing, property selling and mortgage related services in breach of Rule 6 of the Solicitors Practice Rules 1990.
- f) That in breach of Rules 1 and 6 of the Solicitors Practice Rules 1990 he failed to disclose to lender clients, where he was also acting for borrowers/purchasers of property, matters which he should have disclosed, including,
 - i. the true purchase price and the extent of cash back payments, discounts and allowances being made by the vendor to the borrower/purchaser,
 - ii. that the borrower/purchaser was not providing the balance of the purchase price from his own funds,
 - iii. that the seller was either not the owner/registered proprietor or, if he was, that he had been for less than six months,
 - iv. that the firm did not have control over the payment of all the purchase monies paid to the seller or his solicitors.
- g) That he failed to supervise properly, or at all, non-qualified staff engaged on the Respondent's business in relation to conveyancing work in breach of Rule 13 of the Solicitors Practice Rules 1990.
- h) That he failed to act in the best interests of his clients by failing to ensure that following completion in conveyancing matters payments of stamp duty and the registration of property and mortgage interests occurred promptly in breach of Rules 1 and 6 of the Solicitors Practice Rules 1990.
- i) That he failed to comply with orders of The Law Society's Adjudicators including orders to make payments of compensation and reimbursement to clients, and to comply with an order to pay a judgement debt, to the detriment of his good reputation

and that of the solicitors' profession in breach of Rule 1 of the Solicitors Practice Rules 1990.

- j) That he provided a service to his client, Ms CC, that was so inadequate as to amount to professional misconduct in breach of Rule 1 of the Solicitors Practice Rules 1990.
- k) That he failed to deliver to The Law Society an Accountant's Report in respect of his firm, Benedict Charles & Co., Solicitors, for the period ending 30th April 2006, contrary to Rule 35 of the Solicitors Accounts Rules 1998 and Section 34 of the Solicitors Act 1974.
- l) That he failed to deal promptly and substantively with correspondence from The Law Society.

By a supplementary statement of Robert Simon Roscoe dated 25th May 2007 it was further alleged against the Respondent that he had been guilty of conduct unbefitting a solicitor in the following particular, namely:-

- m) That he had failed to deliver to The Law Society a Cease to hold Accountant's Report in respect of his practice as a solicitor for the period ending 24th August 2006, contrary to Section 34 of the Solicitors Act 1974 and in breach of Rule 36(5) of the Solicitors Accounts Rules 1998.

By a second supplementary statement of Robert Simon Roscoe dated 2nd October 2007 it was further alleged against the Respondent that he had been guilty of conduct unbefitting a solicitor in the following particular namely:-

- n) That he failed to comply with the order of The Law Society's Adjudicator to make a payment of compensation to a former client to the detriment of his good reputation and that of the solicitors' profession in breach of Rule 1 (d) of the Solicitors Practice Rules 1990.

In his second supplementary statement the Applicant applied that a direction be made by the Tribunal that the direction of The Law Society's Adjudicator dated 25th July 2007 by which the Respondent was ordered to pay compensation to a former client and costs to the Legal Complaints Service be treated for the purposes of enforcement as if such direction were contained in an order of the High Court.

The application was heard at The Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 22nd January 2008 when Robert Simon Roscoe appeared as the Applicant and the Respondent did not appear and was not represented.

The evidence before the Tribunal included the admission of the Respondent to allegation (i) subject to certain comments in mitigation. The following documents were submitted to the Tribunal during the hearing by the Applicant:-

- i) Affidavit dated 30th July 2007 of Susan Garnet, process server ("RSR 5").
- ii) Copy letter from the Respondent to the Applicant dated 8th August 2007 ("RSR 6").

- iii) Copy extract from the London Gazette dated 7th January 2008 ("RSR 7").
- iv) Civil Evidence Act Notices of the Applicant served on 19th June 2007 and 2nd October 2007 ("RSR 8").
- v) Record of a meeting between Mr U, Investigation Officer, and the Respondent on 16th March 2006 ("RSR 9").

As the Respondent was not present, prior to the commencement of the substantive hearing the Applicant gave the Tribunal details of service upon the Respondent of the proceedings and the notice of hearing date including the making of an Order for substituted service, personal service effected upon the Respondent on 15th July 2007 and service by post. The Tribunal having noted that the process server had not stated how she had identified the Respondent for the purposes of personal service the Applicant said that the Respondent had in fact responded to the service by correspondence. Civil Evidence Act Notices ("RSR 8") had also been served on the Respondent, the first by the personal service and the second by postal service. The address used by the Applicant for correspondence to the Respondent was the address at Woodcote Valley Road which was the address from which the Respondent had written to the Applicant on 8th August 2007 ("RSR 6") and also the address at which personal service had been effected. On the 18th December 2007 the High Court had made a bankruptcy order against the Respondent and the Tribunal was referred to the extract from the London Gazette ("RSR 7") which gave the address of the Respondent for the purposes of that order as the Woodcote Valley Road address. No letters had been returned to the Tribunal (and this was confirmed by the Clerk to the Tribunal). The date of hearing had been sent to the Respondent by the Tribunal by special delivery letter on 4th October 2007 and had not been returned. Having heard the Applicant's submissions and considered the relevant documentation the Tribunal was content for the substantive hearing to proceed in the absence of the Respondent.

During the hearing the Respondent sought and obtained the leave of the Tribunal to amend allegation (a) by deleting the reference to the Respondent going to Nigeria as it was not known for certain where the Respondent had been at the appropriate time.

At the conclusion of the substantive hearing the Tribunal made the following orders:

The Tribunal ORDERS that the respondent, BENEDICT EMEKA UZOR of 137 Woodcote Valley Road, Purley, Surrey, CR8 3BN, solicitor, be STRUCK OFF the Roll of Solicitors and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £23,410.23

The Tribunal ORDERS that the Directions of The Law Society relating to inadequate professional services dated 22nd March 2006, 28th March 2006, 16th June 2006, 29th June 2006, 30th June 2006, 10th July 2006, 16th August 2006, 24th August 2006, 15th September 2006, 27th September 2006, 3rd October 2006, 5th January 2007, 21st March 2007 and 25th July 2007 made in respect of the Respondent be treated for the purposes of enforcement as if they were contained in an Order of the High Court.

The facts are set out in paragraphs 1 to 60 hereunder:-

1. The Respondent born in 1964 was admitted as a solicitor in 2000 and his name remained on the Roll of Solicitors.
2. The Respondent practised in partnership in August 2004 (the inspection date) and after May 2005 on his own account as Benedict Charles & Co., Solicitors ("the firm") of 1-2 Astoria Parade, Streatham High Road, London SW10 1PR.
3. On 17th August 2004, the Investigation Officer ("the IO"), Mr U, attended the Respondent's practice for the purpose of inspecting the Respondent's books of account and other documents. The resulting report dated 19th July 2005 noted the matters set out at paragraphs 4 to 13 below.
4. The IO examined approximately 50 client matter files. He identified that in at least 20 of those the firm had failed to report relevant matters to the relevant lender client.
5. The IO noted in the Report that the Respondent accepted that he had inadequately supervised unadmitted staff dealing with conveyancing matters.
6. The IO provided instances of the Respondent's failure to notify relevant matters to the firm's lender clients.
7. The IO identified two cases where the Respondent was unable to provide any documentation to confirm that the lender client was aware that the purchaser was a relation of the Respondent.
8. In one matter the IO noted and the Respondent accepted that he had failed to inform a lender client that the actual purchase price was less than the mortgage advance.
9. The Respondent also accepted that in some matters the source of the monies had not been verified and that he did not report to the lender client that purchase money had been or may have been provided by someone other than the purchaser.
10. The Respondent accepted that he had not notified certain lender clients of discounts in price or cash back allowances made to the purchaser by the vendor.
11. The Respondent accepted that he had not notified certain lender clients that the vendor was not the owner or registered proprietor or that the vendor had been the owner or registered proprietor for less than six months.
12. In the purchases of property on behalf of Mr M, Ms W and Mr F, completion monies had been paid to the vendor some eight to ten days in advance of completion. The Respondent was unable to inform the IO why this had occurred. There was no evidence available to show that either the lender clients or the purchasing clients had either consented to this or been aware of it. There was no evidence seen by the IO that the monies had been secured during such period.

13. The Respondent accepted that there were instances where significant delays had occurred in paying stamp duty and registering the property and the mortgage interest with HM Land Registry.
14. On 9th August 2006, 14th and 15th August 2006, The Law Society's Investigator, Mr P, attended the Respondent's offices. Mr P's memorandum dated 16th August 2006 set out his findings.
15. On 14th and 15th August 2006 Mr P found that only a receptionist and a trainee solicitor manned the Respondent's offices. The Respondent had previously told Mr P that he planned to go to Nigeria between 15th August and end August/early September and Mr P had expected to find the Respondent at his office. The staff told Mr P that they were expecting the Respondent in the office that day. Attempts were made to contact the Respondent. Although the Respondent told Mr P by telephone that he was in Brussels, his accountant told Mr P that the Respondent was in Nigeria.
16. Mr P ascertained that the firm held client money. He saw a pile of opened and unopened post. During his time in the office, Mr P noted that a number of clients contacted the firm about ongoing cases and detailed his findings in his memorandum.
17. Mr P appended to his memorandum a letter from the Respondent to The Law Society Records Section dated 11th August 2006 in which the Respondent stated:

"I write to notify you that as of today Thursday the 10th July 2006, this firm is closed.

I have taken a run off insurance cover with our current insurers AON with an intention to close down on the 20th of September 2006.

I made a decision to close the practice during the early part of June and have since then stopped taking new cases but continued to transfer live files on client's request.

I can confirm that there are no live files left in the firm as they have all been transferred out."
18. On 23rd August 2006 The Law Society's Adjudication Panel ordered intervention and referred the Respondent's conduct to the Tribunal.
19. The Respondent's annual Accountant's Report for the year ending 30th April 2006 was due to be lodged with The Law Society on or before 31st October 2006 but had not been received. The Respondent had not sought a waiver.
20. In 2006 The Law Society's Adjudicators referred aspects of the Respondent's professional conduct to the Tribunal and made various orders, summarised below, including that the Respondent pay compensation, refunds and costs in respect of various findings of inadequate professional service, together with The Law Society's costs. The Respondent had made no payments nor complied with any part of such orders. The orders are summarised below:

- a. On 22nd March 2006 following a complaint by Mrs JK, the Respondent was ordered to pay to her and to the Royal Bank of Scotland a total of £2,458.59 within 7 days. The Respondent was also ordered to pay The Law Society's costs in the sum of £620.
- b. On 28th March 2006 following a complaint by Mrs OUA on behalf of Mr IA the Respondent was ordered to pay compensation of £250 and to provide a detailed breakdown of costs and disbursements together with any monies due within 14 days of receipt of notification. The Respondent was also ordered to pay The Law Society's costs in the sum of £840.
- c. On 16th June 2006 following a complaint by M&P, Solicitors, on behalf of Mrs GK, the Respondent was ordered to pay £1,500 to her within 7 days. The Respondent was also ordered to pay The Law Society's costs in the sum of £470.70.
- d. On 29th June 2006 following a complaint by Mr MWG, the Respondent was ordered to pay £900 compensation together with the entire amount of a loan account including interest (a sum of at least £1,473) within 7 days. The Respondent was also ordered to pay The Law Society's costs in the sum of £840.
- e. On 30th June 2006 following a complaint by Mr AB, the Respondent was ordered to pay £1,000 compensation together with the entire amount of a loan account including interest (a sum of at least £2,823.69) within 7 days. The Respondent was also ordered to pay the Law Society's costs in the sum of £840.
- f. On 10th July 2006 following a complaint by Ms CC, the Respondent's conduct was referred to the Tribunal in consequence of The Law Society's Adjudicator's decision that the Respondent's conduct of Ms CC's matter was so inadequate as to amount to professional misconduct and represent a breach of Rule 1 of the Solicitors Practice Rules 1990 and also in respect of his failure to deal promptly and substantively with correspondence from The Law Society. Additionally, in respect of the inadequacy of the service provided the Respondent was ordered to refund £550 and pay compensation of £2,000 within 7 days. The Respondent was also ordered to pay The Law Society's costs in the sum of £840.
- g. On 23rd August 2006 following a complaint by O Solicitors on behalf of Ms AF, the Respondent's conduct was referred to the Tribunal in respect of his failure to deal promptly and substantively with correspondence from The Law Society. On 27th September 2006, The Law Society's Adjudicator ordered that the Respondent pay compensation of £250 to Ms AF.
- h. On 15th September 2006 following a complaint by Mr Barry Gardiner MP on behalf of Mr BAO, the Respondent's conduct was referred to

the Tribunal in respect of his failures to act in Mr BAO's best interests, to respond to enquiries made by Mr BAO's successor solicitors, to release Mr BAO's file and papers to his new solicitors, and to deal promptly and substantively with correspondence from The Law Society. In addition, The Law Society's Adjudicator ordered that the Respondent pay compensation of £1,000 to Mr BAO for his inadequacies of service.

- i. On 24th August 2006 following a complaint by Mr AM, The Law Society's Adjudicator ordered that the Respondent pay compensation of £250 to Mr AM. As a result of his failure to comply the Respondent's failure was referred to the Tribunal on 30th October 2006.
 - j. On 24th July 2006 following a complaint by TM&H Solicitors on behalf of Mr HA-Z, the Respondent's conduct was referred to the Tribunal in respect of his failure to deal promptly and substantively with correspondence from The Law Society. On 3rd October 2006, The Law Society's Adjudicator ordered that the Respondent pay compensation of £1,200 to Ms HA-Z.
 - k. On 16th August 2006 following a complaint by Mr ID, the Respondent was ordered to pay £1,400 to Mr ID within 7 days. The Respondent was also ordered to pay The Law Society's costs in the sum of £840.00. In consequence of his failure to comply with such order the Respondent's conduct was referred to the Tribunal.
 - l. On 5th January 2007 following a complaint by DL & Co., Solicitors on behalf of Mr EC, the Respondent was ordered to pay £400 to Mr EC within 7 days. The Respondent was also ordered to pay The Law Society's costs in the sum of £568.70. In consequence of his failure to comply with such order the Respondent's conduct was referred to the Tribunal.
 - m. On 13th July 2006 at the Mayors and City of London County Court, judgement in default in the sum of £711.91 was awarded to Forensic Document Services Ltd ('FDS') against the Respondent, following his repeated failure to discharge FDS's costs incurred in 2004 in respect of expert witness services provided. In consequence of his failure to comply with such order the Respondent's conduct was referred to the Tribunal.
 - n. On 21st March 2007 following a complaint by Mrs DD, the Respondent was ordered to pay £2,000 compensation to Mrs DD within 7 days. The Respondent was also ordered to pay The Law Society's costs in the sum of £840.00. In consequence of his failure to comply with such order the Respondent's conduct was referred to the Tribunal.
21. The Respondent failed to deliver to The Law Society his 'Cease to Hold' Accountant's Report for the period 1st May 2006 to 24th August 2006. This should have been delivered by 24th February 2007. The Law Society wrote to the Respondent about his

outstanding report on 19th April 2007. The Respondent did not respond to this letter or since. The Accountant's report remained outstanding.

22. On 25th July 2007 following a complaint made on behalf of Ms NWK, the Respondent was ordered to pay compensation to Ms NWK in a sum of £750 within 7 days, failing which his conduct was to be referred to the Tribunal, and £840 costs to the Legal Complaints Service. The Respondent failed to respond to any of the letters sent to him by the LCS caseworker or to pay the monies ordered, within 7 days or at all.
23. The Respondent had represented Ms NWK in an immigration application but had failed to notify her of the outcome of her application. Ms NWK subsequently instructed TM&H, Solicitors, to act on her behalf. TM&H wrote five times to the Respondent between November 2005 and February 2006 seeking the relevant client file but it was not until July 2006, following the assistance and involvement of the Legal Complaints Service, that the file was provided.

The Submissions of the Applicant

24. The Applicant had served the appropriate Civil Evidence Act Notices. He had received no Counter Notice therefore although his witnesses were present he would rely on the service of the documentary evidence.
25. The Tribunal was referred to the Respondent's letter to The Law Society dated 11th August 2006 in response to the report dated 19th July 2006 in which the Respondent wrote:

"in respect of matters raised in paragraphs 4-83, I rely on the explanations I had given to the investigating officer at the time, which he recorded and I signed."

The Applicant had handed to the Tribunal exhibit RSR 9 which recorded the questions put by the IO to the Respondent and the Respondent's answers given at a meeting on 16th March 2006. The Respondent had signed each page of the record of the meeting as being an accurate record. If at any point in the meeting the Respondent had taken issue with a question or an answer this had been noted by the IO. The notes of the interview were effectively the template used by the IO to prepare his report. In the submission of the Applicant therefore the IO's evidence was either unchallenged or where issues had been raised by the Respondent these were incorporated into the report which was disclosed to the Respondent by the SRA. The Applicant gave the Tribunal a specific example where the IO had inserted a comment of the Respondent into the report of the meeting and had then included the same comment in his investigation report.

26. Allegation (a) was denied by the Respondent. The Tribunal was referred to Mr P's report summarised in paragraphs 14 to 17 above. It was a matter for the Tribunal whether or not to accept Mr P's findings and whether or not the Tribunal considered that the Respondent had demonstrably failed to leave the proper supervision in the office thereby not acting in the best interest of his clients.

27. Allegation (b) was denied. There were however a significant number of instances (paragraph 20 above) where adjudicators had taken the view that poor service had occurred and had ordered compensation. In some instances there had ultimately been a referral to the Tribunal. In two instances there had been a direct referral by the Adjudicator who had considered the file.
28. The Respondent accepted that all the orders had been made and that he had not paid the sums ordered but disputed that he had provided poor service. The Applicant submitted however that taken as a whole that quantity of findings had to indicate that the Respondent's standard of work had fallen below a proper standard.
29. So many such findings against the Respondent also meant that these were not isolated incidents but were a course of conduct which demonstrated poor service embarrassing the Respondent and his profession within the terms of allegation (c).
30. The findings of the Adjudicators had not been challenged by any evidence put forward by the Respondent and those findings entitled the Tribunal to find allegations (b) and (c) substantiated.
31. Allegation (d) was denied. The Tribunal was referred to the observations of Mr P (paragraphs 15 - 16 above) and to the Respondent's letter of 11th August 2006 (paragraph 17 above). The letter was at variance with Mr P's visit. Mr P described phone calls and visits from clients.
32. Mr P's visit on 9th August 2006 had been a walk-in inspection. A further appointment was made for the 14th August 2006 but the Respondent in a letter of 12th August 2006 indicated that he could not make the above appointment due to a family emergency. The tenor of the letter indicated ongoing matters. Further the letter was written on headed notepaper. It was submitted that the firm was held out as continuing and this was consistent with what Mr P had found during his walk-in inspection. It was misleading therefore for the Respondent to write that he had closed his practice on 10th July 2006.
33. Allegation (e) was denied by the Respondent although it had been admitted by him in interview with the IO as referred to in the report and in the notes of interview RSR 9.
34. Allegation (f) was denied. The Applicant submitted that allegation (f) i to iv were matters which should have been referred to lenders and the Respondent as a solicitor should have been aware of that. These were not just isolated cases where the Respondent had let down himself and the profession but rather showed a systematic disregard for the Rules. This brought him not only into a breach of Rule 6 of the Solicitors Practice Rules but also a breach of Rule 1 under such of the Rule 1 breaches as the Tribunal thought appropriate.
35. Allegation (g) was denied by the Respondent although in the interview notes which he had signed he had accepted that he could have dealt with supervision better. Details of allegation (h) were set out in the Report. The Respondent had accepted in interview that some delays had been up to eight months. He had said that sometimes there was insufficient money or staff were not supervised properly. This was not an excuse. Clients had not been looked after properly.

36. Allegation (i) was admitted by the Respondent.
37. Allegation (j) was denied but the finding of the adjudicator in relation to Ms CC had not been challenged by any evidence from the Respondent.
38. In relation to allegation (k) the Applicant conceded that had the Respondent reminded the Law Society of the intervention in 2006 a waiver might have been granted. The Respondent had not sought either a waiver or an extension.
39. The Respondent had not dealt with correspondence as he should.
40. In relation to the Adjudicator's orders which had not been complied with it was accepted that the Respondent was now bankrupt and clients would look to the Compensation Fund or to any insurance held by the Respondent.
41. The Applicant sought an order for costs and handed a summary of costs to the Tribunal reduced to take into account the shortened hearing due to the non-appearance of the Respondent.

The Submissions of the Respondent

42. The submissions of the Respondent were contained in his statement dated 8th August 2007 summarised below.
43. The Respondent denied allegation (a). He said he supervised his practice at all times and whenever necessary employed a locum. Allegations (b), (c) and (j) were denied, the Respondent putting the Applicant to the strictest proof.
44. Allegation (d) was denied. The Respondent said that the insinuations in Mr P's comments were unfair. When the decision was made to close down the practice in June 2006 the transfer of live files had started and an embargo was placed on accepting new clients. At the time the Respondent's letter of 11th August 2006 (first written on 10th July) was sent the Respondent had genuinely believed and still believed that all live files had been transferred as stated. Any ledger balance might be client monies waiting to be sent back to clients following the conclusion of their matters rather than a deposit made against live cases.
45. Allegations (e) and (f) were denied subject to the Respondent's letter dated 11th August 2006. In relation to allegation (h) the Respondent said he relied on his letter of 11th August 2006.
46. Allegation (g) was denied. Unqualified staff were at all times supervised albeit improperly in the beginning. Another solicitor had taken over the supervision of the department in 2003 subsequently becoming a partner.
47. Allegation (i) was admitted to the extent that orders of payment of compensation had not been satisfied but the Respondent denied that his failure to comply with such orders was a blatant disregard of the orders of the Adjudicator. He intended to satisfy the orders as soon as he was able to do so.

48. Allegation (k) was denied. The Respondent said he had not been and was still not in a position to submit his final account due to circumstances beyond his control. All documents including accounting information other than that which was already with the accountant were taken away following the intervention.
49. Allegation (l) was denied. All correspondence from The Law Society was promptly and substantively dealt with within the resources available to the Respondent at the respective times. He had only provided substantive responses to issues within his knowledge and ability.
50. There were no submissions from the Respondent in relation to allegations (m) and (n).

The Findings of the Tribunal

51. Allegation (i) had been admitted by the Respondent and the Tribunal found it to have been substantiated. The remaining allegations were denied or where no submissions had been made by the Respondent in respect of allegations the Tribunal would treat them as denied.

Allegation (a)

52. The Tribunal was satisfied from the evidence of Mr P in his Report that this allegation as amended was substantiated. There was clearly no one present when Mr P visited the firm on 14th and 15th August 2006 who could supervise the practice and the Respondent admitted that he was abroad.
53. Allegations (b) and (c) were clearly substantiated given the many adverse findings of Law Society Adjudicators in respect of the Respondent. These were not isolated incidents.
54. Allegation (d) was substantiated on the basis of the Respondent's letter dated 11th August 2006. It was clear from Mr P's visit on 14th and 15th August 2006 that there were still live matters. He continued to hold clients' money and indeed during Mr P's visit current clients were contacting the firm.
55. Allegations (e) to (h) were substantiated on the basis of the evidence of the IO as set out in his Report and confirmed in the notes of interview signed by the Respondent. In relation to allegation (f) the Tribunal accepted the submission of the Applicant that the systematic failings of the Respondent meant that he had breached not only Rule 6 but Rule 1 of the Solicitors Practice Rules and the Tribunal found the breach of Rule 1 in relation to Practice Rule 1 (a), (c) and (d) in relation to this allegation.
56. Allegation (g) was substantiated and the Tribunal noted that in the notes of interview the Respondent had accepted that there was inadequate supervision in all the transactions mentioned in the IO's report.
57. Allegation (h) was substantiated on the basis of the IO's evidence.
58. Allegations (j), (k) and (l) were substantiated on the documentation.

59. The Tribunal had found a large number of serious allegations substantiated against the Respondent. The Respondent appeared to have a serious disregard for the rules governing the conduct and practice of solicitors which were there for the benefit and protection of the public. A large number of clients were adversely affected by the Respondent's failings, both lender clients and the clients in respect of whom the Adjudicators had made compensation orders which had not been paid. Such a blatant disregard for his obligations as a solicitor meant that the Respondent should no longer remain as a member of the profession. He had severely damaged the profession's reputation. In the interests of that reputation and for the protection of the public the Tribunal would strike the Respondent's name off the Roll of Solicitors. The Tribunal would also make the Enforcement Orders requested in the application of 14th May 2007 and the second supplementary statement of 2nd October 2007.
60. It was right that the Respondent be ordered to pay the Applicant's costs in a fixed sum.

The Tribunal ORDERED that the respondent, BENEDICT EMEKA UZOR of 137 Woodcote Valley Road, Purley, Surrey CR8 3BN, 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 £23,410.23

The Tribunal ORDERED that the Directions of The Law Society relating to inadequate professional services dated 22nd March 2006, 28th March 2006, 16th June 2006, 29th June 2006, 30th June 2006, 10th July 2006, 16th August 2006, 24th August 2006, 15th September 2006, 27th September 2006, 3rd October 2006, 5th January 2007, 21st March 2007 and 25th July 2007 made in respect of the Respondent be treated for the purposes of enforcement as if they were contained in an Order of the High Court.

Dated this 12th of March 2008
On behalf of the Tribunal

T Cullen
Chairman