

SOLICITORS DISCIPLINARY TRIBUNAL

SOLICITORS ACT 1974

IN THE MATTER OF UMRAN NASSER-PURI, solicitor

Upon the application of Mark Barnett  
On behalf of the Solicitors Regulation Authority

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Miss J Devonish (in the chair)  
Mrs J Martineau  
Mr M Hallam

Date of Hearing: 15th November 2010

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**FINDINGS & DECISION**

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**Appearances**

The Applicant, Mark Barnett, Solicitor, of the Law Society at the Solicitors Regulation Authority, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE, appeared on behalf of the Solicitors Regulation Authority (“SRA”).

The Respondent, who was present, was represented by Mr Eshagian, solicitor.

The application, together with the Rule 5 Statement was dated 21<sup>st</sup> June 2010.

**Allegation**

The allegation made against the Respondent, Umran Nasser-Puri also known as Umran Nasser and as Imran Puri is that on 27 April 2009 at Snaresbrook Crown Court, he was tried and convicted upon indictment of obtaining a pecuniary advantage for himself by deception and sentenced to four months imprisonment.

By the application, the Applicant sought a direction under Section 47 (2)(g) Solicitors Act 1974 (as amended) prohibiting the restoration of the Respondent’s name to the Roll of Solicitors except by order of the Tribunal or alternatively such other order as the Tribunal thought right.

### **Preliminary matter – request for adjournment**

Mr Eshagian informed the Tribunal that he had acted for the Respondent in connection with the Respondent's previous criminal proceedings. He had been contacted on 14<sup>th</sup> November by the Respondent's wife with a request to represent the Respondent. The representation was offered pro-bono. The Respondent agreed that Mr Eshagian should represent him.

Mr Eshagian made an application to adjourn the hearing. It was Mr Eshagian's suggestion rather than that of the Respondent to seek the adjournment.

The primary ground for the application was that there may be some medical evidence which would assist the Tribunal in reaching a decision in this matter. In particular, it was submitted that a psychiatric report may have a bearing on how the Tribunal chose to deal with the Respondent. In response to a question by the Chair, Mr Eshagian informed the Tribunal that he was of the opinion that the Respondent might be suffering from a mental health condition, such as depression although, the Respondent was not receiving psychiatric treatment and had not seen any doctor.

A second limb of the application for an adjournment was that the festival of Eid was about to begin and the Respondent and his wife (who was also present) would need to attend to their young children.

The Applicant informed the Tribunal that he had been in contact with the Respondent, who had been aware of the proposed hearing date since about 7 September 2010. The Respondent had written to the Applicant on 30 September acknowledging receipt of the notice of hearing but appeared to have written down an incorrect hearing date. The Applicant had written to correct this but had heard nothing further from the Respondent. There had been no previous notice that there would be an application to adjourn.

What the Applicant was seeking was a regulatory order not a punitive order and the Applicant would rely on the Respondent's criminal conviction. It was submitted that medical evidence would not be of assistance to the Tribunal. In any event, no question about any medical condition had been raised before today or, indeed, in the document presented by the Respondent to the Applicant earlier in the day entitled "Plea in mitigation".

The Tribunal considered the request to adjourn the hearing. The Tribunal noted its own practice direction on adjournments and noted that ill health could be a ground for adjournment. However, it had not been suggested that the Respondent was today ill so as to be unable to deal with the hearing or give instructions. The claimed potential medical condition was not supported by anything in writing. The Tribunal further noted that any health difficulties had first been mentioned today.

In any event, the Tribunal considered that medical evidence would have no material bearing on the allegations set out in the Rule 5 Statement. Any issues of conduct underlying the criminal proceedings which the Respondent had faced were not for the Tribunal to consider. Medical evidence, in so far as it is relevant, could be brought before the Tribunal at any application for restoration to the Roll, should that be needed in the light of the Tribunal's consideration of the substantive issue. In any event, medical evidence was not in the view of the Tribunal relevant at this time.

The Tribunal further noted that its practice direction concerning adjournments did not provide for religious festivals and observances to be in themselves a ground for an adjournment. The Respondent had been aware of the proposed hearing date for over two months. He had had an opportunity to inform the Tribunal if there were any dates which would not be possible for him to attend. He had not sought to rearrange the hearing date, which he could have done on becoming aware of a potential clash with the celebration of Eid. The Tribunal determined that it would hear the substantive application.

### **Factual background**

1. The Respondent was born in 1971. Under the name Imran Puri he was enrolled as a student with the Law Society on 11 July 1994. His student status continued until 31 December 1998, when it was terminated because no application for renewal had been made.
2. On 10 November 1999 Greater Manchester Police wrote to the Law Society advising that Imran Puri had, on 24<sup>th</sup> September 1999, been convicted before Manchester City Magistrates Court of an offence of using threatening behaviour and sentenced to a fine of £350 and costs of £40.
3. On 27 February 2001 the Respondent, under the name Imran Puri, applied for re-enrolment as a student with the Law Society. He also applied for previous experience to count towards a training contract. The Law Society wrote to him at the address provided seeking his explanation in respect of the conviction. Several letters were sent but no reply was received. As a result, the Law Society barred Imran Puri from pursuing further his education and training to become a solicitor.
4. Under the name Umran Nasser the Respondent was admitted to the Roll of Solicitors on 15<sup>th</sup> June 2006. From that date he was employed as an assistant solicitor by Aston Webb Solicitors practising at Suite 15, Southall Chambers of Commerce, The Manor House, Southall, Middlesex UB2 4BJ. The Respondent worked at that firm as an assistant solicitor until mid September 2006.
5. The Respondent, under the name Umran Nasser, was admitted as a solicitor following an application made under the Qualified Lawyers Transfer Regulations 1990. His application was made on the basis that he was admitted as an Advocate of the Bar in Pakistan. Under the Regulations, the Respondent was required to sit and pass the Qualified Lawyers Transfer Test (QLTT) before he could apply for admission to the profession in England and Wales.
6. The Respondent completed by hand and submitted a QLTT Certificate of Eligibility application form to the Law Society on 11 April 2005.
7. To the question “Have you been convicted of any offence in any Court of the UK or elsewhere (other than a motoring offence not resulting in disqualification) or are any such proceedings pending against you?” the Respondent’s answer was “No”. The question went on “If yes, you should provide details on a separate sheet and you should ensure that at least one of your referees is a person who has full knowledge of the conviction(s) and that this is indicated on their reference. Please submit a copy of

the original certificate of conviction. Note: Convictions which are “spent” under the Rehabilitation of Offenders Act 1974 should be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (exemptions) Order 1975”.

8. To the question “Have you ever obtained a Certificate of Enrolment from the Law Society?” the Respondent’s answer was “No”. The question went on, “If yes, please state when you enrolled and your reference number (i.e. student enrolment number if known)”.
9. The Respondent, under the name Umran Nasser, was granted a Certificate of Eligibility to take the QLTT, which he sat and passed. On this basis, and on the basis of his past experience, references and confirmation of good character, the Respondent was admitted to the Roll of Solicitors in England Wales.
10. The Respondent, under the name Umran Nasser, was removed from the Roll of Solicitors on 28 May 2008 because he did not apply to keep his name on the Roll.
11. In October 2007, the Respondent under the name Umran Nasser-Puri, was charged with obtaining a pecuniary advantage by deception contrary to Section 16(1) of the Theft Act 1968. The particulars of offence on the indictment were: “Umran Nasser-Puri on 15 June 2006 dishonestly obtained for himself a pecuniary advantage, namely the opportunity to earn remuneration in the office of solicitor, by deception, namely by falsely representing (a) that he had never been convicted of any offence in any Court of the UK, and (b) that he had never previously enrolled with the Law Society”.
12. On 27 April 2009, at Snaresbrook Crown Court, the Respondent under the name Umran Nasser-Puri was tried and convicted of obtaining a pecuniary advantage for himself by deception and sentenced to four months imprisonment. His appeal against conviction and sentence was dismissed by the Court of Appeal on 30 June 2009.

### **Findings as to Fact and Law**

13. The Tribunal was satisfied, so that it was sure, that the Respondent had been convicted of an offence of obtaining a pecuniary advantage for himself by deception. The Tribunal could not, and would not, look behind the fact of that conviction which the Tribunal noted had been upheld on appeal. The Tribunal was further satisfied that the conviction arose from circumstances in which the Respondent had been dishonest in completing an application form for the Law Society in that he had falsely represented that he had never been convicted of any offence in any Court of the UK and that he had never previously enrolled with the Law Society. The events which led to the conviction were therefore directly linked to the Respondent’s subsequent admission to the Roll of Solicitors.

### **Mitigation**

14. Mr Eshagian submitted that the allegation made against the Respondent was not sufficiently clear in that it was not clear from the Rule 5 Statement whether dishonesty was being alleged against the Respondent, and if so to what extent.

15. The Respondent's application to the Law Society, which had been the subject of the criminal conviction, had been made in 2005 and he was not convicted until 2009. This matter had therefore been hanging over the Respondent for a considerable period. It was submitted that the Tribunal ought to consider whether the Respondent was a fit person to practice as a solicitor. It was acknowledged that the conviction was for an offence of dishonesty. However, no member of the public had been affected by the Respondent's behaviour. There had been no complaints from clients, and the firm which employed the Respondent in 2006 had been aware of his 1999 conviction for an offence of using threatening behaviour.
16. The Respondent had a wife and young family and legal work was the only type of work he had known. It was submitted that the Respondent should be allowed to practice, possibly with supervision or other appropriate conditions on his practising certificate.
17. It was submitted that the Respondent had been punished several times for the same act of foolishness. It had not been the Respondent's aim to make money out of his completion of the QLTT Certificate of Eligibility application form. The Respondent wanted to help the community. His advice was sought by members of the community, who were aware that the Respondent was not able to practice as a solicitor.
18. Mr Eshagian informed the Tribunal that the Respondent could have produced numerous references from many different people or organisations such as QCs and solicitors.

### **Previous Disciplinary Sanctions Before the Tribunal**

19. None.

### **Sanction and Reasons**

20. The Tribunal firstly considered whether it had jurisdiction to deal with this matter and to make the Order sought under Section 47(2)(g) of the Solicitors Act 1974 (as amended). The Applicant was seeking an Order that the Respondent's name should not be restored to the Roll of solicitors except by Order of the Tribunal.
21. The Tribunal recognised that the conduct complained of occurred before the Respondent became a solicitor. However, it was this conduct, namely the completion of the QLTT Certificate of Eligibility form, which ultimately enabled the Respondent to be admitted to the Roll. The Tribunal further noted that the conviction for deception came after the Respondent had been removed from the Roll. However, the Tribunal did not consider that this could preclude jurisdiction. If not for his conduct, which had enabled him to become a solicitor, he would not have been admitted. The Tribunal must, therefore, have jurisdiction to consider an application of this kind where the conduct which had led to the criminal conviction had led to the Respondent's admission as a solicitor.
22. Mr Eshagian, on behalf of the Respondent, had accepted that the facts underlying the current application arose from the Respondent's conviction for an offence of

dishonesty. The Tribunal could not and would not consider the circumstances of the conviction, which it noted had been unsuccessfully appealed. The Tribunal noted the Judgment of Lady Justice Hallett on 30 June 2009 when the appeal was dismissed. In that Judgment it was stated:-

“...the Judge did direct the jury in clear and express terms what issues they had to decide. He directed them in clear and express terms that they could only convict if they were sure the appellant had deliberately lied with a dishonest intention when answering questions 14 and/or 18 and he directed the jury in clear and express terms they had to be unanimous on the dishonesty that they found. The evidence in this case was overwhelming and nothing that Mr MacKinnon has put before us has caused us to doubt the safety of this conviction for one moment.”

It was further stated in the Judgment:-

“The Appellant purported to be a solicitor. He deceived the Law Society and he deceived his lay clients. In our Judgment this is a serious offence. Members of the public must be able to trust their lawyers. They are officers of the court. This kind of offence strikes at the very heart of the legal system.”

23. In the light of the Respondent's conviction the Tribunal considered that it would not be appropriate to allow the Respondent to be restored to the Roll without first making an application to the Tribunal.

#### **Costs**

24. The Applicant applied for costs in the sum of £1,103.70. The Tribunal received information concerning the Respondent's financial circumstances. In all of the circumstances the Tribunal considered it appropriate to Order the Respondent to pay the costs, but that Order should not be enforced without the permission of the Tribunal.

#### **Order**

25. The Tribunal Ordered that the Respondent, UMRAN NASSER-PURI (also known as Umran Nasser and as Imran Puri), former solicitor, be prohibited from having his name restored to the Roll of Solicitors except by Order of the Tribunal and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,103.70, such costs not to be enforced without leave of the Tribunal.

Dated this 7<sup>th</sup> day of January 2011  
On behalf of the Tribunal

J Devonish  
Chairman