

IN THE MATTER OF GHAZALA SARWAR,  
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 D J Leverton (in the chair)  
Mr P Haworth  
Mr D E Marlow

Date of Hearing: 9th December 2004

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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 Jonathan Richard Goodwin, solicitor advocate of 17e Telford Court, Dunkirk Lea, Chester Gates, Chester, CH1 6LT on 2nd August 2004 that an order be made by the Tribunal directing that as from the date specified in the Order no solicitor should except with the permission of 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 Ghazala Sarwar of Norfolk Road, Sheffield, a person who was or had been 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 had been guilty of conduct of such a nature that in the opinion of the Law Society it would be undesirable for her to be employed by a solicitor in connection with his or her practice as a solicitor, namely:-

The Respondent is an unadmitted person, who was employed by Pannone & Partners Solicitors between 4th February 2002 and 8th November 2002. The Respondent held herself out to be a solicitor to Pannone & Partners during the recruitment process. Furthermore, the Respondent accepted an offer of employment, as an assistant solicitor, and continued to hold

herself out as a solicitor to her former employers and/or clients during the course of her employment.

The evidence before the Tribunal included the papers served on the Respondent. The Applicant reported that he had spoken to the Respondent on the telephone. She had been both helpful and frank and said she wanted the matter to be dealt with. The Applicant had invited the Respondent to write to the Tribunal but no letter had been received.

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

The Tribunal orders that as from 9th day of December 2004 no solicitor shall, except in accordance with permission in writing granted by the Law Society for such a 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 Ghazala Sarwar of Norfolk Road, Sheffield, a person who is or was a clerk to a solicitor and the Tribunal further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,012.13 inclusive.

**The facts are set out in paragraphs 1 to 5 hereunder:-**

1. The Respondent's curriculum vitae said that she had obtained a 2.1 class degree when she had obtained a third class degree.
2. The Respondent commenced employment with Pannone & Partners on 4th February 2002. Pannone & Partners submitted their RF1 renewal application form for the practice year 2002/2003 to the Law Society. The form included details of the Respondent, who was described as an assistant solicitor, employed by the firm and seeking renewal of her Practising Certificate. The Law Society was unable to locate an admitted solicitor record for the Respondent. The Law Society's records staff recognised the Respondent's name which confirmed that she had completed the Law Society final examination but had not been admitted to the Roll of Solicitors.
3. The Law Society telephoned Pannone & Partners to request further details and clarification of the matter during which it became apparent that the Respondent was not admitted to the Roll.
4. Pannone & Partners reported that during her recruitment interview with three of the equity partners the Respondent confirmed that she was an admitted solicitor but that she required a Practising Certificate. The Respondent signed a contract of employment dated 4th February 2002, in which the job title was "Assistant Solicitor" and by letter of 11th December 2001 Pannone & Partners offered her employment as an assistant solicitor.
5. The staff record form completed by the Respondent identifies her status as "Assistant Solicitor". The Respondent was asked by her employers to provide them with a Roll number, which she subsequently provided. The Roll number provided by the Respondent proved to be false. Upon Pannone & Partners discovering that deception, they interviewed the Respondent and she admitted that she was not a solicitor but had represented herself as one due to naivety rather than dishonesty.

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

6. The Respondent had not told the truth. It was a serious matter for a person to hold him or herself out as a solicitor when that was not true. To do so indicates to a member of the public that he or she offers that member of the public the protection of regulation by the Law Society when such protection is not available. It was right that the Respondent's employment within the legal profession should be subject to the control of the Law Society.

### **The Submissions of the Respondent**

7. The Respondent made no submissions.

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

8. The Tribunal found the allegation to have been substantiated. The Respondent's behaviour had not been honest. It is a serious matter for an unqualified person to describe him or herself as a solicitor. In the circumstances of this case it was right that an Order pursuant to Section 43 of the Solicitors Act 1974 should be made in respect of the Respondent and that she should pay the costs of and incidental to the application and enquiry. The Tribunal considered that the figure for costs supplied by the Applicant was entirely reasonable and it ordered the Respondent to pay the Applicant's costs in a fixed sum.

Dated this 18th day of February 2005

On behalf of the Tribunal

D J Leverton  
Chairman