

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

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr L N Gilford (in the chair)
Mrs K Todner
Lady Bonham Carter

Date of Hearing: 7th July 2009

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Peter Harland Cadman a partner in the firm of Russell-Cooke LLP, 8 Bedford Row, London WC1R 4BX on 18th April 2008 that an Order under Section 43 of the Solicitors Act 1974 (as amended) should be made by the Tribunal directing that as from a date to be specified in such Order, no solicitor, recognised body or Registered European Lawyer should employ or remunerate Shahriyar Mazaheri who was employed or remunerated by Lloyd & Associates, 48 Onslow Gardens, London SW7 3PY, Rahman & Co, 33 West Green Road, London N15 5BY and Alliance Solicitors, 80 Willesden Lane, London NW6 7TA except in accordance with permission in writing granted by The Law Society or that such other Order might be made as the Tribunal should think right. A supplementary statement pursuant to Rule 7 of the Solicitors (Disciplinary Proceedings) Rules 2007 was made on 9th January 2009.

1. The allegations in the original statement were that Shahriyar Mazaheri (the Respondent) had been employed or remunerated by solicitors but not himself being a solicitor had been a party to acts or defaults in relation to a solicitor's practice which had involved the conduct on his part such that it would be undesirable for him to be employed or remunerated by a solicitor in connection with that practice and in particular:

- (a) That he had created expert's reports for use in immigration matters.
 - (b) That he had lodged those reports with Immigration Tribunals purporting that they were genuine reports.
 - (c) That he had produced a misleading explanation to the Solicitors Regulation Authority supported by misleading documents.
2. The allegation in the supplementary statement was that the Respondent 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 7th July 2009 when Peter Cadman appeared as the Applicant and the Respondent appeared in person.

The Applicant explained that he had been instructed to proceed on the basis of the supplementary statement only and to seek the Tribunal's leave for the other three allegations to remain on the file.

The evidence before the Tribunal included a Certificate of Conviction dated 11th December 2008 and transcripts of proceedings at Wood Green Crown Court on 18th April 2008 when the Respondent had pleaded guilty and on 9th May 2008 when he had been sentenced.

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

The Tribunal Orders that as from 7th day of July 2009 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 Shahriyar Mazaheri a person who is or was a clerk to a solicitor and the Tribunal further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,000.

The facts are set out in paragraphs 1-3 hereunder

1. At all material times the Respondent had been a clerk employed by the firm Alliance Solicitors, 80 Willesden Lane, London NW6 7TA. He had been employed by the firm from February 2007 and dismissed by that firm on 8th October 2007.
2. The Respondent had appeared at Wood Green Crown Court on 18th April 2008 and upon his own confession had been convicted upon indictment of being an unqualified person acting as a solicitor.
3. The Respondent had been sentenced to a community sentence carrying out 150 hours unpaid work on or before 9th May 2009.

The Submissions of the Applicant

4. Mr Cadman referred to the Certificate of Conviction dated 11th December 2008. He outlined the circumstances to the Tribunal and referred to the transcripts before them. He explained that in the circumstances the Respondent consented to the making of the Order on the basis of the allegation in the supplementary statement only. He asked for the other three allegations to remain on the file.
5. In response to a question from the Tribunal, Mr Cadman explained that The Law Society wished allegations (a) (b) and (c) to remain on the file so that in the unlikely event of the conviction being overturned, The Law Society could seek the Tribunal's leave to take the outstanding applications forward. In the absence of such an event, Mr Cadman did not believe that the Tribunal would be likely to grant leave. However, if the Respondent subsequently applied to be admitted to the Roll of Solicitors, The Law Society would take all relevant matters into account including the existence of three unproved allegations.

The Submissions of the Respondent

6. The Respondent confirmed that he consented to the making of the Section 43 Order. He said that he would apply to The Law Society for permission to work as a Clerk. The Respondent explained that he had admitted his guilt in the Crown Court but that he had not known that he should not have appeared as he had before the Magistrates.

The Decision of the Tribunal

7. Given the Certificate of Conviction and noting the consent of the Respondent, the Tribunal made the Section 43 Order on the basis of the allegation in the supplementary statement and Ordered allegations (a) (b) and (c) to remain on the file.

Representations as to Costs

8. Mr Cadman handed a summary assessment of costs to the Tribunal. The total was £14,905.22. However Mr Cadman explained that the majority of the work had involved allegations (a) (b) and (c) and only about one sixth of the costs related to allegation in the supplementary statement, approximately some £2,500. He explained that the matter had been prepared on the basis that it was to be fully contested before the Tribunal.
9. The Respondent made submissions as to the amounts of time claimed.
10. Having considered the representations the Tribunal determined that it would be proportionate to summarily assess the costs at £2,000. The Tribunal explained to the Respondent that a formal assessment of the costs would involve additional expense rather than any benefit for him.

Dated this day of 2009
On behalf of the Tribunal

Mr. L. N. Gilford
Chairman