SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No. 12302-2022

BETWEEN:

MINESH MANSUKHLAL RUPARELIA Applicant

and

SOLICITORS REGULATION AUTHORITY LTD. Respondent

Before:

Ms A Kellett (in the chair)
Ms A Horne
Dr S Bown

Date of Hearing:
3 May 2022

Appearances

David Barton, solicitor, of Flagstones, Biddenden. Kent. TN27 8JG, for the Applicant.

Joshua Bold, solicitor, of the Solicitors Regulation Authority Ltd, The Cube, 199 Wharfside Street, Birmingham, B1 1RN, for the Respondent.

JUDGMENT ON AN APPLICATION FOR RESTORATION TO THE ROLL

Application

1. On 7 February 2022, Mr Ruparelia applied for his name to be restored to the Roll of Solicitors. The Application was supported by a witness statement dated 31 January 2022 appended to which was Exhibit MR1 which comprised of the Tribunal's previous Findings, (b) testimonials and (c) evidence of "courses undertaken".

2. Mr Ruparelia had been struck off the Roll following a substantive hearing on 16 January 2001. The Tribunal's Findings (case number 8239/2000) was dated 14 February 2001. The allegations found proved against Mr Ruparelia for which he had been struck off the Roll were:

   (a) He had failed to maintain properly written books of account contrary to Rule 11 of the Solicitors Accounts Rules 1991 ("the Rules");

   (b) he had drawn or permitted to be drawn monies from a client account otherwise than in accordance with Rule 7 of the Solicitors Accounts Rules 1991 contrary to Rule 8 of the said Rules;

   (c) he had failed to produce accounting documents for inspection when properly called upon to do so contrary to Rule 27(1) and (2) of the Solicitors Accounts Rules 1991;

   (d) he had failed to disclose material information to a duly authorised representative of the Monitoring & Investigation Unit ("MIU") of the Office for the Supervision of Solicitors ("the Office") during the course of inspections of his books of account;

   (e) he had given misleading information to duly authorised representatives of the MIU during the course of inspections of his books of account;

   (f) he had failed to comply with the terms of an assurance given to a duly authorised representative of the MIU during the course of an inspection of his books of account;

   (g) he had delivered to the Law Society an Accountant's Report which he knew or ought to have known was misleading by virtue of the omission of relevant information;

   (h) he had failed to deliver documents to the Office when required to do so by virtue of a direction made pursuant to Section 44B *(sic)* Act as amended.

3. With regard to the present application for restoration, the Tribunal issued directions on 7 February 2022 which, amongst other matters, required the Respondent, the Solicitors Regulation Authority Ltd ("the SRA"), to respond to the Application by 7 March 2022. The matter was also listed for hearing on 3 May 2022.

4. The Respondent filed and served its Answer to the Application, with supporting documents, as directed, on 7 March 2022. Mr Ruparelia filed and served a statement in Reply to the same on 21 March 2022. Appended to that statement was Exhibit MR2 which comprised of further testimonials and CPD training records.

Documents

5. The Tribunal considered all of the documents in the case, which were contained within an agreed electronic ("CaseLines") hearing bundle.

Witnesses

6. The following witness gave oral evidence to the Tribunal:

- Mr Minesh Ruparelia.
- Trushar Punatar.

Preliminary Issues

Advertisement

Applicant's Submissions

7. Mr Barton submitted that Mr Ruparelia had advertised his application for restoration, as required, by way of general publication as well as notice being given on the Tribunal's website. Mr Barton stated that no objections had been raised as a consequence of those advertisements and, as such, the Tribunal could proceed to determine the application.

Respondent's Submissions

8. Mr Bold made no submissions with regards to advertisement, but did not challenge the position advanced by the Applicant.

The Tribunal's Decision

9. Rule 17(6) of the Solicitors (Disciplinary Proceedings) Rules 2019 provides that:

> "… Every application to which this Rule applies must be advertised by the applicant in the Law Society's Gazette and in a newspaper circulating in the area of the applicant's former practice (if available) and must also be advertised by the Tribunal on its website…"

10. The Tribunal noted that Mr Ruparelia's application had been published in the Law Society's Gazette on 1 March 2022, the Leicester Mercury on 10 March 2022, and that it appeared on the Tribunal's website.

11. The Tribunal was therefore satisfied that Rule 17(6) had been complied with and determined that it was properly seized of the application for restoration.

Background

12. Mr Ruparelia was admitted to the Roll of Solicitors in January 1994. He appeared before the Tribunal on 16 January 2001, was struck off the Roll and ordered to pay

costs in the sum of £9,030.58. At the material time, Mr Ruparelia had been in practice at "Ruparelia Thaker".

13. Having been struck from the Roll, Mr Ruparelia worked as the "Director and Sales Manager" of the family car business "VNR Motorsport Ltd" until 2009 when the business wound down and ceased trading.

14. In July 2009, an application pursuant to Section 41 of the Solicitors Act 1974 was made by Punatar and Company Solicitors seeking the Respondent SRA's approval to employ Mr Ruparelia as a legal clerk. The application was refused, given the seriousness of the misconduct found in 2001.

15. In 2010, Mr Ruparelia commenced employment as an immigration clerk in the Office of the Immigration Services Commissioner ("OISC"). In 2011 (approximately six months post-employment with OISC), Punatar & Company Solicitors made a further application seeking the Respondent's approval to employ Mr Ruparelia as a legal clerk. That application was also refused for the same reason alluded to above, and insufficient evidence of rehabilitation having been shown.

16. Later in 2011 Mr Ruparelia gained accreditation as an OISC Immigration lawyer to work at level 3 with advocacy rights. In so doing he became regulated by the OISC.

17. In October 2011 Mr Ruparelia commenced trading in the firm Just Legal Group ("JLG"), in respect of which he was and remained sole Director. His practice entailed advising and assisting clients with all aspects of Immigration and Asylum, as well as advocacy on their behalf in the First Tier and Upper Tribunals. JLG was also authorised by the Ministry of Justice ("MoJ") to conduct Employment Law matters. Given the nature of the work undertaken, JLG had been, and continues to be, inspected by OISC and the MoJ, with no concerns having arisen. No claims had been made against JLG or Mr Ruparelia since inception, and no claims were pending as at the date of the hearing.

Applicant's Submissions

18. Mr Barton reminded the Tribunal that this was Mr Ruparelia's first application for restoration, some 21 years post strike off. It was not and could not be considered premature.

19. Mr Barton emphasised that whilst the underlying misconduct found in 2001 was very serious, it did not involve allegations of dishonesty. As such, Mr Ruparelia did not face an almost insurmountable obstacle for restoration, but did have to satisfy the Tribunal that his rehabilitation was such that public confidence would not be adversely impacted by granting his application.

20. Mr Barton made plain that Mr Ruparelia was sanguine, pragmatic and realistic with regards to the likelihood of conditions/restrictions being imposed by the Tribunal on him and/or by the Respondent on his practising certificate in the event that he was restored to the Roll. Mr Barton averred that Mr Ruparelia took no issue with regards any conditions being so imposed, and simply sought the ability to practice as a solicitor again.

21. Mr Barton prayed in aid the approach promulgated in Ellis-Carr v Solicitors Regulation Authority [2014] EWHC 2411 (Admin), namely that the Tribunal should ask itself "what is he now?". Mr Barton submitted that Mr Ruparelia was "a different man to what he was in 2000" in that he was older, wiser and had more life experience. His endeavours to rehabilitate himself were commendable, and it was submitted that "the public would understand, support and may even applaud" Mr Ruparelia's endeavours, whilst recognising his guilt and remorse with regard to the original misconduct.

22. Mr Barton emphasised that Mr Ruparelia had done what he could to work within the legal sphere over the last 11 years both at the OISC and within JLG. Mr Ruparelia had demonstrably evidenced his ability to work within a regulated environment since 2010 and that, it was submitted, was to his credit.

23. Mr Barton relied upon the abundance of testimonials filed on Mr Ruparelia's behalf, which emanated from clients and employers, all of which spoke of him in glowing terms. Mr Barton further relied upon the numerous CPD courses undertaken by Mr Ruparelia, evidence of which had been filed, which demonstrated the efforts he had made to keep up to date with current legal practice.

24. It was, contended Mr Barton, testament to Mr Ruparelia's rehabilitation that Mr Punatar sought to employ him as a solicitor to create and head an Immigration Department within his Firm. That offer of employment within Mr Punatar's established criminal practice in London was highly relevant to the present application.

Applicant's Evidence

25. Mr Ruparelia confirmed that the content of his statement in support, and his Reply to the Respondent's Answer was true and adopted the same in evidence.

26. Mr Ruparelia stated that JLG was his practice, he was the sole director and had been since its inception. The work undertaken was predominantly in relation to extension of visa applications for couples who had married outside of the United Kingdom. He was required to practice within the OISC's regulatory framework, and had done so without incident for 11 years. He was similarly regulated by the MoJ without incident, and JLG's audited accounts had never been called into question. Mr Ruparelia confirmed that OISC and the MoJ were aware of the Tribunal's previous Findings, which had led to increased scrutiny of JLG in its early years, but no matters of concern had arisen and that inspections/audits were now standard as opposed to enhanced.

27. With regard to his current practice, Mr Ruparelia stated that he conducted all advocacy, and regularly appeared before tribunals approximately once a week, in Birmingham. His services were advertised online, he received recommendations from the OISC and was repeatedly instructed by clients who recommended him to others. As at the date of the hearing, JLG held approximately 150-200 live files. The Applicant was the sole fee earner, but he had the support of an administrative assistant.

28. Mr Ruparelia stated that, when reading the Tribunal's previous Findings against him, it felt like he was "reading about someone else". He did not recognise that person, but accepted that the Findings and sanction imposed were justified. He averred that:

> "… in the last 21 years [he had] tried to change, was more experienced and explained to clients the correct approach. At the time [he] was young, running the firm, the type of work dazzled [him], [he] didn't have the willingness to accept what [he] was doing was wrong and say no. [He] didn't consider the impact on the general public or public perception. [He] didn't have that insight at the time but [he] has it now. If a client came to [him][with a useless application [he] would refuse to lodge it as [he] can now say no to something that is totally wrong…"

29. Mr Ruparelia stated that he was not proud of what he had done, it did not make easy reading. He was most embarrassed about the "lack of cooperation" with the Forensic Investigation Officer and remained ashamed in that regard.

30. Mr Ruparelia accepted the reasons why his previous applications to the Respondent for approved employment had been refused. His response to those reasons was to shadow an employee of the OISC in 2010 in order to learn that area of practice. He subsequently studied for and achieved the requisite qualification to practice in the field of immigration and asylum law. His reasons for so doing were twofold. Firstly, it was an area of law that appealed to him, and secondly it was an attempt to demonstrate to the Respondent his ability to work within the confines of a regulated framework.

31. With regard to his future intentions, Mr Ruparelia stated that he first met Mr Punatar in a professional capacity more than 20 years ago, following which they became friends. It was envisaged that Mr Ruparelia would help set up an immigration practice within Mr Punatar's criminal firm. That prospect appealed to Mr Ruparelia as he would like to build upon his own immigration practice without the confines that he currently faces as an unadmitted practitioner.

32. Mr Ruparelia stated that he had a "proven track record" in the field of immigration over the preceding 11 years, all of which was evidenced in the wealth of testimonials filed. He further stated that he "could not change the past but [his] future conduct will show that [he was] not that person anymore".

33. Under cross examination Mr Ruparelia stated that he fully accepted the previous Findings made against him, and did not dispute them at all. He chose not to make a further application for approved employment and had elected to make an application to the Tribunal for restoration because the Respondent had refused permission previously. He felt it more prudent to "work harder on demonstrating more fully that [he] was ready to be restored to the Roll". Mr Ruparelia stated that he considered himself to be "in the best position to return to the profession given [his] OISC experience of having been regulated complaint free for 11 years".

34. In response to a question posed by the Tribunal, Mr Ruparelia stated that (a) he was the only fee earner within JLG, (b) he had the support of an administrative assistant, (c) it was intended that he would be a consultant in Mr Punatar's firm, and the only immigration fee earner during the set up of the department to begin with and (d) he would relocate to London in order to pursue that opportunity.

35. When asked by the Tribunal of an example when he had "said no" professionally, Mr Ruparelia stated that, whilst he was obliged to act on client instructions, "if an application is doomed to fail [he] felt it would be morally wrong, the client would face high legal fees, there would be a potential appeal and whilst [he] would benefit financially, [he] wouldn't accept the instructions as it would be morally wrong". Mr Ruparelia maintained that he was "fit to return to the profession as [he had] complied with the OISC codes of conduct as well as competency requirements, CPD and advocacy before tribunals". Mr Ruparelia made plain that he was willing to undertake any further training required of him beyond the area of immigration law.

Mr Punatar's Evidence

36. Mr Punatar confirmed that the content of his witness statement dated 8 April 2022 and the exhibit dated 17 March 2022 was true and accurate. In so doing, he confirmed that he had known Mr Ruparelia for more than 20 years, and sought to employ him to set up an immigration department within his firm.

37. With regard to his firm, Mr Punatar stated that he was the co-director, sole shareholder, Compliance Officer for Legal Practice and Compliance Officer for Financial Administration.

38. Under cross examination, Mr Punatar stated that he would ensure full supervision of Mr Ruparelia. His office was open plan, all calls were overheard, incoming and outgoing post was checked, emails were checked before being sent, he undertook all financial transactions/maintained all client ledgers, and Mr Ruparelia would not be able to accept or hold client money. When asked whether he would have sufficient time to supervise Mr Ruparelia given his other responsibilities, Mr Punatar stated that he was "very confident" that he would.

39. In response to a question from the Tribunal, Mr Punatar stated that the supervision set out above was that which he deployed in relation to junior members of staff. With regard to Mr Ruparelia specifically, he would have initial input, would look at what Mr Ruparelia was doing, what the objective was and how that would be achieved. Mr Punatar stated that he had "every confidence in [Mr Ruparelia] as a lawyer and that either himself, his co-director or fellow fee earner "acquainted with immigration law" would check Mr Ruparelia's post and emails. Mr Punatar accepted that immigration law was not his field of practice, and whilst he was broadly familiar with the same, he "wouldn't know every nuance".

40. When asked by the Tribunal how immigration clients would be sourced, and "know your client" checks undertaken, Mr Punatar stated that he "had not given that detailed thought", but would rely upon the checks currently in place at the firm which comprised of standard KYC forms, and anti-money laundering procedures as well as conventional marketing methods. Mr Punatar stated that all staff were back in the office full-time, and that caseloads "go through a number of people within the firm" and thus could not avoid scrutiny.

41. When asked by the Tribunal of his understanding of the original misconduct, Mr Punatar confirmed that he was part of the legal team which defended Mr Ruparelia in the criminal proceedings (which related to the original misconduct) in respect of

which Mr Ruparella was acquitted. With regard to the original proceedings before the Tribunal, Mr Punatar stated thar he had seen and "speed read" the judgment; he understood the main allegation to have been Mr Ruparelia's failure to make full disclosure to the Respondent in relation to the provision of documents.

42. Mr Punatar confirmed that, if the application was successful, he proposed to employ Mr Ruparelia as an Assistant Solicitor.

Respondent's Submissions

43. Mr Bold adopted and endorsed the Respondent's Answer dated 7 March 2022, which made plain that the application for restoration was opposed on the grounds of (a) seriousness of the original misconduct and (b) the inadequacy of demonstrable rehabilitation to date.

44. Mr Bold accepted that the application was not premature, and noted the steps taken by Mr Ruparelia to remediate in the preceding 11 years, but averred that those steps were not sufficient to satisfy the Respondent that he was a fit and proper person to be on the Roll. Mr Ruparelia had not worked within the solicitor's profession for over 21 years, and his ability to do so remained untried and untested. It was accepted that Mr Ruparelia had worked within a regulated profession, but that regulatory framework was not on all fours with the SRA standards. Absent any application for approved employment within an SRA regulated practice, the Respondent was unable to assess Mr Ruparelia's ability to do so safely.

45. Mr Bold stated that the majority of the testimonials filed were ambiguous with regard to the extent of the author's knowledge and/or understanding of the Tribunal's previous findings. Mr Bold submitted that, had there been full awareness, it was "unlikely" that the authors would have referred to Mr Ruparelia in the terms they did, for example by considering him to be "solid".

46. With regard to the training courses undertaken by Mr Ruparelia, it was observed by Mr Bold that the majority were undertaken January and May 2022. They appeared, it was submitted, to have been "geared" to the present application, as opposed to serious efforts by Mr Ruparelia to keep up to date with the SRA Code of Conduct since 2001.

47. Mr Bold raised concerns regarding Mr Punatar's ability to adequately supervise Mr Ruparelia. He was further concerned that Mr Punatar appeared unaware of the full nature of the Tribunal's previous Findings, which extended far beyond failures to provide documentation and lack of co-operation with the SRA.

48. Mr Bold stated that the decision to oppose Mr Ruparelia's application for restoration was not taken lightly by the Respondent, which acknowledged the efforts made by Mr Ruparelia to remedy his original misconduct. However, the fact remained that the Respondent could not place full confidence in Mr Ruparelia's rehabilitation, given the need to protect the reputation of the profession and the high standards it required of solicitors.

The Tribunal's Decision

49. The Tribunal noted that this was Mr Ruparelia's first application for restoration some 21 years post strike off. Given those circumstances, the Tribunal determined that the application was not premature and could properly be considered.

50. The Tribunal applied the legal principles that governed applications for restoration namely:

> In Bolton v The Law Society [1994] 1 WLR 512 in which Sir Thomas Bingham, the Master of the Rolls, as he then was, held:
>
> "… It is required of lawyers practising in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness.
>
> Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal. Lapses from the required high standard may, of course, take different forms and be of varying degrees. The most serious involves proven dishonesty whether or not leading to criminal proceedings and criminal penalties. In such cases, the Tribunal has invariably, no matter how strong the mitigation advanced for the solicitor, ordered that he be struck off the Roll of Solicitors. Only infrequently, particularly in recent years, has it been willing to order the restoration to the Roll of Solicitors against whom serious dishonesty had been established, even after a passage of years, and even where the solicitor had made every effort to re-establish himself and redeem his reputation. 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 the profession whose reputation depends on 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.
>
> 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, plainly it is hoped that experience of suspension will make the offender meticulous in his future compliance with the required standards. 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 re-admission. *[emphasis added]*. If a member of the public sells his house, very often his largest asst, and entrusts the proceeds to his solicitor, pending re-investment in another house, 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 asst is its collective reputation and the confidence which that inspires. *[emphasis added]…*
>
> 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. On applying for restoration after striking off, all these points may be made, and the former solicitor may also be able to point to real efforts made to re-establish himself and redeem his reputation. 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… *[emphasis added]*
>
> The reputation of the profession is more important than the fortunes of any individual member. Membership of the profession brings many benefits, but that is part of the price. *[emphasis added]*…"

51. In Thobani v Solicitors Regulation Authority [2011] EWHC 3783 (Admin) Mr Justice Burnet held at §46:

> "… Public confidence in the integrity of the solicitors' profession is of cardinal importance. That is the leitmotif that has echoed through all of the authorities…"

52. In Solicitors Regulation Authority v Kaberry *[2012] EWHC 3883 (Admin)*, Lord Justice Elias held:

> "…
>
> §64 … it is well-established in the authorities that in order to be restored to the Roll, it must be demonstrated to the Tribunal that restoration would not affect the good name and reputation of the solicitors' profession, nor would it be contrary to the interests of the public…
>
> §68 … the overriding consideration here must be the interests of the profession and public confidence in the proper running of the profession had to be maintained *[emphasis added]* …"

53. In Ellis-Carr v Solicitors Regulation Authority [2014] EWHC 2411 *(Admin)*, Mr Justice Collins held at §57:

> "… what matters is his present situation and future…
>
> Accordingly he should be judged on the basis of what he is now and whether there is any real prospect that … he can be regarded as someone who is fit to be on the Roll of Solicitors *[emphasis added] …*"

54. All of the legal principles set out above formed the basis of the Tribunal's Guidance which the Tribunal applied when considering the competing submissions made, as well as the evidence received both orally and in documentary form.

55. The Tribunal paid significant regard to the principles promulgated in Bolton which made plain that maintenance of the reputation of the profession through the prism of public opinion was paramount. The Tribunal acknowledged that there were no findings of dishonesty recorded against Mr Ruparelia, but that did not vitiate the seriousness of the misconduct found, which was predicated on him having breached fundamental tenets of the profession namely:

1. Inadequate maintenance of accounting records.
2. Improper withdrawals from the client account.
3. Lack of cooperation with his regulator.
4. Misleading his regulator.
5. Production of misleading accounts.

56. A Forensic Investigation Officer warned Mr Ruparelia against his involvement in the original transactions, but Mr Ruparelia failed to heed that warning, continued to be involved, and then sought to cover up his involvement from his regulator. The Tribunal considered that the original misconduct was, in those circumstances, at the top end of the spectrum of seriousness.

57. The Tribunal proceeded to consider the rehabilitative efforts demonstrated by Mr Ruparelia and determined that:

Immigration experience

58. The Tribunal accepted that Mr Ruparelia's OISC employment, qualification and subsequent JLG practice demonstrated his abilities within the regulated field of immigration law. Had the original misconduct been directed at matters of competency, that experience would be extremely relevant to the present application. However, the gravamen of the original misconduct related to Mr Ruparelia's integrity, or lack thereof, which was not fully addressed by way of his immigration practice or the submissions advanced on his behalf. The crux of the original misconduct, and the mischief that it addressed was Mr Ruparelia's ethical and moral compass which was found to have been lacking in 2001. Mr Ruparelia's immigration experience post strike off did not allay the Tribunal's concerns in that regard.

JLG

59. The Tribunal noted that JLG comprised essentially of Mr Ruparelia, with one member of support staff. The Tribunal therefore considered JLG and Mr Ruparelia to be one and the same. There was no oversight of Mr Ruparelia's conduct within JLG which militated against the Tribunal's ability to assess any risk that he may pose to the public and its potential impact on the reputation of the profession.

Future Employment

60. The Tribunal carefully considered the evidence of Mr Punatar and noted that (a) his firm predominantly practised criminal law, (b) the co-director and other fee earners predominantly practised criminal law, (c) Mr Punatar and others within the firm had "an understanding" of but not expertise in immigration law, (d) Mr Ruparelia would be the most experienced fee earner with regard to immigration law and (e) Mr Ruparelia would head up the immigration department and be the only fee earner therein at inception. The Tribunal was concerned that there was no-one in the firm more senior to Mr Ruparelia in the field of immigration law, and as such that limited the degree of supervision which could be applied and so posed a risk to the manner in which immigration matters were handled.

61. The Tribunal was troubled at the level of supervision advanced by Mr Punatar and his ability to fulfil the same, given his other responsibilities. The Tribunal was concerned at the lack of thought given to, and/or safeguards put in place with regards to, the supervision of Mr Ruparelia. In short, the Tribunal was not satisfied as to the adequacy and efficacy of the proposed supervision which lacked safeguards, controls, checks and/or balances.

Testimonials

62. The testimonials relied upon by Mr Ruparelia were voluminous, and spoke of him in glowing terms, which was to his credit. However, it was not clear to the Tribunal whether or not the authors of the same were fully aware of the true extent of the original misconduct. That undermined the weight that could be attached to the testimonials. Had the author stated that they had read and understood the previous Findings but maintained their opinion of Mr Ruparelia notwithstanding that knowledge, more weight would have been attributable to their testimonial.

63. Weighing all of the factors set out above in the balance, the Tribunal was left with identifiable concerns as to Mr Ruparelia's fitness and propriety to be restored to the Roll. His efforts to remediate himself were commendable but did not address the mischief found previously, which centred on demonstrable and repeated lack of integrity. Integrity was a fundamental tenet of the solicitors profession. The public was entitled to hold solicitors in high regard, to have faith and confidence that they will conduct themselves properly, ethically and morally. Fellow members of the profession were entitled to have confidence that the regulatory framework preserves and maintains the reputation of the profession within which they are privileged to be a member but this would not necessarily have been sufficient of itself to change the outcome.

64. Given all attendant circumstances and findings the Tribunal therefore REFUSED Mr Ruparelia's application for restoration to the Roll.

Costs

<u>Respondent's Application</u>

65. The Respondent applied for costs in the sum of £2,067.00 as particularised in its Schedule of Costs dated 26 April 2022.

Applicant's Position

66. Mr Barton's accepted that costs were payable in principle. With regard to quantum, he submitted that the application had only taken half a day to determine as opposed to the full day for which it had been listed. Mr Barton advanced that fact as a relevant consideration for the Tribunal when considering the application.

The Tribunal's Decision

67. The Tribunal considered that the costs claimed by the Respondent were reasonable and proportionate to the application it had been required to respond to. Mr Barton's sole observation was considered, but the Tribunal noted that the Schedule of Costs filed and served by the Respondent only claimed for 1.5 hours of advocacy before the Tribunal in any event.

68. The Tribunal therefore ordered costs in the sum of £2,067.00 to be paid by Mr Ruparelia to the Respondent.

Statement of Full Order

69. The Tribunal Ordered that the application of MINESH RUPARELIA, for restoration to the Roll of Solicitors be REFUSED and it further Orders that the Applicant do pay the costs of and incidental to the response to this application fixed in the sum of £2,067.00.

Dated this 16TH day of June 2022
On behalf of the Tribunal

A Kellett
Chair