

IN THE MATTER OF YASIN ABDUL MOHAMMED and
ROBERT GLOVER PICKLES, solicitors

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr D J Leverton (in the chair)
Mrs H Baucher
Ms A Arya

Date of Hearing: 12th December 2002

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Office for the Supervision of Solicitors (“OSS”) by Peter Harland Cadman, solicitor and partner in the firm of Russell-Cooke, Potter & Chapman of 8 Bedford Row, London, WC1R 4BX on 8th May 2002 that Yasin Abdul Mohammed of Ash Street, Blackburn, Lancashire, and Robert Glover Pickles of Parkgate Row, Copster Green, Blackburn, Lancashire, might be required to answer the allegations contained in the statement which accompanied the application and that such order might be made as the Tribunal should think fit.

The allegations against the Respondents were that they had been guilty of conduct unbecoming a solicitor in each of the following particularly, namely:-

- (i) That both Respondents acted in an improper way to circumvent conditions imposed on the Respondent Mohammed’s practising certificate;
- (ii) That the Respondent Mohammed alone breached the terms imposed on his practising certificate by being a sole signatory on cheques;

- (iii) That both Respondents improperly paid cheques made out in favour of clients into the firm's client account;
- (iv) That the Respondent Mohammed attempted to mislead or did mislead the Forensic Investigation Unit of the OSS.
- (v) [withdrawn with the consent of the Tribunal];
- (vi) [withdrawn with the consent of the Tribunal].

By a Supplementary Statement of Peter Harland Cadman dated 14th October 2002 it was further alleged against the Respondents that they had been guilty of conduct unbecoming a solicitor in the following particulars:-

Against both Respondents:-

- (vii) [withdrawn with the consent of the Tribunal].

Against the Respondent Mohammed:-

- (viii) That he had been convicted of a criminal offence of dishonesty.

By a further Supplementary Statement dated 20th November 2002 it was alleged against the Respondent Pickles that he had been guilty of conduct unbecoming a solicitor in each of the following particulars, namely:

- (iv) That he had been convicted of a criminal offence.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 12th December 2002 when Peter Harland Cadman, solicitor and partner in the firm of Russell-Cooke of 8 Bedford Row, London, WC1R 4BX appeared as the Applicant and the Respondents did not appear and were not represented.

The evidence before the Tribunal included the admissions of Mr Pickles.

At the conclusion of the hearing the Tribunal ordered that the Respondent Yasin Abdul Mohammed of Ash Street, Blackburn, Lancashire, solicitor be struck off the Roll of Solicitors and they further ordered that he be jointly and severally liable to pay the costs of and incidental to the application and enquiry fixed in the sum of £7,018.86.

The Tribunal ordered that the Respondent Robert Glover Pickles of Parkgate Row, Copster Green, Blackburn, Lancashire, solicitor be struck off the Roll of Solicitors and they further ordered that he be jointly and severally liable to pay the costs of and incidental to the application and enquiry fixed in the sum of £7,018.86.

The facts are set out in paragraphs 1 to 17 hereunder: -

1. The Respondent Yasin Abdul Mohammed (“the First Respondent”) born in 1973 was admitted to the Roll of Solicitors in 1999 and his name remained on the Roll of Solicitors.
2. The Respondent Robert Glover Pickles (“the Second Respondent”) born in 1935 was admitted to the Roll of Solicitors in 1960. His name remained on the Roll of Solicitors.
3. At all material times the Respondents had carried on in practice under the style of Yasin & Co., 68 George Street, Oldham. The Adjudication Panel of the Compliance Board of the OSS on 12th February 2002 resolved to intervene into the practice of Yasin & Co. under paragraphs 1(1)(a) and paragraph 1(1)(c) of Part 1, Schedule 1 Solicitors Act 1974 as amended.
4. Upon due notice to the Respondents, the Forensic Investigation Unit of The Law Society carried out an inspection of the Respondents’ books of account and a copy of the resulting report dated 30th November 2001 was before the Tribunal.
5. Conditions had been imposed on the First Respondent’s practising certificate for reasons which were not relevant to the current proceedings. Upon due application, the Law Society approved the First Respondent’s partnership with the Second Respondent subject to conditions including conditions that the First Respondent was not the sole signatory on cheques and that there would be adequate supervision by the Second Respondent.
6. The report of 30th November 2001 showed that the Second Respondent was absent from the practice for considerable periods and no adequate alternative supervision was in place. Further, the Second Respondent had signed blank cheques prior to his departure, thereby effectively allowing the First Respondent to have control of the bank accounts.
7. Despite the condition that the First Respondent was not to be the sole signatory of any cheques, investigation showed that the First Respondent had been the sole signatory to cheques.
8. The report also noted that cheques made payable directly to the clients of the practice were improperly paid into the firm’s client account.
9. During the course of the investigation by the Forensic Investigation Unit, answers raised by the First Respondent provided misleading information to the investigation officer.
10. The investigation officer had wanted to speak to the First Respondent on 26th July 2001 and in a telephone conversation the First Respondent had stated that he was in Manchester. During an interview on 12th September 2001 the First Respondent had confirmed, however, that he had attempted to mislead the investigation officer as to his whereabouts on 26th July 2001.

11. Further, the First Respondent had indicated that he had thought that the Second Respondent was coming to the interview on 12th September 2001. The investigation officer, however, subsequently found that the Second Respondent had been abroad on holiday for the whole month of September.
12. On 10th June 2002 the First Respondent appeared at Manchester Crown Court and pleaded guilty to the charge of conspiracy to handle stolen goods.
13. The First Respondent reappeared at Manchester Crown Court on 4th July 2002 and was sentenced to 18 months imprisonment. A copy of the certificate of conviction was before the Tribunal.
14. No appeal had been lodged against the sentence in this matter.
15. On 15th February 2002 the Second Respondent appeared at Preston Crown Court and pleaded guilty to making an untrue statement for the purposes of procuring a passport. The Second Respondent reappeared at Preston Crown Court on 6th September 2002 and was sentenced to a term of 12 months imprisonment.
16. The Second Respondent had indicated that he had lodged an appeal against this sentence.
17. A copy of the certificate of conviction was before the Tribunal.

The Submissions of the Applicant

18. The Second Respondent had admitted every matter from an early stage and had agreed to a shortened period of notice in respect of the second supplementary Statement..
19. The First Respondent had remained generally silent and the Applicant would therefore seek to prove the matter on the documentation. A notice to admit documents had been duly served.
20. Allegation (i) had been admitted by the Second Respondent who had told the investigation officer that he had pre-signed a series of blank cheques before going on holiday.
21. In the submission of the Applicant, this allegation was also provided against the First Respondent on the documentation.
22. Allegation (ii) was proved by the report of the investigation officer.
23. Allegation (iii) had been admitted by both Respondents in interview with the investigation officer and in correspondence.
24. In relation to allegation (iv), it was submitted that the First Respondent had deliberately lied to the investigation officer. In a letter dated 3rd January 2002 to The Law Society, the First Respondent had written that:-

“I had misinformed him and told him that I was going to be in Manchester”.

25. In relation to allegation (viii), the Tribunal had before it a certificate of conviction and the Tribunal was asked to note the sentencing remarks of His Honour Judge Lakin:-

“Yasin Mohammed you have let down yourself, your family and community and also your profession as a solicitor. On any view you involved yourself in a commercial scheme to dispose of stolen travellers cheques. Whilst you were a middle man in that scheme it is clear from the evidence that you had a degree of control over the availability and price of the stolen cheques. In short you were, in my judgment, an important link in the chain of dishonesty. Involvement at this level in the commercial disposal of stolen property is so serious that only a custodial sentence can be properly justified.”

26. In relation to allegation (ix), the Tribunal was asked to note the sentencing remarks of His Honour Judge Boulton:-

“These offences bring disgrace upon an honourable profession. These offences bring a disgrace on an otherwise decent person”.

27. The Applicant sought to withdraw allegations (v), (vi) and (vii). There would be practical difficulties in proving these allegations and in view of the criminal convictions, they did not add to the gravity of the matter.

The submissions of the Second Respondent

28. The submissions of the Second Respondent were contained in his letter dated 22nd November 2002 in which he wrote:-

“I accept the supplementary statement and waive all formalities and time limits/deadlines etc. I congratulate you on being the first to get my conviction right – I was not a part of any conspiracy.

I have appealed against sentence but do not wish this to interfere with the Tribunal proceeding in my absence on the 12th December 2002.”

The Findings of the Tribunal

29. The Tribunal gave leave for the withdrawal of allegations (v), (vi) and (vii). The Tribunal found the remaining allegations to have been substantiated. The Second Respondent had admitted the allegations. In respect of the First Respondent, the Tribunal found the allegations to have been proved on the documentation which had not been challenged by the First Respondent.
30. The Second Respondent had appeared before the Tribunal on one previous occasion on 3rd August 1989. On that occasion the following allegations were substantiated against the Second Respondent, namely that he had been guilty of conduct unbecoming a solicitor on the grounds that he:-

- (i) in abuse of the fiduciary relationship existing between him and his client, CC, sought and obtained a personal loan from that client without requiring the client to seek independent advice; and
 - (ii) in further abuse of such fiduciary relationship failed to advise the client to consult other and independent solicitors in respect of the terms of the loan referred to.
31. The Tribunal took the view on that occasion that the situation in which the Second Respondent had placed himself and his client was one in which he was in effect seeking the wherewithal to enable a company in which he was closely involved to complete what was seen as an advantageous transaction. There could be no doubt whatsoever that in those circumstances a solicitor had to ensure that a client who was not engaged in the business of money lending took independent legal advice. In addition the client might well be required to take other specialist advice. While it was not dishonest for a solicitor to negotiate and obtain a loan from a client, it was professionally unacceptable for him to take such a loan without ensuring that the client had received independent advice. If a client refused to take such advice then the proper course of action was for a solicitor not to accept a loan from a client. The Tribunal took the view that the Second Respondent, whom it described as a reputable solicitor of long standing, had allowed his anxiety to conclude what he foresaw as a profitable business deal and his close relationship with his client to cloud his judgment. The Second Respondent was guilty of a lack of professional etiquette rather than any dishonesty or moral turpitude. The Respondent had not sought to deny the loan and had endeavoured to repay the same despite his own financial losses incurred as a result of the failure of his business venture. The Tribunal in 1989 imposed a penalty of a fine of £750 against the Second Respondent.
32. At the hearing on 12th December 2002 the Tribunal noted the previous Findings against the Second Respondent. The Second Respondent's previous appearance had been some time ago and there had been no allegations of dishonesty on that occasion.
33. On the present occasion, however, the Respondents appeared to have conducted their practice together in a way which was not the way in which the public or indeed the rest of the profession expected solicitors to behave. Further and most seriously, both Respondents had been convicted of offences of such a nature that it would not be appropriate for them to remain as members of the solicitors' profession.
34. The Tribunal therefore made the following orders:-

That the Respondent Yasin Abdul Mohammed of Ash Street, Blackburn, Lancashire, solicitor be struck off the Roll of Solicitors and they further ordered that he be jointly and severally liable to pay the costs of and incidental to the application and enquiry fixed in the sum of £7,018.86.

That the Respondent Robert Glover Pickles of Parkgate Row, Copster Green, Blackburn, Lancashire, solicitor be struck off the Roll of Solicitors and they further

ordered that he be jointly and severally liable to pay the costs of and incidental to the application and enquiry fixed in the sum of £7,018.86.

DATED this 6th day of February 2003
On behalf of the Tribunal

D J Leverton
Chairman