

# Silas Chidolue Ogbonna

## Solicitor

### 487788

*Control of practice Date: 14 March 2023*

#### *Decision - Control of practice*

Outcome: Condition

Outcome date: 14 March 2023

Published date: 17 April 2023

#### *Firm details*

##### **Firm or organisation at date of publication and at time of matters giving rise to outcome**

Name: Topstone Solicitors Limited

Address(es): 792-794 London Road, Thornton Heath, CR7 6JB, England

Firm ID: 622570

#### *Outcome details*

This outcome was reached by SRA decision.

#### *Decision details*

Silas Chidolue Ogbonna's practising certificate for 2022/2023 has been granted subject to the following condition:

1. Mr Ogbonna may not act as a compliance officer for legal practice (COLP) or compliance officer for finance and administration (COFA) for any authorised body.

In this condition the terms are as defined in the SRA Glossary.

#### *Reasons/basis*

The above condition is necessary in the public interest and reasonable and proportionate having regard to the purposes set out in regulation 7 of the SRA Authorisation of Individuals Regulations, and the regulatory objectives and principles governing regulatory activities as contained in section 28 of the Legal Services Act 2007.

*Control of practice Date: 25 May 2022*

## *Decision - Control of practice*

Outcome: Condition

Outcome date: 25 May 2022

Published date: 29 June 2022

## *Firm details*

### **Firm or organisation at date of publication and at time of matters giving rise to outcome**

Name: Topstone Solicitors Limited

Address(es): 792-794 London Road, Thornton Heath, CR7 6JB, England

Firm ID: 622570

## *Outcome details*

This outcome was reached by SRA decision.

### *Decision details*

Silas Ogbonna's practising certificate for 2021/2022 is subject to the following condition:

- Silas Ogbonna may not act as a compliance officer for legal practice (COLP) or compliance officer for finance and administration (COFA) for any authorised body.

In this condition the terms are as defined in the SRA Glossary.

### *Reasons/basis*

The above condition is necessary in the public interest and reasonable and proportionate having regard to the purposes set out in regulation 7 of the SRA Authorisation of Individuals Regulations and the regulatory objectives and principles governing regulatory activities as contained in section 28 of the Legal Services Act 2007.

*Agreement Date: 20 May 2022*

## *Decision - Agreement*

Outcome: Regulatory settlement agreement

Outcome date: 20 May 2022

Published date: 24 June 2022

## *Firm details*

### **Firm or organisation at date of publication and at time of matters giving rise to outcome**

Name: Topstone Solicitors Limited

Address(es): 792 – 794, London Road, Thornton Heath, CR7 6JB

Firm ID: 622570

## *Outcome details*

This outcome was reached by agreement.

### *Decision details*

#### *1. Agreed outcome*

1.1 Silas Ogbonna, a solicitor and director of Topstone Solicitors Limited (the Firm), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is rebuked
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £600.

#### *2. Summary of Facts*

2.1 The Firm was instructed by a client to make a Judicial Review application to review the Home Secretary's decision to refuse their application for leave to remain in the UK.

2.2 The caseworker who handled the client's matter was based at the Firm's Ilford office.

2.3 Mr Ogbonna was the Firm's Compliance Officer for Legal Practice and the supervising partner responsible for all Judicial Review applications. Mr Ogbonna had overall conduct of the client's matter and was based at the Firm's Thornton Heath office.

2.4 The caseworker settled on the grounds for the application and made a paper application on 22 August 2019.

2.5 On 24 September 2019, the Court denied the application on the basis that the client did not have a realistic prospect of success. A costs order was made against the client.

2.6 On 2 November 2019, the caseworker exercised the client's right of appeal in respect of the application being reconsidered for an oral hearing.

2.7 On 20 November 2019 and 21 November 2019, the Court reconsidered the application and identified major deficiencies in the application including the omission of key documents and a failure to make an application for permission to use new evidence.

2.8 The Court commented that the client had been so “badly served” by the Firm as, there had “not been any proper scrutiny of the decision under challenge” and the client had presumably not been given “appropriate advice” on their position.

2.9 The Court decided to adjourn the hearing and it ordered the client to file and serve amended grounds for their application. Additionally, the Court issued a costs order of £350 against the Firm and it ordered the Firm to provide written submissions about its Judicial Review and management processes and procedures.

2.10 On 5 December 2019 Mr Ogbonna provided written submissions on behalf of the Firm. Within the Firm’s written submissions Mr Ogbonna:

- explained the Firm was instructed only four days before the expiration of the 90 days limit to review the decision of the Home Secretary
- advised that the caseworker had pursued the client’s matter without involving him which was contrary to the Firm’s procedure for Judicial Review litigation
- explained that although the Firm carries out quarterly appraisals with its case workers, the appraisal which was due to take place with the caseworker in October 2019 could not take place. Mr Ogbonna advised that this prevented him from identifying the issues with the client’s matter
- accepted that the clients Judicial Review application was poorly pleaded and poorly managed
- advised that following the hearing which was held on 20 November 2019 and 21 November 2019, the client had instructed the Firm to withdraw their application.

2.11 The client’s application was withdrawn on 17 December 2019 and the Firm agreed to pay all the client’s costs.

2.12 When the Court reviewed the Firm’s written submissions it decided that the Firm should be referred to the SRA.

2.13 The SRA reviewed the documentation relating to the client’s matter, considered the Firm’s processes and procedures and interviewed both the caseworker and Mr Ogbonna who were asked to explain their conduct.

2.14 The SRA established that:

- the caseworker did not follow the Firm's supervision procedure and discuss the client's matter with Mr Ogbonna
- the caseworker and Mr Ogbonna both accepted that the client's matter was poorly handled and that the Court's criticism was justified
- Mr Ogbonna accepted that he had not supervised the matter properly
- the Firm has now closed its Ilford office. Mr Ogbonna advised that this allows for more effective supervision and will prevent any similar issues arising.

### 3. Admissions

3.1 Mr Ogbonna makes the following admission which the SRA accepts:

- a. by failing to supervise the caseworker effectively, he allowed a Judicial Review application to be made which was not properly arguable and that undermined the operation of the immigration system. In doing so he breached Principles 1, 6 and 8 of the SRA Principles 2011 and he failed to achieve Outcomes 7.2 and 7.8 of the SRA Code of Conduct 2011.

### 4. Why a written rebuke is an appropriate outcome

4.1 The SRA's Enforcement Strategy sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements.

4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr Ogbonna and the following mitigation which he has put forward:

- a. Mr Ogbonna's failure to supervise the caseworker appears to have been an isolated incident
- b. Mr Ogbonna and the Firm have put in place systems and controls to ensure they effectively supervise Judicial Review applications and prevent any similar issues arising
- c. Mr Ogbonna has co-operated with the SRA's investigation.

4.3 The SRA considers that a written rebuke is the appropriate outcome because:

- a. the client did not suffer significant lasting harm
- b. the conduct is likely to damage the confidence the public has in the delivery of legal services and, in particular, the handling of immigration claims. A public sanction is required

to uphold the public's confidence and deter similar behaviour in the future.

#### *5. Publication*

5.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Mr Ogbonna agrees to the publication of this agreement.

#### *6. Acting in a way which is inconsistent with this agreement*

6.1 Mr Ogbonna agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

6.2 If Mr Ogbonna denies the admissions or acts in a way which is inconsistent with this agreement, the conduct which is subject to this agreement may be considered further by the SRA. That may result in a disciplinary outcome or a referral to the Solicitors Disciplinary Tribunal on the original facts and allegations.

6.3 Denying the admissions made or acting in a way which is inconsistent with this agreement may also constitute a separate breach of principles 2 and 5 of the Principles and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

#### *7. Costs*

7.1 Mr Ogbonna agrees to pay the costs of the SRA's investigation in the sum of £600. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

*Prosecution Date: 11 September 2020*

#### *Decision - Prosecution*

Outcome: Referral to Solicitors Disciplinary Tribunal

Outcome date: 11 September 2020

Published date: 22 July 2021

#### *Firm details*

##### **Firm or organisation at date of publication and at time of matters giving rise to outcome**

Name: Topstone Solicitors Limited

Address(es): 792-794 London Road Thornton Heath CR7 6JB

Firm ID: 622570

### *Outcome details*

This outcome was reached by SRA decision.

#### *Reasons/basis*

##### *Outcome of SDT Hearing*

This notification relates to a Decision to prosecute before the Solicitors Disciplinary Tribunal. This is an independent Tribunal which reaches its own decision after considering all the evidence, including any evidence put forward by the Respondent. The Tribunal had certified that there was a case to answer.

On 18 August 2021 the SDT considered and approved an Agreed Outcome.

Mr Ogbonna was fined £12,500.00 and had conditions imposed on him.

Namely he may not hold the position of Compliance Officer for Legal Practice, Compliance Officer for Finance and Administration, Money Laundering Reporting Officer or Money Laundering Compliance Officer in an entity regulated by the SRA for a period of 3 years, to take effect 30 days from the date of the Tribunal's order.

The SDT judgment will be available at [www.solicitorstribunal.org.uk](http://www.solicitorstribunal.org.uk)  
[<http://www.solicitorstribunal.org.uk/>]

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