

IN THE MATTER OF MOHAMMAD AYUB KHALID LODHI,
Registered Foreign Lawyer

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A H B Holmes (in the chair)
Mr N Pearson
Mr M G Taylor CBE DL

Date of Hearing: 18th June 2009

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Paul Robert Milton, a solicitor employed by The Law Society at the Solicitors Regulation Authority on 25th September 2008 that Mohammad Ayub Khalid Lodhi, the Respondent, 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.

The Applicant, Mr Milton also made an application of the same date inviting the Tribunal to make an order in respect of Mr Lodhi pursuant to Section 43 of the Solicitors Act 1974 (as amended). At the opening of the hearing the Applicant sought the Tribunal's consent to withdraw the application relating to Section 43. The Respondent did not object and the Tribunal consented to such withdrawal.

The allegation against the Respondent, a Registered Foreign Lawyer, was that contrary to Rule 1.06 of the Solicitors Code of Conduct 2007 he had behaved in a way that was likely to diminish the trust of the public in him and in the reputation of the profession following his conviction on 2nd January 2008 at Kingston Crown Court for:

- (i) Obtaining services dishonestly, contrary to Section 11 of the Fraud Act 2006.
- (ii) Fraud by false representation, contrary to Sections 1 and 2 of the Fraud Act 2006.

- (iii) Wrongfully using a disabled persons badge (x5), contrary to Section 117(1) of the Road Traffic Regulation Act 1984.

The application was heard at the Court Room, Third Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when Paul Robert Milton appeared as the Applicant and the Respondent was represented by Fiona Edington of Counsel.

The evidence before the Tribunal included the admissions of the Respondent.

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

The Tribunal Orders that the Respondent, Mohammad Ayub Khalid Lodhi of Shah & Co Solicitors, 74 Ilford Lane, Ilford, Essex, IG1 2LA, solicitor, be Struck Off the Register of Foreign Lawyers and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £687.00.

The facts are set out in paragraphs 1-4 hereunder

1. The name of the Respondent, who was born in 1947, was entered on the Register of Foreign Lawyers on 5th July 2005 where it remained at the date of the hearing.
2. At the material time the Respondent was employed as a partner at A-Z Law Solicitors but subsequently became a consultant at Shah & Co Solicitors in Ilford.
3. On 2nd January 2008 at the Crown Court at Kingston the Respondent had been on his own confession convicted upon indictment of the following offences:-

Obtaining services dishonestly, contrary to Section 11 of the Fraud Act 2006; Fraud by false representation, contrary to Sections 1 and 2 of the Fraud Act 2006; (Section 41 Offences) wrongfully using disabled person's badge (x5), contrary to Section 117(1) of the Road Traffic Regulation Act 1984.

The seven offences related to the misuse of the Respondent's wife's blue disabled badge giving her parking advantages.

4. The Respondent had been sentenced on 23rd January 2008 to 28 days imprisonment suspended for 12 months; 3 months imprisonment suspended for 12 months to run concurrently; unpaid community work totalling 100 hours to be undertaken before 29th January 2009 and a fine of £200, or in default to serve 28 days imprisonment, x 5. He was also required to pay £1,980.50 towards the costs of the prosecution.

The Submissions of the Applicant

5. The Respondent admitted the allegations. The Applicant reminded the Tribunal of what was said in the case of Bolton -v- The Law Society [1994] 1 WLR 512CA namely that the solicitors' profession's most valuable asset was its good reputation and even though it might be hard on an individual the fortune of an individual is less important than the maintenance of the profession's good reputation.

6. The Applicant had placed the sentencing remarks of His Honour Judge Worsley, sitting as a Central Criminal Court Judge, before the Tribunal and drew its attention to a number of passages and in particular when he said:

“You are 60 years of age, a qualified foreign solicitor working in a solicitor’s office in this country for many years without any suggestion of improper conduct on your part, and properly prayed in aid is your good character and your work in the community. I also bear in mind that you have pleaded guilty to these matters and that you are a man who does not enjoy good health.

What began as your rather selfish use of your wife’s disability badge to park in areas where you yourself would not be entitled to park, then became much more serious when you decided to be dishonest in relation to the use of that blue badge and in particular on 16th April of last year. You have pleaded guilty in relation to that day to a dishonest act, namely obtaining services for yourself by the parking of your Mercedes car dishonestly when you were not entitled to use that pass. Had matters stopped there one could perhaps accept the submissions of your counsel that it was a panic reaction. But thereafter, on 29th April, you approached your councillor and you told the councillor that you had been with your wife at the time when you had earlier parked the car there when you knew that there was film indicating that your wife had never been in your company at the time. You persisted in your representations to the councillor in order to recover the penalty charge and the towing away fee, saying that your wife had been there and putting forward a tissue of lies.

For anyone to do this is bad enough. For a qualified solicitor with vast experience to do that is unforgivable. You sought to use your position as an outwardly respectable man with a wife sadly who has very poor health to your advantage.”

The Submissions of the Respondent

7. The Respondent had pleaded guilty to his offences in the Crown Court and further pleaded guilty to the allegations made before the Tribunal.
8. The Respondent was born and educated in Pakistan. He came from a highly respected family and qualified as a lawyer in Pakistan whilst still young. He was doing well financially when he decided to migrate to the UK in 1970. It has been his wish to qualify as a lawyer in England.
9. The Respondent and his wife had been married for 35 years. He had four stepchildren and a daughter. The Respondent and his wife lived apart but he looked after her as she suffered from very poor health and needed constant care.
10. The Respondent’s employer had been sympathetic and often allowed him to go back home immediately when his wife needed his urgent attention. Her medical condition never improved and she called the Respondent often whilst at his work place. He found it very difficult and started to travel by car instead of public transport. When he travelled to work by car he could not find a place to park his car. He would park at

Sainsbury's car park in the morning and move his car to Chestnut Grove after 11.30am as there was free parking in that road after this time.

11. When his wife became more demanding, the Respondent left her at a relative's house or at Balham Mosque. Because he could not always do this, he started to park his car in disabled bays so that he could get to his wife quickly. He displayed his wife's disabled blue badge when parking in a disabled bay.
12. During the interview with Wandsworth City Council the Respondent denied the allegations against him because he was so confused. Even though he used the blue badge without his wife being present, he did not use it for his own gain. He needed to use the blue badge to park the car at a convenient place to enable him to attend to his sick wife when there was an emergency.
13. The Respondent elected to have a Crown Court trial because he was of the opinion that a jury would understand his situation better than a Magistrate.
14. Since these matters came to light Lambeth Council had withdrawn the disabled parking badge causing problems for the Respondent's wife when she had to travel to her doctor and the hospital.
15. The Respondent's job was on the line. A severe sanction would have a dire impact on his future ability to qualify as a solicitor in the UK.
16. The past two years had been difficult for the Respondent. His mother died in Pakistan unexpectedly in 2006 and his younger brother died at the age of 40 years in 2007.
17. The Respondent financially supported his brother's widow and her four young children.
18. The Respondent himself suffered from poor health. He suffered from high blood pressure and was diabetic. The matters before the Tribunal had caused the Respondent to suffer much stress.
19. The Respondent profoundly apologised for what he had done. He had never formulated an intention to defraud anybody. The Respondent enjoyed a modest income. He had completed the community service and had paid the fine and costs imposed upon him by the Crown Court.
20. The Respondent had already been punished.
21. The Respondent recognised that he must bear responsibility for the Applicant's costs and he had agreed the figure for costs sought by the Applicant.
22. The Tribunal was invited to take into account the bundles of references put in in support of the Respondent.

The Findings of the Tribunal

23. The Tribunal found the allegation to have been substantiated, indeed it was not contested. The Tribunal gave the Respondent credit for his previous good character described in the references placed before the Tribunal. The Tribunal also gave him credit for his admission and his acceptance of liability for costs. The Tribunal recognised that the Respondent found himself in a very difficult situation having lost two close members of his family and having responsibility for a wife who enjoyed very poor health indeed. Details of her ill health had been placed before the Tribunal. The nub of the matter was that the Respondent had been convicted of a number of criminal offences including one of fraud by false representation and obtaining services dishonestly. Clients were entitled to expect members of the solicitors' profession, and it followed registered foreign lawyers entitled to practice within that profession, to be persons of exemplary character exercising the highest standards of integrity, probity and trustworthiness. A client was entitled to expect his solicitor to be a person able to be trusted. The good reputation of the solicitors' profession was its most valuable asset and the protection of the profession's good reputation must override the fortunes of an individual member. Having considered all of these aspects the Tribunal reached the conclusion that it was both appropriate and proportionate to order that the Respondent be struck off the Register of Foreign Lawyers. Accordingly the Tribunal made such order. It was also appropriate and proportionate that the Respondent bear responsibility for the Applicant's costs and the Tribunal awarded such costs to the Applicant summarily fixing them in the figure which the Applicant sought, namely £687.00.

Dated this 28th day of July 2009
On behalf of the Tribunal

N Pearson
A H B Holmes
Chairman