

IN THE MATTER OF RASOOL KHAN, solicitor's clerk
A person (not being a solicitor) employed or remunerated by a solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A H B Holmes (in the chair)
Mrs J Martineau
Mr D E Marlow

Date of Hearing: 26th June 2007

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Andrew Miller, solicitor employed by The Law Society at Victoria Court, 8 Dormer Place, Leamington Spa, CV32 5AE on 11th October 2006 that an Order be made that as from a date to be specified in such Order no solicitor, Registered European Lawyer or incorporated solicitor's practice 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 employ or remunerate in connection with the practice of a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice Rasool Khan of Inter Community, Ultra Legal Services, South Ilford Community Centre, Eton Road, Ilford, Essex, IG1 2UE a person who was or had been employed or remunerated by a solicitor in connection with his practice but was not himself a solicitor.

The allegation was that the Respondent, being a person who was or had been employed or remunerated in connection with his practice but not being himself a solicitor had in the opinion of The Law Society occasioned or been a party to, with or without the connivance of the solicitor by whom he was or had been employed or remunerated, an act or default in relation to that solicitor's practice which involved the conduct on his part of such a nature that in the opinion of The Law Society would be undesirable for him to be employed or remunerated by a solicitor in connection with his practice.

It was specifically alleged against the Respondent that he:

1. When challenged as to his own professional status, untruthfully represented that he was a qualified solicitor and had been so qualified for 20 years;
2. Falsely represented to an Immigration Adjudicator and a Home Office representative that he was a person qualified to provide immigration services under Section 84 of the Immigration and Asylum Act 1999;
3. Appeared as an advocate at a hearing before an Immigration Adjudicator when he was not a person authorised to provide such services;
4. Completed a certificate in which he falsely declared that he was not prohibited from providing immigration advice and services under Section 84 of the Immigration and Asylum Act 1999 and that he had achieved registrations with or exemptions from the Office of the Immigration Services Commissioner.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 26th June 2007 when George Marriott of Gorvins Solicitors of 4 Davy Avenue, Knowlhill, Milton Keynes, MK5 8NL appeared as the Applicant, explaining to the Tribunal that Mr Miller had sadly died. The Respondent did not appear and was not represented.

The evidence before the Tribunal included evidence as to due service of the proceedings and other documents served upon the Respondent and the oral evidence of Ahmar Hussain and Michael Andrew Grennan.

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

The Tribunal Orders that as from 26th day of June 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 Rasool Khan of Inter Community, Ultra Legal Services, South Ilford Community Centre, Eton Road, Ilford, Essex, IG12UE 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 £2,250.00 inclusive.

The facts are set out in paragraphs 1 - 4 hereunder:

1. The Respondent Rasool Khan (also known as Dr Y Rasool) was not a solicitor.
2. Section 84(1) of the Immigration and Asylum Act 1999 provided, "No person may provide immigration advice or immigration services unless he is a qualified person". A solicitor is such a qualified person.
3. On 15th February 2005 a complaint was made to The Law Society that at a hearing of an immigration matter earlier that day the Respondent had held himself out as a

solicitor. He had completed, for the purposes of the hearing, a certificate stating that he was exempted by the Office of Immigration Services Commissioner ("OISC") or registered with OISC level 3, or was a person training at level 3 supervised according to the OISC Code of Standards, or for the purposes of bail hearings was registered at level 2 or was training at level 2 supervised according to the OISC Code of Standards. The Respondent was not registered with or exempted by OISC at all.

4. Messrs Aamir Zane were the solicitors who had instructed the Respondent to appear as their agent. They had been let down at the eleventh hour by solicitor agents or counsel and had needed to find an advocate at short notice. The Respondent had been recommended to them and they instructed him in good faith. He provided his credentials. They had attempted to make checks with OISC but had not been able to do so as it was late in the day. They accepted what the Respondent had told them as he had provided a list of cases before the Asylum and Immigration Tribunal which he had handled. The problems came to light only after the hearing when the Home Office had cause to question the Respondent's competence and his right to appear as an advocate at the Tribunal.

The Submissions of the Applicant

5. In view of the false representations as to his qualification it was right that the future employment of the Respondent within the legal profession should be controlled.

The Findings of the Tribunal

6. The Tribunal found the allegation to have been substantiated. It was clear that the Respondent had misrepresented his level of competence and his qualifications both to the solicitors instructing him and to the Asylum and Immigration Tribunal. That was serious misconduct and it was right that the future employment of the Respondent within the solicitors' profession and other legal practices should be controlled. It was right that the Respondent should pay the costs of and incidental to the application and enquiry. The Tribunal made the Order sought and accepted that the Applicant's costs which he placed at £2,250 inclusive were entirely reasonable and they Ordered the Respondent to pay the Applicant's costs fixed in the sum of £2,250.

Dated this 12th day of October 2007

A H B Holmes
Chairman