Case No:

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

ZEESHAN SAQIB MIAN

Respondent

STATEMENT PURSUANT TO RULE 12(2) OF THE SOLICITORS (DISCIPLINARY PROCEEDINGS RULES) 2019

I, **TINA WHITMAN**, am a Solicitor and Legal Director at Blake Morgan LLP of One Central Square, Cardiff, CF10 1FS.

I make this Statement on behalf of the Applicant, the Solicitors Regulation Authority Limited (known as the Solicitors Regulation Authority at the material time) ("**SRA**").

The Allegations

1. The allegations against the Respondent, Dr Zeeshan Saqib Mian, a non-practising solicitor, are that:

   1.1 Prior to his call to the Bar on 24 November 2016, he failed to disclose relevant regulatory information and/or gave false or misleading declarations to the Bar Standards Board ('**BSB'**) and / or Lincoln's Inn ('**the Inn'**) as follows:

      1.1.1 Having been notified by the SRA on 15 December 2015 of a formal investigation into his conduct, he signed the BSB's Application for Admission to the Bar as a Solicitor on 16 February 2016 which contained a declaration that he had disclosed '*any circumstances affecting me which might* *reasonably be considered to be relevant to the question whether I should be permitted to be called to the Bar'*.

1.1.2 Having been notified by the SRA on 7 April 2016 that consideration was being given to imposing conditions on his practising certificate, he signed the Inn's Admission Declaration and Call Declaration on 4 May 2016 which required him, in summary, to '*declare and undertake'* that:

a) there were no disciplinary proceedings pending against him;

b) he was not aware of any matter or circumstance which might reasonably be thought to call into question his fitness to become a practising barrister;

c) he would inform the Inn immediately if any statement in the Admission Declaration ceased to be true before he was admitted to the Inn;

d) that he would comply with the BSB Handbook;

e) he would inform the Inn if there were disciplinary proceedings pending against him; and

f) he understood that if the Call Declaration was found to have been false in any material respect or he breached any undertaking given in it in any material respect, then that would constitute professional misconduct.

1.1.3 Having conditions imposed on his practising certificate by the SRA on 2 September 2016 and that decision being upheld by an Adjudication Panel of the SRA on 2 November 2016, he failed to notify the BSB or the Inn.

And thereby acted in breach of any or all of Principles 2, 6 and 7 of the SRA Principles 2011 ("**the 2011 Principles**") and failed to achieve Outcome 11.2 of the SRA Code of Conduct 2011 ("**the 2011 Code**").

The facts and matters relied upon in support of Allegation 1.1 are set out in paragraphs 9-31 below.

1.2 He failed to disclose relevant regulatory and/or disciplinary information to the BSB between his call to the Bar on 24 November 2016 and the BSB notifying him of its decision to investigate his conduct on 20 December 2018.

And thereby, acted in breach of any or all of Principles 2, 6 and 7 of the 2011 Principles and failed to achieve Outcome 11.2 of the 2011 Code.

The facts and matters relied on in support of Allegation 1.2 are set out in paragraphs 71-90 below.

Dishonesty

In addition, Allegations 1.1 and 1.2 are advanced on the basis that the Respondent's conduct was dishonest. Dishonesty is alleged as an aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the allegations. For further particulars of dishonesty, please see paragraphs 37-48 and 95-103 below.

Recklessness

In the alternative to dishonesty, allegations 1.1 and 1.2 are advanced on the basis that the Respondent's conduct was reckless. Recklessness is alleged as an aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the allegations. For further particulars of recklessness, please see paragraphs 66-70 and 116-119 below.

Appendices and Documents

2. I attach to this Statement, the following Appendices:

   2.1 Relevant Principles and Rules

   2.2 Anonymisation Schedule

   2.3 Chronology.

3. I also attach to this statement a bundle of documents, marked "**Exhibit TW1**", to which I refer in this statement. Unless otherwise stated, page references in this statement relate to documents contained in that bundle.

4. The bundle is divided into the following sections:

   4.1. Section A: Documents from 2015-2016

   4.2. Section B: Documents from 2017-2022

   4.3. Section C: Statements

   4.4. Section D: SRA Investigation and Correspondence.

Professional Details

5. The Respondent was born on [redacted] 1979 and was admitted to the Roll on 2 July 2007. He held a practising certificate between July 2007 and October 2016. The Respondent remains on the Roll as a non-practising solicitor.

6. The Respondent was called to the Bar on 24 November 2016 [**TW1, 98**]. He was disbarred by the BSB on 16 June 2022.

7. On 10 January 2008, the Respondent set up Denning Solicitors (which later became Denning Solicitors Ltd) ('**the Firm'**). He resigned as a Director of the Firm on 1 March 2016 but remained as a consultant until 28 April 2016 [**TW1, 37**]. The Respondent then worked as a locum solicitor at the Firm between 28 April 2016 and 6 May 2016. The SRA intervened in the Firm on 13 October 2016, at which time the Respondent remained a joint owner.

8. The Respondent's current employment status is unknown.

The facts and matters relied upon in support of Allegation 1.1

Allegation 1.1 – The Respondent failed to disclose relevant regulatory information and/or gave false or misleading declarations to the BSB or Lincoln's Inn in signed declarations dated 16 February 2016 and 4 May 2016 and/or otherwise prior to his call to the Bar on 24 November 2016.

SRA Investigation – CDT-1126506-2014

February 2015 – February 2016

9. The chronology of relevant events during this period is:

Date	Event
23.2.15	The SRA emailed the Respondent in relation to a report relating to the Firm employing a disqualified barrister, Mr Hassan [**TW1, 1**].
24.2.15	The Respondent telephoned Regulatory Supervisor A to discuss Mr Hassan [**TW1, 2**].
25.4.15	The SRA received a report about the Firm's involvement in a non FCA approved investment scheme, EPBL, ('**Eclips**') [**TW1, 37**].
6.5.15	The SRA commissioned a Forensic Investigation into the Firm.

7.9.15	A Forensic Inspection of the Firm was carried out [**TW1, 37**]. At this time, the Respondent was one of two directors at the Firm.
5.10.15	The Forensic Inspection Report into the Firm was completed [**TW1, 37**].
1.11.15	The Respondent was granted an unconditional practising certificate (‘**PC’**) for 2015/2016 [**TW1, 37**]
15.12.15	Regulatory Supervisor A notified the Respondent that the SRA was commencing a ‘*formal investigation’* into the Firm [**TW1, 3-11**]. The Forensic Inspection Report was disclosed. The matters notified were: 1. The employment of Mr Hassan and misleading the court regarding his position with the Firm. 2. Involvement in the Eclips Scheme. 3. Inadequate books of account. 4. Cash shortages 5. Acting for a politically exposed person (‘**PEP’**) without undertaking enhanced due diligence. The Respondent was asked to provide a response by 5 January 2016. The letter advised that the response could be used as evidence in any investigation by, or proceedings brought, by the SRA, including a referral to the SDT. The Respondent was informed that the SRA might consider imposing conditions on his PC.
15.12.15	The Respondent acknowledged the SRA’s notification of investigation and requested an extension of time to respond [**TW1, 12**].
11.1.16	The Respondent responded to the letter of 15 December 2015 [**TW1**, **37** and **42**] in an individual capacity rather than solely on behalf of the Firm.

10. On 17 February 2016, the Respondent submitted an application for admission to the Bar to the BSB [**TW1, 14**]. One of the documents submitted by the Respondent was the BSB’s Application for Admission to the Bar as a Solicitor (‘**BSB Admission Application’**) [**TW1, 15-20**].

11. The BSB Admission Application contained a declaration in the following form which was signed by the Respondent on 16 February 2016 [**TW1, 20**]:

‘I declare that:…

*9(v) I have disclosed to the Qualifications Committee in writing **any** circumstances affecting me which might reasonably be considered to be relevant to the question of whether I should be permitted to be called to the Bar;'* [our emphasis].

March 2016 – May 2016

12. Regulatory Supervisor A emailed the Respondent on 7 April 2016 to advise *'…I am currently considering imposing conditions on your Practising Certificate, and I will seek to forward my report to you soon'* [**TW1, 21**]. The Respondent requested the opportunity to make representations in an email dated 8 April 2016 [**TW1, 22**].

13. On 15 April 2016, the Respondent was notified by an Authorisations Manager of the BSB that he had been granted unconditional exemption from the Academic and Vocational stages of training for the Bar, as well as exemption from pupillage [**TW2, 23**].

14. On 4 May 2016, the Respondent completed and signed the Inn's Admission Declaration ('**the Admission Declaration'**) [**TW1**, **24-27**] which contained the following wording:

2.(b) I have never been convicted of a disciplinary offence by a professional or regulatory body nor are there any disciplinary proceedings pending against me anywhere in respect of any such offence.

3. Except as disclosed below, I am not aware of any matter which might reasonably be thought to call into question my fitness to become a practising barrister (footnote: This includes any incident or behaviour which if known to the Inn might cause your application to be considered more carefully. If in doubt, disclose the incident/behaviour…)

6. I undertake that I will inform the Inn immediately if any statement made in this Declaration ceases to be true before I have been admitted to the Inn and while I am an applicant for admission to the Inn…

7.(b) I undertake that while I am a Student member of the Inn, if and in so far as they apply to me, I will comply with the BSB Handbook;

7.(c)(ii) I will promptly inform the…Inn in writing if there are disciplinary proceedings pending against me or I am convicted of a disciplinary offence by a professional or regulatory body;

15. Also on 4 May 2025, the Respondent completed and signed the Inn's Call Declaration ('**the Call Declaration'**) [**TW1, 28-30**] which contained the following wording:

    2.(b) I have not been convicted of a disciplinary offence by a professional or regulatory body (nor been the subject of pending proceedings for such an offence);

    4. Except as disclosed below, I am not aware of any circumstance which has occurred while I have been a Student member of the Inn which reasonably be thought to call into question my fitness to become a practising barrister (footnote: This includes any incident or behaviour which if known to the Inn might cause your application to be considered more carefully. If in doubt, disclose the incident/behaviour…)

    6. So long as I remain a barrister, I will comply with the Code of Conduct of the Bar of England and Wales.

    7. I understand that that if this declaration is found to have been false in any material respect, or if I breach any undertaking given in it in any material respect, then that will constitute professional misconduct.

16. The BSB Handbook includes the Code of Conduct and Conduct Rules. Rule C65 of the BSB Conduct Rules [**TW1, 100-101**] requires the '*prompt'* reporting of the following to the BSB:

    16.1 Rule C65.3 – '*you (or an entity of which you are a manager) to your knowledge are the subject of any disciplinary or other regulatory or enforcement by another Approved Regulatory or other regulator, including being the subject of disciplinary proceedings'*.

17. On 6 May 2016, the Respondent completed the Inn's Application for Call to the Bar [**TW1, 31**] which confirmed that the Respondent was seeking to be called to the Bar in November 2016.

18. Regulatory Supervisor A wrote to the Respondent on 20 May 2016 advising that he was recommending that conditions be imposed on the Respondent's SRA PC. The Respondent was invited to provide comments by 6 June 2016 [**TW1, 32-34**]. A report was provided to the Respondent which set out a detailed rationale for the imposition of conditions and the proposed conditions [**TW1, 38-49**].

19. The Respondent was admitted to the Inn as a student member on 23 May 2016 [**TW1, 24**].

20. On 25 May 2016, the Respondent emailed Regulatory Supervisor A to confirm that he would be making representations against the imposition of conditions [**TW1, 50**].

June – November 2016

21. The Respondent instructed Mr Geoffery Williams Q.C. (as he was then) to assist him in making representations against the imposition of conditions. On 23 June 2016, Mr Williams emailed Regulatory Supervisor A, asking *'[I] just wanted to be sure that the proposed PC conditions represent the extent of the intended action against my client'* [**TW1, 51**]. Regulatory Supervisor A responded on 27 June 2016, stating '*In light of the issues raised within the FI report, a decision as to proportionate disciplinary action is under consideration'* [**TW1, 51**].

22. Mr Williams Q.C. telephoned Regulatory Supervisor A on 1 July 2016 seeking clarification of whether the SRA was planning to take disciplinary action against the Respondent as this may be of relevance to the representations. Regulatory Supervisor A and Mr Williams were not able to make further contact [**TW1, 52-53**].

23. Mr Williams Q.C. prepared submissions opposing the imposition of conditions on 22 July 2016 [**TW1, 54-67**]:

    23.1 At paragraph 5(a) [**TW1, 55**], it states '*It is understood that SRA* [sic] *is giving consideration to conduct issues arising from the FI report'*.

    23.2 At **TW1 56-57**, the Respondent's future plans are set out. There is no mention of the Respondent's application for admission to the Bar, but there is reference to the Respondent considering a new partnership which would require SRA authorisation.

    23.3 The submissions go onto state that the Respondent was not currently in practice and that '*That situation should not incline SRA to impose conditions restricting future practice. The conduct issues should first be resolved and it will be submitted that they fall well short of matters normally dealt with by way of disciplinary proceedings.'* [**TW1, 67**].

24. The Respondent was informed on 15 August 2016 that the issue of conditions had been submitted to an SRA Adjudicator [**TW1, 68**].

25. The SRA Adjudicator issued a decision imposing conditions on the Respondent's '*practising certificate for the time being in force'* on 2 September 2016 [**TW1, 69-**

77]. This decision was sent to the Respondent on 5 September 2016 and he was notified of his options for appeal [**TW1, 77-79**]. The Respondent lodged an appeal on 3 October 2016 [**TW1, 80**].

26. The Firm was intervened into on 13 October 2016 as a result of a further report received on 29 September 2016 [**TW1, 86**]. The Respondent remained an owner of the Firm at that time.

27. An SRA Adjudication Panel upheld the decision to impose conditions on 2 November 2016 [**TW1, 84-97**]:

27.1 Paragraph 3.1.3 [**TW1, 85-86**] refers to a request for further information made by the panel about the disciplinary proceedings against the Respondent. The information provided was that '*A Rebuke case note is in preparation concerning disciplinary matters against* [the Respondent]…'

27.2 Paragraph 5.2 [**TW1, 92**] states '*Practising certificate conditions are intended to address immediate risks and are not part of the disciplinary process. Therefore the imposition of conditions are dealt with separately and cannot be delayed'*.

27.3 Paragraph 5.3 [**TW1, 92**] states '*The FIR highlighted serious breaches of the accounts rules, involvement with an unauthorised investment scheme and employment of a disbarred barrister. Mr Mian left the firm in April 2016. Mr Mian is facing disciplinary action for his conduct whilst at the firm'*.

28. The Respondent was notified of the Adjudication Panel's decision on 10 November 2016 [**TW1, 82-83**]. In response, the Respondent advised Regulatory Supervisor A that he had not sought to renew his PC and had '*no intentions to do so until this decision is reversed by a High Court Judge'* [**TW1, 98**]. Regulatory Supervisor A noted that the deadline for submitting an appeal to the High Court was 29 November 2016 [**TW1, 98**]. The Respondent did not submit an appeal.

29. The conditions imposed were [**TW1, 85**]:

1. [The Respondent] *shall only act as a solicitor in employment. That employment must first be approved by the SRA.*

2. [The Respondent] *shall not be a manager or owner of any authorised body or an authorised non-SRA firm.*

3. [The Respondent] *shall not act as a compliance officer for legal practice (COLP) or compliance officer for finance and administration (COFA) for any authorised body, or Head of Legal Practice (HOLP) or Head of Finance and Administration (HOFA) in any authorised non-SRA firm.*

4. [The Respondent] *shall not act as a signatory to any client or office account, or have the power to authorise transfers from any client or office account.*

5. [The Respondent] *shall not have responsibility for, or be involved in, the training or supervision of any employee, consultant or trainee.*

6. [The Respondent] *shall not be the money laundering reporting officer for any authorised body or an authorised non-SRA firm.*

30. The Respondent's PC was revoked on 22 November 2016 as he did not apply for renewal.

31. The Respondent was called to the Bar on 24 November 2016 [**TW1, 99**].

<u>Statements</u>

32. Faye Appleton, the Director of Education for the Inn, gave a statement on 14 July 2020 [**TW1, 230-233**] in the context of regulatory proceedings pursued against the Respondent by the BSB. Ms Appleton confirmed that the Inn had no record that the Respondent informed the Inn that he was subject to an SRA investigation or conditions. She went onto say [paragraphs 14-16 at **TW1, 233**]:

32.1 '*I would have expected* [the Respondent] *to inform us of the SRA investigation and/or the conditions, as both the Admission and Call Declarations are clear that applicants need to declare any disciplinary offences, including pending proceedings. The Admission Declaration also states that the applicant will inform us of any disciplinary matters that arise after admission'.*

32.2 '*In failing to inform us*…[the Respondent] *would have contravened part 7(c) of the Admission Declaration. Depending on when the SRA commenced its investigation,* [the Respondent] *may have also contravened part 2(b) of the Call Declaration and Admission Declaration'.*

32.3 *'If the Inn had been informed about the investigation, we would have put* [the Respondent's] *application on hold pending the outcome of that investigation. If* [the Respondent] *had informed the Inn that he was subject* *to SRA conditions we would have referred the matter to the Inns' Conduct Committee for determination on* [the Respondent's] *fitness to practise, and his application would have been placed on hold pending the Committee's decision'.*

33. Sophie Maddison, Senior Authorisation and Supervision Officer at the BSB, also gave a statement dated 3 April 2020 in the BSB proceedings [**TW1, 215-217**]. She advised [paragraphs 3, 9 and 10 at **TW1 215-217**]:

33.1 When applying for admission to the Bar as a solicitor, the applicant must produce a certificate of good standing issued by the Law Society of England and Wales which is not more than three months old.

33.2 She notes that there is no record of the Respondent notifying the BSB during the application process, or subsequent to it, of a SRA investigation or conditions; '*Having SRA restrictions on your practice would not necessarily mean that an application for Admission to the Bar would be refused. However, it may have resulted in conditional approval as opposed to the granting of an unconditional exemption'.*

33.3 Ms Maddison noted that the wording of the declaration at 9(v) of the BSB Admission Application '*could suggest that a declaration could have been made about the SRA investigation. However, I don't know whether this would constitute an obligation to disclose such proceedings, as it seems to rely on the judgement of the applicant … I don't believe that Mr Mian breached any rules by not informing Authorisations, at the time of his application, about the pending matter with the SRA but, as good practice, he should have brought it to our attention given the declaration. If he wasn't sure, he should have sought advice from the BSB'.*

34. Steven Bint, Investigation Manager for the SRA, also gave a statement to the BSB dated 2 October 2020 [**TW1, 234-238**]. At paragraph 17 [**TW1, 237**], Mr Bint refers to the Certificate of Good Standing that the Respondent would have had to have submitted to the BSB in February 2016. This certificate was dated 23 November 2015 [**TW1, 218**] and so pre-dated the notification of the decision to formally investigate the Respondent.

The Respondent's Position in relation to Allegation 1.1

35. The Respondent gave a statement to the BSB on 18 November 2020 [**TW1, 247-253**]. He states that:

35.1 *'I have frankly accepted that I did not inform* [the BSB or Inn] *that I was under investigation and the conditions were being put on my prospective practice certificate as a solicitor at the time of Call to Bar or thereafter'*. [paragraph 3.1 at **TW1, 248**]

35.2 In relation to the Call and Admission declarations: '*there was no conviction considering the SRA's case that conditions did not amount to conviction but interim measure* [sic] *to protect the interests of public. Secondly, the SRA did not and does not use the word proceedings but "investigation into conduct" and the word "proceedings" is only used after the referral to the SDT is made (if it is made). The IDB would agree that there is no evidence that I was made aware either before or at the time of Call that I might be referred to the SDT or if the words "disciplinary offence", "conviction for disciplinary offence" and "proceedings" were used in any of the SRA's correspondence.'* [paragraph 4 at **TW1, 249**].

36. The Respondent gave a further statement on 29 May 2022 [**TW1, 254-265**]:

36.1 *'…applying to become a barrister ought not to be characterised as dishonest conduct…particularly when I had no restrictions on my practising as a solicitor advocate and restrictions that were placed shortly before my call were limited to my managerial role in a solicitor's firm'* [paragraph 8 at **TW1, 256**].

36.2 *'I have sufficiently explained…why conditions, now expired, imposed on my managerial capacity were considered…irrelevant to be declared and still continue to be irrelevant.*' [paragraph 10 at **TW1, 256**].

36.3 *'I did not disclose* [sic] *formal investigation and imposition at the time of call on the basis of Subjective State of Knowledge and belief that "conditions restricting me to become manager and compliance officer of solicitors' practice" did not "call into question my fitness to become a practising barrister"'* [paragraph 15.2 at **TW1, 259**]

36.4 *'declaration was not false because there was no pending proceedings and there is no evidence that I could have known if there were any pending proceedings on or around 4 May 2016'* [paragraph 17(b)(i) at **TW1, 260**].

36.5 *'…I was not aware of any matter which might reasonably be thought to call into question his* [sic] *fitness to become a practising barrister:*

a) *Formal investigation by the SRA had no bearing…because it was limited to my role as a director of solicitors' practice; my right of audience or my practicing as a solicitor was not being investigated;*

b) *There is no evidence if I had knowledge that I might potentially be referred to SDT'.* [paragraph 17(b)(ii) at **TW1, 260**]

<u>**Breaches of the Principles and Code in relation to Allegation 1.1**</u>

The Respondent failed to disclose relevant regulatory information and/or gave false or misleading declarations to the BSB or Lincoln's Inn in signed declarations dated 16 February 2016 and 4 May 2016 and/or otherwise prior to his call to the Bar on 24 November 2016.

<u>Dishonesty</u>

37. The SRA relies upon the test for dishonesty stated by the Supreme Court in *Ivey v Genting Casinos* [2017] UKSC 67, which applies to all forms of legal proceedings, namely that the person has acted dishonestly by the ordinary standards of reasonable and honest people:

"When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest."

38. As at 16 February 2016, when he completed and signed the BSB Admission Application, which required the Respondent to declare that he had disclosed *'any circumstances affecting me which might reasonably be considered to be relevant to the question of whether I should be permitted to be called to the Bar'* [**TW1, 20**], the Respondent knew or believed the following:

38.1 There had been a forensic investigation into the Firm at which he was a Director.

38.2 He had been notified by the SRA on 15 December 2015 that there would be a formal investigation into the Firm in relation to several matters arising from the forensic investigation. At least one of the matters under investigation (the employment of Mr Hassan) directly involved the Respondent.

38.3 That the SRA's investigation may lead to regulatory action including an application to the SDT.

38.4 He had provided a detailed initial response to the SRA on 11 January 2016.

38.5 That the BSB would rely on the signed declaration as being true and accurate.

39. In signing the BSB Admission Application on 16 February 2016 without disclosing the fact of the SRA investigation into his Firm and the Respondent personally (as set out in the SRA's letter of 15 December 2015), the Respondent represented that there was nothing which he needed to disclose to the BSB in contravention of the declaration set out in the BSB Admission Application. A solicitor acting honestly would have considered the fact that he and/or his Firm (of which he was one of only two directors) were under investigation by the SRA to be information that the BSB would consider relevant to whether he ought to be permitted to be called to the Bar.

40. When signing the Admission and Call Declarations on 4 May 2016:

40.1 For the purposes of declarations 2(b) and 7(c)(ii) on the Admission Declaration [**TW1, 24** and **27**] and declaration 2(b) of Call Declaration [**TW1, 28**], which required the Respondent to declare that there were no '*disciplinary proceedings pending'* against him, the Respondent failed to advise the Inn of the SRA investigation which commenced on 15 December 2016 and/or that he had been aware on 7 April 2016 that consideration was being given to placing conditions on his PC.

40.2 For the purposes of declaration 3 on the Admission Declaration [**TW1, 25**] and declaration 4 on the Call Declaration [**TW1, 29**], which required the Respondent to disclose any matter or circumstance '*which might reasonably be thought to call into question my fitness to become a practising barrister',* the Respondent failed to disclose those matters detailed in the SRA's letter of 15 December 2015, despite the footnotes to these declarations making it clear to the Respondent that, if there were doubt, then disclosure should be made.

40.3 For the purposes of declaration 7(b) on the Admission Declaration [**TW1, 26**] and declaration 6 on the Call Declaration [**TW1, 30**], which required the Respondent to '*comply with the BSB Handbook*', the Respondent failed to comply with Rule C65.3 of the BSB Conduct Rules [**TW1, 100-101**] by failing to declare that both he and his Firm (of which he was a director at the material time) were the subject of regulatory action.

41. Declaration 6 of the Admission Declaration required the Respondent to notify the Inn '*if any statement in this Declaration ceased to be true before he was admitted to the Inn* [**TW1, 26**]'. In addition to the Respondent's state of knowledge as set out in paragraph 38 above, the Respondent was notified on 7 April and 20 May 2016 that the SRA was considering the imposition of conditions on his PC. The Respondent failed to notify the Inn of this development prior to his admission to the Inn on 23 May 2016, thereby contravening declaration 6.

42. Between his admission to the Inn on 23 May 2016 and his call to the Bar on 24 November 2016, the Respondent knew or believed the following:

42.1 That conditions had been imposed on his PC on 2 September 2016 and reconfirmed on 2 November 2016.

42.2 That the email from Regulatory Supervisor A to Mr Williams Q.C. dated 27 June 2016 indicated that the SRA was still considering '*proportionate'* disciplinary action against the Respondent. The fact that the SRA was considering conduct issues was acknowledged by Mr Williams Q.C. in his submissions of 22 July 2016.

42.3 That the Firm, of which he remained an owner, had been the subject of an SRA intervention on 13 October 2016.

42.4 That the reference to a rebuke in the Adjudication Panel decision of 2 November 2016 confirmed that the SRA was continuing to consider disciplinary action.

43. The Respondent failed to notify the Inn of these matters in contravention of declaration 7(c)(ii) of the Admission Declaration. The Respondent also continued to fail to comply with Rule C65.3 of the BSB Conduct Rules, resulting in a continuing contravention of declaration 7(b) on the Admission Declaration and declaration 6 on the Call Declaration.

44. A solicitor of the Respondent's experience would know that giving false declarations and/or failing to notify the relevant organisations if there was a

material change to the facts underpinning previous declarations was serious misconduct. The Respondent signed the Call Declaration, which confirmed this to be the case at declaration 7.

45. The Respondent has admitted in a statement supported by a Statement of Truth that he did not inform the BSB or the Inn that he was under investigation by the SRA or that conditions were being placed on his PC.

46. With reference to the Respondent's assertions in witness evidence that he did not consider there was a need to notify the BSB or Inn as there were no '*disciplinary proceedings'* pending against him, and/or that there were no matters which might call into question his fitness to become a barrister and/or did not restrict his practice as a solicitor advocate, this position is untenable as a solicitor of the Respondent's experience would be expected to:

46.1 Identify that an investigation by a professional regulatory body and the imposition of conditions would be of relevance when applying for admission to other professional and regulatory bodies, as well as a matter which '*might reasonably'* call in to question a person's fitness to practice as a barrister.

46.2 Appreciate that the reference to '*proceedings'* in the various declarations and Rule C65 of the BSB Conduct Rules could, and should, be interpreted to include investigation and the imposition of conditions by a professional regulatory body.

46.3 Reappraise his position once conditions had been imposed on his PC and identify that the imposition of such conditions, even if subject to appeal, would be a matter which ought to be reported to the Inn and BSB, because it rendered previous declarations inaccurate, as well as being required as part of an overarching obligation to keep professional bodies and regulators informed.

46.4 Understand that the conditions did significantly restrict his practice as a solicitor advocate, as he was only permitted to act as solicitor in employment which had first been approved by the SRA.

46.5 Act on the advice in the footnotes to the Admission and Call Declarations that if there was doubt, then disclosure should be made.

47. The Respondent failed to notify the Inn or the BSB that he was under investigation by the SRA, that conditions on his PC were being considered and were eventually imposed and that the SRA was still considering disciplinary

action because he wished to avoid any risk that the Inn or the BSB would reject his applications for admission or place conditions upon the same.

48. For the reasons set out, the Respondent was dishonest by the standards of ordinary decent people.

<u>Principle 2 of the 2011 Principles - Integrity</u>

49. In *Wingate v Solicitors Regulation Authority v Malins* [2018] EWCA Civ 366, it was said that integrity connotes adherence to the ethical standards of one's profession:

49.1 "*Integrity is a broader concept than honesty. In professional codes of conduct the term "integrity" is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members*" [paragraph 97].

49.2 *'Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty. To take one example, a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the general public in daily discourse.'* [paragraph 100]

50. Paragraphs 38-47 are repeated as evidence of a lack of integrity.

51. A solicitor acting with integrity would not have:

51.1 Failed to disclose the fact that he was under investigation by the SRA at the time of completing the BSB admission application on 16 February 2016;

51.2 Failed to appreciate that an investigation by the SRA might reasonably be a circumstance that was relevant to the question of whether he should be permitted to be called to the Bar.

51.3 Failed to disclose the fact that he was under investigation by the SRA and that consideration was being given to imposing conditions on his PC when he signed the Admission and Call Declarations on 4 May 2016.

51.4 Failed to appreciate that an investigation by the SRA and the possible imposition of conditions might reasonably be a matter or circumstance that might reasonably be thought to call into question his fitness to become a practising barrister when he signed the Admission and Call Declarations.

51.5 Ignored the advice to disclose information if there were any doubt.

51.6 Failed to disclose to the Inn or BSB that conditions had been imposed on 2 September 2016 and confirmed on 2 November 2016 despite the requirement to notify the BSB of regulatory action by another regulator under Rule C65 of the BSB Conduct Rules which he had confirmed he would abide by in the Admission and Call Declarations.

51.7 Failed to appreciate that the imposition of conditions on 2 September 2016 and their confirmation on 2 November 2016 were matters which ought to be reported to the Inn and BSB either on the terms of the declarations given on 4 May 2016 or under Rule C65.

51.8 Failed to identify, or if he did so identify, failed to act on the information that he remained under investigation by the SRA which was considering issuing a rebuke.

51.9 Failed to identify, or if he did so identify, failed to act on the information that the conditions imposed by the SRA did affect his practice as a solicitor advocate.

51.10 Ignored declaration 7 of the Call Declaration which made it clear that making a false declaration or breaching a declaration is professional misconduct.

52. For these reasons, the Respondent has shown a lack of integrity and has breached Principle 2 of the 2011 Principles.

Principle 6 of the 2011 Principles – Maintaining public trust

53. Paragraphs 38-47 and 51 are repeated as evidence of behaviour which undermines public trust and confidence in the solicitors' profession.

54. The trust that the public places in solicitors, and the provision of legal services, depends upon the reputation of the solicitors' profession as one in which every member may be trusted to the ends of the earth. Solicitors are required to act with integrity, probity and honesty. The public are entitled to expect that a solicitor will act according to the standards set by regulators and other professional

bodies as well as to the standards that they would advise their own clients to meet.

55. The public would expect a solicitor to appreciate the importance of ensuring that any declarations are made accurately. The public would also expect a solicitor to make appropriate notifications if there is a change in circumstances which affects the accuracy of declarations previously given.

56. The public would not expect a qualified solicitor to fail to appreciate, or minimise, the seriousness of being under investigation by the SRA or being subject to SRA conditions, such that they do not recognise that such matters would be of relevance when consideration is being given to whether an individual is suitable to join another profession or body where integrity, probity and honesty are also paramount.

57. The Respondent therefore breached Principle 6 of the 2011 Principles.

Principle 7 of the 2011 Principles – Compliance with Legal and Regulatory Obligations

58. For the reasons set out at paragraphs 38-47 and 51 above, the Respondent failed to comply with the legal and regulatory obligations set out in the SRA's 2011 Principles and Code of Conduct, the BSB Admission Application, the Admission Declaration, the Call Declaration and the BSB Conduct Rules.

59. The Respondent also failed to deal with the BSB, as one of his regulators, in an open, timely or co-operative manner by failing to notify it of the SRA investigation and conditions, thereby failing to afford the BSB the opportunity to consider the relevance of the SRA investigation and conditions to its regulatory functions.

60. The Respondent therefore breached Principle 7 of the 2011 Principles.

Outcome 11.2 of the 2011 Code – Performance of Undertakings

61. The 2011 Code defines an undertaking as:

'a statement, given orally or in writing, whether or not it includes the word "undertake" or "undertaking", made by or on behalf of you or your firm, in the course of practice, or by you outside the course of practice but as a solicitor or REL, to someone who reasonably places reliance on it, that you or your firm will do something or cause something to be done, or refrain from doing something'.

62. In *Briggs v Law Society* [2005] EWNC 1380 (Admin), at paragraph 35, it was stated that '*the breach of an undertaking given by a solicitor damages public confidence in the profession and in the system of undertakings* …'

63. The declarations set out in the Admission and Call Declarations meet this definition of 'undertaking'. The declarations were given by the Respondent in his capacity as a solicitor applicant to the Inn which placed reliance on those declarations to accept the Respondent as someone who was not subject to any regulatory or disciplinary proceedings or any matter which might call his fitness to practice as a barrister into question.

64. By incorporating reference to the BSB Handbook, the Admission and Call Declarations also made it a requirement to notify the BSB by virtue of Rule C65 of the Conduct Rules. Those declarations in the Admission and Call Declarations relating to compliance with the BSB Handbook or informing the Inn of any disciplinary proceedings utilise the wording *'I undertake'* and/or '*I will'*.

65. In failing to notify the Inn or the BSB of the SRA investigation and the imposition of conditions, the Respondent failed to perform the undertakings he had given in the Admission and Call Declarations and thereby failed to achieve Outcome 11.2 of the 2011 Code.

<u>Recklessness</u>

66. The SRA's primary case is as set out at paragraphs 38-47, in that when the Respondent signed the BSB Admission Application, the Admission Declaration and Call Declaration, thereby making the declarations set out at paragraphs 11, 14 and 15 above, and without informing the Inn or BSB of the matters set out at paragraphs 38 and 42, he was dishonest in doing so.

67. In the alternative, the SRA relies upon the test for recklessness which was set out in the case of *Brett v SRA* [2014] EHWC 2974. At paragraph 78 in that case, Wilkie J said that for the purposes of the Brett appeal, he adopted the working definition of recklessness from the case of R v G [2004] 1 AC 1034. He said that the word recklessly is satisfied: with respect to (i) a circumstance when {the solicitor} is aware of a risk that it exists or will exist and (ii) a result when {the solicitor} is aware that a risk will occur and it is, in circumstances known to them, unreasonable for them to take the risk.

68. The facts and matters set out in paragraphs 9-31 above demonstrate that the Respondent was reckless as follows:

68.1 In that he declared to the BSB on 16 February 2016 that he was not aware of any circumstances affecting him which might reasonably be considered to be relevant to the question of whether he should be permitted to be called to the Bar, namely the fact that he and his Firm were under investigation by the SRA.

68.2 Despite being aware that he was under investigation by the SRA and that consideration was being given to PC conditions, he declared to the Inn on 4 May 2016 that

68.2.1 There were no disciplinary proceedings pending against him,

68.2.2 He was not aware of any circumstances or matters which might call into question his fitness to become a practicing barrister,

68.2.3 That he would comply with the BSB Handbook which, by virtue of Rule C.65 of the BSB's Conduct Rules, required him to notify the BSB if he was the subject of any disciplinary action or proceedings; and

68.2.4 He understood that if the Call Declaration was found to have been false or he breached any undertaking in it, then that would be misconduct.

68.3 When he was notified on 5 September 2016 that conditions had been imposed on his PC, he failed to comply with Rule C.65 of the BSB Conduct Rules or to inform the Inn promptly of any disciplinary proceedings.

68.4 When he was notified on 10 November 2016 that the imposition of conditions had been upheld, he failed to comply with the requirement to comply with Rule C.65 of the BSB Conduct Rules or to inform the Inn promptly of any disciplinary proceedings.

69. Despite being aware from the BSB Admission Application and the Admission and Call Declarations that the BSB and Inn wished to be advised of any matters which called into question his fitness to become a barrister, he recklessly failed to inform the BSB or Inn of the imposition of conditions and the terms of those conditions, which did interfere with his practice as a solicitor advocate.

70. By repeatedly making a decision not to disclose information to the Inn and BSB, and/or failing to appreciate that he should make disclosures, the Respondent

took the risk that he would be considered to have failed to provide necessary information to the Inn and BSB.

Allegation 1.2 – The Respondent failed to disclose relevant regulatory and/or disciplinary information to the BSB between 24 November 2016 and 20 December 2018

71. On 24 March 2017, Regulatory Supervisor B emailed a Production Notice issued under s44B of the Solicitors Act 1974 (as amended) to the Respondent requiring him to produce documentation relating to the Firm's instruction by Client X [**TW1, 102-105**].

72. On 12 May 2017, the BSB received an email advising that the Respondent was subject to conditions imposed by the SRA [**TW1, 106-107**].

73. Regulatory Supervisor B contacted the Respondent again on 28 July 2017 [**TW1, 108-111**] to advise that the SRA was continuing to make enquiries in relation to Client X. Regulatory Supervisor B confirmed that this matter had not been investigated by the FIO in 2015. He noted that the Respondent had previously confirmed that he had had conduct of this matter. He also reminded the Respondent that the SRA continued to be his regulator as he remained on the Roll. The Respondent responded to Regulatory Supervisor B in detail on 18 August 2017 [**TW1, 112-115**].

74. The Respondent applied to the SRA for removal from the Roll on 18 September 2017 [**TW1, 116**]. The application noted that the Respondent had not held a PC since October 2016 and that he had not sought to renew his PC because he '*did not agree with the SRA's decision to give him a conditional PC*'.

75. When completing the application for removal from the Roll, the Respondent confirmed that he agreed with the statement *'I am not aware of any disciplinary proceedings which have been brought or will be brought against me in my capacity as a solicitor. I do not know of any cause for such proceedings to be brought and I am not in any breach of any of the SRA's regulatory arrangements'*.

76. The SRA issued a Certificate of Good Standing to the Respondent on 24 July 2017 which advised that the Respondent did not hold a current PC and was not entitled to practise as a solicitor [**TW1, 218**]

77. On 15 December 2017, Regulatory Supervisor C wrote to the Respondent advising that issues relating to Client X were to be investigated further [**TW1, 117-123**]. The Respondent was asked to provide an explanation of his conduct by 5 January 2018 and was warned that his reply may be used as evidence for

any regulatory purpose. The letter stated '…*you are also regulated by the BSB. Please tell us whether you have told them about your conduct at the firm…if you have not told your other regulator, please tell us why not'* [**TW1, 122**]. The Respondent acknowledged receipt of Regulatory Supervisor C's letter on the same date [**TW1, 124**].

78. The SRA's admissions team emailed the Respondent on 11 January 2018 advising it was minded to refuse his application for removal from the Roll because there was an open complaint against him, namely the investigation relating to Client X which had been notified to the Respondent on 17 March and 15 December 2017 [**TW1, 125-131**]. The Respondent confirmed on 16 January 2018 that he wished to withdraw his application for removal from the Roll [**TW1, 132**].

79. The Respondent provided his comments on the allegations relating to Client X on 19 February 2018 [**TW1, 136-141**]. The response did not indicate whether he had informed the BSB that he was under investigation.

80. On 3 April 2018, the SRA notified the Respondent that his conduct was to be referred to the SDT [**TW1, 143-144**]. The matters to be referred to the SDT included some of the allegations notified to the Respondent by Regulatory Supervisor A on 15 December 2015 and those relating to Client X which were notified to the Respondent by Regulatory Supervisor C on 15 December 2017.

81. The BSB contacted the SRA in June 2018 seeking confirmation of whether the Respondent was being investigated by the SRA in May 2016 [**TW1, 145**]. The BSB clarified on 25 June 2018 that it had *'received a report about* [the Respondent] *relating to information provided with his application for call…conditions were placed on his practice by the SRA on 2 November 2016'* [**TW1, 146**]. The SRA responded on 2 July 2018 [**TW1, 146**].

82. On 2 July 2018, the Respondent emailed the solicitors instructed by the SRA (Capsticks) to bring proceedings against him in the SDT [**TW1, 147**]. The Respondent expressed his surprise at the proceedings as the '*investigations for these matters was concluded in around December 2015* [sic] *and conditions were proposed to be imposed on my practising certificate on the conclusion of the investigation…the matter was concluded in December 2016…*'.

83. The SRA responded on 24 July 2018 [**TW1, 148-150**]. The Respondent was informed that conditions were imposed in 2016 because risks to the public had been identified. It was clarified that there had been two SRA investigations:

83.1 The first investigation was begun by Regulatory Supervisor A in 2015. During the course of this investigation, conditions were imposed. The Respondent was advised that '*conditions are intended to address immediate risks and are not part of the disciplinary process…the conditions were not imposed at the conclusion of the investigation but rather during the investigation*…' [**TW1, 149**]. It was confirmed that that matters relating to Mr Hassan, Eclips and the PEP remained under investigation.

83.2 The second investigation was taken forward by Regulatory Supervisor B and Regulatory Supervisor C in 2017 and related to Client X [**TW1, 149**].

83.3 *'Both sets of investigations have been referred to the SDT and remain live'* [**TW1, 149**]

84. On 20 December 2018, the BSB notified the Respondent [**TW1, 155-159**] of a complaint that he had failed to declare that he was under investigation by the SRA when he made his application for Call on 6 May 2016 and had further failed to inform the BSB that he had had restrictions imposed on his practice by the SRA when called to the Bar on 24 November 2016.

85. The SRA provided further information to the BSB:

85.1 On 4 February 2019 [**TW1, 160-161**], the SRA advised that the Respondent had been first notified of an investigation on 23 February 2015, conditions were imposed on 2 September 2016 and upheld on 2 November 2016. The SRA clarified that a Certificate of Good Standing does not include investigations, only proceedings issued before the SDT and SDT findings [**TW1, 161**].

85.2 On 11 February 2019, the SRA advised that the decision to refer the Respondent to the SDT was made on 27 March 2018, although the allegations to be put before the SDT had not yet been finalised. The SRA stated: '*The conditions imposed on* [the Respondent's] *PC do not conclude matters…Conditions are quite separate from any disciplinary action taken by the SDT…In this case, the PC conditions can be seen as a protective measure but not a final determination.*' [**TW1, 163**]

86. The BSB wrote to the Respondent on 2 April 2019 [**TW1, 165-167**]. The BSB noted *'You accept you did not inform the Bar Standards Board (BSB) or Lincolns Inn of the restriction the SRA has imposed on your practising certificate…*'. The BSB also noted that the Respondent's responses to the BSB's letter of 20 December 2018 had not mentioned the fact that he had been referred to the SDT

in March 2018 [**TW1, 166**]. This omission led the BSB to open a further complaint against the Respondent.

87. The allegations considered by the SDT on 29-30 October and 2 December 2019 related to Mr Hassan and the use of the Firm's client account as a banking facility [**TW1, 175**].

88. On 2 December 2019, the SDT ordered the Respondent to pay a fine of £20,000 and imposed a restriction order for a period of 2 years [**TW1, 170-171**]. The SRA informed the BSB of the SDT's decision on 3 December 2019 [**TW1, 172**]. The SDT handed down its judgment on 16 January 2020 [**TW1, 174-195**].

89. On 16 June 2022, the Respondent was disbarred after the Bar Tribunals and Adjudication Service ('**BTAS'**) made the following findings [**TW1, 196-209**]:

    89.1 The Call Declaration was materially false and/or the Respondent had failed to inform the Inn that the Call Declaration had become materially false at the time he was called to the Bar, as the Respondent had failed to inform the BSB that conditions had been imposed on him prior to Call which continued to be in place. Such conduct undermined the Respondent's honesty and integrity.

    89.2 Having been called to the Bar on 24 November 2016, the Respondent failed to inform the BSB that the SRA had imposed conditions on his practice which remained in place, that he was the subject of ongoing investigation or that he had been referred to the SDT. Such conduct undermined the Respondent's honesty and integrity, as well as the public trust in the profession.

90. Subsequently:

    90.1 The Respondent notified the SRA of his disbarment and that he would be appealing the BTAS decision on 22 November 2022 [**TW1, 211**].

    90.2 On 5 June 2023, the Respondent informed the SRA that his appeal against the decision to disbar him had been dismissed by the High Court on 24 May 2023 and that he was considering an application to the Court of Appeal [**TW1, 212**].

    90.3 Following a request for information from the SRA, BTAS advised on 15 May 2024 that the Respondent had been refused permission to appeal to the Court of Appeal on 7 October 2023 [**TW1, 213**].

Statements

91. Sophie Maddison's statement of 3 April 2020 confirmed that she '*did not believe that* [the Respondent] *had notified the* [BSB] *that he had been referred to the SDT'* in April 2018 [paragraph 13 at **TW1, 217**]

92. In paragraphs 14-16 of his statement of 2 October 2020 [**TW1, 236-237**], Steven Bint commented on the Certificate of Good Standing which had been issued to the Respondent on 24 November 2017. Mr Bint explained that the Respondent had contacted the SRA on 31 October 2017 explaining that the publication of the SRA conditions had caused him difficulties in his practice as a barrister. The Certificate of Good Standing did not detail the conditions of 2016 as the Respondent no longer had a PC to which conditions could be attached.

The Respondent's Position in relation to Allegation 1.2

93. In his statement dated 18 November 2020, the Respondent stated that, at the time of call:

    93.1 The imposition of conditions was subject to a right of appeal which the Respondent genuinely intended to exercise [paragraph 5.1 at **TW1, 249**].

    93.2 The investigations and conditions were not part of a disciplinary process [paragraph 5.2 at **TW1, 249-250**].

    93.3 The conditions were unrelated to his practice as a barrister and did not restrict him from practising as a solicitor advocate [paragraph 5.5 at **TW1, 250**]

    In relation to the alleged failure to inform the BSB that he had been referred to the SDT, the Respondent stated that:

    93.4 '[the] *SRA reason given for referral is entirely different than the referral that was made, on different allegations, by the SRA to the SDT. I have been successful in persuading the SRA that agreed that the SRA, despite its ambitions to further persecute me, could not refer me to the SDT to answer allegations without first giving me complete set of documents. Therefore,* [the letter from the SRA dated 3 April 2018] *was not a referral to SDT but intention to refer and this intention was discontinued on my questioning the legalities'* [final paragraph on **TW1, 250**].

94. In his statement dated 29 May 2022, the Respondent states:

94.1 *'I was not subject to pending proceedings on around 4 May 2016. I became subject to pending proceedings on or around 29 May 2019 when the SRA had filed Rule 5 Statement…"the decision to refer to the SDT was made on 27 March 2018" i.e. when SRA made a decision to initiate referral for proceedings but the allegations were not finalised until May 2019…'* [paragraph 17(a) on **TW1, 260**].

94.2 *'I did not have knowledge until February 2018 that SRA had continued to investigate me after imposing conditions in November 2016. There was not correspondence from SRA between November 2016 and February 2019 that could have reasonably suggested that there was any ongoing investigation or if there was new evidence…'* [under heading 'Charge 7a' on **TW1, 261**].

<u>Breaches of the Principles and Code in relation to Allegation 1.2</u>

<u>Dishonesty</u>

95. The test for dishonesty as set out at paragraph 37 above is repeated.

96. Between 24 November 2016 when the Respondent was called to the Bar and 20 December 2018 when the BSB notified the Respondent that he was under investigation, the Respondent knew that:

96.1 He was required to comply with Rule C65 of the BSB Code of Conduct as set out in paragraph 16.1 above.

96.2 On the date of his call to the Bar, the SRA had not concluded its investigation into the matters notified to the Respondent by Regulatory Supervisor A on 15 December 2015 as most recently evidenced by the Adjudication decision of 2 November 2015.

96.3 He had been notified on 24 March 2017 and 28 July 2017 that the SRA was undertaking a second investigation into the Respondent's conduct which related to Client X.

96.4 He had been informed that he was formally under investigation by the SRA in relation to Client X on 15 December 2017.

96.5 The letter from the SRA dated 15 December 2017 had specifically referred to the need to inform the BSB of his conduct.

96.6 The SRA's admissions' team had advised him on 11 January 2018 that there was an open complaint against him which prevented his removal from the Roll.

96.7 He had responded to the SRA's investigation into Client X on 19 February 2018.

96.8 The SRA had informed him on 3 April 2018 that it had decided to refer his conduct to the SDT.

96.9 The SRA had reconfirmed on 24 July 2018 that there had been two separate investigations into his conduct and that both investigations had been referred to the SDT.

97. The Respondent failed, at any time, to notify the BSB of any of the matters listed in paragraphs 96.2-96.9. There is no indication that the Respondent would have informed the BSB of the investigations by the SRA or his referral to the SDT had the BSB not been provided with this information by others, despite the reminder to do so given by the SRA on 15 December 2017. The Respondent failed to mention these matters to the BSB even after the BSB advised him of its own investigation.

98. A solicitor, who was also a barrister, would be expected to understand that he had an obligation to provide the BSB with information about the SRA investigations and referral to the SDT and that a failure to do so was serious misconduct. Ordinary decent people would consider it dishonest to conceal this information from a regulator.

99. The Respondent's assertions in his statements that the SRA investigations and referral to the SDT were not part of a disciplinary process and/or did not constitute pending proceedings and/or were unrelated to his practice as a barrister are untenable. A solicitor of the Respondent's experience would be expected to:

99.1 Identify that the investigation by the SRA into Client X would constitute '*disciplinary or other regulatory or enforcement action by another Approved Regulator or other regulator*' for the purposes of Rule C.65 of the BSB Code of Conduct.

99.2 Identify and act upon the need to report the SRA investigation into Client X '*promptly*' to the BSB as required by Rule C.65 of the BSB Code of Conduct and that a failure to do so would, or could, be considered serious misconduct by the BSB.

99.3 Reappraise his position once he had been notified that his conduct was to be referred to the SDT and identify that this constituted '*disciplinary proceedings'* for the purposes of Rule C.65 of the BSB Code of Conduct.

99.4 Identify and act upon the need to report the referral to the SDT '*promptly*' to the BSB as required by Rule C.65 of the BSB Code of Conduct and that a failure to do so would, or could, be considered serious misconduct by the BSB.

99.5 Understand that Rule C.65 of the BSB Code of Conduct does not require an analysis of whether the disciplinary action or proceedings involves conduct related to his practice as a barrister.

100. The Respondent's assertions that he did not know that he was under investigation by the SRA between November 2016 and February 2018 are unsustainable given the matters set out at paragraphs 96.2-96.9.

101. The fact that it took some time to finalise the allegations to be considered by the SDT is not relevant to the fact that the Respondent was informed on 3 April 2018 that he was to be referred to the SDT and that he failed to advise the BSB of this.

102. The Respondent deliberately chose to conceal the fact that he was under investigation by the SRA and had been referred to the SDT to avoid any risk that the BSB would undertake its own investigation into his conduct and/or seek to interfere with his practice as a barrister.

103. For the reasons given, the Respondent was dishonest by the standards of ordinary decent people.

<u>Principle 2 of the 2011 Principles - Integrity</u>

104. The SRA repeats Lord Justice Jackson's comments in *Wingate*, as set out in paragraph 49 above.

105. Paragraphs 96-102 are repeated as evidence of a lack of integrity.

106. A solicitor, who was also a barrister, acting with integrity would not have failed to:

106.1 Understand that he was under investigation by the SRA and that he had been referred to the SDT.

106.2 Inform the BSB of the matters set out at paragraph 96.2 to 96.9 above.

106.3 Have complied with the BSB's Code of Conduct.

106.4 Appreciate that there were disclosures that he was required to make to the BSB.

106.5 Ignored the SRA's prompt to make disclosures to the BSB given on 15 December 2017.

106.6 Inform the BSB that a referral had been made to the SDT even when advised that the BSB was carrying out its own investigation.

107. Accordingly, the Respondent breached of Principle 2 of the 2011 Principles.

Principle 6 of the 2011 Principles – Public Trust

108. Paragraphs 96-102 and 106 are repeated as evidence of conduct which breached public trust.

109. The trust that the public places in solicitors, and the provision of legal services, depends upon the reputation of the solicitors' profession as one in which every member may be trusted to the ends of the earth. The public are entitled to expect that a solicitor will act according to the standards set by regulators and other professional bodies as well as to the standards that they would advise their own clients to meet.

110. The public would expect a solicitor to appreciate the importance of ensuring that their regulator(s) are kept informed of any investigations involving them and that any notifications made are honest, accurate and timely.

111. The public would not expect a qualified solicitor to fail to appreciate, or minimise, the seriousness of being under investigation by the SRA or being referred to the SDT, such that they do not recognise that such matters would be of relevance to another regulator.

112. The Respondent therefore breached Principle 6 of the 2011 Principles.

Principle 7 of the 2011 Principles – Compliance with Legal and Regulatory Obligations

113. For the reasons set out at paragraphs 96-102 and 106 above, the Respondent failed to comply with the legal and regulatory obligations set out in the SRA's 2011 Principles and Code of Conduct and the BSB's Code of Conduct.

114. The Respondent failed to deal with the BSB, as one of his regulators, in an open, timely or co-operative manner by failing to notify it of the SRA investigation and referral to the SDT. He also failed to afford the BSB the opportunity to consider the relevance of these matters to its own regulatory functions.

115. The Respondent therefore breached Principle 7 of the 2011 Principles.

Recklessness

116. The SRA repeats the test for recklessness which is set out at paragraph 66 above.

117. Recklessness is pleaded in the alternative to the SRA's primary case that the Respondent was dishonest for the reasons set out at paragraphs 96-102 above.

118. The facts and matters in paragraphs 71-90 and 96 demonstrate that the Respondent was reckless as follows:

118.1 Despite being notified on 24 March 2017 and 28 July 2017 that the SRA was investigating Client X, he did not report this to the BSB.

118.2 Although he was informed on 15 December 2017 that the issues relating to Client X were to be investigated further and was prompted to inform the BSB, he did not do so.

118.3 He was notified on 3 April 2018 that the SRA was referring his conduct to the SDT, but he did not inform the BSB.

118.4 Although the SRA clarified on 24 July 2018 that there had been two investigations into his conduct and that both investigations remained '*live*', he did not inform the BSB.

118.5 Even when the BSB contacted him about its concerns on 20 December 2018, he failed to notify the BSB of his referral to the SDT.

119. By repeatedly making a decision not to disclose information to the BSB, and/or failing to appreciate that he should make disclosures, the Respondent took the risk that he would be considered to have failed to provide necessary information to the BSB and would be subject to further regulatory proceedings.

The SRA's investigation

120. The SRA informed the Respondent on 22 November 2022 that it was considering whether his disbarment affected his authorisation [**TW1, 210**].

121. As set out in paragraph 90 above, the Respondent appealed against the BTAS decision. The SRA placed its investigations on hold pending the outcome of the appeals, but re-opened its investigation once BTAS notified the SRA on 15 May 2024 that the Court of Appeal had refused permission to appeal.

122. The Respondent contacted the SRA on 3 June 2024 to ask it to place its investigations on hold as he was considering an application to re-open its appeal against the BTAS decision and a claim against the BSB [**TW1, 271**]. The SRA declined to do so [**TW1, 272**].

123. In June 2024, the Respondent applied to the SRA for a PC. On 29 July 2024, the SRA advised that it was minded to recommend refusal of the application due to the Respondent's regulatory history and the findings of dishonesty made by BTAS [**TW1, 273** and **274**]. On 12 August 2024, the Respondent withdrew his application for a PC [**TW1, 276**].

124. On 9 April 2025, the SRA issued a Notice Recommending Referral to the Tribunal [**TW1, 277-302**].

125. On 6 May 2025, the Respondent provided representations [**TW1, 303-306**].

126. On 11 May 2025, an Authorised Decision Maker of the SRA decided to refer the Respondent to the Tribunal [**TW1, 307-310**].

Statement of Truth

I believe the contents of this statement are true.

....

Tina Whitman

Dated this 26th day of August 2025

Case No:

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

ZEESHAN SAQIB MIAN

Respondent

APPENDIX 1 to STATEMENT PURSUANT TO RULE 12 (2) OF THE SOLICITORS (DISCIPLINARY PROCEEDINGS RULES) 2019

Relevant Rules and Regulations

SRA Principles 2011

Principle 2 You must act with integrity

Principle 6 You must behave in a way that maintains the trust the public places in you and in the provision of legal services.

Principle 7 You must comply with your legal and regulatory obligations and deal with your regulators and ombudsmen in an open, timely and co-operative manner.

SRA Code of Conduct 2011

Outcome 11.2 You perform all undertakings given by you within an agreed timescale or within a reasonable amount of time.

Case No:

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

ZEESHAN SAQIB MIAN

Respondent

APPENDIX 3 to STATEMENT PURSUANT TO RULE 12 (2) OF THE SOLICITORS (DISCIPLINARY PROCEEDINGS RULES) 2019

Chronology

2.7.07	Respondent admitted to the Roll.
10.1.08	Respondent sets up the Firm
23.2.15	SRA contacts Respondent regarding Mr Hassan.
7.9.15	SRA starts Forensic Investigation.
5.10.15	Forensic Investigation Report completed.
15.12.15	**SRA notifies Respondent of formal investigation.**
11.1.16	Respondent responds to SRA investigation.
16-17.2.16	Respondent completes and submits application for admission to the Bar. He does not disclose '*any circumstances affecting me which might reasonably be considered to be relevant to the question of whether I should be permitted to be called to the Bar*'.
1.3.16	Respondent resigns as a director of the Firm.
7.4.16	**SRA notifies Respondent that PC conditions are being considered.**
28.4.16	Respondent resigns as a consultant of the Firm but remains an owner.
4.5.16	Respondent signs the Admission and Call Declarations for the Inn. He does not disclose any matters or circumstances '*which might reasonably be thought to call into question my fitness to become a*

practising barrister' or any '*pending proceedings'*. He also declares that he will promptly inform the Inn if there are disciplinary proceedings pending against him, if any statements made cease to be true and to comply with the BSB Code of Conduct.

20.5.16	**SRA notifies Respondent that PC conditions are to be recommended.**
23.5.16	Respondent is admitted to the Inn as a student member.
27.9.16	**SRA confirms to Mr Williams Q.C. that a '*decision as to proportionate disciplinary action is under consideration'.***
5.9.16	**SRA informs the Respondent that PC conditions were imposed on 2.5.16**
13.10.16	**SRA intervenes in the Firm.** The Respondent remains an owner.
2.11.16	SRA Adjudication Panel upholds the PC conditions, noting that the SRA is considering a rebuke.
10.11.16	**SRA notifies Respondent of the Adjudication Panel decision.**
22.11.16	Respondent's PC is revoked.
24.11.16	Respondent is called to the Bar.
24.3.17	**SRA notifies Respondent of the investigation into Client X.**
12.5.17	BSB notified of Respondent's PC conditions.
28.7.17	**SRA notifies Respondent of ongoing investigation into Client X and requests response.**
18.8.17	Respondent provides response to SRA.
15.12.17	**SRA notifies Respondent of formal investigation into Client X. Respondent is prompted to notify the BSB.**
11.1.18	**SRA admissions reference an open complaint in draft decision.**
19.2.18	Respondent provides response to SRA.
3.4.18	**SRA notifies Respondent that conduct will be referred to the SDT.**
24.7.18	**SRA clarifies that there have been two SRA investigations.**
20.12.18	BSB notifies Respondent of its investigation.