

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 10757-2011

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

NYLA QURESHI

Respondent

Before:

Mr D Green (in the chair)

Mr R Nicholas

Mrs L Barnett

Date of Hearing: 26 September 2011

Appearances

Andrew Bullock, Solicitor/Barrister, of The Solicitors Regulation Authority, Ipsley Court, Berrington Close, Redditch, Worcestershire B98 0TD, for the Applicant.

Geoffrey Williams QC, Solicitor, of The Mews, 38 Cathedral Road, Cardiff CF11 9LL, for the Respondent.

JUDGMENT

Allegation

1. The allegation against the Respondent was that she behaved in a way that was likely to diminish the trust the public placed in her or in the legal profession in breach of Rule 1.06 of the Solicitors' Code of Conduct 2007 ("SCC") by agreeing to be cautioned for two offences of dishonesty.

Documents

2. The Tribunal reviewed all the documents submitted by the Applicant and the Respondent which included:

Applicant:

- Application and Rule 5 Statement dated 31 May 2011 and exhibit "AJB 1";
- Schedule of Costs.

Respondent:

- Letters from the Respondent to The Solicitors Regulation Authority ("SRA") dated 12 November 2010 and 1 February 2011 with supporting documents.

Preliminary Matter

3. The Chairman declared that he was a partner in the firm of RadcliffesLeBrasseur. An Associate Solicitor at that firm had provided a free advice session to the Respondent under the Solicitors Assistance Scheme. The Chairman was not involved in any aspect of, nor had any knowledge of the case prior to receiving the papers for this hearing. He was satisfied that it was unnecessary for him to recuse himself from sitting to determine the Application. However, in order to be transparent, it was only proper that he should bring this fact to the parties' attention. The parties thanked the Chairman for providing this information and each party confirmed that they were content for him to sit to determine the Application.

Factual Background

4. The Respondent was born on 1 July 1979 and admitted as a solicitor on 15 March 2007. Her name remained on the Roll of Solicitors and she was not currently working, having resigned from her employment with a law firm on 30 November 2010.
5. The Application related to a single allegation set out at paragraph 1 above, which the Respondent admitted. On 7 June 2010 the Respondent was cautioned by Avon and Somerset Constabulary ("the Police") for two counts of the offence of making false representation to make a gain for herself or another or cause loss to another or expose another to risk. The facts as recorded by the Police in its "Notification of Conviction or other Relevant Information" sent to the SRA on 16 June 2010 were that "on 20 March 2010 and 10 April 2010 the Respondent attended at a TK Maxx store and obtained a refund on goods previously purchased." The notification continued that "in doing so she had brought back goods that were not the original goods but had the original goods labels on them."

6. A Caution was a formal warning given by the Police for minor crimes and which formed part of the criminal record of the individual cautioned, namely the Respondent. The Police could only caution an offender if the following pre-conditions were met:
 - 6.1 There was evidence of the offender's guilt;
 - 6.2 The offender was aged over 18;
 - 6.3 The offender admitted the offences; and
 - 6.4 The offender agreed to accept a Caution.
7. On 20 October 2010 the SRA wrote to the Respondent at her place of employment to seek her explanation. She provided a detailed letter dated 12 November 2010 with six exhibits. She explained the circumstances under which she came to accept the Caution. The SRA wrote to the Respondent again on 21 January 2011 with the caseworker's case note, to which the Respondent responded by letter on 1 February 2011.

Witnesses

8. None.

Findings of Fact and Law

9. **The Respondent behaved in a way that was likely to diminish the trust the public placed in her or in the legal profession in breach of Rule 1.06 SCC by agreeing to be cautioned for two offences of dishonesty.**

- 9.1 The Respondent admitted the allegation.
- 9.2 Rule 1.06 SCC required of solicitors that they must not behave in a way that was likely to diminish the trust the public placed in them or the legal profession. The Tribunal took note of the SRA's Guidance to Rule 1 SCC which was helpful whilst not being mandatory and not forming part of the SCC itself. The General Guidance stated that:

“A modern just society needs a legal profession which adopts high standards of integrity and professionalism. Lawyers, law firms and those who work in them serve both the clients and society. In serving society, you uphold the rule of law and the proper administration of justice... The core duties contained in rule 1 set the standards which will meet the needs of both clients and society.”

The General Guidance continued by stating that the core duties performed a number of functions, including defining the values which should shape a solicitor's professional character and be displayed in her professional behaviour.

- 9.3 The Guidance relating to Rule 1.06 stated that members of the public must be able to place their trust in a solicitor. It continued:

“Any behaviour within or outside your professional practice which undermines this trust damages not only you but the ability of the legal profession as a whole to serve society”.

- 9.4 The Respondent admitted a breach of Rule 1.06 SCC and did not dispute the underlying facts and documents giving rise to the allegation. It was important to understand what the Respondent admitted to having done wrong. Her position was that she had not committed the two offences of dishonesty for which she had been arrested on 23 April 2010. For personal reasons, which did not need to be recorded in detail in view of the Respondent's admission, she had agreed to accept a Caution for offences of dishonesty which she had not committed. The Applicant put its case on the basis that the allegation against the Respondent was solely as set out in paragraph 1 above; dishonesty was not alleged in spite of the fact that the admitted offences were recorded as offences of dishonesty. The Applicant's case was based on the fact of the Respondent having agreed to accept a Caution in relation to the offences and not on the underlying facts of the offences. Mr Bullock explained that the Applicant was not in a position to prove whether the Respondent did indeed commit the offences; all the Applicant could prove was that she accepted a Caution. Mr Bullock invited the Tribunal to take into account the nature of the offences for which the caution was administered when imposing sanction.
- 9.5 Mr Williams reminded the Tribunal that the Respondent had consistently denied committing the offences (save for on 7 June 2010 in order to satisfy pre-condition 6.3 above for the purpose of accepting the Caution). She had not been charged with the offences, which had in consequence not been proved. He stressed that he did not ask the Tribunal to go behind the Caution, which the Respondent had accepted at a time when she was receiving legal advice. During his submissions, Mr Williams expanded upon the reasons why the Respondent admitted the offences of dishonesty on 7 June 2010, which she had otherwise maintained that she had not committed, solely in order to meet the pre-conditions for accepting the Caution. She stood by the explanation for her conduct provided to the SRA in her two letters, that she accepted the Caution in order to expedite and end what she described as "this horrendous matter". The Respondent said that in hindsight this decision was "very much a mistake" but she was "scared, inexperienced and very much alone at the time".
- 9.6 The Tribunal found the allegation, which was admitted, substantiated beyond reasonable doubt.

Previous Disciplinary Matters

10. None recorded against the Respondent.

Mitigation

11. Mr Williams made submissions on behalf of the Respondent, who attended the hearing and did not give oral evidence. He said that the Respondent was wholly contrite in respect of her conduct. She had been fully cooperative with the SRA investigation and with anyone else involved in the matter. She apologised to the Tribunal, the SRA and the legal profession for the fact that she had put herself in this

position. Mr Williams described in detail the Respondent's hard work in order to qualify as a solicitor. She was a personal injury litigator and had never practised criminal law, which explained her lack of understanding of the consequences of accepting a Caution. She had resigned from her employment with a law firm with effect from 30 November 2010 and had not sought employment since, preferring to wait until these proceedings were behind her. Mr Williams reminded the Tribunal that there was no allegation of dishonesty. He submitted that this was not a case where her integrity was under attack. It was a highly unusual case on the facts, where the Respondent had "acquiesced to a Caution" in relation to a matter outside her professional practice and as a result had broken a professional rule.

12. The Respondent was a regular shopper at TK Maxx. On 20 March 2010 she returned a pair of shoes priced at £89.99 to the shop and no issues were raised. On 10 April 2010 she returned a jacket priced £69.99 to the shop and again no issues were raised. On 23 April 2010, whilst walking round the shop, she was detained by security staff and the Police were called. This was the first occasion on which she was made aware of a problem. The Respondent made it clear to the shop that if she had made a mistake which resulted in the shop being out of pocket, she would make good its loss.
13. Following her arrest, the Respondent was informed by the Police that her home was to be searched. She was taken to the police station by police car and underwent a personal search, and a search of her handbag. By this time she was shocked, stressed and bewildered and worried about the anxiety that would be caused to her parents (particularly her father who was unwell) as a result of the search of her home (where she lived with them). She was eager to be interviewed as quickly as possible so that she could return to her family. At 3am she was informed by the Police that it was too late for an interview and that she would have to remain in the cells all night. She spent about 15 minutes with the duty solicitor. When the interview finally took place on 24 April 2010 the Respondent was described by Mr Williams as being "in a bad way". She gave a statement protesting her innocence and was bailed to return to the police station in June 2010.
14. Once released the Respondent took more detailed legal advice. She was informed that the matter would proceed to trial if the Crown Prosecution Service deemed it appropriate to charge her for the offences, there being no indication whether that was or was not the intention. She was told that alternatively she could accept a Caution with the following consequences:
 - 14.1 A Caution was a warning for a minor matter;
 - 14.2 A Caution would be spent immediately and remain private;
 - 14.3 A Caution was a matter that would not attract professional consequences;
 - 14.4 A Caution would not have to be reported by the Respondent to the SRA.
15. Mr Williams submitted that, if this was the legal advice that the Respondent was given, it was largely incorrect. However she acted upon it. Her reasons for doing so in summary were that she lived in a strict family and community in a culture that was highly conscious of the concept of dishonour. She thought more for her parents than

herself and, being traumatised by her experience, she wanted to protect her family from suffering in the same way. As a result of the legal advice she was given, she decided to accept the Caution although she later regretted having done so. Her perception was that the CPS would not be slow to prosecute her because she was a solicitor. She did not have the mental fortitude to see a trial through and had no stomach for what she perceived to be the resulting fight. She might not have been prosecuted but, after having spent 19 hours in the police cells on 23/24 April 2010, she decided that the criminal process was too much for her to take on.

16. Mr Williams stressed that the Respondent did not expect to be treated differently from any other solicitor. His submissions were made in order to clarify what was in her mind at the time when she accepted the Caution. She had never previously been in trouble with the law and her character was not in question. The shock of events caused her to become depressed. She gave up her extensive community activities which she had previously carried out as a model citizen. She consulted her doctor on 27 and 28 October 2010, and made the doctor aware of the fact of the investigation by the SRA following acceptance of the Caution. Her doctor had provided a letter for the SRA dated 28 October 2010, which the Tribunal had seen. The Respondent's mood was described as being low and it was said that she had felt depressed for much of the time over the course of the year. It was further recorded in the letter that she had not consulted her doctor before October because of what the doctor considered to be cultural and honour reasons.
17. The Respondent wished to resume what had been a promising career. She had an otherwise exemplary character and was very aware of her responsibilities as a member of her community as well as those arising from being a solicitor. Mr Williams referred the Tribunal to the reference from Mr P, a partner from her former employers who wrote the reference in his personal capacity. He said that he found the Respondent to be diligent and trustworthy and during her employment had no reason to question her professional ethics or standards. The Tribunal was also referred to a reference marked "To whom it may concern" from an MEP who had known the Respondent for six years and had worked with her on a City Council community initiative. He described the Respondent as "reliable, honest, intelligent and hard-working". The Tribunal noted that the reference had been written without the MEP having any apparent knowledge of the Caution and these proceedings. The reference concluded; "I am pleased to recommend her for any position that she may seek". There was a further reference from the Headteacher at a school where the Respondent had been a Governor. This too was an open testimonial recommending the Respondent to any organisation which might be considering her for a voluntary role or paid employment. The Headteacher said that the Respondent would be "a great asset to any company".
18. Mr Williams summarised his submissions as follows:
 - This was the Respondent's first offence. She had not previously been subject to a complaint or disciplinary process;
 - The allegation against her was not an allegation of dishonesty;

- The allegation was that she agreed to accept a Caution. An individual might decide to accept a Caution for all sorts of reasons. In this case the Respondent understood the legal advice that she was being given to mean that the fact that she had accepted a Caution would remain private.

19. The Tribunal was asked to take the Respondent's detailed personal circumstances into account with a view to understanding the reasons why she behaved as she did. Mr Williams repeated that the Respondent regretted having accepted the Caution but did so for good reasons as a result of the legal advice that she had been given and because she was scared. She believed this to be the only way that her parents and community would not find out that she had "let them down". As she told the SRA in her letter dated 12 November 2010;

"I was therefore advised that if I was not prepared to attend trial for health and family honour issues as outlined above then the Caution would be an option to end matters swiftly with albeit limited consequences. I understood that a Caution was considered to be a formal warning for a trivial matter. I was led to believe that acceptance of the Caution would certainly not have the sanctions of a criminal conviction. Had I realised that in real terms a Caution would be treated as tantamount to acceptance of a criminal conviction I would never have accepted it. Further I should state that the legal advice I received also stated that if I accepted a Caution I would not have to notify the SRA. This is the only reason why I did not notify the SRA".

The Respondent quoted in her letter from the advice that she had been given in relation to notification of the Caution to the SRA, and continued:

"Whilst I acknowledge I must have returned the wrong items.(sic) It has to be appreciated that this was never my intention to do so – it was an honest mistake. I accepted the Caution because I was unable to bare (sic) the family pressure, the risks this presented to my father's health and my personal safety. Moreover, I certainly did not have the capacity to sustain the impact this was having on my personal health or finances to see the matter through to trial. In order to expedite and end this horrendous matter I therefore accepted the Caution. The decision to accept the Caution in hindsight was very much a mistake but I was scared, inexperienced and very much alone at the time."

20. In answer to a question from the Chairman, Mr Williams referred to an extract from the advice that had been given to the Respondent by her legal adviser contained in an e-mail dated 26 October 2010. The advice was as follows:

"Dear Nyla

As requested I am sending you an extract from my letter of 7 May 2010: –

"You told me that you believe that nothing in [Firm Name]'s Employment Manual requires you to disclose the police investigation to your employer. I repeat my advice that it may be necessary to get employment law advice about this... Regulation 14 of the SRA Practising Regulations 2009 states that: "a

solicitor... must inform the SRA within 14 days if he or she... is charged with or convicted of an indictable offence”.

Therefore, the duty to notify does not extend to a solicitor who receives a caution."

21. Mr Williams said that this was an unusual and very sad case. He referred again to the correspondence between the Respondent and the SRA. Her action in accepting the Caution was “foolish”. Acceptance of the Caution “avoided the risk of conviction following the trauma of a trial and the publicity of being part of the process”. In Mr Williams’ words, acceptance of the Caution was "an attempt to kill it". Mr Williams stressed that the Respondent found it very difficult to tell anyone about what had happened, including her doctor. She had suffered hugely, both personally and professionally and was deeply apologetic. However she was of no risk to the public. The SRA had given her a practising certificate on the condition that she worked within approved employment. Her personal circumstances were not good. She was living on benefits and wanted to rejoin the profession as soon as she could.
22. The Chairman reminded Mr Williams at this point that the allegation was a very serious matter for which one sanction might be striking off. Mr Williams confirmed that he had addressed the Tribunal with that sanction in mind. He reminded the Tribunal that the Respondent had been out of legal practice for one year. He urged the Tribunal not to sentence the Respondent for an offence of dishonesty, which was not alleged. It was also not alleged that she had committed criminal offences. She had admitted solely to accepting a Caution. In his submission an informed member of the public would not have his or her confidence in the legal profession diminished if the Respondent was allowed to remain a member of that profession. He further submitted that the Tribunal should take this into account when determining sanction. He reminded the Tribunal that the Respondent could have avoided events becoming public if she had stood firm and refused to accept the Caution, even if there was a risk that there would be a trial if she was charged. She did not have the strength to take that risk and everyone could be weak under certain circumstances, particularly if they had been kept in a police cell for 19 hours. Ultimately this was a minor matter for which she had accepted a Caution and it should be treated as such.

Sanction

23. The Respondent had admitted an allegation of behaving in a way that was likely to diminish the trust the public placed in her or in the legal profession in breach of Rule 1.06 SCC by agreeing to be cautioned for two offences of dishonesty. The Tribunal had itself found this allegation substantiated beyond reasonable doubt on the facts and the documents. The Tribunal carefully noted that the Applicant had not alleged that the Respondent had been dishonest, and the Tribunal’s sanction was imposed on that basis.
24. The Respondent was a woman of previous good character. She had worked hard to become a solicitor, making sacrifices to achieve her goal. She had obtained employment with a well-regarded firm of solicitors and the Tribunal had noted the personal reference provided by Mr P. It was evident to the Tribunal that the Respondent was a woman devoted to her family and her community and that she was

well-regarded by those who knew her. She was clearly intelligent and meticulous in her approach to all that she did. The events giving rise to the allegation did not relate to the performance of the Respondent's professional duties.

25. The Tribunal had carefully considered the wording of Rule 1.06 and the supporting Guidance set out at paragraphs 9.2 and 9.3 above. The Tribunal also had in mind the decision of the Court of Appeal in Bolton v The Law Society [1994] 2 ALL ER 486, a case of “naïve and foolish behaviour” by a solicitor. The provisions of the Human Rights Act 1998 also had to be considered, but the basic propositions expressed in Bolton remained good law in spite of the case having been decided 17 years ago. The then Master of the Rolls, Lord Bingham beginning at paragraph D stated as follows:-

“If a solicitor is not shown to have acted dishonestly, but is shown to have fallen below the required standards of integrity, probity and trustworthiness, his lapse is less serious but it remains very serious indeed in a member of a profession whose reputation depends upon trust. A striking off order will not necessarily follow in such a case, but it may well. The decision whether to strike off or to suspend will often involve a fine and difficult exercise of judgment, to be made by the tribunal as an informed and expert body on all the facts of the case. Only in a very unusual and venial case of this kind would the tribunal be likely to regard as appropriate any order less severe than one of suspension.

It is important that there should be full understanding of the reasons why the tribunal makes orders which might otherwise seem harsh. There is, in some of these orders, a punitive element: a penalty may be visited on a solicitor who has fallen below the standards required of his profession in order to punish him for what he has done and to deter any other solicitor tempted to behave in the same way. Those are traditional objects of punishment. ... In most cases the order of the tribunal will be primarily directed to one or other or both of two other purposes. One is to be sure that the offender does not have the opportunity to repeat the offence. This purpose is achieved for a limited period by an order of suspension... The purpose is achieved for a longer period, and quite possibly indefinitely, by an order of striking off. The second purpose is the most fundamental of all: to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled but denied readmission. If a member of the public sells his house, very often his largest asset, and entrusts the proceeds to his solicitor... he is ordinarily entitled to expect that the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question. Otherwise the whole profession, and the public as a whole, is injured. A profession's most valuable asset is its collective reputation and the confidence which that inspires. Because orders made by the tribunal are not primarily punitive, it follows that considerations which would ordinarily weigh in mitigation of punishment have less effect on the exercise of this jurisdiction than on the ordinary run of sentences imposed in criminal cases. It often happens that a solicitor appearing before the tribunal can adduce a wealth of glowing tributes from his professional brethren. He can often show

that for him and his family the consequences of striking off or suspension would be little short of tragic. Often he will say, convincingly, that he has learned his lesson and will not offend again. ... All these matters are relevant and should be considered. But none of them touches the essential issue, which is the need to maintain among members of the public a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness.... The reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is part of the price.”

26. The Respondent agreed to accept a Caution for two offences of dishonesty and has admitted that by agreeing to accept that Caution in relation to those offences, she diminished the trust the public placed in her or in the legal profession. Mr Bullock helpfully explained the pre-conditions that had to be satisfied in order for a Caution to be offered by the Police and accepted by the Respondent. It was worth repeating those pre-conditions here. A Caution was a formal warning given by the Police for minor crimes which formed part of the criminal record of the individual concerned. For anyone, but particularly for a solicitor, acceptance of a Caution was a serious matter. The Police were able to offer a Caution to an alleged offender only if there was evidence of her guilt, if she was over 18, if she admitted the offences (in this case offences of dishonesty, namely false representations to make gain for self or another or cause loss/expose another to risk) and if she agreed to accept a Caution. Ignoring for the purposes of this Judgment the first two factors, the Police were able to administer the Caution to the Respondent on 7 June 2010 only because she admitted the offences of dishonesty and agreed to accept the Caution. The Respondent made that decision, in her words “reluctantly”, when she attended the police station on that day with her legal representative. She had received legal advice from a solicitor with experience of criminal (not regulatory) law between 23 April 2010 and 7 June 2010 and the evidence demonstrated that she had also made her own enquiries into the consequences of accepting a Caution.
27. There was documentary evidence that the Respondent’s solicitor had written to her on 7 May 2010. The Tribunal had been directed to an email dated 26 October 2010 containing an extract of his advice. It was clear that as at 7 May 2010 the Respondent was understandably concerned about having to disclose the police investigation to her employers. She had concluded from her own consideration of the firm’s Employment Manual that she was not required to disclose the police investigation to her employers. In his letter of 7 May 2010, her solicitor advised her to obtain employment law advice on the point. He went on to say that it was not necessary for the Respondent to notify the SRA if she received a Caution under his interpretation of Regulation 14 of the Practising Regulations 2009. The Tribunal also noted that the Respondent told the SRA that she understood that the Police might notify the SRA under the Home Office Notifiable Occupations Scheme 2006 if they considered it was in the public interest to do so. Between 24 April 2010 and 7 June 2010 when she was cautioned, the Respondent was aware that there was potential for professional consequences as a result of accepting the Caution.
28. The Tribunal had paid close attention to the personal mitigation put forward by Mr Williams. The Tribunal referred back to the words of Lord Bingham in Bolton and the

wording of SCC Rule 1.06 and Guidance. What the Tribunal had to consider was the essential issue, namely the need to maintain among members of the public a well-founded confidence that any solicitor they instructed will be a person of unquestionable integrity, probity and trustworthiness. Mr Williams submitted in mitigation that the Tribunal should consider the view of what the Respondent had done from the point of view of an informed member of the public whose confidence in the legal profession (it was suggested) would not be diminished if the Respondent were to remain a member of the profession. The Tribunal did not accept that submission. Its view was that it had to look at how any member of the public, informed or otherwise, would view her conduct.

29. For the purpose of satisfying the pre-conditions for accepting a Caution on 7 June 2010, the Respondent admitted to the Police that she had committed two offences of dishonesty in spite of her stated case that she believed and had consistently stated, except on that day, that she did not commit those offences. The Respondent may have had her own reasons for accepting the Caution without having committed the offences. However, it was this Tribunal's view that a member of the public who heard or read that a solicitor had accepted a Caution for offences of dishonesty which she had maintained that she had not committed, (save for an admission for the sole purpose of being offered and accepting a Caution in respect of those offences) would, seriously question that solicitor's integrity, probity and trustworthiness. The General Guidance to Rule 1 SCC said that in serving society a solicitor upheld the rule of law and the proper administration of justice. The Guidance to Rule 1.06 referred to behaviour outside professional practice which undermined the trust the public placed in the solicitor as damaging not only the solicitor but the ability of the legal profession as a whole to serve society. Admitting an offence which had not been committed, let alone two offences of dishonesty, for the sole purpose of obtaining a Caution so as to keep the circumstances quiet, no matter how justifiable the reasons for doing so, could not be described as upholding the rule of law and the proper administration of justice; it was instead a case of using the system for one's own ends. The Respondent's prime motivation appeared to have been to keep events hidden as far as possible and by any means. Such behaviour on the part of a solicitor was potentially very risky and dangerous. This was unacceptable and not only damaged the trust that the public placed in the Respondent when conducting her legal practice, but also the ability of the legal profession to serve the public. Moreover such behaviour was wholly inconsistent with the legal profession's high standards of integrity and professionalism.
30. The Tribunal did not have to decide whether the Respondent was dishonest. Admitting that she had behaved dishonestly when she had not done so, in order to secure an outcome that she perceived to be beneficial, went to the heart of the Respondent's integrity and professionalism. There was no doubt that the Respondent regretted having agreed to accept the Caution, but it was always easy to be wise after the event. The Respondent's actions were not done on the spur of the moment. She had ample time between 23rd April and 7 June 2010 to take legal advice, to carry out her own research, and to obtain further advice from a specialist lawyer in the light of that research. The Respondent was clearly concerned that her employers should not find out what had happened, because she looked at the firm's Employment Law Manual to check her position. The Respondent made a conscious decision to accept the Caution after having received legal advice and being fully aware that there could

be professional consequences, even if she did not find out the full extent of what those consequences might be. She came to regret her decision when those possible professional consequences materialised in October 2010 after receiving the letter from the SRA.

31. The Tribunal had given careful consideration as to whether a period of fixed or indefinite suspension would be an appropriate sanction. This was precisely one of those cases described in Bolton where the decision to strike off or suspend was one involving a finely balanced and difficult exercise of judgement to be made by this informed and expert Tribunal on all the facts of the case. The Tribunal had concluded that, in view of the seriousness of the allegation and the damage to the Respondent's own reputation and that of the legal profession, suspension was not the correct sanction. The Respondent had demonstrated a lack of integrity and professionalism that seriously brought into question her fitness to be a solicitor. The Tribunal therefore concluded that, in order to protect the public and in particular the public's confidence and trust in the reputation of the legal profession, the only appropriate sanction on the facts of this case was to strike the Respondent off the Roll of Solicitors immediately. The Tribunal understood that this sanction would appear harsh to the Respondent in view of the fact that there was no allegation of dishonesty. However with reference to the words of Lord Bingham in Bolton, the reputation of the profession was more important than the fortunes of any individual member and that was part of the price that had to be paid for the benefits of membership.

Costs

32. The Applicant made a claim for costs which was agreed in the sum of £1500.

Statement of Full Order

33. The Tribunal Ordered that the Respondent, Nyla Qureshi, of 6 Southfield Road, Cotham, Bristol, BS6 6AY, be struck off the Roll of Solicitors and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the agreed sum of £1,500.

Dated this 20th day of October 2011
on behalf of the Tribunal

Mr D Green
Chairman