SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No. 12542-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD. Applicant

And

MOHAMMED TASNIME AKUNJEE Respondent

Before:

Mr W Ellerton (in the Chair)
Mr B Forde
Mrs C Valentine

Date of Hearing: 09-11 July 2024

Appearances

Louise Culleton, barrister employed by Capsticks Solicitors LLP of 1 St George's Road, London, SW19 4DR, for the Applicant.

David Gottlieb of Thomas More Chambers for the Respondent.

JUDGMENT

Allegations

1. The allegations against the Respondent, Mohammed Tasnime Akunjee, made by the SRA are that, whilst in practice as an Associate Solicitor at Waterfords Group Limited:

   1.1. On a day shortly before 3 September 2022, he accepted an invitation to participate in a TV broadcast ("the Broadcast") for Press TV, an Iranian state-owned news and documentary network.

   1.2. At the time when he accepted the invitation, he understood that the programme was to discuss the subject of Strategic Lawsuits Against Public Participation ("SLAPPs") and how SLAPPs were used to suppress Palestinian voices. He was aware that the series of which this Broadcast formed part was called Palestine Declassified.

   1.3. In fact, the Broadcast took the form of a wide-ranging attack upon the firm of solicitors, Mishcon de Reya LLP ("Mishcon") and specific named individuals who were working or had worked for Mishcon, focussing on the firm's close links with Israel. The content and/or the tone of the broadcast was antisemitic.

   1.4. On 3 September 2022, when he arrived at the studio to take part in the Broadcast, the Respondent became aware that the episode was to be called 'Mishcon de Reya – Zionist Law Firm'. Either before or during the recording, he was shown pre-recorded video clips relating to Mishcon about which he was going to be asked questions. During the Broadcast, he was introduced as and repeatedly identified as a solicitor.

   1.5. In continuing to participate in the Broadcast, the Respondent has breached his obligations under the SRA Principles 2019 and Code of Conduct for Solicitors, RELs and RFLs, in that:

      1.5.1. he agreed to participate or to continue to participate in the Broadcast, even after having been shown the video clips, when he knew that he had not prepared himself to speak about the matters to be discussed and/or did not have sufficient knowledge to be confident that he could be presented as a solicitor with knowledge and/or sufficient expertise on the subjects to be discussed;

      1.5.2. during the Broadcast, he made statements about Mishcon which were false and inaccurate, namely that:

         1.5.2.1. Mishcon had been guilty of criminal activity when it was fined by the SRA "a record sum for money laundering", thereby implying that it had committed a criminal offence and then expressly stating "when you have criminal, erm, fines for money laundering, which is a criminal offence…." and, later, that "the grey area was stepped over in terms of money laundering, which is, erm, you know, a criminal, a criminal offence";

1.5.2.2. Mishcon had represented General Pinochet, in the context of referring to the issue of conflict of interest for judges where they had a "tenuous link" with one of the parties in a case and suggesting that, having been involved in the General Pinochet matter, training magistrates in a particular type of case and then appearing in front of them "was rather improper for them to be training the judges as well as prosecuting in front of them";

1.5.3. After the Broadcast had been completed, despite feeling uneasy about his participation in it, he failed to take steps in a timely way to raise his concerns with those responsible for its content and dissemination and/or seek to disassociate himself from it and/or request that the recording of his participation in it should be removed, only doing so when matters were brought to his attention by the SRA.

1.6. The statements set out in paragraph 5.2 above were false and inaccurate, in that:

1.6.1. Although Mishcon had, indeed, been fined £232,500 by the SRA as part of a regulatory settlement agreement in December 2021 (an outcome which would have been easily accessible to the Respondent, had he checked the SRA website), the fine was not for conduct which amounted to the criminal offence of money-laundering but for breaches of its anti-money laundering procedures;

1.6.2. Mishcon had not, at any stage, represented General Pinochet;

1.7. In making false and inaccurate statements about Mishcon, the Respondent acted recklessly. Allegations 1.5 and 1.6 are advanced on the basis that the Respondent's conduct was reckless. Recklessness is alleged as an aggravating feature of the Respondent's misconduct but is not an essential ingredient in proving the allegations.

2. By reason of any or all of the matters set out at paragraphs 1.5 and 1.6 above, the Respondent has breached any or all of Principles 2 and 5 of the SRA Principles ("the Principles") and paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs ("the Code for Solicitors").

Documents

3. The Tribunal reviewed all the documents submitted by the parties, which included (but were not limited to):

- Rule 12 Statement, Exhibit LC1 and Exhibit LC2 (video clip)
- Answer to Rule 12 Statement and exhibits
- Reply to Respondent's Answer

Factual Background

4. The Respondent is a solicitor having been admitted to the Roll on 15 October 2010 and holds a current practising certificate, free from conditions. His date of birth is December 1977. The Respondent is currently working as a consultant criminal defence solicitor at Waterfords Group Limited.

Findings of Fact and Law

5. Under the 2019 Rules, the Applicant was required to prove the allegations on the balance of probabilities.

6. 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 rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

7. On 9 September 2021, the SRA received a report from Mr James Libson, Solicitor and Managing Partner of Mischon de Reya LLP, which raised concerns about the Respondent's appearance and participation in a programme entitled "Mishcon de Reya – Zionist law firm". The programme was part of the series of 'Palestine Declassified' on Press TV, an Iranian state-owned news and documentary network.

8. It was not a live show. The internet link to the show appears to indicate that it became public on 3 September 2022. A transcript of the programme was prepared by the SRA and provided as part of the exhibits.

9. The Respondent appeared alongside Mr Chris Williamson, a former MP who was suspended from the Labour party and Mr David Miller, sociologist and former professor of Sociology at Bristol University and former member of the Labour Party.

10. The Respondent was introduced by Mr Williamson in the following terms:

> "*We're also joined today by Tasnime Akunjee. Tasnime is a criminal defence solicitor working in the field of terrorism and terrorism related offending since 1999. He's got extensive experience of how Prevent, the government's counter-terrorism strategy, targets Muslims. In March 2015, he was involved in advising the families of three schoolgirls who left Bethnal Green academy and travelled from East London to ISIS controlled Syria."*

11. Prior to this, Mr Williamson, as host of the Programme, indicated that he would be 'speaking to experts' on the issue which he had introduced (namely, Sir Keir Starmer's relationship with Mishcon de Reya), and the Respondent was thus introduced as someone with expertise on the issues which the Programme covered.

12. In addition, a banner appeared on the screen during the programme with the Respondent's name, stating that he is a solicitor. The Respondent was also asked some of the questions in his capacity as a solicitor.

13. The Respondent engaged in the discussion during the programme and responded to questions asked of him, including the matters leading to the allegations addressing the inaccurate statements which were made by him, which are addressed further below.

The Programme

14. The programme amounted to a wide-ranging criticism of, or attack on, Mishcon de Reya LLP as a firm and also in respect of specific named individuals at Mishcon de Reya LLP, focusing on the team within the firm who were involved in 'Israel-related activities' and Jewish members/employees of the firm, including its links with Israel, lobbying and Sir Keir Starmer. The firm was described, in the opening video clip as "a law lobbying firm deeply bonded to Israel at every level of the company". Although the content and tone of the programme was antisemitic, the SRA did not suggest that the Respondent, himself, said anything which was antisemitic.

15. The Respondent was asked questions and invited to comment on topics addressed by pre-recorded video segments and related matters.

16. When the Respondent was asked, what in his opinion was wrong with a law firm being hired by the Israeli embassy, the Respondent stated that there was nothing illegal about that at all, but then went on to refer to Mishcon de Reya being implicated in documents from the Panama papers, particularly to do with "tax avoidance or maybe evasion" and also that they had "more recently been fined a record sum for money laundering". He went on [underlining added]:

> *"…when you put all these things together, one has to start questioning well do all these things have synergies? Erm, and are they being properly investigated with respect to the impact they may have given that they are deeply embedded with the politics, they are deeply embedded with the finance internationally, and they're deeply embedded with lobbying? Erm, that's not to say any one of these things are particularly problematic, <u>but when you have criminal, erm, fines for money laundering, which is a criminal offence, then you start wondering about, erm, the, erm, ethics of it all</u>".*

17. The Respondent was then asked about the Panama papers and whether it is common for law firms to assist in large scale tax evasion and he then stated that Mishcon de Reya had stepped over the grey area in terms of money laundering, saying:

> *"I think it depends on the law firm. Erm, so any law firm that starts offering services to high-net-worth individuals will create entities for them offshore that aren't tax efficient.*
>
> *Now, there's a difference between tax evasion and tax avoidance, as Rishi Sunak likes to point out quite a lot. Erm, but the issue then becomes what's moral what isn't? Are lawyers the arbiters of morality? They're not, they are the tools that clients use to achieve goals.*
>
> *So, on their own, erm, it's not something that's, erm, problematic for a law firm to be involved in, <u>however if they start creating schemes whereby these are provided as services for tax evasion, one can easily switch into tax evasion,</u>*

that's a criminal offence. Erm, and in, in that particular case with Mishcon de Reya the grey area, erm, was stepped over in terms of money laundering, which is, erm, you know a criminal, a criminal offence".

18. Immediately following this, the Respondent is asked about work which Mishcon de Reya undertook in training Magistrates on breaches of Security Industry Authority rules, to which he replied:

> *"It was some years ago but, erm, Mishcon de Reya were the law firm that were training Magistrates in terms of how to deal with SI breaches. Now, the Security Industry Authority they're the ones that licence security guards and look at CCTV cameras and what have you. Now these breaches, when they occur, they are dealt within a Magistrates, erm, in a criminal context, but the rules that are used in terms of the balance of evidence are on a civil basis, so balance of probabilities rather than the criminal, erm, sort of test which is beyond reasonable doubt.*
>
> *So, Magistrates were trained in this because it's a little bit outside of what they normally deal with, however what was interesting about that was that Mishcon de Reya simultaneously had the contract for prosecuting any breaches. So, they're sort of training the judges but also prosecuting in front of them.*
>
> *And on its own, that's, erm, interesting but it becomes more interesting, erm, because Mishcon de Reya, of course, were the lawyers that dealt with, erm, and represented General Pinochet, erm, and in that case they successfully argued that Lord Woolf be removed as one of the judges because his wife was a secretary in Amnesty International. So, they established the precedent that, erm, even a tenuous link, erm, for a judge or an arbiter, would mean that they should recuse themselves from, from quite on probably judging on issues they had some potential interest in. But of course, that link was much stronger in the case of the SIA and so it was rather improper for them to be training the judges as well as prosecuting in front of them".*

19. The Respondent then stated that Mishcon de Reya are "quite well known" for "sharp practice" and referred to a Maltese journalist, Daphne Caruana Galizia, who had, he claimed, been threatened by Mishcon de Reya.

20. The Respondent, in correspondence with the SRA, has indicated that he had been led to believe that the subject matter of the programme was in respect of SLAPPs, a Maltese journalist who had been murdered, whose case Mishcon de Reya had been involved with, as well as in respect of an Al Jazeera journalist who had been killed in the Israeli-Palestinian conflict. He stated that he had conducted research on these topics, and these topics alone, and was unprepared for the subject matter of the programme, which only became known to him on arriving at the studio and commencing the recording. He stated that it was only then that he became aware of the title of the programme and the shift in focus to Mishcon de Reya specifically, for which he was not adequately researched or prepared, and which he felt 'uneasy about'. He accepted that he was shown the video clips which were used in the programme.

21. The SRA's position was that:

21.1. Notwithstanding his lack of research and familiarity with the proposed subject matter of the episode, he continued to participate in the programme and to make statements about Mishcon de Reya which were false and misleading.

21.2. He did not take steps to raise his concerns with those responsible for its content and dissemination and/or seek to disassociate himself from it and/or request that the recording of his participation in it should be removed, only doing so when matters were brought to his attention by the SRA following the complaint made by Mr Libson from Mishcon de Reya.

21.3. The Respondent's statement about the Firm being fined for money laundering was misleading; the Respondent stated during the programme that the Firm was "fined a record sum for money laundering". He implied that it had been a criminal matter in stating "when you have fines for money laundering which is a criminal offence…." and then expressly asserted that "the grey area was stepped over in terms of money laundering, which is a criminal offence". This amounted to a direct allegation that the firm had been involved in criminal activity.

21.4. It had, in fact, not been a criminal matter, but a regulatory matter in respect of anti-money laundering matters, dealt with by the SRA by way of a regulatory settlement agreement on 20 December 2021 (and published on 5 January 2022).

21.5. The breaches addressed by the SRA were concerned with the adequacy of Mishcon de Reya's anti money laundering procedures, not criminal charges of money laundering. Had the Respondent checked his facts before making these assertions, this would easily have been discovered.

21.6. The Respondent then made a further inaccurate statement about Mishcon de Reya representing General Pinochet, when this was neither true nor accurate.

21.7. These inaccurate statements were made due to a lack of being prepared for the topic and subject matter covered by the programme.

22. When matters were brought to his attention by the SRA following Mr Libson's complaint, the Respondent wrote to Mr Lisbon to apologise for his mistakes. He stated that:

22.1. His attention had been drawn to the hurt that his errors had caused Mr Libson personally as well as to other personnel within the firm and that he was deeply sorry for his mistake for stating that Mishcon de Reya had been fined for money laundering. He acknowledged that this statement was incorrect and accepted that the impression left by his words could lead listeners to form the view that Mishcon de Reya was involved in direct criminality rather than breaches of money laundering regulations.

22.2. He wanted to address his erroneous claim that Mishcon de Reya had represented General Pinochet and accepted that he was completely mistaken in making such an assertion, which was wholly inaccurate and without foundation for which he apologised.

22.3. He understood the gravity of his mistakes but wished to assure Mr Libson that they were not driven by any malice towards the firm nor any individuals within it and that the public nature of his "blunder" brings him no shortage of deep embarrassment.

22.4. He has sought to rectify the situation by writing to Palestine Declassified, outlining his erroneous comments and requesting that it withdraw the episode completely, or at least edit out his contribution.

22.5. He has published an apology on his Twitter profile.

22.6. He had not appeared on Palestine Declassified before the programme in question, nor since, and, having subsequently reviewed several of its programmes, acknowledged that its style of presentation was not something that he, as a solicitor, would wish to be associated with any further.

22.7. He invited Mr Libson to liaise with him so that he could provide a written apology in agreed terms, to be published on his Twitter account in the hope that such a gesture will help rectify any misconceptions that his erroneous words may have caused.

22.8. He reiterated the sincerity of his apology.

23. On 24 July 2023, in response to a reply from Mr Libson to the above communication, the Respondent stated the following:

23.1. He was not well acquainted with the program "Palestine Declassified" before his participation in the programme and since the programme he had not been part of it. He stated - "I hope it is worth noting that my later absence from the show predates any complaints being raised".

23.2. He had been invited to discuss SLAPPs and that Mishcon de Reya's unfortunate involvement with the Daphne Caruana Galizia matter linked the firm to that issue in the media.

23.3. Additionally, he had understood that the program would focus on the murder of Shereen Abu Akleh, an Al Jazeera journalist killed in Palestine and the possibility of a case being brought to the ICC and, consequently, he had researched those topics.

23.4. However, upon arriving at the studio and starting the recording he was only then made aware of the show's title and the shift in focus of the program to the history and activities of Mishcon de Reya. He was not adequately researched or prepared for this unexpected change, much of the content aired during the programme was new to him and his mistakes resulted from the lack of notice or preparation for this shift in the discourse.

23.5. After the program concluded, he remained unaware of his errors but felt uneasy about being invited on to a show that had undergone a significant refocusing and as a result he decided not to entertain any further offers to appear on the show.

23.6. When the SRA notified him of Mr Libson's complaint, he reviewed a considerable portion of Palestine Declassified episodes and, as well as his own experience with the

programme, he had taken note of the strong negative sentiment expressed by large quarters of the Jewish community towards Professor Miller and Mr Williamson.

23.7. In respect of Mr Libson's concern about his silence on the antisemitic nature of the program and Mr Libson's view that the Respondent had therefore endorsed such content, he stated that he had no desire to be associated with the Palestine Declassified programme in the future.

23.8. He had taken the initiative to write to the broadcasters, requesting that the episode be removed entirely or that his contributions be edited out, so as to eliminate any potential perception of endorsing the programme and to prevent any further dissemination of inaccurate information.

Allegations 1 to 4

24. Allegations 1 to 4 were not allegations against the Respondent as such but rather provided a factual background. The Respondent has largely admitted that background.

24.1 It is important to stress that there is no allegation against the Respondent about having said anything that was antisemitic. The Tribunal decided to make a finding of fact on whether the programme was antisemitic in order to establish the factual background.

24.2 The Tribunal considered the principles laid down in The Professional Standards Authority for Health and Social Care v The General Pharmaceutical Council & Mr. Nazim Ali [2021] EWHC 1692 (admin) and applied the objective test, that is, whether a reasonable person would consider the programme to be antisemitic.

24.3 The Tribunal found that the tone of the programme was antisemitic by using well-known stereotypes and tropes and that it engages several of the examples of antisemitism provided by the International Holocaust Remembrance Alliance, for instance:

> *"ii. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.*
> *…*
> *vii. Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour."*

24.4 The programme entitled "Mishcon de Reya – Zionist Law Firm" was an attack on Mishcon de Reya and individuals employed at Mishcon de Reya (or who were employed by them) as a Jewish law firm, employing Jewish individuals who are alleged to be promoting a pro-Israel agenda and as a political lobbying firm. Baron Victor de Mishcon, one of the two original partners of the Firm is attacked for his "huge slew of involvement with the government and state of Israel" and the firm is accused of being "deeply embedded with politics, finance and lobbying". Sir Keir Starmer is described as "an obedient man servant of Israel", implying in rather obvious terms that he is controlled or influenced by Israel – the segment goes on to say "If we were to follow his servility to Zionism to its lair we would end up with the controversial Mishcon de

Reya" where he was paid over £125,000 in "the employment of the strongly pro-Israel lobby group and law firm, slyly pocketing £750 an hour". These were considered to fall under examples (ii) and (vii) quoted above. The Tribunal was therefore satisfied that objectively the tone of the programme was antisemitic.

24.5 The Respondent stated that from his perspective at the time the content and tone of the programme was not antisemitic. The Tribunal accepted his evidence in that regard.

24.6 The Respondent was not aware what the programme was to be called at the relevant time. He saw the heading "Mishcon de Reya – Zionist Law Firm" appear on a small screen in the studio but did not know that would become the title of the programme as there were other segments which had different headings. That evidence was not contradicted.

24.7 The Tribunal accepted the evidence of the Respondent that he did not know when he arrived at the studio or even when he left, that the programme would later be edited to exclusively focus on that segment and to adopt that segment's title as the programme's title.

Allegations 5 and 6

25. The Respondent agreed to attend the programme 'Palestine Declassified' for no fee and he did not know that the programme would be refocussed as discussed above. He had been asked to speak about SLAPPs (Strategic Lawsuits against public participation) and how that related to the suppression of Palestinian voices, and that had been what he had prepared to discuss. He was taken by surprise by the different focus of the show. This evidence was accepted by the Tribunal and the Tribunal did not find there was anything wrong in agreeing to participate in the show.

Paragraph 1.4 of the Code for Solicitors and Principle 2 of the SRA Principles 2019

25.1 The two statements made by the Respondent were misleading as a matter of fact, notwithstanding that at the time the Respondent felt what he was saying was true. That fact was sufficient to establish a breach of Paragraph 1.4 of the Code.

25.2 In considering the evidence, the Tribunal noted that the Respondent was not asked about any anti-money-laundering breaches by the Firm. He volunteered this information. The Tribunal observed that upon becoming aware of the refocussing of the show, he could have taken appropriate steps. The tribunal did not expect that he should have physically left, but considered that he could have stated that he had not prepared this topic for discussion, in order to avoid or limit any reliance being placed on any inaccurate statements. Instead, he proceeded by relying on his general knowledge while he was being portrayed as an expert and a solicitor.

25.3 For the above reasons, the Tribunal found that Paragraph 1.4 of the Code and Principle 2 were breached.

Principle 5 of the SRA Principles 2019

25.4 In Wingate and Evans v Solicitors Regulation Authority [2018] EWCA Civ 366, it was said that: "In professional codes of conduct, the term 'integrity' is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members… The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards." (paragraph 97)

25.5 The Tribunal carefully considered the evidence and found that the Respondent misspoke and made mistakes in the relevant statements in circumstances where he had turned up in good faith on a programme and had made an on-the-spot decision to draw from his general knowledge. He further believed that what he was saying was correct and did not know that he had made mistakes. Further, this was not a live programme and the Tribunal accepted his evidence that he assumed that there would be an editorial process that would pull out any inaccuracy.

25.6 The Tribunal found that his failure to qualify his answers in such circumstances did not lead to a finding of a lack of integrity or lack of moral soundness. The Respondent clearly made a mistake on that day under pressure. The Tribunal found that it was not proved that the Respondent has breached Principle 5.

Recklessness

26. The Tribunal applied the test for recklessness which was set out in the case of Brett v SRA [2014] EWHC 1974. At paragraph 78, Wilkie J said that for the purposes of the Brett appeal, he adopted the working definition of recklessness from the case of R v G [2004] 1 AC 1034. He said that "the word 'recklessly' is satisfied: with respect to (i) a circumstance when {the solicitor} is aware of a risk that it exists or will exist and (ii) a result when {the solicitor} is aware that a risk will occur and it is, in circumstances known to them, unreasonable for them to take the risk".

27. The Tribunal found that the Respondent did not subjectively perceive any risk beyond the usual risks of participating in a programme, and that even if there was any risk it was not unreasonable for him to take that risk by speaking.

28. The statement the Respondent made in relation to the Firm's anti-money-laundering matter was clearly a garbled answer drawn on the SRA's fine on the basis of a breach of anti-money-laundering procedures. This showed that the Respondent had general knowledge of the matter and it would not have been unreasonable for him to speak in the circumstances. The Tribunal considered that the Respondent simply misspoke.

29. His statement about the Firm representing General Pinochet was an honest mistake made on the basis of an honestly held belief.

30. The Tribunal therefore found that it was not proven that the Respondent was reckless.

Previous Disciplinary Matters

31. The Respondent had been issued with a written rebuke after he had posted three Tweets on Twitter (between 12 November 2021 and 5 April 2022) which were abusive in a breach of Principle 2.

Sanction

32. Counsel for the Applicant applied to the Tribunal for an opportunity to address the question of sanctions, conceding that the SRA had only recently started making such applications and that sanctions were to be left entirely to the Tribunal's professional judgment. The Tribunal stated that it was fully aware of the guidance on sanctions but would be open to hearing any particular matter which Counsel wished to bring to its attention. Counsel for the Applicant stated that there was no such matter other than the rebuke.

33. Counsel for the Respondent stated that the Respondent respects and will abide by the Tribunal's order. It was highlighted that:

33.1. The Respondent had done everything in his power to dissociate himself with the programme he does not endorse its tone or content.

33.2. The rebuke had been issued after the events giving rise to these proceedings happened.

33.3. The programme maker took advantage of the Respondent who was grieving for his brother.

34. The Tribunal had regard to the Guidance Note on Sanctions (10th Edition – December 2022).

35. The Tribunal's overriding objective, when considering sanction, was the need to maintain public confidence in the integrity of the profession. In determining sanction, it was the Tribunal's role to assess the seriousness of the proven misconduct and to impose a sanction that was fair and proportionate in all the circumstances.

36. The approach set out in Fuglers and Others v Solicitors Regulation Authority [2014] EWHC 179 (per Popplewell J) was followed:

> *"There are three stages to the approach… The first stage is to assess the seriousness of the misconduct. The second stage is to keep in mind the purpose for which sanctions are imposed by such a tribunal. The third stage is to choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question."*

37. In assessing the Respondent's level of culpability, the Tribunal considered that the Respondent's misconduct was unplanned and spontaneous, noting however that he did retain some control of the circumstances giving rise to the misconduct, for instance, by qualifying his answer or refusing to answer. The Tribunal found that his culpability was low.

38. Turning to the harm caused, the Tribunal found that making those inaccurate statements as a solicitor undermined trust and confidence in the profession and caused harm to the Firm.

39. In considering whether there were aggravating factors, the Tribunal observed that the Respondent had not concealed any wrongdoing. He had in fact been very open about it. However, given that he was unprepared on the topic, he ought to have known that if he made an error in circumstances where he had not qualified his answers, that error could have the effect of undermining confidence in the legal profession. The Tribunal also observed that he had been recently rebuked for comparable misconduct in making statements on Twitter.

40. The Tribunal took into account various mitigating factors including the following:

40.1. The Respondent had apologised to the Firm and publicly.

40.2. The Respondent showed genuine insight and did not and will not go on the programme again. His evidence clearly showed that he had learnt his lesson.

40.3. The Respondent had made open and frank admissions at an early stage and had cooperated with the SRA.

41. The Tribunal finally noted that it had found very few aggravating factors and many mitigating factors and concluded that the level of seriousness of the misconduct was low.

42. The Tribunal additionally took into account as a general mitigating factor that it had been a distressing year for the Respondent and that he had a confused state of mind when he made the inaccurate statements.

43. The Tribunal considered that a reprimand was not appropriate given the existence of the rebuke as discussed above. The Tribunal ordered a fine (at Level 2) of £6,500.

Costs

44. Counsel for the Applicant relied on the Schedule of Costs dated 2 July 2024 covering the entire investigation and proceedings in claiming £45,478.68.

45. The Tribunal found that it was reasonable to bring the two breaches that the SRA succeeded in proving, but noted however that the hearing would have been shorter in that event. The Tribunal further considered that the Respondent had to bear his own costs in defending the proceedings.

46. The Tribunal carefully considered the matter of costs and found that it just and reasonable given the work undertaken for the Applicant to recover costs in the sum of £30,000.00.

Statement of Full Order

47. The Tribunal ORDERED that the Respondent, MOHAMMED TASNIME AKUNJEE, solicitor, do pay a fine of £6,500.00, such penalty to be forfeit to His Majesty the King, and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £30,000.00.

Dated this 2nd day of September 2024
On behalf of the Tribunal

W Ellerton

JUDGMENT FILED WITH THE LAW SOCIETY

3 SEPTEMBER 2024

W Ellerton
Chair

This judgment was approved by Mr William Ellerton and Mrs Carol Valentine