

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12508-2023

BETWEEN:

MAJED IQBAL

Applicant

and

SOLICITORS REGULATION AUTHORITY LTD

Respondent

Before:

Ms A Kellett (in the chair)

Mr P Lewis

Mr R Slack

Date of Hearing: 9 February 2024

Appearances

Majed Iqbal represented himself.

Montu Miah, counsel in the employ of the Solicitors Regulation Authority Ltd, The Cube, 199 Wharfside Street, Birmingham B1 1RN, for the Respondent.

JUDGMENT

Background

1. In 2014, the applicant was struck off the Roll of solicitors. On 10 October 2023, Mr Iqbal applied for restoration to the Roll.

The 2014 Proceedings

2. The Tribunal found the following allegation proved:

“1.1 The Respondent was convicted on 20 December 2012, upon indictment, after the jury had been sworn, of conspiracy to pervert the course of public justice, contrary to all, alternatively any, of Principles 1, 2 and/or 6 of the SRA Principles 2011.”

3. The Tribunal found that:

“It was clear to the Tribunal from the sentencing remarks, the press releases and the very fact of [Mr Iqbal’s] conviction of conspiracy to pervert the course of public justice at a time when he was a solicitor, that he had caused a great deal of damage to the reputation of the solicitor’s profession ... [Mr Iqbal] had acted with a complete lack of integrity and he had abused the trust placed in him as a member of the solicitor’s profession.”

4. Given that Mr Iqbal had already been removed from the Roll, the Tribunal made a direction pursuant to Section 47(2) (g) of the Solicitors Act 1974 prohibiting the restoration of Mr Iqbal’s name to the Roll except by order of the Tribunal.

Mr Iqbal’s Submissions

5. Mr Iqbal recognised that his actions were wrong and apologised for his conduct. He highlighted the rehabilitative work he had undertaken following his conviction. Mr Iqbal explained that whilst serving his sentence, there were no courses available to him as he was considered as being at low risk of committing further offences. He took the step of training to be a mentor. He also worked in the chaplaincy and provided support to prisoners.
6. Upon release, he undertook voluntary work in the community. Since 2015 he had been working for a company. He undertook various duties including drafting employment contracts and NDA agreements; dealing with county court and Employment Tribunal claims; defending claims against the company and dealing with regulatory and health and safety issues.
7. Since 2018 he had been working for a law firm owned by his spouse. The firm was not regulated by the SRA and did not conduct any reserved legal activities. His duties included: drafting contracts & leases; drafting litigation documents; appearing in Tribunals and small claims cases; working on cases where KC’s were instructed and advising on IP/trademark issues. Mr Iqbal confirmed that he did not hold himself out as a solicitor.

8. The Tribunal was referred to a number of references provided on Mr Iqbal's behalf. These included references from other legal professionals attesting to his character and expressing that he would be an asset to the profession. Mr Iqbal relied on those references to evidence that public confidence in the profession would not be undermined if he were to be restored to the Roll.
9. Mr Iqbal recognised that public confidence was of cardinal importance. The hurdle to be overcome before restoration to the Roll, was a high one. However, his rehabilitation as evidenced by his references, claimed that he was able to overcome that hurdle.

Oral Evidence

Mr Majed Iqbal

10. Mr Iqbal confirmed that he was admitted to the Roll in March 2010. He was convicted in December 2012 and released from his custody in June 2015. He had graduated from university in 2002 and had initially worked as a paralegal. His training contract was part-time as he was studying for the LPC at the same time. Mr Iqbal explained that prior to his admission, he had been convicted of a theft and other dishonesty offences and as well as ABH. These convictions had been declared to the Law Society prior to his admission.
11. As regards counselling, he had attended one session that lasted for 45 minutes. Mr Iqbal confirmed that he had a job offer as in-house counsel. He explained that he would not be supervised by any other solicitors in that role; he would report directly to the Director and would be the only legally qualified person in the company.
12. Mr Iqbal explained that he had undertaken a course on the Code of Conduct. This was an online course with 6 hours of teaching. It was followed by a multiple choice, open book exam.
13. Mr Iqbal accepted that his conviction struck at the heart of his duty to act with integrity, to uphold the rule of law and the administration of justice, and to maintain public trust in the profession.

Ms Sobia Mahmood

14. Ms Mahmood (Mr Iqbal's wife) supported his application for restoration to the Roll. In her reference, Ms Mahmood spoke of the significant transformation in Mr Iqbal's character since his release from prison. Mr Iqbal had been committed to his personal growth. He had channelled his talents into helping others. This demonstrated his sincere desire to make a positive impact on society.
15. Ms Mahmood confirmed that she had not read the Tribunal's 2014 decision before writing her reference.

Mr Majid Hussain

16. Mr Hussain explained that he met Mr Iqbal in 2019 when Mr Iqbal enrolled onto a course run by Mr Hussain relating to character transformation and leadership skills.

Mr Iqbal told Mr Hussain about his previous conviction for perverting the course of justice. Mr Hussain stated that having undertaken research, he could not marry the two characters together; that of Mr Iqbal when he was convicted and the Mr Iqbal he had come to know.

17. Mr Hussain considered Mr Iqbal to be trustworthy. He had witnessed the trust placed in Mr Iqbal by a charity and the substantial amounts of money that Mr Iqbal was responsible for. Mr Hussain considered that Mr Iqbal demonstrated that he possessed a good and strong character and that he was selfless in his desire to help others. He had demonstrated an exceptional level of sacrifice and commitment to his charitable endeavours.
18. Mr Hussain did not consider that the restoration of Mr Iqbal to the Roll would undermine public trust. Members of the public would understand that having made a mistake, Mr Iqbal had worked hard to rehabilitate himself and restore his character. Mr Hussain did not consider that his opinion was coloured by his personal relationship with Mr Iqbal. As a tax lawyer, he was required to be objective. He had applied that same level of objectivity to his consideration of the suitability of Mr Iqbal for restoration.

The SRA's Submissions

19. Mr Miah confirmed that the application was opposed given the serious nature of the misconduct. Mr Iqbal had received a five-year custodial sentence following his conviction for conspiracy to pervert the course of justice which was linked to his conduct as a solicitor. This was a serious indictable criminal offence. Mr Iqbal had conspired with his client's to facilitate the non-cooperation of witnesses. HHJ Bury had described this as

“... well planned and executed and dishonest from the outset as the jury have found.”

20. The Tribunal was referred to its findings in 2014 which stated:

“The Respondent had been convicted of conspiracy to pervert the course of public justice. The matter involved payments of money to witnesses in return for their non-cooperation in the ongoing prosecution of the Respondent's client. The Respondent had made five trips abroad to carry out bribes. He had been found to have drafted witness statements in which witnesses confirmed they no longer had any interest in supporting the prosecution. These were extremely serious matters indeed for a solicitor. The Tribunal was mindful of the sentencing remarks of His Honour Judge Bury who had stated the following: ”

.... “Your offending was carried out in your capacity as a solicitor. You have a professional duty to uphold the law and work within it to secure the best results for your clients. You have breached that duty in a determined and cynical way. a substantial sentence of imprisonment is called for to mark the seriousness of the offence, uphold public confidence in our system of justice and the professionalism of the overwhelming majority of those working within it. And finally, to deter others who may be minded to act as corruptly as you did.

Majed Iqbal, you have left a stain on a fine professional core of people working under increasingly greater pressure to uphold the high standard that the solicitor profession in the field of criminal justice [sic].”

... It was clear to the Tribunal from the sentencing remarks, the press releases and the very fact of the Respondent’s conviction of conspiracy to pervert the course of public justice at a time when he was a solicitor, that he had caused a great deal of damage to the reputation of the solicitor’s profession. The Tribunal took into account the case of Bolton v The Law Society [1994] CA and the comments of Sir Thomas Bingham MR who had stated:

“It is required of lawyers practising in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness ... Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal ... If a solicitor is not shown to have acted dishonestly but is shown to have fallen below the required standards of integrity, probity and trustworthiness, his lapse is less serious, but it remains very serious indeed in a member of a profession whose reputation depends on trust. A striking off order will not necessarily follow in such a case but it may well.”

21. Mr Miah submitted that Mr Iqbal had failed to present any compelling reasons that would demonstrate how his actions would no longer cause the public’s faith in the profession to be shaken if his application was successful. Mr Iqbal had been required to uphold the rule of law and the proper administration of justice, instead, he conspired with his clients to pay off prosecution witnesses in direct breach of his obligations as a solicitor.
22. Mr Iqbal had provided a number of references attesting to his character; however, the authors had not read the Tribunal’s 2014 Judgment and there was no evidence that they had read the sentencing remarks of HHJ Bury.
23. Mr Miah submitted that the letter relied upon, confirming that Mr Iqbal had a job offer as in-house counsel, was deficient in that it did not detail any supervision of Mr Iqbal in that role. In evidence Mr Iqbal confirmed that he would be the only lawyer in the organisation. This, it was submitted, was a significant risk.
24. Mr Miah noted that notwithstanding his previous convictions, Mr Iqbal was given the opportunity to join the profession; his admission to it was an opportunity for him to be successful. Instead, within a very short period of time, he had committed serious and grave misconduct.
25. Mr Miah submitted that notwithstanding his character reformation, restoring Mr Iqbal to the Roll would cause irreparable damage to the reputation of the profession.

The Tribunal's Decision

26. The Tribunal referred to its Guidance Note on Other Powers of the Tribunal (6th Edition – March 2022) which stated that an application for restoration to the Roll should be supported by a statement setting out:
- Details of the original order of the Tribunal leading to strike off removal.
 - Details of the Applicant's employment and training history since the Tribunal's order.
 - Details of the Applicant's intentions as to and any offers of employment within the legal profession in the event the application is successful.
27. The Tribunal, in considering the application will have regard to (amongst other things):
- The guidance provided by Bolton v Law Society 1 WLR 512:

“Only infrequently, particularly in recent years, has [the Tribunal] been willing to order the restoration to the Roll of a solicitor against whom serious dishonesty had been established, even after a passage of years, and even where the solicitor had made every effort to re-establish himself and redeem his reputation ... the most fundamental (purpose of sanction] of all: to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled but denied re-admission.”
 - A criminal conviction recorded involving dishonesty can constitute an almost insurmountable obstacle to a successful application for restoration.
 - Evidence of rehabilitation. This usually requires detailed evidence of substantial and satisfactory employment within the legal profession since the period of strike off.
 - The Applicant's future employment intentions and whether another solicitor would be willing to employ the Applicant within a practice in the event that the Applicant's name is restored.
28. The Tribunal found that the matters leading to Mr Iqbal's removal from the Roll were of the utmost gravity. He was the solicitor with conduct of a fraud matter. He had made five trips abroad. The purpose of those trips was to pay witnesses for their non-cooperation in the prosecution of Mr Iqbal's clients. He had made an application for public funding to finance the first trip. Further, an application for the exclusion of a witness's evidence having been refused, Mr Iqbal travelled to Dubai with his client on the date of the refusal. The witness was paid £30,000 in return for his non-cooperation with the prosecution.

29. The Tribunal noted the sentencing comments of HHJ Bury:

“Firstly, the original offence faced by Yasar Hussain was a serious fraud and associated money laundering offences ...

Secondly, your offending was carried out in your capacity as a solicitor. You have a professional duty to uphold the law and work within it to secure the best results for your clients. You have breached that duty in a determined and cynical way.

Thirdly, you sought to defray some of the costs of this dishonest enterprise by the use of public funds. Fourthly, this was not a one-off activity, it involved five separate trips abroad during a period of over one month and involved the paying off of five separate companies using substantial funds.

In my judgment, a substantial sentence of imprisonment is called for to mark the seriousness of the offence, uphold public confidence in our system of justice and the professionalism of the overwhelming majority of those working within it. And finally, to deter others who may be minded to act as corruptly as you did.

Majed Iqbal, you have left a stain on fine professional core of people working under increasingly greater pressure to uphold the high standard (sic) the solicitor profession in the field of criminal justice.”

30. The Tribunal recognised and applauded Mr Iqbal for his personal character reformation as detailed in the oral and written evidence produced. However, character reformation was not sufficient for the purposes of restoration to the Roll. As per Bolton:

“On applying for restoration ... the former solicitor may be able to point to real efforts made to re-establish himself and redeem his reputation. All these matters are relevant and should be considered. But none of them touches the essential issue, which is the need to maintain among members of the public a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness.”

31. Mr Iqbal had failed to demonstrate detailed evidence of substantial and satisfactory employment in the legal profession; none of the references provided on his behalf detailed the work he had undertaken. Further, Mr Iqbal had only undertaken one course that lasted for 6 hours. The Tribunal did not consider that this course was sufficient to demonstrate that he had kept himself up-to-date with the duties and regulatory obligations of a solicitor.
32. The Tribunal noted the offer of employment as in-house counsel. However, it was of extreme concern that Mr Iqbal would not be supervised in that role and further, that he would be the sole lawyer in that organisation.
33. The Tribunal recognised that Mr Iqbal had been given an opportunity to join the profession, notwithstanding his previous convictions. That was a privilege that he should not have taken lightly. Instead, within 2 years of his admission to the Roll, he

had committed a criminal offence, which, he accepted, struck at the heart of his regulatory obligations, and was considered to be so serious that a substantial custodial sentence was imposed.

34. Taking into account the seriousness of the criminal offence, the failure to provide detailed evidence of employment within the profession and inadequate training since being removed from the Roll, the Tribunal considered that Mr Iqbal's application was premature. The evidence upon which he relied was not sufficient for him to overcome the almost insurmountable hurdle such that he could be restored to the Roll. The Tribunal found that in all of the circumstances, the protection of the reputation of the profession meant that Mr Iqbal's application could not be granted. Accordingly, the application for restoration was refused.

Costs

35. Mr Miah applied for costs in the sum of £1,625.00. Mr Iqbal submitted that the time taken for preparation was excessive and should be reduced. The Tribunal considered that costs in the sum of £1,500 were reasonable and proportionate taking into account the issues to be determined. Accordingly, the Tribunal ordered that Mr Iqbal pay costs in the sum of £1,500.

Statement of Full Order

36. The Tribunal ORDERED that the application of MAJED IQBAL for restoration to the Roll of Solicitors be **REFUSED** and it further Ordered that he do pay the costs of and incidental to the response to this application fixed in the sum of £1,500.

Dated this 13th day of March 2024
On behalf of the Tribunal

A Kellett

A Kellett
Chair

JUDGEMENT FILED WITH THE LAW SOCIETY
13 MARCH 2024