

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12607-2024

## **BETWEEN:**

ALIMA MAXSOOD AKA HALIMA MAQSOOD MALIK Applicant

and

SOLICITORS REGULATION AUTHORITY LTD Respondent

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Before:

Mr G Sydenham (in the chair)

Mr J Johnston

Mrs L McMahan-Hathway

Date of Hearing:

6 September 2024

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## **Appearances**

Geoffrey Williams KC of Farrar's Building, Temple, London EC4Y 7BD for the Applicant, who was present.

Inderjit Johal, barrister in the employ of the Solicitors Regulation Authority of The Cube, 199 Wharfside Street, Birmingham B1 1RN for the Respondent.

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## **JUDGMENT ON AN APPLICATION TO REMOVE CONDITIONS**

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## **Executive Summary**

1. The Applicant, Ms Maxsood, applied to remove conditions on her practice which had been imposed by the Tribunal in 2017 following certain findings it had made. In summary, her counsel, Mr Williams KC submitted on her behalf the following :
  - a. The conditions were imposed upon the Applicant as a result of a finding of some sort of vicarious liability. There had been no “hands on” misconduct.
  - b. The conditions were imposed after an irregular procedure, namely the Tribunal had not sought submissions from the Respondent (as it should have done) on its intention to impose conditions on her practice.
  - c. The Applicant has complied with the Tribunal’s Order in all respects for a period of almost 7 years and throughout she had behaved in an impeccable manner.
  - d. The conditions had had a disproportionate effect upon the Applicant’s career development, essentially trapping her in low paid employment and effectively being a bar to securing more favourable practising situations.
2. The Solicitors Regulation Authority Limited (“the SRA”), the Respondent, opposed the application on all matters raised by the Applicant.
3. The Tribunal granted the application and removed the conditions on the Applicant’s practice. It made no order for costs.

## **Documents**

4. The Tribunal considered all the documents in the case which were contained in an agreed electronic bundle.

## **Legal and Procedural Framework**

5. In considering whether to remove the restrictions on the Applicant’s ability to practise, the Tribunal must be satisfied that the conditions are no longer appropriate.
6. The Tribunal may have regard to the factors listed at paragraph 5 of its “Guidance Note on other powers of the Tribunal 6<sup>th</sup> Edition”, published in March 2021. The factors in the Guidance Note relate to termination of a period of suspension, however, such factors are also relevant when the Tribunal is considering an application to remove conditions on an Applicant’s practice. In particular, the following factors are relevant to this application:
  - details of the original order of the Tribunal leading to the indefinite order for conditions. The Tribunal should consider this information for guidance as to the seriousness and circumstances of the original breach or misconduct and the steps the Tribunal regards as being relevant in supporting an application.
  - evidence of any training undertaken by the Applicant and assurance that they have kept their legal knowledge up to date in their area of practice.

- evidence of any employment together with safeguards and supervision which have been put in place by the Applicant’s employer or alternatively a stringent oversight of the Applicant’s potential employment together with third party risk and personal management arrangements to be put in place by a prospective employer.
  - evidence of genuine reformation of character including evidence of insight into the nature and effects of the misconduct and steps taken by the Applicant to ensure that the wrongdoing does not recur.
  - whether there is any continuing risk to the public.
  - the Tribunal considers that the public would not harbour concerns about the propriety of the Applicant returning to unrestricted practice.
  - evidence that the conditions have been complied with.
  - if financial penalties were imposed, evidence that they have been discharged.
  - or attempts made by the Applicant to discharge them.
  - character references.
  - the regulator’s response to the application.
7. The Tribunal’s “Guidance Note on Sanctions 10th Edition” published in June 2022 states that the Tribunal, in exercising its wide power to “*make such order as it may think fit*” and, if it deems it necessary to protect the public, may impose restrictions in the form of conditions upon the way in which a solicitor continues to practise. The Tribunal will restrict a solicitor’s practice if it considers that it is necessary to protect the public and the reputation of the legal profession from future harm.

### **Factual Background**

8. The Applicant was admitted as a Solicitor on 3 July 2006. In September 2008, the Applicant became a partner at Malik Law Chambers (“the Firm”), where she completed her training contract. She ceased to be a partner a few months later before again becoming a partner in 2011.
9. Between 20 December 2012 and 1 December 2016, she was the Compliance Officer for Financial Administration (“COFA”) and between 20 December 2012 and 9 June 2016 she was the Compliance Officer for Legal Practice (“COLP”).
10. The Firm was intervened into on 30 August 2012. Later The Respondent began an investigation of the Firm in accordance with the SRA Accounts Rules 2011 and the SRA Code of Conduct 2011 on 24 July 2013. This resulted in a Forensic Investigation report (“the first report”) dated 17 January 2014.
11. The inspection revealed that inconsistent figures were provided by the Firm for its gross fee income over the period 2009 to 2012 to the SRA and in a professional indemnity insurance proposal form dated 9 September 2011.

12. The indemnity insurance proposal form provided incorrect information in relation to whether any fee earner had, in the last 10 years, practised in a firm subject to an investigation by the Respondent. The form was purported to have been signed by the Applicant and another partner at the Firm, Mr Ali.
13. The Respondent conducted further inspection visits at the Firm in 2014 and on 27 May 2015. A Forensic Investigation report was prepared after the May 2015 inspection. The report again dealt with errors and omissions in a professional indemnity insurance proposal form prepared by the firm and sent to Hera Indemnity, an insurance brokers. The form was dated 15 August 2014 and was signed by Mr Ali. At the relevant time, the Applicant was the COLP at the Firm.
14. On 18 January 2016 the Respondent decided to refer both the Applicant and Mr Ali to the Tribunal.

#### The Hearing on 25 September 2017 and imposition of conditions

15. The Applicant attended a hearing at the Tribunal on 25 September 2017. At an earlier Case Management Hearing (“CMH”) the Tribunal decided that the cases against the Applicant and Mr Ali should be severed and heard separately to avoid further delay.
16. The Tribunal found the following allegation, raised against the Applicant, proved in its entirety: Allegation 1.2: In breach of either or both of Principles 2 and 7 of the Principles she provided misleading information in an insurance form dated 15 August 2014 about:
  - 1.2.1 the firm’s gross fee income;
  - 1.2.2 the firm’s dealings with the SRA;
  - 1.2.3 whether any fee earner in the firm had had an award made against him or her by the Legal Ombudsman;
  - 1.2.4 whether any fee earner in the firm had entered into a regulatory settlement agreement with the SRA; and
  - 1.2.5 whether any fee earner in the firm had ever been the subject of “an Independent Voluntary Arrangement (IVA) or other arrangement” (sic)
17. The Tribunal did not find the following allegations proven:
 

Allegation 1.1: In breach of either or both of Principles 2 and 7 of the SRA Principles 2011 (“The Principles”), she provided misleading information in an insurance proposal form dated 9 September 2011 about:

  - 1.1.1 the firm’s gross fee income; and
  - 1.1.2 whether any fee earner had practised in a firm subject to an investigation by the Solicitors Regulation Authority

18. In considering sanction, the Tribunal made the following comments about the Applicant's conduct

*"...The Tribunal assessed the Respondent's (the Applicant in the present matter) level of culpability. Her motivation for the misconduct was unclear. She may well have wanted to keep her job and/or to avoid upsetting Mr Ali.*

*As this was a case of omission rather than commission there may have been no motivation. The conduct was neither planned nor spontaneous. The Respondent had been the COLP and a partner. She had acted in breach of a position of trust. The Respondent's level of experience was not all that great; she was not experienced in running a business. The COLP role was a new role for everyone in 2012/2013. The letter to the broker was misleading, and this was compounded by it being sent to the Regulator, although this did not form part of the charge brought against the Respondent.*

*The harm caused by the misconduct was towards the lower end. Overall, her culpability was not very high.... The Respondent's misconduct had an impact on the insurance company. It will also have damaged the reputation of the profession.*

*The Respondent had lacked integrity, and her actions had resulted in significant harm. Whilst the Tribunal accepted that that harm was not necessarily intended, it might reasonably have been foreseen to result from the Respondent's misconduct.*

*The only relevant aggravating factor was that the Respondent must have known, or ought reasonably to have known, that her misconduct was in material breach of her obligations to protect the public and the reputation of the legal profession.*

*The Tribunal did not consider that the Respondent had genuine insight based on her responses to its questions. She had not made open and frank admissions at an early stage, nor had she co-operated fully with the Applicant. The misconduct was of a relatively brief duration in a previously unblemished career, and this was the only mitigating factor"*

19. Having reviewed the range of sanctions available to it the Tribunal considered the circumstances of the case meant that a fine would be the most appropriate sanction and it determined that the level of fine which reflected the seriousness of, and was proportionate to, the misconduct was a fine at level three, namely conduct assessed as 'more serious.' The Applicant had been on notice of the untrue statements that had been made in the 2011 form. As COLP, responsibility lay with her to ensure that subsequent forms were correct and complete, but she had failed to do so.
20. Taking everything into account the Tribunal considered that the appropriate fine should be in the sum of £8,000.00. However, the Tribunal remained concerned by the Applicant's lack of insight because although she said she had genuine insight, this was not evident. Whilst she had, when prompted, been able to identify that a solicitor should be able to be trusted to the ends of the earth, she had sought to distance herself from the responsibility which she latterly accepted fell upon her, to ensure the Firm complied

with its legal and regulatory obligations. She had also sought to argue that her failures to identify that misleading statements were being made, and to prevent this from happening did not amount to a breach of the SRA Principles.

21. The Tribunal therefore did not have confidence that a similar lack of attention, or rigour in compliance with such responsibilities, would not be repeated. Whilst the Tribunal did not consider it was necessary to take away her ability to practice, it did consider that a Restriction Order was required to ensure the protection of the public and the reputation of the legal profession from future harm by the Applicant so that she did not hold certain positions of responsibility. The conditions imposed would be for an indefinite period with liberty to apply.
22. The conditions were that the Applicant could not :
  - practise as a sole practitioner, or sole manager or sole owner of an authorized or recognised body;
  - be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other authorized or recognised body;
  - be a Compliance Officer for Legal Practice or a Compliance Officer for Financial Administration.
23. Prior to the hearing in September 2017, the Applicant had the following conditions placed on her practising certificate (“PC”) as follows:
  - Ms Malik shall not complete or sign any professional indemnity insurance forms.
  - Ms Malik may not take on the role of manager or owner of an authorised body without the advanced approval of the SRA.
  - Ms Malik shall immediately inform any actual or prospective employer of these conditions and the reasons for their imposition.
24. Following the Substantive Hearing the Applicant was issued with conditional practising certificates for every practising year since September 2017.
25. For her 2019/2020 practising certificate the decision was taken to remove the condition which required her to inform her employers of the conditions. The Authorisation Officer advised that she had decided to remove this condition as, although there was a lack of integrity found against Applicant there was no finding of dishonesty. Therefore, the Authorisation Officer had no reason to believe that she would not properly disclose the remaining conditions.
26. The same conditions were placed on the Applicant’s practising certificate for the year 2021/2022 as well as 2022/2023 and 2023/2024.

### **Submissions by the Applicant**

27. The Applicant gave evidence before the Tribunal and explained that it had been her life goal to serve the public by being a solicitor. This had in large measure been the result of the circumstances of her upbringing and the obstacles she had had to overcome, information as to which, was set out in full to the Tribunal.
28. Despite all the difficulties the Applicant said that she had been resourceful and determined in her efforts to provide for herself and child. She was now in a much more stable position, and she sought to move on in her professional career. She had a very strong support network.
29. The Applicant said she had kept herself updated on changes to law and procedure and she was able to show the Tribunal her training record for the last period 2022/2023 in which she had attended and/or completed something in the region of 164 courses ranging from matters concerning her direct area of professional interest, family law, and also encompassing professional ethics, SRA compliance and AML, the role of the COLP and managing risk.
30. However, The Applicant acknowledged that the CPD training records did not, of itself, evidence rehabilitation. However, when taken together with the work she was undertaking at her current position with SL Law (where she had been employed on a part time basis since March 2022) it was cogent evidence of rehabilitation and demonstrated her genuine interest in keeping herself abreast of the law.
31. The Applicant was able to refer the Tribunal to a letter from her employer Nighat Sultana, of SL Law setting out that in Ms Sultana's view the Applicant had shown integrity, probity and trustworthiness when performing her duties within the firm and evidenced her rehabilitation.
32. In her work as a solicitor the Applicant said she is entrusted to complete designated Forms for the purposes of contested and non-contested matters wherein clients must make full and frank disclosure of their financial position. This required utmost attention so as to not provide any misleading information.
33. The Applicant said that SL Law was aware of her regulatory history which she disclosed when she was interviewed for the post.
34. With respect to the Substantive Hearing in 2017 she said that she had been in a very poor way emotionally at the hearing to the extent she had not given her best evidence. She said that at that time she had not been able to cope with the pressure of a disciplinary hearing before the Tribunal. She had not been represented and she had been crying for much of the time and found it difficult to hear or engage with the questions being put to her. She was not given opportunity to make submissions on the issue of conditions. It was a very long and hard day. She recalled the hearing took about eight hours. She had not eaten any food and only had coffee.
35. The Applicant said that she was an honest person The conditions were imposed almost seven years ago, and she had complied with them. The Applicant believed that in this

time she had, by her conduct, established that she would not pose any risk to the public or the profession should the conditions be lifted or relaxed.

36. She had demonstrated wholehearted commitment to the legal profession and seek to be in a position where she could at long last fulfil her potential.
37. In his submissions to the Tribunal Mr Williams made points regarding the hearing which had taken place in September 2017.
38. Mr Williams said he said that he was not asking the present Division to go behind the judgment, however, there were some troubling aspects of the judgment, summarised as follows:
  - a. The Tribunal at the Substantive Hearing had appeared to put to the Applicant that the concepts of honesty and integrity were the same when in fact they were not. Mr Williams referred to the cases of Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67 (the test for dishonesty) and Wingate v Solicitors Regulation Authority v Malins [2018] EWCA Civ 366 (integrity) which showed that dishonesty and lack of integrity are distinct, albeit related legal concepts. Mr Williams submitted that under pressure, the Applicant agreed with the false premise that they were the same.
  - b. At page 16 paragraph 23 of the Tribunal’s judgment it stated that “*The harm caused by the misconduct was towards the lower end. Overall, her culpability was not very high*”. However, at paragraph 24 it was found that “*her actions had resulted in significant harm*. This was an irreconcilable inconsistency which Mr Williams could not readily understand. These discrepancies served to undermine the imposition of the conditions.
39. Mr Williams said there were other concerns, for example, that the Applicant had not been provided with an opportunity to address the Tribunal on the imposition of conditions.
40. The power and duty in appropriate cases to impose conditions was initially confirmed in SRA v Camacho no guidance was provided save for the need for liberty to apply. However, the proper approach was described in Manak v Solicitors Regulation Authority [2018] EWHC 1958 (Admin) as follows:
  - (a) It was held that, without hesitation, a Tribunal contemplating the imposition of conditions should, before so doing, hear submissions by or on behalf of the Solicitor.
  - (b) A proportionality exercise must be carried out including a consideration of the effects of conditions upon employability.
41. Mr Williams submitted that whilst the Manak case post-dated the Tribunal’s judgment the principles encapsulated in Manak represented nothing new and they were in accordance with what had always been required by way of fairness. However, the Tribunal had not complied with (a) above and its judgment did not record the carrying out of any proportionality exercise.



42. In dealing with the present application Mr Williams said that the Tribunal was required to consider the Applicant as she was now, and he submitted:
43. The conditions were imposed upon the Applicant as a result of a finding of some sort of vicarious liability. There was no “hands on” misconduct and her misconduct was the result of omission rather than commission.
44. It was clear that the Applicant presented absolutely no risk to the public or to the profession. Indeed, she had proved herself to be a credit to the profession and evidence revealed all that she had gone through in her personal life. Such events would have broken many people, but the Applicant had survived them. Mr Williams said this showed her considerable strength of character.
45. The Applicant had scrupulously complied with the conditions but that they had had a detrimental effect upon her career and had impeded upon her ability to make a full contribution to the profession. The conditions were now preventing her from seeking opportunities for freelance or consultancy work and in fact presented a severe obstacle to any firm taking her on and a recruitment agency had advised her that there was no point in putting her forward as employers would not engage with her whilst the conditions remained.
46. The Applicant’s commitment to the profession was obvious and admirable and but for the fact that she had not been able to afford representation at Tribunal in 2017 the position she now found herself in would likely not have arisen, or at least it would not have persisted as long as it had done.
47. Mr Williams submitted that if the Applicant was permitted by the Tribunal to practise unfettered, she no longer presented any risk to either the public or the profession and that accordingly there was no public interest in the conditions remaining in place after the time that had elapsed.
48. In conclusion, Mr Williams stated that it was now *‘high time that the shackles represented by the conditions should be lifted and the Application should be granted.’*
49. Finally, Mr Williams told the Tribunal that should the Applicant be successful in her application she would still need to apply to the Respondent for the removal of the conditions on her PC.

### **The Respondent’s Submission in Opposition**

50. Mr Johal said that Division of the Tribunal which had heard the case against the Applicant in 2017, considered that the seriousness of the Applicant’s conduct which included a lack of integrity, justified a level three fine (aimed at conduct assessed as more serious). The Tribunal also imposed restrictions restricting the Applicant’s ability to hold certain positions of responsibility which was deemed to be necessary to ensure the protection of the public and the reputation of the legal profession from future harm by the Applicant.
51. The failures identified by the Tribunal were at a time when the Applicant was a Partner and COLP of the Firm. The Tribunal had been concerned by the Applicant’s lack of

insight. It was considered that, although the Applicant had said she had genuine insight, this was not evident and that she sought to distance herself from the responsibility to ensure that the Firm complied with its legal and regulatory obligations. She further sought to argue that her failures to identify that misleading statements were being made, and to prevent this from happening, did not amount to a breach of the SRA Principles.

52. Mr Johal said that that there had been a passage of over six years since the conditions were imposed, yet, in that time, the Applicant had only worked in the profession since March 2022, and on a part time basis only while working a second job as an assistant hotel manager. Mr Johal submitted that in terms of the evidence of rehabilitation that the Applicant was obliged to show, this could not be considered substantial employment in the legal profession in the period after the order of conditions. The mere passage of time and compliance with the conditions were not sufficient grounds upon which the Tribunal could be satisfied that the conditions were no longer necessary.
53. The Applicant had stated that she has kept fully up to date with her CPD and provided her training records to the Respondent showing her compliance with the relevant requirements. She was employed in the family law department at SL Law conducting work in relation to "*financial remedies and children issues.*" In support of her PC application for 2023/2024, the Applicant provided a positive character reference from Nighat Sultana, Director at SL dated 1 June 2023. Ms Sultana confirmed that the Applicant had been working under supervision as an Assistant in the Family Law Department. Ms Sultana provided a document setting out the type of duties and work that the Applicant has carried out since March 2022, and which were ongoing.
54. Mr Johal said that the Respondent noted that the Applicant had not provided a more up to date reference which reflected her current work situation.
55. Mr Johal observed that the main reason for the Applicant's application appeared to be that the existence of the conditions was impacting negatively on her ability to earn a living. It was acknowledged that the existence of the conditions may affect the Applicant's employment prospects with certain law firms, however they had not in the Applicant's case been a bar to employment, as she was currently working, albeit part time, despite the conditions. The conditions, therefore, did not, in themselves, prevent such employment. The removal of the conditions (even if it were appropriate) would not change the fact that the findings were made, and the conditions imposed.
56. Whilst the Applicant's submissions addressed her suitability to act as a solicitor the Applicant had not specifically addressed why she would now be suitable to act in any of the roles specifically excluded by the conditions. It was to be noted that the Applicant had not suggested any proportionate variations to the conditions.
57. Mr Johal said that the Applicant had advised that she had been told by a recruitment agency that there was no point in putting her forward for roles whilst she had conditions in place, however, it was not clear to the Respondent if this was merely the view of one agency or whether she had approached other agencies who had told her the same thing.
58. The Applicant had said that she was contemplating freelance or consultancy work with hopefully more than one firm, however, her application had not made it clear why the conditions would prevent her from doing so, the Applicant had informed the

Respondent's Authorisation team that the condition preventing her from completing Professional Indemnity forms was an impediment to securing freelance work. That condition was not the subject of the present application.

59. It was also noted by Mr Johal that at the time of applying for her 2023/2024 practising certificate, the Applicant had not updated her 'my SRA' account with details of her new employment at SL Law thereby failing to comply with her regulatory obligations. She was reminded in the Decision of the Authorised Officer, dated 3 April 2024, to do so but as of 20 June 2024, the Applicant's account had still not been updated. Mr Johal said that this did not tend to show evidence of genuine reformation of character nor insight into the nature and effects of the misconduct.
60. It was further noted by the Authorised Officer, that within her application for her 2023/2024 practising certificate, although she has stated she has had ample time to reflect on her actions, learn from her mistakes and demonstrate a sustained commitment to compliance with regulatory obligations she also stated the following matters which again tended to negate the level of her professed insight :

*"Both the SRA conditions and SDT are considerable disproportional and their impact excessive - Certainly, this was not the overriding objective/purpose of the conditions - to prevent me from working as paid Solicitor - but the impact has gone beyond what they were designed to do. Before I went to Tribunal, I had unblemished record I tried my utmost best to comply with each request from both SDT and SRA, at that time, for information. The Tribunal decision contains errors as well.'*

*'A lapse in judgment or oversight should not necessarily define my entire career which is what you are doing.'* - *On the one hand I am told that irrespective of the SDT restrictions SRA have powers to make any kind of conditions they deem suitable. The indefinite nature of the conditions imposed by the SDT are an abuse of power. They never invited my submissions on what I thought about them imposing restrictions in addition to the fine. It should be noted clearly that the SDT followed the SRA in imposition of condition which were imposed before I went to the SDT.'*

*'Also, the SDT did not see any reason to impose a condition regarding completion of PII forms but which SRA has done and have continued this since the 2016/2017 PC. - 'I was prosecuted for two allegations and only one was proved. The way this sentence is worded is causing me stress. It gives clearly wrong impression that several allegations which prosecuted and proved and that there was also in addition a separate allegation to do with integrity.*

*'Public Perception of Fairness and Proportionality - The public expects regulatory bodies like the SRA to administer justice fairly and proportionately. If conditions remain on my practising certificate indefinitely for minor misconduct that occurred many years ago, it undermines public confidence in the regulatory process and creates the perception of unfairness or arbitrariness. The public want to be protected but this kind of administration of justice alarms them as well.*

*Potential for Regulatory Overreach - Administrative decisions must ensure they do not exceed the scope of regulatory authority or encroach upon individual rights unfairly. Imposing indefinite conditions on a practicing certificate for minor misconduct, without sufficient justification or regard for the solicitor's rights, may be interpreted as regulatory overreach or abuse of power."*

61. Mr Johal said that it was of note that the Applicant referred to "minor misconduct" in her submissions above and it appeared that the Applicant continued to have little appreciation of the seriousness of the concerns highlighted by the Tribunal in its judgment. The Tribunal had been clearly concerned about the Applicant's lack of insight and her attempt to distance herself from the responsibility that she finally accepted fell upon her. The Tribunal had rightly classed the misconduct as more serious when deciding on the level of fine.
62. The Applicant was found to be in breach of the integrity principle, and it was to be noted that the present application did not determine, vary or remove the conditions imposed by the SRA on her PC which would need to be the subject of a separate application.
63. In conclusion, Mr Johal submitted that, whilst it appeared the Applicant had started her rehabilitation, in all the circumstances, any removal of the conditions at this time would cause harm to the public and the reputation of the profession, having regard to the nature of the Applicant's misconduct, limited insight and the limited evidence of professional rehabilitation over a significant period of time since the conditions were imposed.

### **Determination of the Tribunal**

64. The Tribunal considered the application, the supporting documentation filed by the Applicant, her evidence before the Tribunal and Mr William's submissions which it balanced against the Answer filed by the Respondent and Mr Johal's submissions in opposition. It had regard also to the Guidance on Other Powers of the Tribunal 6<sup>th</sup> edition, published in March 2022 as far as it was relevant to the present application.
65. Paragraph 5 of that Guidance sets out the factors which the Tribunal would consider in determining a period of indefinite suspension and this had useful parallels to conditions imposed on a solicitor's practice.
66. The Tribunal observed that its task was to weigh up the individual circumstances put forward by the Applicant as against the public interest and the need to safeguard members of the public and maintain the reputation of the profession. The Tribunal noted that the conditions/ restrictions were not intended to be punitive rather they were measures to protect the public and the reputation of the profession from future harm.
67. The fundamental question therefore was whether the conditions on the Applicant's practice were still necessary to protect the public or the reputation of the profession from any further misconduct.
68. The Tribunal took note of the details of the original order made by the Tribunal in 2017 and the seriousness and the circumstances of the misconduct leading to the imposition of the conditions upon her practise. The Tribunal also took careful note of the steps the

Applicant had taken since the imposition of the order to allay the legitimate concerns of the profession and the public.

69. The Tribunal noted that in 2017 the Applicant had been a relatively newly admitted solicitor, and that the main instigator of the misconduct had been the older, more experienced partner/owner of the Firm. Further, the Applicant had been unrepresented and emotional at the Substantive Hearing and, in hindsight, possibly not capable of presenting her case in the best light.
70. That said, however, the Tribunal did not go behind the judgment of the earlier Division of the Tribunal. Whilst it noted the ‘troubling’ matters identified by Mr Willams in his submissions, namely the suggested elision of the separate concepts of dishonesty with lack of integrity and imposing conditions upon the Applicant without first hearing her submissions on the point the Tribunal focused its attention upon the Applicant, as she now presented to the Tribunal, seven years after the hearing in which she was made subject to the conditions.
71. There was no doubt the original breaches had been serious and there had been a finding of lack of integrity, however, there was no evidence of any further misconduct on the Applicant’s part in the subsequent years and there was very convincing evidence that the conditions had been scrupulously complied with.
72. Regarding the timing of the application, the Tribunal disagreed with the Respondent’s contention that because the Applicant had only been practicing as a solicitor for two years or, so, this was the only relevant period, and not long enough to justify lifting the conditions. The Tribunal was clear that the whole period since the conditions were imposed i.e. when the Applicant had been working as a paralegal and looking for legal work could and should be taken into account. It could not be said that the Applicant had made the application too soon or prematurely. She had waited seven years before making her application. The Applicant had produced a wealth of detail regarding the training courses she had attended and completed, and it was clear that she had attended courses relevant to the issues which had caused the Tribunal concern in 2017. The Applicant had completed a vast number of professional training courses on integrity and ethical behaviour, and she had shown a steadfast commitment to work that benefitted the under privileged and vulnerable.
73. The evidence of rehabilitation was strong, and this was underlined by her conduct since the imposition of the order and her character evidence. The Tribunal had been impressed with her evidence, remorse, insight and commitment to good practice within the profession. With respect to the level of insight, the Tribunal considered this to be very high and genuine. She had been open and honest to those with whom she now worked part time at SL Law, as indeed she was required to be. She had worked in the legal sector and other jobs for many years successfully and honestly.
74. Based on the detailed and convincing evidence which had been placed before the Tribunal, it determined that it was no longer necessary to ensure the protection of the public and the reputation of the legal profession from future harm by the Applicant through restrictions on her practice. It would therefore order the conditions to be removed.

75. The Tribunal recognised that it needed to evaluate the risk the Applicant still posed. However, it did not consider, based on the evidence before it, that there was any continuing risk to the public or that the public would harbour concerns about the propriety of the removal of the condition to which the Applicant had been subject. The Applicant had demonstrated to the Tribunal's satisfaction that she had redeemed herself and could be trusted in the future.
76. The Applicant is reminded that she must apply directly to the SRA to lift the conditions from her Practising Certificate.

**Costs**

77. There was no application for costs.

**Statement of Full Order**

78. The Tribunal ORDERED that the application of Alima Maxsood AKA Halima Maqsood Malik, solicitor for the removal of the conditions imposed by the Tribunal on 25 September 2017 be **GRANTED**.
79. The Tribunal made **NO ORDER** for costs.

Dated this 31<sup>st</sup> day of October 2024  
On behalf of the Tribunal

*G Sydenham*

G Sydenham  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**31 OCTOBER 2024**