

# **SOLICITORS DISCIPLINARY TRIBUNAL**

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11441-2015

## **BETWEEN:**

ISMAT BINT-E-AHMAD DIN

Applicant

and

SOLICITORS REGULATION AUTHORITY

Respondent

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Before:

Mr D. Glass (in the chair)

Mr J. A. Astle

Mrs L. McMahon-Hathway

Date of Hearing: 12 February 2016

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## **Appearances**

The Applicant appeared and was represented by Jacques Rene, Counsel of the Chambers of J M Rene, 20 Fairoak Drive, Eltham, London, SE9 2QH.

Zabin Chauhan, solicitor of the Solicitors Regulation Authority of The Cube, 199 Wharfside Street, Birmingham, B1 1RN for the Respondent.

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## **JUDGMENT ON APPLICATION TO REMOVE A CONDITION ON A PRACTISING CERTIFICATE**

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## **Application**

1. This matter previously came before the Tribunal on 7-9 January 2014 when one allegation was admitted by the Applicant and found proved on 9 January 2014. The allegation was that she had improperly permitted herself to be held out as practising in partnership under the style of Alison Solicitors when not having obtained the appropriate recognition from the SRA and/or the Office of the Immigration Services Commissioner contrary to Rule 1.06 of the Solicitors Code of Conduct 2007.
2. On that occasion the Tribunal imposed a Reprimand on the Applicant, ordered her to pay costs of £2,330.28 and imposed a condition on her practising certificate stating that she could not practise as a sole practitioner.

## **Documents**

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

Applicant – Ismat Bint-E-Ahmad Din:

- Applicant’s Bundle containing Applicant’s witness statement dated 26 October 2015 and attached documents
- Submissions on behalf of the Applicant dated 6 February 2016
- Letter dated 5 February 2016 from Eagles Solicitors

Respondent –Solicitors Regulation Authority:

- Outline Submissions of the Solicitors Regulation Authority (“SRA”) dated 3 December 2015
- Statements of Costs dated 4 January 2016 and 12 February 2016

## **Witnesses**

4. The following witnesses gave evidence:
  - The Applicant, Ismat Bint-E-Ahmad Din

## **Submissions of the Applicant – Ismat Bint-E-Ahmad Din**

5. The Applicant gave evidence before the Tribunal and confirmed she had been working with Eagles Solicitors since February 2011. During that time she had not received any complaints or had any issues with clients and her supervisors had been happy with her work. The Applicant recognised she had been naïve in the past and explained how she had learnt from her errors. The matters previously complained of had taken place in 2010 which was five years ago and during that time she had gained much more knowledge and experience. She was alert to potential conflicts and misconduct issues, having undertaken several courses to address her previous

inexperience. The Applicant stated it had been a traumatic experience but since then she had learned from her mistakes.

6. The Applicant had provided a number of supporting character references and evidence of the courses she had undertaken together with copies of client satisfaction surveys from clients she had represented at Eagles Solicitors.
7. On questioning from the Tribunal, the Applicant confirmed the courses she had attended related to management issues but she had also undertaken other courses relating to immigration. She stated she would like to practice as a sole practitioner in the future although had no immediate plans to do so as she was happy with her current employment.
8. The Tribunal was referred to the Applicant's written submissions. The Applicant had made positive strides and recognised her responsibilities to the public and the profession. It was submitted it was no longer necessary, reasonable or proportionate to maintain the condition on her practising certificate.

#### **Submissions of the Respondent –Solicitors Regulation Authority**

9. The Tribunal was referred to the written submissions of the Respondent which indicated the SRA adopted a neutral position on the application. The submissions confirmed the Applicant had complied with the condition, and that there had been no other regulatory or disciplinary concerns.
10. Prior to the Tribunal hearing in January 2014, the Applicant had already been subject to a condition imposed by the SRA in September 2010.

#### **The Tribunal's Decision**

11. The Tribunal had carefully considered all the documents provided, the evidence given and the submissions of both parties. The Tribunal had due regard to the Applicant's rights to a fair hearing and to respect for her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Tribunal referred to its Guidance Note on Sanctions when considering Sanction.
12. The Tribunal noted the previous division of the Tribunal had concluded the Applicant:
 

“... had been relatively inexperienced at the time of these events and that she had been unfortunate to come across the Second Respondent, whose pattern of behaviour was very clear to the Tribunal. In this case her culpability had been limited to her lack of experience, there had been no client account involved and she had been unaware that any business was being conducted.... her legal work appeared to be competent .....
13. The Tribunal found the Applicant had made significant and appropriate efforts to address her shortcomings and had attended a number of courses relating to the management of a legal practice, which addressed the deficiencies identified by the

previous division of the Tribunal. The Applicant had also provided a supporting character reference from her employer.

14. The Tribunal was mindful that the conduct complained of had been over 5 years ago, and that she had been in continuous employment since that time. She had also been subject to the condition on her practising certificate throughout that time.
15. There had been no regulatory concerns regarding the Applicant's conduct since the condition had been imposed and the client satisfaction surveys provided spoke positively about her. The Applicant had shown remorse and insight.
16. The Tribunal was satisfied that it was no longer necessary for the protection of the public or the reputation of the profession to continue to impose a condition on the Applicant's practising certificate. Accordingly, the Tribunal granted the Applicant's application to remove the Condition on her practising certificate.

### **Costs**

17. Both parties confirmed the Applicant had agreed to pay the costs of the SRA in the sum of £2,920. Accordingly the Tribunal ordered the Applicant to pay the costs of the Respondent in the sum of £2,920.

### **Statement of Full Order**

18. On 9<sup>th</sup> January 2014 the Tribunal ordered that ISMAT BINT-E-AHMAD DIN shall be subject to the condition that she may not practise as a sole practitioner.

The Tribunal ordered that the Application of ISMAT BINT-E-AHMAD DIN, for the removal of the above condition be granted and it further ordered that she do pay the costs of the response of the Solicitors Regulation Authority in the agreed sum of £2,920.00.

Dated this 14<sup>th</sup> day of April 2016  
On behalf of the Tribunal

D. Glass  
Chairman