

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12234-2021

## BETWEEN:

ZULQARNAIN SAEED

Applicant

and

SOLICITORS REGULATION AUTHORITY LTD.

Respondent

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Before:

Mr P. Lewis (in the chair)  
Ms T. Cullen  
Mrs L. McMahon-Hathway

Date of Hearing:  
24 September 2021

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## Appearances

Joshua Bold, solicitor, of the Solicitors Regulation Authority Ltd, for the Applicant.

The Respondent represented himself.

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## JUDGMENT ON APPLICATION TO REMOVE A CONDITION

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## Application

1. By an application dated 1 August 2021 the Applicant applied for the removal of a condition previously imposed on him. The relevant condition was imposed by the Tribunal on 11 July 2013 and stated:

*“For the avoidance of doubt the Applicant may only work as a solicitor in employment approved by the Solicitors Regulation Authority.”*

## Background

2. The Respondent was struck off the Roll of Solicitors by the Tribunal on 16 January 2007. The Tribunal had found that the Respondent:
  - failed to act in the best interest of his client(s);
  - failed to deliver to The Law Society an Accountant’s Report in respect of his firm for the period ending 31st August 2005, contrary to Section 34 of the Solicitors Act 1974; and
  - he failed to deal promptly and substantively with correspondence from the Law Society.
3. On 9 November 2010 the Applicant applied to the Tribunal to be restored to the Roll. The application was refused.
4. On 11 July 2013 a further application by the Applicant to be restored to the Roll was granted. The following conditions on his ability to practise were imposed:
  - The Applicant may not practise as a sole practitioner, partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS); and
  - For the avoidance of doubt the Applicant may only work as a solicitor in employment approved by the Solicitors Regulation Authority.
5. Since the Applicant’s restoration to the Roll his practicing certificates issued by the Respondent have been subject to various conditions including a condition which mirrored that imposed by the Tribunal that the Applicant may act as a solicitor only as an employee where the role has first been approved by the Respondent. An Authorised Officer of the Respondent confirmed in a decision dated 8 June 2021 that the Applicant’s practising certificate for 2020/2021 would be renewed without the condition mirroring that imposed by the Tribunal in 2013.

## Documents

6. The Tribunal considered all of the documents submitted by the Applicant and the Respondent which included:

Applicant:

- Application dated 1 August 2021
- Applicant's statement in support of his application dated 23 August 2021
- The decision of the Respondent's Authorised Officer dated 8 June 2021
- The Tribunal's decision on the Applicant's application for restoration to the Roll dated 13 August 2013
- Character reference from BH Mohammed Solicitors dated 2 February 2021
- Character reference from BH Mohammed Solicitors dated 8 February 2021
- Character reference from IH, solicitor, undated
- Character reference from CSJ, counsel, undated
- Character reference from HSL, counsel, dated 5 February 2021
- Character reference from JD, undated
- Character reference from PG, solicitor, dated 4 February 2021
- Character reference from AH, undated
- Two undated reviews relating to the Applicant from the website "ReviewSolicitors"

Respondent

- Answer dated 25 August 2021
- Statement of costs dated 16 September 2021

**Witnesses**

7. No oral witness evidence was heard by the Tribunal.

**The Applicant's submissions**

8. The Applicant referred the Tribunal to the Respondent's decision of 8 June 2021 to remove the above-mentioned condition that he:

*"may only work as a solicitor in employment approved by the Solicitors Regulation Authority".*

9. He referred the Tribunal to the reasons for the decision and in particular the following paragraph from the Respondent's Authorised Officer's decision:

*"I have decided to remove this condition because I no longer consider it necessary, reasonable or proportionate to impose it to [the Applicant's] 2020/2021 practising certificate. My reasons are as follows:*

- *The condition imposed on [the Applicant's] practising certificate mirror that which was considered and appropriate and ordered by the Tribunal in 2013. I am aware that this is now over seven years ago.*
- *Apart from the issues referred to above, [the Applicant] has had no other adverse disciplinary or regulatory matters considered against him since he was restored to the roll in 2013.*
- *[The Applicant] complied with the terms of the conditions imposed upon him.*

- *He has provided multiple references from the firm B H Mohammed Solicitors Ltd, his supervisor, his colleagues, and other professionals whom he worked with.*
- *The references [the Applicant] provided fully support his application to remove his conditions. They confirm that he has complied fully with the conditions imposed by the Tribunal and that [the Applicant] has always been open and honest with them with regards to his regulatory history.*
- *The referees describe [the Applicant] as an honest, hardworking person who is very reliable and shares his knowledge with his colleagues. They also refer to him as being a committed professional.*
- *In making its decision in 2013 the Tribunal took into account that there had been no dishonesty in [the Applicant's] actions.*
- *[The Applicant] was employed as a legal clerk after the Tribunal struck him off until he was restored to the roll. He complied with the approval of employment conditions until his restoration.*
- *After the restoration to the roll in 2013, [the Applicant] continued to work at B H Mohammed Solicitors Ltd as a solicitor and then moved to work for Warwick Vesey Solicitors.*
- *After leaving the Warwick Vesey solicitors he started his employment with B H Mohammed Solicitors Ltd again and has worked there until 30 September 2020. I have taken into account that our approval was not sought at the beginning of this period of employment and note that, while the matter was considered, no further action was taken.*
- *During the time of his employment there were no regulatory or disciplinary matters recorded against him.*
- *I am satisfied that [the Applicant] has fully accepted responsibility for his actions and has taken suitable steps to rehabilitate himself during the years since his previous conduct was considered.*
- *The condition in question on [the Applicant's] 2019/2020 prevents him from being employed without our approval. However, I am mindful that [the Applicant] is already prevented by doing so by virtue of the Tribunal's order. This will remain the case until such time when he applies directly to the Tribunal to vary or remove the conditions. This applies irrespective of the approved employment condition being removed. Given the points outlined above, I consider that this condition is no longer necessary on [the Applicant's] practising certificate.*
- *I have considered the possible risk that we will be unable to monitor [the Applicant's] compliance with the Tribunal's order if the condition is removed from his practising certificate. Similarly, I have considered the transparency element in relation to public interest. However, there was no allegation or finding of dishonesty made against [the Applicant]. I have no reason to believe that [the Applicant] would not continue to comply with or disclose the Tribunal's order, even if condition is removed from his practising certificate. Furthermore, the Tribunal order is in public domain. I therefore do not consider this risk great enough to warrant re-imposing this condition.*
- *In the event of any breach of the Tribunal's order it would be a disciplinary offence which would merit a separate penalty. Therefore, whilst condition is removed from [the Applicant's] practising certificate it is in his best*

*interests to continue to comply with the Tribunal's order until such time when he successfully applied to have conditions removed by the Tribunal."*

10. The Applicant invited the Tribunal to mirror the decision taken by the Respondent.
11. In his supporting statement he stated that he had had the condition on his practising certificate for 8 years. He stated that he was now 60 years old and had learnt a very salutary lesson since the closure of his firm in 2006. He stated that he accepted that his conduct, for which he was struck off, was wrong and he considered this had been a reflection of his naivety. The consequences of these actions had been very difficult in terms of relationships and financially in terms of having to effectively restart his career as an unqualified clerk.
12. He submitted that the letter from his employer and the various supporting letters and character references were reflective of his work and interaction with solicitors, barristers and very importantly with the public.
13. The Applicant stated that he was remorseful and truly embarrassed by his actions. In light of the above, he invited the Tribunal to agree that it was now appropriate for the condition to be removed.

#### **The Respondent's submissions**

14. Mr Bold, for the Respondent, stated that the Respondent supported the application.
15. In outline, this was because
  - The Applicant had expressed clear remorse for his actions;
  - He had supplied a wealth of very positive references;
  - He had undertaken legal work since 2011 (when an Adjudicator of the Respondent granted him permission to work as a legal clerk subject to conditions);
  - There had been no issues in relation to his practising certificate since he was restored to the Roll;
  - Six years had passed without incident during since the relevant condition had been imposed; and
  - The original misconduct for which he was struck off the Roll did not include dishonesty.
16. Mr Bold stated that the Respondent considered that it was no longer contrary to the public interest for the Applicant to practise without the restriction. Evidence of rehabilitation had been provided, and the Applicant had complied with the condition since its imposition. Mr Bold stated that the reasons of the Respondent's Authorised Officer's decision of 8 June 2021, extracts from which are set out above, demonstrated that the condition was no longer targeted at a particular risk.

17. The Respondent's position was that the one condition which would remain, relating to not acting as a sole practitioner, partner or member of a Limited Liability Partnership, Legal Disciplinary Practice or Alternative Business Structure satisfactorily addressed the residual risk to the reputation of the profession and the public.

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

18. The Tribunal had due regard to the Applicant's rights to a fair hearing and respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and to this end the Tribunal gave very careful consideration to all the material it had read and the submissions made by the Applicant and the Respondent during the course of the hearing.
19. The application was supported by the Respondent. The Respondent's Authorised Officer's decision of 8 June 2021 contained detailed reasoning for the decision to omit the equivalent condition from the Applicant's 2020/21 practising certificate.
21. The Tribunal was not obliged to follow the Respondent's own decision. The Tribunal considered that its primary function in an application of this nature was to protect the public and to maintain public confidence in the reputation of the legal profession.
22. The Tribunal noted that the Applicant had complied with the restriction since its imposition eight years previously (other than a delay in doing so when taking up a new post in September 2020). He had otherwise complied with the conditions imposed by the Tribunal and the Respondent. He had produced a wide range of very positive testimonials. The Applicant had expressed remorse and the Tribunal accepted that he demonstrated genuine insight into his previous misconduct. Since the Tribunal's original decision that he be struck off the Roll, the Applicant had made extensive efforts and taken the routes available to him to seek to rehabilitate his legal career. The extent to which he had done so successfully was to his credit.
23. The misconduct for which the Applicant had been struck off was extremely serious. The conditions imposed by the Tribunal were targeted at preventing any further harm and managing the reputational risk to the profession. The Tribunal accepted and adopted the rationale set out by the Respondent's Authorised Officer and considered that the restriction was no longer required in order to protect the public or the reputation of the profession. The remaining condition, precluding him from practising as a sole practitioner, partner or member of a Limited Liability Partnership, Legal Disciplinary Practice or Alternative Business Structure, was adequate. The Tribunal accordingly granted the Applicant's application to remove the restriction on his practice.

### **Costs**

24. The Respondent's schedule of costs was in the sum of £975. Mr Bold stated that the hearing had not lasted as long as anticipated and had been more straightforward than envisaged and not required the full preparation time included in the schedule of costs. He stated that the Respondent sought a revised sum of £600 and submitted this would be reasonable in the circumstances.

25. The Applicant did not take issue with the amount sought but requested some time over which to make payments.
26. The Tribunal was grateful for the reflection and amendment provided by Mr Bold. The Tribunal accepted that the revised sum sought reflected a reasonable and proportionate sum for the work necessarily, and proportionately, undertaken by the Respondent. The Tribunal noted that the Respondent was experienced in arranging pragmatic payment schedules were appropriate and that this was a matter for discussion and agreement between the parties. The Tribunal assessed the costs at £600 which it was satisfied was appropriate and proportionate and the Tribunal ordered the Applicant to pay the Respondent's costs in this amount.

### **Statement of Full Order**

27. The Tribunal ORDERED that the application of Mr Saeed, solicitor, for the removal of a condition imposed by the Tribunal on 11 July 2013 be **GRANTED**.
28. The Tribunal ORDERED the conditions be hereby varied as follows:
  - 28.1 Mr Saeed may not practise as a sole practitioner, partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS).
  - 28.2 There be liberty to either party to apply to the Tribunal to vary the condition set out above.
29. The Tribunal further Ordered that Mr Saeed do pay the costs of the response of the Solicitors Regulation Authority Ltd to this application fixed in the sum of £600.

Dated this 22<sup>nd</sup> day of October 2021  
On behalf of the Tribunal



P Lewis  
Chair

JUDGMENT FILED WITH THE LAW SOCIETY  
22 OCT 2021