

IN THE MATTER OF ZAFAR ASLAM, Solicitors clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. D E Fordham (in the Chair)
Mr. J C Chesterton
Mr. M C Baughan

Date Of Hearing: 17th July 1997

FINDINGS

of the Solicitors' Disciplinary Tribunal
constituted under the Solicitors Act 1974

An application was duly made on behalf of the Law Society by Geoffrey Williams solicitor of 36 West Bute Street, Cardiff on the 24th April 1997 that an Order be made by the Tribunal directing that as from a date specified in the order no solicitor should except with permission from the Law Society for such a period and subject to such conditions as the Law Society might think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Zafar Aslam, Preston, Lancashire PR4 a person who was or had been a clerk to a solicitor within the meaning of the Solicitors Act 1974, or that such Order might be made as the Tribunal should think right.

The allegation was that the respondent having been a clerk to a solicitor but not being a solicitor had been convicted of a criminal offence which disclosed such dishonesty that in the opinion of the Law Society it would be undesirable for him to be employed by a solicitor in connection with his practice.

The application was heard at the Court Room No. 60 Carey Street, London WC2 on the 17th July 1997 when Geoffrey Williams Solicitor and partner in the firm of Messrs. Cartwrights Adams & Black of 36 West Bute Street, Cardiff appeared for the applicant and the respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the respondent contained in a letter addressed by him to the Clerk to the Tribunal.

At the conclusion of the hearing the Tribunal ORDERED that as from the 17th July 1997 no solicitor should except in accordance with permission in writing granted by the Law Society for such a period and subject to such conditions as the Society might think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Zafar Aslam of _____, Preston, Lancashire a person who was or had been a clerk to a solicitor and the Tribunal further Ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £1,110.37p.

The facts are set out in paragraphs 1 and 2 hereunder:-

1. The respondent who was not a solicitor was employed as a clerk by Messrs Dar & Company, solicitors of 171 Wilmslow Road, Rushholme, Manchester. He was engaged in personal injury litigation and was paid by the firm on a commission basis.
2. On the 29th April 1996 the respondent, with others, appeared in the Manchester Crown Court and was convicted upon indictment of conspiracy to defraud. On 18th September 1996 in the same Court he was sentenced to three years imprisonment. On the 22nd January 1997 the Compliance and Supervision Committee of the Office for the Supervision of Solicitors resolved that application should be made for an order pursuant to Section 43 (2) of the Solicitors Act 1974 in respect of the respondent.

The submissions of the applicant

3. The applicant told the Tribunal that the respondent had been instrumental in making false insurance claims. He was the mastermind of the scheme in to which had been sucked a gullible doctor, a dishonest physiotherapist and unsuspecting insurance companies.
4. The Tribunal was invited to consider the sentencing remarks of His Honour Judge Humphries in the Crown Court in Manchester in which he said that the respondent was "the mastermind". He went on to say "You, being unqualified, obtained the confidence of solicitors who left you with, regrettably, little or no supervision in the personal injuries claims department. This enabled you to invent fictitious plaintiffs and make fictitious claims for damages and invent personal injuries claims for those who had not been injured, exaggerating genuine claims and you made many false claims for car hire...." He went on to say "This was a calculated, sophisticated operation which you invented and controlled, which you and your recruits manned for many many months with a great number of losers."
5. In the circumstances it was right that the respondent's future employment within the solicitors' profession should be controlled.

The Findings of the Tribunal

The Tribunal found the allegations to have been substantiated. Clearly it was right that the future employment of the respondent within the solicitors' profession should be subject to the control of the Law Society. The Tribunal made the order sought and ordered the respondent to pay the applicant's costs in a fixed sum.

DATED this 19th day of August 1997

on behalf of the Tribunal



D E Fordham
Chairman

*Findings filed with the
Law Society on the 22nd
day of August 1997*