

IN THE MATTER OF GAZI KHAN,  
A person (not being a solicitor) employed or remunerated by a solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr A H Isaacs (in the chair)  
Mr A G Ground  
Lady Maxwell-Hyslop

Date of Hearing: 26th September 2007

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## **FINDINGS**

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of The Law Society by Geoffrey Williams of Queen's Counsel, solicitor and partner in the firm of Geoffrey Williams & Christopher Green, Solicitor Advocates of 2a Churchill Way, Cardiff CF10 2DW on 17th November 2003 that an Order be made by the Tribunal directing that as from a date to be specified in such Order no solicitor should except in accordance with permission in writing granted by The Law Society for such period and subject to such conditions as the Society might think fit to specify in permission, employ or remunerate in connection with the practice as a solicitor Gazi Khan of Osterly Road, Isleworth, Middlesex TW7 4RR a person who was or had been employed or remunerated by a solicitor or that such other Order might be made as the Tribunal should think right.

The allegation against the Respondent was that he having been employed or remunerated by solicitors but not being a solicitor had in the opinion of The Law Society occasioned or been a party to with or without the connivance of the solicitors by whom he was or had been employed or remunerated acts or defaults in relation to those solicitors' practices which involved conduct on his part of such a nature that in the opinion of the Society it would be undesirable for him to be employed or remunerated by solicitors in connection with their practices.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS on 26th September 2007 when Geoffrey Williams of Queen's Counsel solicitor advocate appeared as the Applicant with Ian Ryan of Bankside Law Solicitors Thames House 58 Southwark Bridge Road, London, SE1 0AS. The Respondent was represented by Mr Olivades-Chandler of Counsel.

At the commencement of the hearing Mr Williams QC submitted to the Tribunal that while the matter had been listed for a fully contested three day hearing, following discussions between the parties immediately prior to the hearing the Respondent had indicated his agreement to an Order being made by the Tribunal under Section 43 of the Solicitors Act 1974. Both parties were content with the leave of the Tribunal for the Order to be made on the basis of one of the sets of facts set out in the Applicant's Rule 4 Statement namely the facts relating to RW. The Tribunal was asked to give leave for the other two matters contained in the Rule 4 Statement to be left to lie on file. The Tribunal having given such leave, the matter proceeded on the agreed basis. The facts set out at paragraphs 1 to 6 below are therefore limited to those relating to the matter of RW.

**At the conclusion of the hearing the Tribunal made the following Order:-**

The Tribunal Orders that as from 1st day of December 2007 no solicitor, Registered European Lawyer or incorporated solicitor's practice shall, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice Gazi Khan of Lingwoods Gardens, Osterley, Middlesex, (previously of Osterly Road, Isleworth, Middlesex, TW7 4RR and Tentelow Lane, Norwood Green, Middlesex) a person who is or was a clerk to a solicitor and the Tribunal further Order that he do pay two thirds of the costs of and incidental to this application and enquiry to be subject to a detailed assessment unless agreed between the parties.

**The facts are set out in paragraphs 1 to 6 hereunder:-**

1. At the material time the Respondent was employed or remunerated as a clerk/legal assistant with Messrs PCD York Solicitors of Hammersmith between 8<sup>th</sup> February 2000 and 31<sup>st</sup> March 2000.
2. Complaint was made to the OSS by the Humberside Police on 26<sup>th</sup> June 2000.
3. RW had been arrested on 10<sup>th</sup> February 2000 and taken to Bexleyheath Police Station. On the same day he was transferred to Beverley Police Station. He was at this time represented by Messrs M, solicitors, who on the following day represented RW at an interview under caution.
4. At 1 pm on 11<sup>th</sup> February 2000 the Respondent telephoned Sergeant B at Beverley Police Station stating that he had been instructed by RW. The Respondent was told that RW already had solicitors acting for him. RW appeared not to have knowledge of the Respondent but after a telephone conversation decided to instruct him.

5. Sergeant B was led to believe by the Respondent that the Respondent knew RW and had acted for him before. This influenced Sergeant B to permit the telephone conversation to take place.
6. At about 8.25 pm the Respondent arrived at the Police Station. He told Detective Inspector H that he was a legal executive. In a telephone conversation on 6<sup>th</sup> April 2000 the Respondent told the officer that he had a PIN number. Subsequent inquiries revealed that the Respondent had at one time been named on the Register of Legal Executives but that his entry had been suspended on 25<sup>th</sup> October 1996. He had failed to obtain the appropriate qualification. Consequently he did not have a PIN number. The Respondent was not at any time an Accredited Police Station Representative nor was he a registered Probationary Representative.

### **The Submissions of the Applicant**

7. The Applicant's submission in relation to the case of RW was that the Respondent had misled the Police.
8. As stated above the parties had reached agreement in this matter subject to the leave of the Tribunal. Such agreement had however only been reached on the morning of the hearing and the Applicant had three witnesses present. The Applicant however recommended the agreement to the Tribunal as it would do justice between the parties and protect the public.
9. There was no express allegation of dishonesty against the Respondent.
10. Subject to the leave of the Tribunal the Order sought was by agreement between the parties to run from 1<sup>st</sup> December 2007 to give the Respondent time to seek approval from The Law Society for employment.
11. The Respondent had agreed to pay two thirds of the Applicant's costs to be assessed if not agreed and the Applicant sought an Order for costs in those terms from the Tribunal.

### **The Submissions on behalf of the Respondent**

12. Mr Olivades-Chandler of Counsel confirmed the position agreed between the parties as set out by Mr Williams. There had been much discussion between the parties prior to today's hearing to seek to resolve the matter without a hearing before the Tribunal. Unfortunately time had run out and it had not been possible to resolve the matter. No criticism was intended of the Applicant in that regard.
13. The Respondent accepted the facts in relation to RW.
14. While the matters before the Tribunal were serious they were clearly historical. The matter of RW had been some seven years ago. There had been no complaints since the matters set out in the Rule 4 Statement and the Respondent had worked continuously for solicitors' firms since that time in serious and high profile cases.

15. At the material time the Respondent had been in difficult personal circumstances and the Tribunal was referred to the serious illness and tragic death of his sister in 2000.
16. The Tribunal was asked to note that the conduct was not limited to the Respondent. The firm involved were reprimanded in respect of inadequate supervision. The Respondent did not however seek to minimise his actions.
17. The Respondent also wished the Tribunal to be aware that he had a number of qualifications including a degree in criminal justice and law.
18. There was no allegation of dishonesty.
19. The Respondent had agreed the Applicant's costs in the terms set out by Mr Williams.

### **The Submissions by the Respondent**

20. The Respondent apologised for his rash decision making at the material time. He had attended the police station on the instructions of his principal. The matter should have been handled more professionally and with hindsight the Respondent should have refused to attend the Police Station given his position at the time.
21. The Respondent was not seeking to minimise what had occurred indeed he was embarrassed by it. The matter had been hanging over his head for some seven years. He had been employed as a caseworker in the meantime. Since the events before the Tribunal he had sought to put his actions beyond scrutiny.
22. The Respondent understood that the Section 43 Order was not a punishment but was to protect the integrity of the legal profession. The Respondent gave the Tribunal details of his family connections with the legal profession. His own relationship with the profession went back to 1986. The Respondent had endeavoured to gain legal qualifications and had been a law graduate at the material time.
23. There had been no complaint against the Respondent since and he liked to think he had contributed to the criminal justice system.

### **The Findings of the Tribunal**

24. The parties had reached agreement as to the facts in relation to the matter of RW. The Tribunal consented to the other matters contained in the Rule 4 Statement being left to lie on file.
25. In relation to the matter of RW the Tribunal was satisfied on the basis of the facts before it that it was right to make the Order sought in the terms agreed between the parties. An Order under Section 43 of the Solicitors Act 1974 allowed The Law Society to exercise a degree of control in its unfettered discretion in respect of the Respondent's future employment in the Law. The agreed facts clearly demonstrated that this was a case where in the interests of the public The Law Society should be in a position to exercise some control over the employment of the Respondent.

26. As requested by the parties the Tribunal would order that the Section 43 Order take effect from 1<sup>st</sup> December 2007.
27. As agreed between the parties the Tribunal Ordered that the Respondent pay two thirds of the Applicant's costs to be subject to a detailed assessment unless agreed between the parties.

DATED this 30<sup>th</sup> day of November 2007  
on behalf of the Tribunal

A H Isaacs  
Chairman