

IN THE MATTER OF ZULQUARNAIN SAEED, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr A G Gibson (in the chair)  
Mrs J Martineau  
Lady Maxwell-Hyslop

Date of Hearing: 16th January 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 Robert Simon Roscoe, solicitor and partner in the firm of Victor Lissack, Roscoe & Coleman, solicitors of 70 Marylebone Lane, London, W1U 2PQ on 26<sup>th</sup> June 2006 that Zulquarnain Saeed of Selly Oak, Birmingham, solicitor, 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 right.

The allegations were that the Respondent had been guilty of conduct unbecoming a solicitor in the following particulars namely:

- a) that he had failed to act in the best interest of his client(s);
- b) that he had failed to deliver to The Law Society an Accountant's Report in respect of his firm for the period ending 31<sup>st</sup> August 2005, contrary to Section 34 of the Solicitors Act 1974;
- c) that he failed to deal promptly and substantively with correspondence from the LawS Society.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Robert Simon Roscoe appeared as the Applicant and the Respondent did not appear and was not represented.

Application for an adjournment

By letter dated 15<sup>th</sup> January sent by fax and post to the Tribunal's office, the Respondent sought an adjournment. He said that he wrote to confirm that although he wished to be present at the hearing and act in person, he was unable to attend owing to a serious injury to his right knee. The Respondent requested that the hearing be adjourned to a later date. The Respondent included with his letter a doctor's statement prepared for social security and statutory sick pay purposes only in which the diagnosis of the Respondent's disorder causing his absence from work was "severe injury to knee joint". The Respondent should refrain from work for two weeks. The statement was dated 15<sup>th</sup> January 2007.

The Applicant resisted the application for an adjournment. The Applicant had been notified of the adjournment application only on the morning of the hearing. He prepared the following chronology.

September 2005	Respondent abandoned his practice
22.09.2005	The Law Society Intervention Order
24.11.2005)	
24.01.2006)	Letters written to the Respondent which did not attract a
09.02.2006)	reply
27.02.2006)	
4 <sup>th</sup> April 2006	The Law Society referred the Respondent to the Tribunal
8 <sup>th</sup> April 2005	Respondent adjudicated bankrupt
1 <sup>st</sup> June 2006	Applicant notified the Respondent that he had been instructed
26.06 2006	The statement pursuant to Rule 4 of the Solicitors' Disciplinary Proceedings 1994 was issued
05.07 2006	The Applicant sent a standard letter and Civil Evidence Act Notice to The Respondent
19 07.2006	The Respondent telephoned the Applicant to ask for more time
01.09.2006	The Tribunal's pre-listing day
29.09.2006	Date of hearing notified to the Respondent

18.12.2006

The Applicant notified the Respondent that he would be making an application for costs in a figure in the region of 2815.15

The Respondent had made an application for adjournment at the eleventh hour. When served with the proceedings the Tribunal's office sends a Respondent a copy of the Tribunal's rules of procedure for which current Practice Directions are annexed. The Practice Direction relating to adjournment makes it plain that if an adjournment is sought on the grounds of ill health the Tribunal requires evidence. It is made plain that a doctor's statement for social security and statutory sick pay purposes only is not regarded as adequate. In any event that statement indicates that the Respondent should refrain from work it does not indicate that he is not capable of attending a professional disciplinary hearing.

The Respondent has had long notice of the hearing date and could, in the Tribunal's view, have made efforts to attend or send a representative.

The Tribunal refused the adjournment sought and required the matter to proceed to the substantive hearing.

#### The substantive hearing

The evidence before the Tribunal included the fact that Civil Evidence Act Notices had been served on the Respondent and no counternotices had been received.

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

The Tribunal Orders that the Respondent, Zulquarnain Saeed of Selly Oak, Birmingham, solicitor, be Struck Off the Roll of Solicitors and it further Orders that he do pay 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 3 hereunder:**

1. The Respondent, born in 1960, was admitted as a solicitor in 1996. At the material time he practised on his own account under the style of Saeed Solicitors ("the firm") from two different addresses at Small Heath, Birmingham.
2. On 9<sup>th</sup> September 2005 The Law Society received intelligence to suggest that the Respondent had abandoned his practice at 96-98 Golden Hillock Road, Small Heath. The Law Society's Investigation Office ("the IO") had previously visited the firm in November 2004 at the previous address in Small Heath and subsequently in June 2005 at a time when the firm was in the process of moving offices.
3. On 16<sup>th</sup> September 2005 the IO attended the Respondent's current and former office premises but found them shut and was unable to gain access. He was not able to contact the firm or the Respondent by telephone. The IO formed the view that the Respondent appeared to have abandoned his practice.

4. Following an Intervention Order made on 22<sup>nd</sup> September 2005, on 29<sup>th</sup> September 2006 The Law Society's Intervention Agent attended both the current and former premises of the firm. The Intervention Agent met with the landlord at the premises. The door to the Respondent's office was locked. The landlord indicated that the building was to be demolished. Eventually, with the assistance of a locksmith, the intervention agent recovered 1,533 files and estimated that about 20 of them were current or recently concluded. Some financial documents had been recovered but they were not sufficient to ascertain the precise financial position of the Respondent's firm. A comparison of client account balances with balances shown on client account bank statements led to the identification of a shortfall of client funds of £277.77.

### **The submissions of the Applicant**

5. The Respondent had abandoned his practice and had not therefore acted in the best interests of his clients. It appeared that a number of files recovered by the intervention agent related to current matters.
6. The Respondent had not delivered an Accountant's Report to The Law Society as was required. The financial records which the intervention agent was able to recover were not adequate and did as far as it was possible to ascertain indicate a modest shortfall of client funds. The Applicant made no particular point about that shortfall and did not make any allegation that the Respondent had been dishonest.
7. The Law Society had been hampered in dealing with matters by the Respondent's failure to respond to letters which it had addressed to him.
8. The Applicant did not suggest that any clients of the Respondent's firm had been inconvenienced. It did not appear that the Respondent had left behind any significant unfulfilled obligations.

### **The submissions of the Respondent**

9. The Respondent made no submissions.

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

10. The Tribunal found the allegations to have been substantiated.

### **The Tribunal's decision and its reasons**

11. The Respondent had taken no steps to explain what had gone wrong. He appeared to have abandoned his practice and to have abandoned the obligations imposed upon him as a member of the solicitor's profession. The Tribunal concluded that the Respondent had behaved in an irresponsible fashion. It recognised that it had no information about the Respondent's circumstances. The Respondent not only acted in a way that avoided his professional obligations but the treatment of his clients where he left a number of files in a building that was to be demolished was serious. Even if the files left behind did not relate to current matters, a solicitor does have a duty to preserve files for the period of time recommend by The Law Society.

12. In all the particular circumstances of this case The Tribunal has concluded that the Respondent is not fit to continue to be a solicitor. The Tribunal Ordered that the Respondent be struck off the Roll of Solicitors and that he do pay the costs of and incidental to the application and enquiry.

DATED this 1st day of March 2007  
on behalf of the Tribunal

A G Gibson  
Chairman