

IN THE MATTER OF [] , solicitor
and ANIS LUQMANI, solicitor's clerk

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. A G Gibson
Mr. J N Barnecutt
Mrs C Pickering

Date of Hearing: 13th May 2003

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of the Office for the Supervision of Solicitors (the “OSS”) by Roger Field solicitor and consultant with the firm of Messrs Higgs & Sons of Inhedge House, 31 Wolverhampton Street, Dudley, West Midlands, DY1 1EY on the 9th September 2002 that [] solicitor of Messrs Luqmani Thompson & Partners at 77-79 High Road, Wood Green, London, N22 6BB 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.

On the 9th September 2002 Roger Field applied on behalf of The Law Society that an order be made by the Tribunal directing that as from the date to be specified in such order no solicitor should except in accordance with permission in writing granted by The Law Society for such a period and subject to such conditions as the Society might think fit to specify in the permission employ or remunerate in connection with the practice as a solicitor Anis Luqmani a person who was or had been a clerk to a solicitor or that other such order might be made as the Tribunal should think right.

At the opening of the hearing the Applicant indicated that he proposed not to pursue part of his original allegations. The Tribunal has accordingly set out below the allegations made

against both Respondents in the amended form to which the Respondents agreed and the Tribunal consented.

The allegations against [] (the First Respondent) were that he had been guilty of conduct unbefitting a solicitor in the following circumstances namely:-

1. That he has acted towards his wife, The Law Society, the profession and the public in a way which was contrary to his position as a solicitor by allowing his wife to be held out as a partner in a firm of solicitors without her knowledge or her consent.
2. By virtue of his act he compromised or impaired or was likely to compromise or impair:-
 - (a) his independence or integrity,
 - (b) his good repute or that of the solicitors profession (Solicitors Practice Rules 1991).

The allegations made against Anis Luqmani (the Second Respondent) were that he had been actively involved in the formation and/or the running of a sham partnership which allowed Mr Ahmad to practise as a registered foreign lawyer without compliance with Solicitors Practice Rule 13 and/or to obtain panel status in circumstances when he would not or might not otherwise be entitled.

The hearing of the two applications took place at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on the 13th May 2003 when Roger Field appeared as the Applicant, Mr Nichol of Queen's Counsel appeared for the First Respondent and Mr C E Moll of Queen's Counsel appeared for the Second Respondent.

The evidence before the Tribunal included the admissions of both Respondents in both cases on the basis that neither had been guilty of dishonesty. The First Respondent's statement was handed up at the hearing (the Second Respondent's statement had been handed in immediately prior to the hearing).

At the conclusion of the hearing the Tribunal ordered that the Respondent, solicitor be suspended from practice as a solicitor for the period of three months to commence on the 1st day of June 2003 and they further ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £2,626.00.

At the conclusion of the hearing the Tribunal ordered that as from the 1st day of August, 2003 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 might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor Anis Luqmani, a person who was or had been a clerk to a solicitor and the Tribunal further ordered him to pay the costs of and incidental to the application and enquiry fixed in the sum of £2,626.00.

The facts are set out in paragraphs 1 to 35 hereunder:-

1. The First Respondent, born in 1964, was admitted as a solicitor in 1988 and his name remained on the Roll of Solicitors. At the material times he carried on practice in

partnership with his wife, Ms Thompson, a solicitor under the style of Luqmani Thompson & Partners at Wood Green, London, N22. The practice had been set up in December 1998. The First Respondent and Ms Thompson had undergone a Muslim marriage ceremony some years before a civil marriage ceremony in July of 2000. They had two children.

2. The Second Respondent, who was not a solicitor, was the elder brother of the First Respondent and had been employed by SAS in connection with their practice as solicitors from June 2000 until December 2000. He had been the office manager and had undertaken conveyancing duties.
3. In or about June 2000 a firm of solicitors SAS Solicitors (“SAS”) was set up. Instrumental in the setting up were Mr I Ahmed (“Mr Ahmad”), a Registered Foreign Lawyer, and the Second Respondent who was the office manager of SAS and performed some conveyancing duties. The persons held out as partners in SAS were:-
 - Mr Ahmad
 - Mrs E Dubash (solicitor)
 - Ms Thompson (solicitor)
4. The OSS carried out an investigation into conduct issues relating to the partners in SAS.
5. Mr Ahmad realised that, as a Registered Foreign Lawyer, he needed to appoint a solicitor of more than three years’ admission to enable him to practise as a Registered Foreign Lawyer, and so that he could obtain panel status with lending institutions and in order to comply with the Practice Rule 13 supervision requirements. Ms Thompson’s name appeared on the firm’s letterhead but she played no active role in the practice of SAS.
6. The Second Respondent had been actively involved in the running of SAS. He was the office manager. Mr Ahmad allowed the Respondent to organise the procurement of a solicitor of more than three years’ admission ostensibly to comply with Rule 13 and to provide comfort to lending institutions that the firm was one of some substance.
7. It had been suggested that the Second Respondent had allowed or was otherwise a party to allowing Ms Thompson to be held out as a partner in SAS without her consent, although the Second Respondent said he believed Ms Thompson had given her consent through her husband, the First Respondent.
8. The Second Respondent had signed a cheque payable to Miss S Luqmani on which he was described as “a partner” in SAS. The Second Respondent accepted that he did sign the cheque, but he contended that the word “partner” had erroneously been printed thereon by the bank. All cheques required two signatures, that of the office manager and that of a partner. In that way the Second Respondent was a signatory to cheques, but not in the capacity of a partner. Every cheque required the signature of a partner.

9. The Second Respondent's name was listed on SAS's letter heading which did give, or might have given, the impression that SAS was a five partner firm and that he was a solicitor, a breach of paragraph 7 of the Solicitors' Publicity Code 1990. The Second Respondent pointed out that Mr Ahmad had been responsible for the format of the SAS solicitors' letterhead. As an unadmitted clerk, the Second Respondent could not have been responsible for any breach of the Rules. Mr Ahmad had himself been the subject of disciplinary proceedings and had accepted that responsibility.
10. On 20th June 2002 the Adjudication Panel of the OSS resolved that an application be made to the Solicitors Disciplinary Tribunal for an order under Section 43(1)(b) of the Solicitors Act 1974 (as amended) in respect of the Second Respondent on the grounds that he, having been employed or remunerated by a solicitor in connection with his practice 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 solicitor by whom he was employed or remunerated, an act or default in relation to that solicitor's practice 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 a solicitor in connection with his practice.
11. Ms Thompson had previously been found by the Tribunal to have been guilty of failure to take adequate steps to ensure that her name was not held out as a partner in a sham partnership. She was fined £5,000 and ordered to pay one third of the costs of the application and inquiry. Her share amounted to £4,153.60. She had paid both the fine and the costs in full.
12. The First Respondent's position was that he had been unwise and acted below the standard which the profession would expect of him. He did not knowingly seek to mislead anyone.
13. Over a 7-10 day period in April 2000 the Second Respondent telephoned the First Respondent on a number of occasions. The Second Respondent and others were planning to set up a firm of solicitors called SAS. The Second Respondent did not say what his proposed role in SAS was.
14. The Second Respondent asked the First Respondent if he would be prepared to head up the immigration department. He did not go into details. The First Respondent presumed that he was being invited to form some sort of association with SAS so that it could set up an immigration department taking advantage of his known skills and reputation, enabling SAS to be awarded a Legal Aid Franchise for immigration work. The First Respondent was not attracted to that proposal and said so immediately. The First Respondent considered that the pressure of his involvement in two firms would be too great. The First Respondent also declined to invest money in the new firm.
15. In a subsequent telephone call from the First Respondent, the Second Respondent asked him to lend his name as a partner of SAS. He explained that in order for SAS to be admitted onto conveyancing bank/building society panels it needed a minimum number of three partners. SAS had a short-term problem. There were two solicitors who had already agreed to go into partnership and in addition there was a trainee solicitor who was due to qualify in July. The trainee had agreed to join SAS upon

qualification and would become the third permanent partner. The intention to set up an immigration department had been dropped. SAS was to undertake conveyancing.

16. The First Respondent discussed the matter with Ms Thompson. She suggested that the First Respondent should identify what the real motive was. If SAS tried to trade on the shared surname and the First Respondent's reputation then he should have no involvement. When the Second Respondent telephoned again, the First Respondent suggested to him that Ms Thompson's name could be used, as a way of testing the real motive. The Second Respondent said that would make no difference and suggested that perhaps both names should be used. His response largely alleviated the First Respondent's concerns.
17. The First Respondent had at some stage asked whether it was possible for his or his wife's name to be used as consultant to the firm rather than partner.
18. In the event, the First Respondent felt that Ms Thompson's name should be used because there would be no inadvertent confusion with clients of Luqmani Thompson thinking that the First Respondent was working elsewhere or potential clients of SAS being attracted to that firm because of his reputation.
19. The First Respondent had come to recognise that he had been motivated by blind loyalty to his brother. He foolishly and wrongly without even considering the wider issues arising out of his conduct consented to what the Second Respondent had asked. He told the Second Respondent that in principle he could use Ms Thompson's name. He did this without discussing it with Ms Thompson or seeking her consent.
20. In what the First Respondent then believed was a prudent attempt to protect Ms Thompson's position he prepared a document which he anticipated would be a form of indemnity for her from the other partners of SAS. On her behalf he wanted the comfort of this agreement signed by the partners of SAS because neither of them knew these people. The First Respondent prepared this document on his computer at his office without any precedents and without taking any legal advice. He had come to accept that he was naïve not to have sought the advice of professionals and to have thought that this document would offer Ms Thompson protection against financial liability. What he wanted to achieve by this document was both to minimise any obligation upon Ms Thompson to have any involvement with the running of SAS whilst at the same time to be kept informed as to what was going on there. Accordingly he also imposed a strict limitation period in relation to how long her name could be used. He also imposed other conditions, namely that the correspondence addressed to Ms Thompson would be sent on, and letters addressed to the partners would be passed on to her.
21. The First Respondent sent the draft agreement to the Second Respondent under cover of a letter dated 25th May 2000. He received a phone call from the Second Respondent a few days later acknowledging receipt. He said that he saw no problem with it other than the fact that the proposed agreement referred to the firm joining six panels and he wanted to increase that figure. The First Respondent agreed to this change in the agreement.

22. The First Respondent thought that the agreement would be sent back signed or that there might have been some other negotiation. That did not occur. As time went on and as nothing more was heard about this from the Second Respondent, the First Respondent assumed from July onwards that the trainee had qualified and had become the third SAS partner as had been contemplated. That was reinforced by an invitation received from SAS to attend their opening party which took place in mid July. The Second Respondent had not been aware that the firm had commenced trading on 12th June until the meeting with the Monitoring and Investigation Officer on 17th October 2000. Whilst at the party the First Respondent was introduced by his brother to Mr Ahmad, Mr Javaid and Mrs Dubash and they briefly exchanged pleasantries. It was not an opportune moment for the First Respondent to question them about the constitution of SAS and obtain a confirmation that Ms Thompson's involvement had terminated. Mrs Thompson did not attend the party.
23. At some stage during the ensuing weeks, the Second Respondent informed the First Respondent that the trainee had failed his final exams and needed to re-sit. He said that this would occur shortly. Ms Thompson would continue her association with SAS until the trainee qualified.
24. Towards the end of August the Second Respondent had requested Ms Thompson's date of birth to support an application for a Legal Aid Franchise. He had approached Ms Thompson direct.
25. The First Respondent had told his brother that SAS would not be applying for a franchise. The arrangement was supposed to be over by then. He had not ensured that Ms Thompson was described as a "salaried partner". The First Respondent's thinking at the time was dominated by a single issue, ensuring that Ms Thompson was only referred to on the SAS notepaper as a salaried partner, as he at the time assumed (wrongly) that her risk of any financial liability arising out of her being held out as a partner of SAS would be eliminated if she were only held out as a salaried partner.
26. A letter to this effect was never sent by the First Respondent because a few days later he received a letter from the Second Respondent dated 25th August enclosing the signed indemnity. The letter was on SAS headed paper, which showed Ms Thompson as a salaried partner. This together with the signed agreement alleviated the First Respondent's concerns. He did not look at the other names on the paper.
27. Also enclosed with the letter were two cheques of £100 payable to each of the First Respondent's and Ms Thompson's children, [] and []. The First Respondent had no desire to accept any money from SAS. When the cheques arrived the son's cheque was paid into his Post Office savings account. The daughter's Post Office savings book could not be found. Her cheque was not paid in.
28. The Second Respondent had considerable experience of working in the legal profession but had not done so for the seven years prior to July 1999 when he commenced work for a solicitors firm, Mahmood & Southcombe.
29. At that firm the Second Respondent met Mr Ahmad and Mrs Dubash. In January 2000, Mr Mahmood sold his practice to a solicitor called Dixit Shah – he was not a popular figure in the office and Mr Ahmad and Mrs Dubash, Mr Southcombe and

another solicitor set up their own practice. The Respondent was invited to join them as the office manager.

30. Mr Southcombe was not acceptable to the bank as he had some County Court judgments registered against him. One solicitor was offered a better deal by Mr Shah and dropped out of the venture. That left only Mr Ahmad and Mrs Dubash and it was felt that a further solicitor's name on the firm's letterhead might assist in filling the supervision gap in the case of any emergency and in obtaining panel lending status. The Second Respondent wished to develop a close business relationship with his brother's firm, Luqmani Thompson, with a view to a possible merger in the future.
31. Mr Ahmad had asked the Second Respondent to ask the First Respondent if he might be interested in becoming involved with the firm.
32. When the First Respondent said that he was not interested in being a partner, nor investing money, the Second Respondent suggested that he could lend his name to the firm for a short period as two persons in the office were sitting their final exams in October 2000 and would be fully qualified from then onwards.
33. The Second Respondent understood his brother subsequently to say that he had discussed the matter with Ms Thompson and that in order to avoid confusion as they both had the same surname, it would be better if Ms Thompson's name was used. Mr Ahmad, Mrs Dubash and the Second Respondent all agreed.
34. The Second Respondent believed that Ms Thompson had no objection.
35. The Second Respondent had tried to organise a meeting between Ms Thompson, Mr Ahmad and Mrs Dubash, but Ms Thompson never appeared to be available owing to child care issues. She had been invited to the office opening party on Friday 14th July 2000. She could not attend but had signed and sent a "Well Done" card.

The Submissions of the Applicant

36. The First Respondent had accepted throughout that he had acted in an unprofessional way in allowing his wife to be exposed in the way that she was. The First Respondent had accepted that he had acted in a foolish way. He had been foolish but not dishonest. The First Respondent had come to accept that he ought to have obtained his wife's explicit approval to the use of her name and the fact that she was held out as a partner in another firm. It could be said that it had been insane of the First Respondent not to ensure that his wife knew of her position. Being placed in that position fixed her with attendant liabilities and responsibilities.
37. The Applicant had accepted that the First Respondent had not acted dishonestly. He did not consider that the case would meet the definition of dishonesty in the case *Twinsectra v. Yardley*. He had borne in mind the earlier findings of the Tribunal when Ms Thompson, Mr Ahmad and Mrs Dubash had appeared before the Tribunal to answer disciplinary allegations. The Applicant had also taken into account that what had happened had happened in the area of close family relationships. The Applicant put the case against the First Respondent as one that was very sad but also was serious.

38. The Applicant sought an order pursuant to Section 43 of the Solicitors Act 1974 against the Second Respondent. The purpose of such an order was to enable The Law Society to exercise control over the employment within the solicitors profession of an unadmitted clerk. The order did not seek to prohibit a clerk from any employment within the profession at all.
39. The Applicant had approached the matter on the basis that the Second Respondent had been dishonest and or deceitful. After receiving explanations his approach was different but he still put the matter on a strong and serious basis. The Second Respondent had indeed conceded that it was appropriate that the order sought be made against him.
40. The Second Respondent had at the material time had a significant experience in a large solicitors' firm. He had been employed as an office manager and conveyancer in the new firm of SAS.
41. Mr Ahmad had been the leading light in that new firm but he had been a registered foreign lawyer at the material time and had not been a qualified solicitor. The firm had been run without compliance with Practice Rule 13. The Applicant accepted that the partnership existing between Mr Ahmad and Mrs Dubash was not a sham. The apparent partnership between those two people and Ms Thompson was a sham. It was accepted that the Second Respondent was not a solicitor and was not a party to the sham partnership.
42. The way the letterhead of SAS had been set out indicated that the Second Respondent was a solicitor. He was in reality an unadmitted manager and the fact that the word "management" appeared next to his name on the letterhead did not save it from being in breach of the Solicitors' Publicity Code. It did not demonstrate that the Second Respondent was not a partner and in seeking to recruit a "partner" the Second Respondent went far beyond his proper responsibilities as a solicitors' office manager.
43. The explanations offered by the First and Second Respondents were disparate.

The Submissions of the First Respondent

44. The First Respondent accepted that he was foolish and wrong to take even the step of suggesting the use of Ms Thompson's name without expressly seeking her consent and approval. At the time the First Respondent did think that her proposal that he should test whether her name was acceptable did implicitly carry with it her consent to what he did. Looking back on it, he considered that he was readier to assume that her express consent was unnecessary because of the particular strains under which they were working at the time. Their own practice (Luqmani Thompson) was still in its early days. They had two children under five. The oldest child was having difficulties settling into school. The Second Respondent's aged parents had health concerns.
45. The First Respondent had formulated no intention of deceiving anyone. He had not given the matter the thought which it clearly merited. This was largely because he did not wish to challenge his elder brother. He did not think that his brother would take

any step to deceive him either deliberately or inadvertently. It would certainly have been awkward to confront his brother since that would have been an accusation of mistrust on the First Respondent's part. The First Respondent had grown up with his brother telling him that he knew best. The Second Respondent had been involved in legal practice for more than 25 years. At that stage, the First Respondent did not think to question his older brother's judgment or his actions as clearly as he should have done. The Second Respondent was considerably older than the First Respondent and had been a father figure and adviser to the Respondent. That had been a significant aspect of the attitude adopted by the First Respondent.

46. At the time it felt to the First Respondent and Ms Thompson as though they did not have control over the situation, largely because they were not given any information about what was being done, to whom it had been represented that Ms Thompson was a partner and to what, if any, use her name was being put.
47. One option would have been for the First Respondent to confront his brother and demand answers from him. He had come to realise that that was what he should have done. He did not relish this prospect. He had looked on his elder brother as others would look upon a father. Such a confrontation would have been difficult for the First Respondent. He should have taken steps but in the particular situation he simply had no idea what he was supposed to do. He found himself out of his depth and had no idea what was happening. The First Respondent had been used to deferring to his older brother on many things for most of his life. Had it not been for their relationship he would never have been so trusting. This was not simply an older brother, but someone whom the First Respondent had spent much of his life looking up to, the person who had encouraged him to study law, the person to whom he felt he could turn and from whom he could seek counsel, the person who had championed the First Respondent's idea of setting up a law firm.
48. The First Respondent co-operated entirely with the investigation process and indeed sought to give a statement as to his conduct even before one was requested. He had never sought to deny responsibility for his actions or conduct either before the investigation or at any stage thereafter.
49. The First Respondent had continued to serve his clients to the best of his ability notwithstanding the pressures on his marriage, his partnership and his firm in what had been for him personally the darkest days of his life.
50. He had continued to serve his profession through his work for The Law Society, including most recently being one of the panel speakers selected by The Law Society to speak on ethics in immigration and his work on The Law Society Immigration Law Panel, as well as his work for the Legal Services Commission and his work for the OISC. He believed that his work as a school governor enhanced the standing of the solicitor's profession.
51. The Respondent had learnt the hard way why what he did was wrong. He could not envisage a scenario in which those events or anything like them could ever be repeated, or any circumstances in which he could unwittingly become implicated in any such arrangement. Both Ms Thompson and the First Respondent had been on

professional training courses designed to bring home the responsibilities of partners for themselves as well as each other.

52. The relationship between the First and Second Respondent had been immeasurably damaged as had the relationships within the wider family. The First Respondent had avoided his brother's company and had avoided any social gathering of his family. That was a source of acute pain for the First Respondent and the consequences for their parents, siblings and the wider circle of family relationships had also been severe.
53. The Tribunal was invited to have due regard to the exceptional written references offered in the First Respondent's support.

The Submissions of the Second Respondent

54. The Second Respondent had not been instrumental in setting up a sham partnership. His understanding always was that Ms Thompson knew the exact nature of her relationship with SAS Solicitors. The Second Respondent was not qualified and was not an expert in the intricacies of partnership law.
55. The Second Respondent accepted that he signed an office account cheque but the description of him as "partner" was an error on the part of the bank. The client account cheque book did not have the word "partner" on it at all. The Second Respondent accepted that he should have deleted the reference to "partner" – but had taken the view that the new cheque book would be correct when the current cheque book had been used up.
56. There had been no breach of the Solicitors Accounts Rules.
57. Mr Ahmad had been responsible for the layout of the office stationery.

The Findings of the Tribunal

58. The Tribunal found each of the allegations against each of the Respondents to have been substantiated. The Tribunal find this to be both a sad and serious case.
59. The Tribunal has concluded that each of the Respondents, who are brothers, allowed the natural loyalty which they felt for each other, and the very proper expectation that each would assist the other whenever he could, to cloud their respective judgments so that they treated important professional matters as if they were personal and family matters.
60. The First Respondent as a solicitor and the Second Respondent having a wide experience of working in solicitors' practices should have been fully aware of the importance to members of the public that those individuals who they instruct are qualified members of the solicitors' profession and are accurately described as partners in a firm who have accepted liability for work undertaken by that firm.
61. To allow a solicitor's name to appear on the firm's letterhead in order to give that firm an apparent substance and respectability to which it is not entitled serves seriously to

undermine the confidence that members of the public can properly repose in members of the solicitors' profession and the firms of solicitors that they instruct. Further the Tribunal deprecates the fact that by employing this tactic the firm of SAS was made to appear to mortgage lenders to be a more substantial firm than in fact it was and thereby obtain financial advantage.

62. The Second Respondent acted in a manner which must have exceeded any authority given to him by the actual partners in the firm of SAS. There could have been no objection to the partners in that firm having discussions and conducting negotiations with the First Respondent and his partner. That is not a subject which an unqualified manager should ever be in a position to pursue save perhaps the making of introductions.
63. The Tribunal accepts that the Second Respondent had not intended that he should be held out as a partner in the firm and where that appeared to have been the case, the Tribunal accept his evidence that he was not responsible for it. There could be no doubt, however, that his own contribution to the matter before the Tribunal had been instrumental in the necessity for bringing both Respondents before the Tribunal to answer professional and disciplinary allegations.
64. The Tribunal has given the First Respondent credit for his good character. The written testimonials placed before the Tribunal in his support were exceptional. The First Respondent clearly was a successful, competent and highly regarded solicitor in the field of immigration law. The Tribunal accepts that at the material time he had been subject to pressures of work and family pressures and as the Tribunal has already said it is the view of the Tribunal that the First Respondent allowed the close and trusting relationship which he had with his older brother to cloud his judgment.
65. It is hard to believe that a qualified and successful solicitor should contemplate simply agreeing that a solicitor's name be added to the letterhead of another firm of solicitors without giving the matter deep and serious thought and discussing the proposal at very great length with the solicitor concerned.
66. The First Respondent has been given credit for the fact that he has readily accepted that he had been wrong and stupid and the Tribunal accepts his assurances that such an event would never again happen.
67. The Tribunal notes with regret the unfortunate ramifications within the Respondents' wider family and the upset that has been caused by this matter.
68. The Tribunal notes that when Ms Thompson appeared before the Tribunal the Tribunal considered that her responsibility lay in the fact that when she discovered that her name had been used on the letterhead of the firm of SAS she did not take immediate and firm steps to ensure that it was removed. She was described as having put her head in the sand and a financial sanction was imposed upon her because she let the unfortunate state of affairs run on.
69. The First Respondent told the Tribunal that he also had adopted a broadly similar attitude. When he found that Ms Thompson's name had been utilised on the letterhead of SAS for a longer period of time than had originally been anticipated he

in turn simply allowed the matter to run on. If that had been his only mistake then the Tribunal would have considered the imposition of a substantial financial penalty.

70. As it is, the Tribunal has taken the view that the First Respondent's part in the whole unfortunate affair was rather greater and rather more serious than that of Ms Thompson.
71. The Tribunal concluded that it would be right to impose a period of suspension upon the First Respondent. Because of the First Respondent's good reputation and his obvious regret and contrition the Tribunal was able to impose a shorter period of suspension than it might otherwise have considered to be appropriate.
72. The Tribunal ordered that the First Respondent be suspended from practice for a period of three months from the 1st June 2003. The commencement of the period of suspension would not begin until the beginning of June 2003 to give the First Respondent an opportunity to put his clients' affairs in order before he became suspended from practice.
73. In all of the circumstances, the Tribunal considered it right to make the order sought in respect of the Second Respondent. After hearing submissions on behalf of the Second Respondent, who was at the time of the hearing employed by a firm of solicitors who had indicated their wish to continue to employ him, the Tribunal agreed that the Section 43 Order would not come into effect until the 1st August 2003 to afford an opportunity to the Second Respondent's current employers to make an application to The Law Society for consent to continue with his employment and in order to ensure that the Tribunal's written findings would be available to The Law Society at the time when it considers such an application.
74. The costs of and incidental to the application had been agreed and each of the Respondents agreed to bear one half of those costs. The Tribunal's costs order reflected that agreement.

DATED this 30th day of June 2003
on behalf of the Tribunal

A G Gibson
Chairman