

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12540-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

ISHTIAQ AHMED

First Respondent

RAJA SHAZAD KHAN

Second Respondent

Before:
Mr PSL Housego (Chair)
Mr J Johnston
Mr R Slack

Date of Hearing: 7-11 October 2024
And
12-13 February 2025

Appearances

Hanne Stevens, Barrister of Capsticks LLP for the Applicant

Jonathan Goodwin, Solicitor Advocate of Jonathan Goodwin Solicitor Advocates for the First Respondent.

The Second Respondent represented himself.

JUDGMENT

Allegations

First Respondent

1. The allegations made against the First Respondent Ishtiaq Ahmed are that:
 - 1.1 While acting as a solicitor and as a sole practitioner and manager, owner, COLP and COFA of AUUA Law (“AUUA”), he:
 - 1.1.1. On around 30 March 2021 and 11 May 2021, he provided inaccurate and misleading information in relation to two applications for Professional Indemnity Insurance (“PII”). In doing so he breached any or all of Principles 2, 4 and 5 of the SRA Principles.

PROVED for the 11 May 2021 [**NOTE:** Dishonesty was not proved]

NOT PROVED for the 30 March 2021

- 1.1.2 In the alternative to breaching Principle 4, he acted recklessly.
- 1.1.3 Recklessness is alleged as an aggravating feature of the Respondent’s misconduct but is not an essential ingredient in proving the allegations.
2. Between around 5 November 2020 and 27 May 2021, he employed Mr Raja Shazad Khan (“the Second Respondent”), a solicitor whose Practising Certificate he knew to have been suspended, to act as a solicitor with AUUA. In doing so he breached:

PROVED only for the period of 11 May 2021 to 27 May 2021

- 2.1. Either or both Principles 2 and 5 of the SRA Principles;
- 2.2. Paragraph 9.1 of the SRA Code of Conduct for Firms.
3. Between around 28 May 2021 and 6 October 2021, knowing that the Second Respondent was subject to conditions of practice which prohibited him from acting as a signatory to any client or office account or having the power to authorise transfers from any client or office account, permitted the Second Respondent to:
 - 3.1. be a signatory to AUUA’s office and client accounts;
 - 3.2. authorise transfers from AUUA’s office and client account. In doing so he:
 - 3.3. breached either or both principles 2 and 5 of the SRA Principles
 - 3.4. breached either or both paragraphs 9.1(a) and 9.1(c) of the SRA Code of Conduct for Firms.

PROVED

4. On or around 14 June 2021 and 17 June 2021, he provided inaccurate or misleading information to the SRA in relation to (a) the Second Respondent's involvement with AUUA and / or (b) the bank accounts held by AUUA. In doing so, he:
 - 4.1. breached any or all of principles 2, 4 and 5 of the SRA Principles;
 - 4.2. breached paragraph 7.4(a) of the SRA Code of Conduct for Solicitors, RELs and RFLs.

NOT PROVED

5. Between around 1 March 2021 and 31 May 2021, failed to ensure that the books of account for the Accrington Branch of AUUA complied with the SRA Accounts Rules. In doing so he:
 - 5.1. Breached principle 2 of the SRA Principles;
 - 5.2. Breached paragraph 9.2 of the SRA code of Conduct for Firms;
 - 5.3. Failed to comply with Rules 8.1 and 8.3 of the SRA Accounts Rules.

PROVED

Second Respondent

6. The allegations made against the Second Respondent; Raza Khan are that:
 - 6.1 Between around 5 November 2020 and 27 May 2021, he practised as a solicitor while his practising certificate was suspended, and in doing so breached any or all of Principles 2, 4 and 5 of the SRA Principles.

PROVED

7. Between 28 May 2021 and 6 October 2021, he breached conditions imposed on his Practising Certificate by:
 - 7.1. being a signatory to AUUA's office and client accounts;
 - 7.2. authorising transfers from AUUA's office and client account. In doing so, he breached all or any of Principles 2, and 5 of the SRA Principles.

PROVED

Executive Summary

8. The First Respondent was the owner of AUUA Law, and the Second Respondent, a consultant employed there. The Applicant alleged that the First Respondent provided misleading information on at least two professional indemnity insurance applications, concealing the Second Respondent's employment despite the latter having been subject to a suspended practising certificate.

9. AUUA closed following the Applicant's investigation and the Respondents were referred to the Tribunal with allegations which included breaches of several SRA Principles including honesty, integrity, and public trust. A five-day tribunal hearing examined evidence, including witness statements and a forensic investigation report, to determine the validity of these allegations. The Respondents presented their own accounts, disputing the Applicant's claims, though the First Respondent made some admissions and the Second Respondent, having reviewed his position during a hiatus in the hearing, decided to make admissions. Both denied that they had been dishonest.
10. The Tribunal made the following findings on the balance of probabilities:

First Respondent

11. Allegation 1: Proved for the 11 May 2021 insurance application. This was a breach of Principles 2 [public trust] and 5 [integrity] of the SRA Principles and also recklessness. Not proved for the 30 March 2021 application. Dishonesty was not proved for either PII application.
12. Allegation 2: Proved only for the period of 11 May 2021 to 27 May 2021. This was a breach of Principles 2 and 5 and Paragraph 9.1 of the SRA Code of Conduct for Firms.
13. Allegation 3: Proved. This was a breach of Principles 2 and 5 and both paragraphs 9.1(a) and 9.1(c) of the SRA Code of Conduct for Firms.
14. Allegation 4: Not proved; the allegation was dismissed.
15. Allegation 5: Proved by admission for the breaches of the Accounts Rules. This was a breach Principle 2, a breach of paragraph 9.2 of the SRA code of Conduct for Firms and a failure to comply with Rules 8.1 and 8.3 of the SRA Accounts Rules.

Second Respondent

16. Allegation 6: Proved, the Second Respondent practiced as a solicitor while suspended, breaching Principles 2, 4 [dishonesty], and 5.
17. Allegation 7: Proved, the Second Respondent was involved in the Accrington office and supervision of client affairs between 28 May 2021 and 6 October 2021. In doing so, he breached Principles 2, and 5 of the SRA Principles.

Sanction

First Respondent

18. He was suspended from practice as a solicitor for the period of 1 year. The suspension was itself suspended for the period of 2 years.

Second Respondent

19. He was struck off the Roll of Solicitors.

The Facts can be found [\[here\]](#)

The Applicant's case can be found [\[here\]](#)

The Respondents' cases can be found [\[here\]](#)

The Tribunal's Findings can be found [\[here\]](#)

The Tribunal's decision on sanction can be found [\[here\]](#)

The Tribunal's decision on costs can be found [\[here\]](#)

Documents

20. The Tribunal considered all of the documents in the case, which were contained within an agreed electronic hearing bundle.

Factual Background

21. The First Respondent was admitted as a solicitor on 1 September 2000. He has a current Practising Certificate without conditions. He was the owner of AUUA, a recognised sole practice which began trading on 24 November 2014 and closed on 6 October 2021. During the period giving rise to the allegations against him, the First Respondent held the roles of COLP and COFA for AUUA.
22. From 1 July 2020 until 6 October 2021, the Second Respondent was employed as a consultant with AUUA. In addition, the SRA's records showed that the Second Respondent was employed at Justice Solicitors Ltd (JSL) from 13 April 2016 to 20 November 2020.
23. On 5 November 2020, following a decision to intervene into JSL, the Second Respondent's practising certificate ("PC") was automatically suspended. On 7 April 2021 the SRA recommended lifting the suspension of the Second Respondent's PC subject to the following conditions:
 - Not to be a manager or owner of an authorised body;
 - Not to practise on his own account;
 - Not to act as a Compliance Officer for Legal Practice ("COLP") or Compliance Officer for Finance and Administration ("COFA");
 - Not to hold or receive client money, or act as a signatory to any client or office account or have the power to authorise transfers from any client or office account.
24. A PC with these conditions was subsequently issued to the Second Respondent on 28 May 2021.
25. On 4 May 2022 the Second Respondent was suspended from practice by the Solicitors Disciplinary Tribunal ("the Tribunal") for a period of 12 months. The Tribunal further ordered that upon return to practice, the Second Respondent be subject to the same conditions as set out above. The Second Respondent does not hold a current practising certificate.

Witnesses

26. The written and oral evidence of witnesses is quoted or summarised in the Findings of Fact and Law below. The evidence referred to will be that which was relevant to the findings of the Tribunal, and to facts or issues in dispute between the parties. The following witnesses gave oral evidence:
- Ms Alice Evans (FIO)
 - Ms Sana Ahmed
 - The First and Second Respondent

Findings of Fact and Law

27. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under Section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent's right to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
28. The Tribunal had due regard to the following and applied the various tests in its fact-finding exercise:

Dishonesty

The test set out at paragraph 74 of [Ivey v Genting Casinos \(UK\) Ltd t/a Crockfords \[2017\] UKSC 67](#).

Integrity

The matters set at paragraphs 97 to 107 of [Wingate v SRA \[2018\] EWCA Civ 366](#).

Recklessness

Matters set out at paragraph 78 of [Brett v SRA \[2014\] EWHC 1974](#).

NOTE: While all the evidence was carefully considered the Tribunal does not refer to each and every piece of the evidence or submissions in its judgment and findings.

29. The Applicant's Case

Rule 12 Statement

- 29.1 The First Respondent was the principal of AUUA. He opened a branch office in Accrington in June 2020, taking over the former offices of JSL. JSL had closed because it could not obtain Professional Indemnity Insurance (PII). AUUA employed former staff of JSL, including the Second Respondent and his brother, Raja Arshad Khan, and took over JSL's files. The Second Respondent was the owner/manager of JSL from April 2016 to June 2020.
- 29.2 JSL was subject to an intervention by the Solicitors Regulation Authority (SRA) on 5 November 2020 and his practising certificate (PC) was immediately suspended. Despite the suspension, the Second Respondent continued to work at the Accrington branch of AUUA.

- 29.3 Intervention agents visiting the former JSL premises on 10 November 2020 found that the firm still appeared to be trading, now as a branch of AUUA, but with the same signage, “Justice Law”. The Second Respondent appeared to still be practising despite the suspension of his PC.
- 29.4 After being suspended, the Second Respondent’s PC was reinstated on 28 May 2021 with conditions, including restrictions precluding him from being a manager or owner of an authorised body, practising on his own, acting as a compliance officer, or handling client money. Despite these restrictions, he remained on the mandate for the client and office accounts of the AUUA Accrington branch.
- 29.5 AUUA was unable to secure PII and ceased trading on 6 October 2021. The First Respondent made two unsuccessful applications for PII. The first application was made through Marsh, a broker. The proposal form was signed by the First Respondent on 30 March 2021. The First Respondent declared that the information in the form was accurate and that he had not misrepresented or suppressed any material facts. However, it was alleged the First Respondent provided false and misleading information in that he failed to include the Second Respondent’s name on the staff list, despite his employment as a consultant since July 2020 and his management of the Accrington branch.
- 29.6 The First Respondent answered “no” when asked if the firm or any of its members had been subject to an investigation or intervention by any regulatory body, despite the fact that JSL had been subject to an intervention.
- 29.7 The First Respondent asked the Second Respondent for information to complete the Marsh PII application form. When Marsh raised concerns about the connection to the intervened JSL, it was said that the First Respondent attempted to downplay the connection and stated the “*Raja Khan*” who had been intervened by the SRA was not the same “*Raja Khan*” employed by AUUA, as they were brothers. While technically correct that the “*Raja Khan*” mentioned in the proposal form was not the intervened party, the First Respondent failed to disclose that the intervened party, the Second Respondent, was also an employee at AUUA. The First Respondent claimed that the Accrington office was not a successor practice or had any other arrangement with Justice Solicitors.
- 29.8 The Applicant alleged that it was apparent that the Second Respondent continued to be in charge of the Accrington office as of 11 May 2021.
- 29.9 The First Respondent made a second application for PII through Secure Risk Insurance Brokers, signing the proposal form on or around 15 May 2021. This proposal form also failed to include the Second Respondent as an employee and misrepresented other information. The First Respondent did not mention that one of his employees had a conditional practising certificate or that any member had practised in a firm subject to an investigation.
- 29.10 The Applicant did not accept the First Respondent’s explanation that he had believed that the Second Respondent had left and no agreement had been entered to have him return nor did it accept that he had also stated that Raja Arshad Khan was mentioned to

the broker as a consultant, and that it was made clear that files were taken from his previous firm.

- 29.11 It was the Applicant's case that the Second Respondent was working at AUUA at the time of both PII applications and that the First Respondent knowingly failed to disclose this information when making the applications, along with the fact that JSL had been subject to intervention. Further, it was not accepted that the First Respondent had been unaware of the JSL intervention or the suspension of the Second Respondent's PC.
- 29.12 Alice Evans (FIO) was called to give evidence. She stated she began her investigation on 28 May 2021 when she was commissioned by the SRA supervision department. Ms Evans detailed her initial contact with the First Respondent and explained that it was standard practice to start investigations remotely, with a later decision made as to whether to conduct a site visit as the investigation progressed. Ms Evans confirmed that she used a standard pro forma document for the initial interview, and that the answers were based on what the First Respondent had told her. She explained that initial interviews were not digitally recorded, and that further interviews were recorded later in the investigation.
- 29.13 In cross-examination Mr Goodwin challenged the accuracy of Ms Evans' notes from her initial meeting with the First Respondent and suggested that the First Respondent did not see her typed note until two years later.
- 29.14 Ms Evans confirmed that she had worked as a forensic investigator for over 17 years though she had no formal qualifications in this regard. She explained that her training was mainly on the job, but she did go on training courses. Mr Goodwin questioned her on whether an intervention automatically suspended a solicitor's PC. Ms Evans said that the SRA has discretion not to suspend the certificate though the usual course was immediate suspension.
- 29.15 She agreed that the First Respondent had told her that he had not understood the full concept of an intervention and that this would mean that a person's PC would normally be suspended. Mr. Goodwin made the point that the SRA did not inform the First Respondent that the Second Respondent's PC had been suspended. Mr. Goodwin referenced an email from the SRA to the First Respondent which confirmed that it had intervened in JSL but did not mention the Second Respondent's suspension.
- 29.16 Ms Evans said that she, personally, did not believe she had been misled by the First Respondent though it was the role of others to determine whether his answers had been misleading.
- 29.17 In her evidence before the Tribunal the First Respondent's daughter, Ms Sana Ahmed, stated that the forms were completed by the First Respondent's PA and that the First Respondent signed the second form when he was ill, without checking it, being driven to the office to do so, and not leaving the car. The Applicant did not accept this evidence, noting that this account conflicted with representations made by the First Respondent when he was interviewed.

30. Respondents' Cases

First Respondent

- 30.1 He had not known that the Second Respondent's PC had been suspended and only learned of this when the Second Respondent told him on 11 May 2021. It had been a shock to him.
- 30.2 Before that time the Second Respondent had lead him to believe that the reason he had needed his help was because he had been unable to procure PII and he had needed the First Respondent to take over some files. The Second Respondent had asked him for help in early June 2020.
- 30.3 Whilst he had been aware of an SRA investigation into the Second Respondent's previous firm, JSL, he explained that had not fully understood the concept of an intervention or that this would likely have resulted in suspension of the Second Respondent's PC. He stated he did not see an email from Second Respondent informing him of the intervention, as he had been in Kashmir at the time following his mother's death where internet connection was non-existent unless at an internet café in a town. He had not seen the e-mail by the time of his return to the UK, by which time message had dropped down the list of e-mails and he had missed it altogether.
- 30.4 Regarding the Second Respondent's employment, the First Respondent initially stated that the Second Respondent had attended the office for marketing and ensuring links were maintained with clients. The Second Respondent, as far as he was concerned, stopped working for the firm altogether on the 3 November 2020, when he went to Pakistan following his father's death. However, the Second Respondent returned to the UK and to the firm at the end of April or early May 2021.
- 30.5 The First Respondent said that he was responsible for the supervision of the firm, attending the Accrington office three days a week.
- 30.6 With respect to the Professional Indemnity Insurance (PII) applications, the First Respondent stated he did not include the Second Respondent's name on the staff list of the PII form because he had been led to believe by the Second Respondent would not return to work following the death of his father. He also said that he was unaware the Second Respondent's PC had been suspended.
- 30.7 He admitted that he forwarded emails to the Second Respondent asking for his comments on the PII application as he believed that the Second Respondent would have had greater knowledge of the Accrington branch than him.
- 30.8 The First Respondent said that he did not complete the first PII form dated 30 March 2021; it was completed by his PA. Regarding this application, the First Respondent denied dishonesty and recklessness, explaining he was unaware of the Second Respondent's suspension and also his genuine belief that the Second Respondent had left the firm, never to return.
- 30.9 Regarding the application dated 15 May 2021, the First Respondent admitted a breach of Principles 2 and 5 but denied dishonesty, admitting only to recklessness (pleaded by

the Applicant in the alternative to dishonesty). His daughter, Sana, had copied the information from the first application onto the form. He had signed this form quickly and without the necessary thought, it being brought out to him to sign after he had been driven from his home to the office to do so. He had not given the document the proper thought it had required due to his acute health related issues (set out to the Tribunal in private session, and accepted as a truthful account). He accepted that he should have checked its accuracy before signing, and to that extent he had been reckless.

- 30.10 He said that with respect to the Accrington bank accounts, the Second Respondent remained on the mandate for the client and office accounts of the Accrington branch. He stated that he and the Second Respondent were the only ones with access to the accounts and that the Second Respondent was able to make online payments through the account but he was not authorised to sign cheques. He confirmed that the Second Respondent was never taken off the mandate.
- 30.11 Regarding staff at the Accrington office, the First Respondent stated that the Second Respondent dealt with the transfer of staff from JSL to AUUA. He said that he had forwarded a couple of CVs to the Second Respondent, but he had never interviewed anyone apart from one potential consultant.
- 30.12 As to the investigation, he said that he had requested his initial Teams meeting with Ms Evans on the 14 of June 2021 to be digitally recorded because he was not making notes, however, the investigator did not do this.
- 30.13 Mr Goodwin's closing submissions related mainly to allegations one and four, which concerned dishonesty, and allegation two, which was also denied.
- 30.14 Mr Goodwin argued that there had been no intention on the Respondent's part to mislead, referencing the *Ivey and Genting Casinos* test for dishonesty, stating that the First Respondent had genuinely believed the information he provided was true and accurate. Mr Goodwin directed the Tribunal to evidence as to the First Respondent's good character which he submitted demonstrated the First Respondent's lack of propensity to be dishonest and his credibility as a witness of truth.
- 30.15 Mr Goodwin noted that the Second Respondent did not inform the First Respondent of his suspension until 11 May 2021, and there had been no direct communication from the SRA to the First Respondent about the suspension. Mr Goodwin highlighted difficulties in the First Respondent's ability to be contacted when he had been in Kashmir following the death of his mother, where he had had limited internet access and had required a new SIM.
- 30.16 With respect to a letter from the First Respondent to Mr Roberts, of Richard Nelson Solicitors dated 3 December 2020 where he stated that he was supervising the Second Respondent, Mr Goodwin submitted that it was highly improbable that he would have written such a letter had he known about the suspension.
- 30.17 Allegation Four concerned inaccurate or misleading information provided to Ms Evans, on 14 and 17 June 2021. Mr Goodwin submitted that that the First Respondent genuinely believed the information he provided, in good faith, to her had been correct

and accurate and he submitted that it was improbable that he would have deliberately misled an investigation officer.

- 30.18 Mr Goodwin submitted that Ms Evans' notes from the meeting on 14 June 2021 had not been accurate and said that the First Respondent had challenged the accuracy of certain parts of that note at his first available opportunity. He emphasised that in her evidence Ms Evans had accepted that she did not believe she had been misled at the time by the First Respondent at the time.
- 30.19 As to Allegation Two, which concerned the First Respondent knowingly employing the Second Respondent while suspended Mr Goodwin reminded the Tribunal that it was the First Respondent's case that he had not knowingly employed or remunerated the Second Respondent in the light of this knowledge and had only become aware of the suspension on 11 May 2021.

Second Respondent

- 30.20 Having contested the allegations in full in the earlier part of the hearing (October 2024) the Second Respondent stated that had since taken legal advice and had reviewed his earlier position of complete denial. At the reconvened hearing he informed the Tribunal that he was now prepared to make some admissions.
- 30.21 He admitted breaching Allegation Six and to breaching Principles 2 and 5, stating that he had only undertaken limited tasks that breached the terms of his suspension. This had been inadvertent and not dishonest.
- 30.22 Ms Stevens, for the Applicant confirmed that the limited admissions were not accepted, and its case remained unchanged, meaning that it maintained that both Respondents acted dishonestly.
- 30.23 The Second Respondent explained that when his practice closed, he contacted the First Respondent with asking for help in transferring the files of JSL to AUUA so that his clients would be looked after. He made it clear that he did not want a fee for the files.
- 30.24 He said that after the intervention and subsequent suspension his role changed to being a work source generator through his contacts, he also did marketing for the Firm. He said his role was no different to that of hire companies, storage companies, and garages who would refer cases to solicitors.
- 30.25 He attended the office after the intervention as and when he was required, but his role had changed. He did not hold himself out to be a solicitor and he did not provide legal advice. Essentially, he had been an intermediary between his brother Arshad and the First Respondent. However, he admitted that he may have crossed the line into acting as a solicitor while suspended but this had been inadvertent.
- 30.26 With respect to e-mails to which Ms Stevens had taken the Tribunal as showing that he was undertaking a more substantial role in the running of the branch than he was prepared to admit, the Second Respondent said that these emails were simply him forwarding emails or acting as an intermediary; they were not indicative of him providing legal advice. The Second Respondent cited counter examples where he

forwarded a request to the First Respondent to send an undertaking and where he had asked the First Respondent to sign letters because he was suspended.

- 30.27 He said that the First Respondent had been aware of his suspension. He had contacted the First Respondent about this when the latter had been in Kashmir. He also referred to an e-mail which had been sent to the First Respondent, by Steve Roberts of Richard Nelson Solicitors whom he had instructed to assist in his reinstatement application. In the header of that e-mail it had been clearly set out that he was suspended and was seeking to have his PC reinstated.
- 30.28 He said that he did not have access to the Accrington bank account after the intervention and submitted that though he was on the mandate for the account, that did not mean he had access to the account.
- 30.29 He said that others who worked at the Accrington branch also had had access to the account, including Mr. Sulieman and his brother, Raja Arshad Khan. He said that the First Respondent was responsible for the running of the firm and that the First Respondent was involved in staffing at the Accrington branch.

31. **The Tribunal's Findings**

- 31.1 The Tribunal reviewed all the evidence before it and considered the submissions made by Counsel for the first Respondent, the second respondent and the Applicant. The Tribunal applied the civil standard of proof, as it was required to do. The burden of proof lay entirely with the Applicant.
- 31.2 Its findings were as follows:
- 31.3 The Second Respondent was a sole practitioner in Accrington. On 12 June 2020 his firm, Justice Solicitors Ltd ("JSL") closed, as he could not get professional indemnity insurance.
- 31.4 The First Respondent was a sole practitioner in Bolton trading as AUUA Law ("AUUA"). The First Respondent was acquainted with the Second Respondent. Many years before they had studied at the same institution. They had no personal relationship subsequently until the Second Respondent approached the First Respondent in mid-2020.
- 31.5 The Second Respondent agreed to make the Second Respondent's Accrington practice a branch of his own practice. On 1 July 2020 the Second Respondent signed a document called a self-employed contractor agreement.
- 31.6 Nothing changed at JSL subsequent to the First Respondent taking it over. A solicitor at JSL, JL, gave a witness statement on 8 October 2021 which was accepted by both the Second Respondent and by the First Respondent. This stated that nothing changed so far as the Second Respondent's work was concerned, and the Second Respondent's status within the firm was unclear.
- 31.7 There was no written document other than the consultancy agreement. No money changed hands and there were no arrangements about who owned the work in progress,

or anything else that would normally be made clear on the takeover of one firm by another.

- 31.8 In November 2020 the First Respondent's mother became ill. She lived in Kashmir, and he went there to be with her. He had no internet connection, and he swapped his SIM card out of his phone for a local SIM card. He was, to all intents and purposes uncontactable. Occasionally he would go to nearby town and access emails at an internet café.
- 31.9 He returned to the UK on 20 November 2020 and was then in Covid quarantine for 10 days.
- 31.10 The Second Respondent was subject to enquiry by the SRA. While the First Respondent was in Kashmir the Second Respondent's practice was the subject of an intervention. This occurred on 5 November 2020. That was 5 months after the First Respondent had taken over the practice, but on their first visit on 10 November 2020 the SRA intervention agents found that JSL appeared to be trading exactly as before, and this was the case.
- 31.11 When the SRA intervened into JSL, the Second Respondent's practising certificate was suspended, as is almost always the case when there is an intervention into a practice.
- 31.12 The Tribunal did not accept the Second Respondent's evidence that he told the First Respondent when the First Respondent was in Kashmir because the First Respondent was not contactable at the time. No email was sent to the First Respondent by the Second Respondent about his suspension.
- 31.13 The Second Respondent did not tell the First Respondent of this at any time until 11 May 2021, when there was an acrimonious meeting between them. The SRA did not tell the First Respondent of the suspension of the Second Respondent's practising certificate.
- 31.14 The Tribunal accepted the First Respondent's evidence that he did not know that an intervention almost always leads to a suspension of the practising certificate of the principals of the practice.
- 31.15 After the intervention the Second Respondent said that he took something of a step back; his account was that he was looking after the interests of clients by following up progress on their matters, as he had introduced most of the clients as personal connections. He said that his involvement was in a marketing role, and not as a solicitor. The Second Respondent now accepted that to a limited degree he was acting as a solicitor by keeping an eye on the progress of client matters.
- 31.16 The Tribunal found that the Second Respondent carried on in practice more or less as before his practising certificate was suspended. The Accrington branch of AUUA was in effect still JSL, under the control of the Second Respondent.
- 31.17 The Second Respondent sought to have his suspension from practice lifted. He approached Richard Nelson solicitors to assist. They wrote to the First Respondent to provide evidence to go with the application. The email of 23 November 2020 was

headed "*Suspension of your practising certificate*", and it was unclear what the First Respondent thought was the reason for the request.

- 31.18 On 3 December 2020 the First Respondent wrote to Mr Steve Roberts of Richard Nelson. In that letter he stated that the Second Respondent was a consultant undertaking personal injury work which he, the First Respondent, was supervising. It is not known what Mr Roberts did with this letter. However, the letter was a clear statement that the Second Respondent was working as a solicitor while suspended from practice and that he, the First Respondent, was supervising him in respect of that work.
- 31.19 The letter was requested of the First Respondent for the purpose of submitting it to the SRA to seek the lifting of the suspension of the Second Respondent's PC. The Tribunal found that, notwithstanding the heading of the email, it was inconceivable that the First Respondent would write such a letter had he known of the suspension. It was also clear evidence of what the Second Respondent was doing for the AUUA branch office at Accrington, trading as JSL. He was working as a solicitor undertaking personal injury work, evidenced by numerous emails relating to client matters contained in the evidence supplied to the Tribunal.
- 31.20 Then, in March 2021, the First Respondent's professional indemnity insurance cover came up for renewal. On 14 March 2021 the Second Respondent's father became ill, and he left to be with his father in Pakistan. While he was not entirely clear as to his intentions, what he told the First Respondent led the First Respondent to believe that he, the Second Respondent, would not be returning to JSL.
- 31.21 The Second Respondent's father sadly died on 23 March 2021. The Second Respondent then changed his mind and returned to JSL, sometime in April 2021. In the meantime, on 30 March 2021, the First Respondent submitted his professional indemnity insurance renewal application. It is alleged that this was dishonest. The Tribunal found that when it was submitted the First Respondent genuinely thought that the Second Respondent was no longer to be part of the firm, and so did not include him in the form.
- 31.22 The application for professional indemnity insurance was refused.
- 31.23 The First Respondent then became seriously ill. He was not able to work. The detail of his illness was set out during his oral evidence and in private session.
- 31.24 The second application for professional insurance cover was submitted on 11 May 2021. The Tribunal accepted the evidence of the First Respondent's daughter as to the circumstances of its preparation and signature. This was that the First Respondent's PA transposed the information from the previous form to the new form, that the First Respondent's daughter drove him from home to the office, that the PA brought the form to him, that he signed it in the car without examining it, and it was sent off by his PA.
- 31.25 The First Respondent accepted that this was reckless and lacking in integrity. In these circumstances the Tribunal did not find it was dishonest. The First Respondent did not devote his mind to the contents of the form, and he was ill to the extent that his failure to address the errors in its contents, prepared by another, would not, in the mind of the informed member of the public indicate dishonesty.

31.26 The Tribunal noted that this was the same day, 11 May 2021, as the acrimonious meeting between the Second Respondent and the First Respondent, which it appears was at the First Respondent's home.

31.27 The First Respondent was clear that by this time the Second Respondent was going to exit his practice. However, he needed him for a while, as he was the only person who knew everything about the management of the Accrington branch, and its' clients.

31.28 This was clear from the interview:

"We had a horrible, horrible exchange and despite having the horrible exchange I still knew that I could not just get rid of him like that because he's the person that knew everything."

Further:

"My view was I just felt that there is going to be no way out of this in terms of indemnity. My way was that if I just kick him out just like that, I'm really, really, going to badly struggle with these files."

31.29 So far as the First Respondent was concerned, the Second Respondent was about to exit the Firm.

31.30 While this was, in the Tribunal's judgment, not dishonest, it was highly reckless. However he was in turmoil: he was ill to the extent that that he could not work and his practice was about to founder for want of professional indemnity insurance, caused by his involvement with the Second Respondent, when he had never before had a problem with such insurance in his many years in practice, and he had just had a highly distressing meeting with the Second Respondent.

31.31 His view was that he would now immediately ensure that the Second Respondent was nothing to do with his practice. Plainly the Second Respondent's involvement should have been made plain to the insurance company by the First Respondent, and his admissions were rightly made, but in all the circumstances, applying the test in §74 of *Ivey*, not dishonest.

31.32 The First Respondent was accused of employing the Second Respondent between 5 November 2020 and 27 May 2021 when the latter was suspended. The Tribunal found that the First Respondent did not know of the suspension until he was told of it on 11 May 2021, at the "*horrible meeting*". However, the Second Respondent's PC was not restored until 28 May 2021, and with conditions. The SRA agreed to do so in April 2021, although The First Respondent would not have known that at the time, as he did not know of the suspension until 11 May 2021.

31.33 On the balance of probabilities, the Tribunal found that the First Respondent knew on 11 May 2021 that the SRA had agreed to restore the Second Respondent's PC, subject to conditions as this must have emerged at the meeting on 11 May 2021 when the Second Respondent told the First Respondent that he had been suspended on 5 November 2020. While neither the Second Respondent nor the First Respondent gave evidence that this was so, it is a finding of fact which emerges on the balance of probabilities from all the surrounding evidence.

- 31.34 This means that the First Respondent did employ the Second Respondent as a solicitor while the Second Respondent's practising certificate was suspended, during the period 11 May 2021 until 28 May 2021 when the practising certificate was restored, but in the knowledge that the SRA had agreed to restore that certificate. Plainly the Second Respondent should not have worked for the First Respondent between those two dates.
- 31.35 The First Respondent admitted allowing the Second Respondent to run the accounts of JSL in breach of his conditions of practice which precluded this, despite being on notice of the conditions.
- 31.36 The First Respondent was also accused of misleading the SRA. The FIO did not make such allegations ;she provided the detail of her investigation for others decide on the charges.
- 31.37 The First Respondent's account of the Second Respondent's involvement changed over time and the Tribunal found that it changed with the circumstances. The Second Respondent was not involved with the practice from 3 March 2021, but later resumed involvement. The second matter was the accounts of the Accrington branch, JSL. The Second Respondent ran those accounts. While the FIO asked for all accounts, the First Respondent provided detail of only the firm's Bolton accounts. However, the Accrington accounts were provided by the Second Respondent (a further indication that he was running that office) and his details were given to the FIO by the First Respondent for the purpose of obtaining them. This was not the First Respondent misleading the FIO.
- 31.38 Allegation 5 was admitted; the First Respondent admitted that he had failed to ensure the books of account of the Accrington branch met the accounts rules.

32. The Tribunal's findings are outlined below.

First Respondent

Allegation 1

- 32.1 This was not proved for the 30 March 2021 insurance application. It was proved by admission in respect of the insurance application of 11 May 2021 in relation to Principles 2 and 5 and recklessness, but not proved as to dishonesty, Principle 4.

Allegation 2

- 32.2 This was proved, for the period 11 May 2021 to 27 May 2021, with the mitigation that for the whole of that period the First Respondent knew that the SRA had agreed to restore the Second Respondent's PC, subject to conditions (but this did not happen until 28 May 2021).

Allegation 3

- 32.3 This was admitted. Despite knowing of the conditions of practise on the Second Respondent's PC the First Respondent allowed the Second Respondent to run the bank accounts of the Accrington branch. The Second Respondent was permitted by The First

Respondent to be a signatory to the accounts of AUUA office and client accounts, and to authorise transfers from those accounts.

Allegation 4

32.4 It was not proved that the First Respondent misled the FIO. This allegation was dismissed.

Allegation 5

32.5 The breaches of the Accounts Rules were proved by admission.

Second Respondent

Allegation 6

32.6 From the findings above this allegation was proved. Between 5 November 2020 and 27 May 2021 the Second Respondent knowingly practised as a solicitor while his practising certificate was suspended.

32.7 This was dishonest because the Second Respondent knew that he had been suspended, and the findings of fact set out in relation to the First Respondent (as set out above) show that he carried on running the practice as a branch of AUUA but appearing to the public as JSL as before and in almost the same way after as before the intervention.

32.8 This breached Principles 2, 4 and 5.

Allegation 7

32.9 The second respondent initially denied breaching his conditions of practice, but in his closing submissions he admitted doing so on one occasion, the 12 April 2021. The evidence of the Second Respondent's involvement in the running of the accounts left no room for doubt that the Second Respondent was a signatory to AUUA's office and client accounts; he had authorised transfers from those accounts between 28 May 2021 and 6 October 2021, in breach of the conditions imposed on his PC.

32.10 The Tribunal did not accept that the Second Respondent had provided his log in details to others to use. The evidence of his supervision of the affairs of the clients of the Accrington office belied this.

32.11 The allegation was found proved on the basis alleged by the SRA in its entirety.

Previous Disciplinary Matters

The First Respondent

33. None.

The Second Respondent

34. He faced allegations including improper use of client accounts as a banking facility and inadequate supervision of an unadmitted member of staff. He admitted the allegations. On 27 May 2022, the Tribunal approved an agreed outcome: a 12-month suspension followed by indefinite restrictions on his practice, including conditions on managing firms and handling client money. He was also ordered to pay £20,000 towards the SRA's costs.

Mitigation

First Respondent

35. Mr Goodwin said the First Respondent accepted responsibility for his actions. He had made open and frank admissions to some of the allegations at an early stage and had cooperated fully throughout the investigation and the proceedings.
36. The First Respondent had genuine remorse for his misconduct though such misconduct was an anomaly in an otherwise unblemished 24-year career and Mr Goodwin referred to the wealth of character references that the First Respondent was able to provide, and to which he said the Tribunal should give careful consideration. The Tribunal was reminded of the exceptional circumstances confronting the First Respondent at the time surrounding his mother's death, his forced trip to Kashmir for her funeral and the difficulties he had had there staying in touch with events in the UK due to a poor and sporadic internet connection.
37. The Respondent had not been motivated by financial gain. He tried to help the Second Respondent, a fellow professional, who had been in a difficult position and yet who had not been open with him and in fact deceived him.
38. The First Respondent's ill health and turmoil in May 2021, particularly on 11 May (when he had learned directly from the Second Respondent about his suspension) had been contributory factors in the recklessness and lack of integrity found by the Tribunal in relation to the May 2021 professional indemnity insurance (PII) application.
39. Mr Goodwin submitted that the breaches regarding the accounts should be viewed as discrete and historical, with no other concerns raised against the First Respondent since the events set out in the allegations.
40. The First Respondent was deeply religious man and his attendance before the Tribunal had been very difficult for him. This, in itself, represented some form of punishment. Mr Goodwin urged the Tribunal to impose a sanction which would permit the First Respondent to remain as a solicitor and that a fine would represent a suitable punitive penalty and one which would maintain the reputation of the profession in the eyes of the public. There was no risk to the public if the First Respondent was permitted to practise.

Second Respondent

41. He stated that he had cooperated with the SRA since 2019. The last five to six years had been detrimental to his finances, health, and reputation. He expressed remorse, stating that he had not believed he was acting as a solicitor and said that he had possibly been naïve in his approach. He had already served nearly three years of a suspension and taken up employment that he did not enjoy.
42. Though noting the finding of dishonesty, the Second Respondent urged the Tribunal to impose a sanction less than strike off and suggested that he be made subject to conditions.

Sanction

43. The Tribunal first had regard to the observation of Sir Thomas Bingham MR (as he then was) in *Bolton v Law Society [1994] 1 WLR 512* that the fundamental purpose of sanctions against solicitors was:

“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”.

44. The Tribunal next considered the Guidance Note on Sanction (10th Edition June 2022) (“the Sanctions Guidance”). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
45. In assessing culpability, the Tribunal found that the motivation for the First and Second Respondent was at its core a financial one. The Second Respondent needed to keep his business going and the First Respondent was hoping to benefit from the extra clients and the revenue this would have generated. To this extent it was likely that their motivations aligned. Clearly, their actions were not spontaneous, and both had direct control and responsibility for the circumstances giving rise to their individual misconduct. The Tribunal accepted that to some extent the First Respondent had been deceived by the Second Respondent.
46. Both Respondents were sufficiently experienced to understand the nature of their misconduct and the consequences flowing from them. Overall, the Tribunal assessed their individual and collective culpability as very high. The Tribunal recognised that in the case of the Second Respondent a finding of dishonesty and lack of integrity had been made and in the case of the First Respondent, findings of lack of integrity and recklessness. The Tribunal also noted that as a factor for consideration the element of deception on the part of the Second Respondent towards the First Respondent was an important one.
47. The Tribunal next considered the issue of harm. Potentially this had been very high as the public had been placed at risk, in that a suspended solicitor had been conducting their cases. The consequential damage to the reputation of the profession by such misconduct was significant as the public would trust solicitors to abide by an order from their regulator and to not carry out the role of a solicitor in defiance of a suspension. Similarly, the public would not expect a solicitor to provide misleading information to an insurer.

48. The First and Second Respondent's conduct, individually and collectively represented a significant departure from the complete integrity, probity and trustworthiness expected of solicitors.
49. The extent the harm was reasonably and entirely foreseeable by both Respondents. The Tribunal assessed the harm caused as very high.
50. The Tribunal then considered aggravating factors. The Tribunal, in its finding of fact, had found that the First Respondent had acted recklessly and lacked integrity and that the Second Respondent had been dishonest and had lacked integrity.
51. The Second Respondent's actions had been deliberate and calculated and there were few, if any, mitigating factors in his case, though it was noted that he had eventually made admissions, which was to his credit.
52. The position was somewhat different with respect to the First Respondent. He had shown genuine insight, made open and frank admissions at an early stage; he fully cooperated with his Regulator. He had also presented compelling character references attesting to his professional and personal qualities.
53. In all the circumstances of this case the Tribunal considered the seriousness of the misconduct to be high: this was perhaps an inevitable conclusion given the Tribunal's finding of dishonesty with respect to the Second Respondent and the findings of lack of integrity it had made with respect to the First Respondent.
54. As to sanction the Tribunal considered that to make No Order, or to order a Reprimand, or a Fine were not sufficient in the circumstances. This left Suspension (either fixed term or indefinite) or Strike Off as being the only sanctions adequate to mark the seriousness of the misconduct.
55. In the case of the First Respondent the appropriate sanction, given the seriousness of the breaches, was a suspension for one year. However, in the light of substantial mitigation and the particular circumstances of the case, the Tribunal felt it appropriate to suspend the suspension for a period of two years.
56. In the case of the Second Respondent, the Tribunal noted that the usual sanction following a finding of dishonesty is to strike the respondent from the Roll. In considering whether exceptional circumstances existed in this case to permit the Tribunal to impose a lesser sanction it had recourse to the decision in *SRA -v James [2018] EWHC 2058 (Admin)*. At para 100 of the judgment it stated:

'the most significant factor carrying most weight and which must be the primary focus of the evaluation is the nature and extent of the dishonesty.'
57. The extent of the dishonesty was not limited in duration, and it could be characterised as having been planned and thought out by the Second Respondent to the extent that he had misled the First Respondent and defied his regulator. Balancing all the matters in the round the Tribunal did not find that there were any exceptional circumstances, and the appropriate sanction was an order striking the Second Respondent off the Roll of Solicitors.

58. As said before, the Tribunal considered that the profession has no place for dishonest solicitors.

Costs

59. Ms Stevens submitted that as a matter of principle the Applicant was entitled to its proper costs. It had proved much of its case to the requisite standard albeit the Respondents had made admissions which were accepted by the Tribunal as being properly made. The Applicant had pursued its case in a reasonable and proportionate way and followed all directions.
60. The quantum of costs claimed by the Applicant was set out in its itemised statement of costs dated 6 February 2025 was in the total sum of £78,131.34 Ms Stevens submitted that this was a reasonable and proportionate sum given a case of this nature and that all work undertaken was properly executed, and the claimed costs were justified. Ms Stevens directed the Tribunal to a detailed breakdown of expenses, including those for forensic investigation.
61. All work was carried out at an across-the-board hourly rate of £142 per hour, which was very competitive.
62. Ms Stevens stated that a large amount of money was still owed to the SRA by the Second Respondent in relation to previous matters.
63. Mr Goodwin for the First Respondent submitted that the Applicant's claimed costs appeared excessive and disproportionate. He questioned the FIO's costs and the lack of detailed information provided to justify the work she had done.
64. He noted that while the hourly rate of £142 plus VAT was not disputed the involvement of multiple fee earners had necessarily resulted in duplication of work which he contended had inflated the costs.
65. In his submission costs should be reasonable, proportionate and that only properly and necessarily incurred costs should be recoverable by the Applicant. He illustrated this by pointing out that some fee earners had left the employ of Capsticks (*solicitors instructed by the Applicant*) during the course of the investigation and others brought in, who had had to 'read in'. In his submission the departure of some fee earners, requiring others to be 'parachuted in' should not have been at the First Respondent's expense.
66. Further, Mr. Goodwin proposed that costs should be apportioned more to Second Respondent due to his deception and dishonest conduct, which had led to his client's involvement in the proceedings.
67. The Second Respondent agreed that the costs were high, possibly due to the number of fee earners involved in the case. He suggested that the Second Respondent could have notified the SRA about his (the Second Respondent's) suspension in May 2021, potentially resolving the matter quicker and reducing costs.

The Tribunal's Decision on Costs

68. The Tribunal noted that under Rule 43 (1) of The Solicitors (Disciplinary Proceedings) Rules 2019 it has the power to make such order as to costs as it thinks fit, including the payment by any party of costs or a contribution towards costs of such amount (if any) as the Tribunal may consider reasonable. Such costs are those arising from or ancillary to proceedings before the Tribunal.
69. By Rule 43(4), the Tribunal must first decide *whether* to make an order for costs and when deciding whether to make an order, against which party, and for what amount, the Tribunal must consider all relevant matters such as:
- The parties' conduct.
 - Were directions/ deadlines complied with?
 - Was the time spent proportionate and reasonable?
 - Are the rates and disbursements proportionate and reasonable?
 - The paying party's means.
70. The Tribunal found the case had been properly brought by the Applicant as it had raised serious issues regarding a suspended solicitor working as a solicitor, matters of dishonesty and the misleading information being given to a PII provider. The public would expect the Applicant to have prepared its case with requisite thoroughness and, in this regard, it had properly discharged its duty to the public and the Tribunal albeit it had not been successful in all regards.
71. The Tribunal noted the following factors:
- The Parties had abided by the directions set by the Tribunal.
 - Both Respondents had attended the hearing, and they had provided evidence of their means, as they had been required to do.
 - The substantive hearing had taken more time than anticipated.
 - This had been a relatively complex case.
72. The Tribunal adopted a 'broad brush' approach to the costs and looked at matters in the round. The Tribunal found that the costs claimed by the Applicant were, on the whole, reasonable and proportionate for a case of this nature, however, the Tribunal noted and accepted the point about new fee earners being 'parachuted in' following the departure of others. The Tribunal agreed that this was cost which should not be borne by the Respondents. Further, the Applicant had not been successful on all matters and the serious allegation levelled at the First Respondent had not been found proved.

73. The Tribunal decided that the costs should be reduced to a total of £50,000. The Tribunal found no satisfactory way to divide the costs other than equally so that each Respondent would be ordered to pay £25,000.

Statement of Full Orders

First Respondent

74. The Tribunal ORDERED that the Respondent, ISHTIAQ AHMED, solicitor, be SUSPENDED from practice as a solicitor for the period of 1 year to commence on the 13th day of February 2025, such suspension to be suspended for the period of 2 years. The Tribunal further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £25,000.00.

Second Respondent

75. The Tribunal ORDERED that the Respondent, RAJA SHAZAD KHAN solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £25,000.00.

Dated this 28th day of March 2025

On behalf of the Tribunal

P.S.L. Housego

P.S.L. Housego
Chair