

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12757-2025

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

MOHAMMED ALIAS YOUSEF

Respondent

Before:

Ms A Kellett (in the chair)

Ms T Cullen

Mr P Hurley

Date of Hearing: 9 – 13 March 2026

Appearances

Benjamin Tankel of 39 Essex Chambers, 81, Chancery Lane, London, WC2A 1DD for the Applicant.

Guy Ladenburg of 3 Raymond Buildings, Gray's Inn, London WC1R 5BH for the Respondent.

JUDGMENT

Allegations

1. The allegations against the Respondent, Mohammed Alias Yousef, made by the SRA are that, while in practice as a Solicitor at Bhatia Best Solicitors (“the Firm”) he:

1.1. From 5 February 2021 to 9 April 2021, provided legal services to and/or received payment from Person A without the authority and/or knowledge of the Firm.

In doing so, the Respondent breached any or all of:

1.1.1. Principles 2, 4 and 5 of the SRA Principles (“the Principles”).

1.1.2. Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code”).

1.2. From 9 April 2021 to 14 July 2021, concealed from the Firm that he had represented Person A at a police station interview while on annual leave on 9 April 2021 and/or provided false and/or misleading information to the Firm about Person A.

In doing so, the Respondent breached any or all of:

1.2.1. Principles 2, 4 and 5 of the Principles.

1.2.2. Paragraph 1.4 of the Code.

1.3. On 15 July 2021, created one or more entries on the Firm’s case management system purporting to indicate that work activities had been undertaken/completed in April 2021, which he knew or ought to have known were false and/or misleading as the activities could not have been genuinely undertaken/completed on the dates specified.

In doing so, the Respondent breached any or all of:

1.3.1. Principles 2, 4 and 5 of the Principles.

1.3.2. Paragraph 1.4 of the Code.

Executive Summary

2. The Applicant alleged that Mr Yousef, while employed as a solicitor at the Firm, provided legal services to Person A between February and April 2021 and accepted payment from her without the Firm’s knowledge or authority.

3. Person A had contacted the Firm in February 2021 after being told she needed to attend a voluntary police interview. She was referred to Mr Yousef, who arranged for the interview to take place on 9 April 2021 at Leyton Police Station, around 140 miles away. Text messages between Mr Yousef and Person A mentioned the sum of £250. Mr Yousef said this sum related to the private sale of hardwood flooring, rather than his rate for providing legal services, as Person A asserted.

4. Whilst on a day's annual leave, Mr Yousef travelled to London and attended the interview with Person A. Person A said she paid him £250 in cash afterwards in the police station car park; he denied receiving any payment.
5. Mr Yousef was alleged to have concealed from the Firm that he had represented Person A at the police station interview on 9 April 2021 whilst on annual leave, and to have given false or misleading information to the Firm about her case in the following months.
6. No formal file was opened for Person A, no client entry was made on the Firm's systems, and no legal aid claim was submitted, despite such police station work normally being covered by non-means-tested Legal Aid. Mr Yousef accepted that this was an oversight.
7. Person A requested a receipt for the alleged cash payment on 7 July and again on 13 July. When she received no receipt, she contacted the Firm on 14 July. The Firm could not find any record of her or any payment.
8. Finally, on 15 July 2021, Mr Yousef allegedly created backdated false and misleading entries on the Firm's case management system to indicate work had been done in April 2021.
9. On 21 July 2021, the Firm reported concerns about Mr Yousef to the Applicant, and on 22 July Person A made her own report to the SRA.
10. Each of the three allegations were said to breach SRA Principles 2, 4 and 5 and paragraph 1.4 of the Code of Conduct. They were robustly denied by Mr Yousef.
11. The Tribunal found the allegations, including those of dishonesty and breach of integrity, to be not proved, save for a single breach of Principle 2, where the documents entitled Opening and Closing Letter to Client and Terms of Engagement dated 15 April 2021 were in fact created on 15 July 2021.
12. The Tribunal ordered that Mr Yousef be reprimanded.

Sanction

13. The Tribunal ordered that the Respondent be given a Reprimand. The Tribunal's reasoning can be found [[here](#)].

Documents

14. The Tribunal considered all the documents in the case which included:

Applicant

- Rule 12 Statement [[here](#)]
- Exhibit DG1 dated 25 April 2025
- Skeleton dated 3 March 2026
- Schedule of Costs dated 2 March 2026

Respondent

- Answer dated 26 June 2025 [[here](#)]
- Witness Statement and Exhibit dated 26 January 2026
- Skeleton dated 2 March 2026
- Statement of Means dated 9 February 2026
- Schedule of Costs dated 2 March 2026

Professional Details

15. The Respondent, who was born in December 1970, was a Solicitor who was admitted to the Roll on 15 April 2019. At the time of the hearing, he was employed as a solicitor at John Mohamed & Co Limited with a current practising certificate free of conditions. At the relevant time, he was a solicitor at the Firm, specialising in legally aided criminal defence work, which included acting as a duty solicitor.

Witnesses

16. 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. For the avoidance of doubt, the Tribunal read all the documents in the case and made notes of the oral evidence of all witnesses. The absence of any reference to particular evidence should not be taken as an indication that the Tribunal did not read, hear or consider that evidence. The following witnesses gave oral evidence:
- Person A
 - Steven Ramsell
 - Mohammed Alias Yousef
 - Person B

Findings of Fact and Law

17. The Applicant was required to prove the allegations beyond 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.

Integrity

18. With reference to its consideration of integrity, the Tribunal had regards to [Wingate v SRA](#) EWCA Civ 366.

“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 ... [Professionals] are required to live up to their own professional standards ... Integrity connotes adherence to the ethical standards of one's own profession.”

Dishonesty

19. In its determination of the issue of dishonesty the Tribunal the considered the test set out at paragraph 74 of [Ivey v Genting Casinos \(UK\) Ltd t/a Crockfords](#) [2017] UKSC 6.
20. When considering dishonesty, the Tribunal applied the two-step test and first established the actual state of Mr Yousef's knowledge or belief as to the facts, noting that the belief did not have to be reasonable, merely that it had to be genuinely held. It then considered whether that conduct was honest or dishonest by the standards of ordinary decent people.

Preliminary Matters

21. The Tribunal confirmed that it was appropriate and in the interests of justice for Person A to remain anonymised. Both Mr Tankel and Mr Ladenburg sought permission to rely upon a small quantity of late evidence adduced from the Applicant's unused material, provided to the Tribunal as late submissions. Neither objected to the other's application.
22. Mr Tankel also sought permission to rely upon some phone records of Person A, not previously available, but which were relevant to the issues before the Tribunal, and which completed records already supplied by Mr Yousef. Mr Ladenburg did not object.
23. The Tribunal granted permission for all the additional evidence to be adduced in the interests of justice and directed that it be uploaded to the hearing bundle.
24. In an application technically made at the close of the hearing, Mr Ladenburg sought permission for the identity of the Respondent's witness, who gave evidence during the hearing, to be referred to in this judgment as 'Person B.'
25. The Tribunal was satisfied that the witness provided confidential support services to vulnerable individuals and that disclosure or publication of her identity in this judgment or in any recording or transcript of the hearing supplied by or on behalf of the Tribunal would likely result in serious harm to her.
26. Accordingly, the Tribunal directed, pursuant to R35(9) Solicitors Disciplinary Procedure Rules, that no person shall publish or disclose any matter likely to lead to the identification of Person B.
27. **Allegation 1.1: From 5 February 2021 to 9 April 2021, provided legal services to and/or received payment from Person A without the authority and/or knowledge of the Firm. In doing so, the Respondent breached any or all of: (1.1.1) Principles 2, 4 and 5 of the SRA Principles ("the Principles") and (1.1.2) Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs ("the Code").**

The Applicant's Case

- 27.1 Mr Tankel clarified the allegations and the time periods to which they related:

- Allegation 1.1 related to legal services provided by Mr Yousef and/or his alleged receipt of payment for those services, prior to and at the police station, from 5 February to 9 April 2021 inclusive.
- Allegation 1.2 related to Mr Yousef's alleged concealment of acting for Person A during the period 5 February to 14 July 2021.
- Allegation 1.3 related to the creation of Person A's file on 15 July 2021, which was then populated with backdated entries. It was acknowledged that Mr Yousef accepted that he did not create a record of Person A as a client until 15 July 2021.

27.2 Mr Tankel explained that the set of text messages relied upon by the Firm when conducting a disciplinary hearing against Mr Yousef, and as referred to in some of the witness statements, was incomplete. He drew the Tribunal's attention to the inclusion of a full set of the SMS messages in the hearing bundle, which could be triangulated against the records of messages set out in the phone records, now adduced in evidence. It was in due course agreed as a fact by Mr Ladenburg that the Tribunal had the benefit of the complete set of SMS messages sent between Person A and the Respondent (save for a brief exchange on What's App on 9 April which neither person had retained). It was further agreed that the only time that Mr Yousef and Person A met in person was at the police station.

27.3 Mr Tankel submitted that the Tribunal's finding of whether £250 cash had changed hands was pivotal, although not conclusive, evidence of whether the breaches alleged against Mr Yousef were proved. The fact of the handover of money was fiercely disputed between Mr Yousef and Person A and there was little independent corroborative evidence.

Chronology

- February 2021 - Following police contact on 5 February 2021 regarding a voluntary interview under caution, Person A telephoned the Firm and was transferred to Mr Yousef. He took on her case and there followed text messages between them concerning an interview date and the disclosure of police evidence. As early as 6 February, Person A sent Mr Yousef a text message which said, "*Do I need to make any payment to you?*" Mr Yousef did not reply.
- March 2021 - Text messages on 27 March 2021 recorded Person A enquiring again, "*Also what are your fees?*" Mr Yousef responded by asking Person A to call him, "*Hi if your (sic) free can you call me.*" Person A stated that Mr Yousef informed her she would be required to pay £250, and that he did not advise her of her entitlement to free police station representation.

27.4 In support of his contention that it was during this call that Mr Yousef asked for cash payment for his legal services, Mr Tankel drew the Tribunal's attention to a text conversation between Person A and her friend, who made a witness statement dated October 2023, in which she confirmed that it was discussed whether a fee of £250 was appropriate for the police station attendance.

27.5 On 30 March the date of the interview was fixed and the following day Mr Yousef requested annual leave, originally for 8 and 9 April and subsequently for 9 April only.

- April 2021 - On 7 April 2021, after Person A asked whether he preferred payment in cash or by bank transfer, he replied: “*give it me in cash on Fri.*” £250 was approximately the same as the Legal Aid rate for attending at a police interview. Mr Tankel submitted that Mr Yousef later claimed that this sum referred to payment for hardwood flooring he was selling but proposed that there was no evidence to support such a transaction. The phone records proved there was a telephone conversation between Mr Yousef and Person A, but any discussion about hardwood flooring was denied by Person A in oral testimony. Bank records showed that Person A withdrew £250 in cash on 8 April 2021.
- Mr Tankel acknowledged that there was evidence to support the fact that a third party, Edward Lloyds, in fact bought the flooring on 8 April for £250.
- The police interview took place on 9 April 2021. Mr Yousef attended at Leyton Police Station despite being on annual leave on that date. At the conclusion of the interview, Person A stated that she handed him £250 in cash in an envelope in the car park, which is at the heart of the allegations. Mr Yousef denied that this occurred. Person A stated in written and oral evidence that Mr Yousef then gave her a lift home from the police station during which he made sexually inappropriate comments. This was also denied by Mr Yousef.
- May 2021 - On 1 May there was a text exchange between Mr Yousef and Person A which did not relate to work matters.
- July 2021 - On 7 July 2021, Person A contacted Mr Yousef to request a receipt, and in response to a request for a call, she answered, “*Just need the receipt – thank you.*” When she subsequently contacted the Firm on 14 July 2021, staff determined that no file had ever been opened for her. There was no record on the file management or accounting systems, no physical file, and no evidence that the Firm had received funds or that any legal aid procedures had been followed.
- On 14 July, when approached by the Firm’s cashier, Mr Yousef stated that he had “*no recollection*” of any payment and described Person A as a “*bogus caller*” who was “*harassing firms*”. This information was recorded in a near contemporaneous statement made by Louise Pynegar, Practice Supervisor, on 16 July 2021, which was exhibited to her witness statement. Mr Yousef did not disclose that he had acted on Person A’s behalf.
- Following internal enquiries, on 15 July 2021 Mr Yousef asked administrative staff to open a file for Person A and to backdate it to 8 April 2021. Further investigation revealed that all documents on the file, including opening and closing letters, terms of engagement, and a diary note purporting to record contact with the Duty Solicitor Call Centre (DSCC), had been created in July 2021, but deliberately dated April 2021. Metadata confirmed that the entries had been created retrospectively and that there was no evidence any documents had been sent to the client or that the DSCC had been contacted.

- The Firm conducted a disciplinary hearing on 29 July 2021. It found that Mr Yousef had acted dishonestly, lacked integrity, and had breached the Solicitors Accounts Rules and the Legal Aid contract. He was summarily dismissed, and his subsequent appeal was unsuccessful. He later repaid £250 to the Firm to compensate for the Legal Aid fee that would have been available had he contacted the DSCC within the required timeframe.

27.6 Mr Tankel submitted that the chronology of events was damning against Mr Yousef, given the timing of conversations and text messages about £250, the timing of his booking of annual leave, his misrepresentation that Person A was a ‘bogus caller’ and his late introduction of the ‘hardwood flooring defence’, detailed below.

Evidence

27.7 Mr Tankel reaffirmed that there was no dispute that legal services were provided by Mr Yousef, nor that he failed to log Person A as a client, in the Firm’s financial and case management systems or with the DSCC.

27.8 The Applicant’s prima facie case was strong in the face of documentary proof that Mr Yousef had had long telephone calls and text exchanges with Person A, in which the matter of £250 had clearly been discussed, had had correspondence with the police and had conducted the interview itself. There was documentary evidence of cash withdrawals on 8 April to support the alleged payment. Person A testified to having paid the money to Mr Yousef and subsequently requested a receipt for those funds. Notwithstanding this evidence, Mr Yousef offered the implausible explanation that he had been discussing the sale of hardwood flooring with Person A, which she robustly denied, and did nothing to rectify Person A’s status as a client until she later contacted the Firm.

Credibility

27.9 Mr Tankel submitted that Mr Yousef claimed that Person A was lying because she was upset by the impact of the caution that she accepted and was seeking a receipt in order to conspire against him.

27.10 Mr Tankel explained that this account did not stand up against the contemporaneous record. In Person A’s initial, formal complaint dated 21 July 2021, she focused on the matter of the £250 payment, not on the caution of the alleged inappropriate sexual comments. Mr Tankel suggested that the same was true of Person A’s complaint to the Applicant, made the following day on 22 July, where she described a ‘fraud’. On 19 July Person A asked the Firm whether her complaint should be about sexual behaviour and/or money; there was no mention of any disquiet about the caution until the Firm wrote to Person A about her complaint on 6 August and she responded on 11 August 2021.

27.11 Person A had given a description of Mr Yousef’s car and the journey home from the police interview to corroborate her evidence that it had happened. Person B’s evidence that the lift had not happened was not corroborated. Mr Tankel submitted that Mr Yousef’s attacks on the credibility of Person A were not made out.

27.12 By contrast, it was submitted that Mr Yousef was a person who had seized an opportunity, having learned that he could not undertake the police interview remotely or by way of written statement, to use dishonest means to fund the day trip to London which he had planned for his day of annual leave.

The 'hardwood flooring defence'

27.13 Mr Tankel submitted that there was no evidence to support the proposed sale of the flooring to Person A. All the evidence that existed in connection with the flooring was tangential, such as the original purchase of the wood a year earlier and the sale of some power tools at around the same time as the purported sale of the wood. Most of this information had been provided after the event, for the purpose of Mr Yousef's disciplinary hearing.

Delay

27.14 Mr Tankel drew the Tribunal's attention to the impact of the passage of time on the quality of oral evidence, which should be contrasted with the overwhelming volume of high-quality documentary evidence.

Breaches of the Principles and the Code

Dishonesty – Principle 4

27.15 Relying on the test in Ivey v Genting, Mr Tankel submitted that the Tribunal must first determine Mr Yousef's actual knowledge or belief and then assess whether his conduct was dishonest "*by the standards of ordinary decent people.*"

27.16 Mr Yousef's knowledge of the facts was evidenced by his sustained failure to open a client file or follow any Firm procedures from the first contact with Person A to the police interview. Despite 19 communications with the Police Officer, he created no file, no engagement letter, and no record of work. All contact with Person A was conducted via his personal mobile, in contrast to his use of the Firm's email for police communications, meaning he knew the Firm had no awareness of Person A as a client and that police emails could not be uploaded without a client record.

27.17 He also knew his attendance at Leyton Police Station was unauthorised, having taken annual leave and failing to disclose that he intended to act for Person A. He had numerous opportunities to inform the Firm - when arranging the interview, adjusting his leave, speaking to colleagues en route, after the interview, and when back at work - but did not do so.

27.18 Mr Yousef understood that Person A was entitled to legal aid and that he was required to contact the DSCC within 48 hours, which he did not. He obtained neither a DSCC reference nor a Unique File Number, made no legal aid claim, and did not inform Person A of her entitlement. He also knew he was not authorised to accept personal payment, yet sought and received £250, which he failed to account for.

27.19 When Person A later contacted the Firm on 14 July 2021 seeking a receipt, he did not disclose his representation but provided a false explanation, claiming he had "*no*

recollection” of the £250 and calling Person A, a “*bogus caller*”. This occurred despite recent messages from her requesting a receipt. His later claim that the money related to wooden flooring was not raised at the time.

27.20 Mr Yousef’s actions were conscious and deliberate. He knew he was acting without authority, accepted unauthorised payment, and abused the position of trust inherent in the solicitor-client relationship. His conduct caused harm to Person A and the wider profession. Accordingly, he acted dishonestly by ordinary standards and breached Principle 4.

Integrity – Principle 5

27.21 Mr Tankel submitted that the same conduct demonstrated a lack of integrity under Principle 5, applying the definition in Wingate v SRA. Integrity required adherence to the profession’s ethical standards. Mr Yousef acted outside the Firm’s authority while giving both Person A and the Police Officer the impression he was authorised. The Firm confirmed that authority would likely have been refused due to distance, lack of prior relationship, the low-level nature of the matter, and limited resources.

27.22 Mr Yousef failed to take any of the required steps when acting for a client: he opened no files, drafted no engagement letter, and failed to advise on legal aid entitlement. By acting covertly while on annual leave, he prevented the Firm from supervising his work. His conduct fell well below expected standards and therefore breached Principle 5.

Public Trust and Confidence – Principle 2

27.23 For the same reasons, Mr Yousef’s actions undermined public trust and confidence, contrary to Principle 2. The public is entitled to expect that solicitors act only when authorised and within regulatory systems. By providing unauthorised services, accepting £250 from someone entitled to legal aid, and concealing this from the Firm, he seriously undermined the trust placed in him and the profession.

Not to Mislead – Paragraph 1.4 of the Code

27.24 Finally, Mr Yousef breached paragraph 1.4, which prohibits misleading or attempting to mislead clients or others. His failure to notify the Firm of his representation of Person A, coupled with the false explanation he provided when challenged, constituted an attempt to mislead the Firm.

The Respondent’s Case

27.25 Mr Ladenburg began by reminding the Tribunal that Mr Tankel had opened proceedings by acknowledging to the Tribunal that should it find, on the balance of probabilities, that £250 cash had not changed hands between Person A and Mr Yousef, the Applicant’s case regarding all the allegations was much weaker. This was in the context of serious allegations of dishonesty and concealment having been made, however, and strong evidence in support was therefore required.

- 27.26 It was common ground that Mr Yousef had represented Person A during an interview at Leyton Custody Centre on 9 April 2021, and provided legal services to her, but it was denied that he received any payment from her or that he acted without the Firm's knowledge and consent. Given all the evidence, it was more likely than not that no money changed hands. Mr Yousef was certain and robust in cross-examination: "*Not one penny had changed hands*".
- 27.27 As Mr Yousef had stated in his witness statement dated 26 January 2026, and confirmed in detailed oral evidence, at the relevant time he was a busy duty solicitor engaged in volume Legal Aid work. The Firm regularly required him to attend police stations to represent clients in a variety of places including Nottingham, Derby, and Mansfield. He did not have a work phone and was obliged to use his personal mobile. It was not uncommon for him to continue to do police station work, if possible, on days booked as annual leave. This was his usual way of working and the Firm never questioned it. What had transpired in Person A's case, namely the failure to open a file in a timely fashion, was simply caused by the chaos attendant on an overworked duty solicitor in a busy team who had not caught up with the administrative tasks his job required.
- 27.28 Steven Ramsell, partner at the Firm, gave evidence that files were not normally opened prior to a police station attendance, and that it often happened afterwards, so that there was certainty that a prospective client had become a formal client of the Firm. Mr Yousef accepted that he did not register Person A's case with the DSCC when he should have done, but this administrative failure was not evidence of dishonesty.
- 27.29 Mr Yousef was told by Mr Ramsell that he could attend the interview if it could be conducted remotely, and accordingly he corresponded by e-mail with the investigating police officer. This was during the third national lockdown and remote interviews were commonplace. In the event, an in-person interview was arranged for 9 April 2021, in Leyton, which Mr Yousef knew he could accommodate, as he planned to visit his brother in London that day. He vigorously denied that Person A's case was a 'side job.'
- 27.30 The phone records showed that Mr Yousef spoke with Person A on two occasions before the interview on 9 April 2021 and on five occasions afterwards. The data comprehensively undermined Person A's account in her witness statement that Mr Yousef would call her regularly at 10p.m. In fact, there was only one call made at around 10p.m. according to the phone records, and this was made from Person A to Mr Yousef. Person A's account in her statement that Mr Yousef telephoned her to demand payment on 27 March 2021 is directly contradicted by the data which shows no calls on that day. The text data, however, demonstrated that the Respondent and Person A exchanged 12 messages that date and 25 messages on 31 March 2021, none of which Person A produced to the investigation, in order, it was submitted, to control her dishonest narrative.
- 27.31 At the interview Person A declined to follow Mr Yousef's advice of giving 'no comment' in respect of both the offensive message sent on 18 October 2020 and the alleged silent calls she had made to her sister-in-law, which were the subject of the police interview. She admitted sending the offensive malicious communication text

but denied the silent calls. Person A subsequently admitted under cross-examination that she had lied to the police and admitted that she had made the alleged silent calls to her brother's wife.

- 27.32 As confirmed in written and oral evidence, Mr Yousef maintained that during phone conversations with Person A, she expressed an interest in some wooden flooring that he was selling at the time, and a price of £250 was agreed upon. It was a coincidence that this was the same sum that Mr Yousef had indicated to Person A was the approximate legal aid fee for a police station interview. Mr Yousef was, however, able to describe the flooring in detail and prove with documentary evidence that he sold the flooring to a local third party for that price on 8 April 2021, the day before the interview. There was documentary evidence of a call between Mr Yousef and the Respondent early evening on 8 April and Mr Yousef said that, to the best of his recollection, this was when he would have told Person A that the wood was no longer for sale. He had sold it elsewhere to a third party who was also interested. This was clearly simpler than having to transport the wood to London to sell to Person A. Mr Yousef accepted that he did not mention the 'hardwood flooring defence' until he gave an account of what had happened to the Firm on 28 July 2021, in the context of the disciplinary hearing. He commented that he only realised that an explanation was required when he saw the text messages which Person A had recently supplied to the Firm. At that time, he had taken it seriously and contacted the third party to obtain the relevant evidence to demonstrate the sale and support his account.
- 27.33 Under oath Mr Yousef told the Tribunal that Person A was still in the police station when he left, which was normal practice whilst the police dealt with the practicalities of a caution, that he did not receive £250 cash in the police station car park and that he did not give Person A, a lift home. Instead, he and Person B drove to see his brother in west London, which was corroborated by his brother as well as Person B. Person B was steadfast in cross-examination that Mr Yousef did not have any cash on him when they went out for dinner that evening.

Credibility

- 27.34 It was Mr Yousef's contention that Person A maliciously fabricated her account against him due to being unhappy about the caution and its potential impact on her professional registration. Mr Ladenburg submitted that this was a deliberate act of concealment and dishonesty on the part of Person A.
- 27.35 Under cross-examination Person A had shown herself to be a dishonest person who had lied to the police.
- 27.36 Mr Yousef maintained that Person A had also lied about him giving her a lift home after the interview, which was corroborated by Person A and the circumstantial evidence of the visit to west London.
- 27.37 Person A had failed in her obligation to report her caution to her professional regulator over a period of five years.
- 27.38 Mr Yousef testified, after Person A had been cross-examined, that after his dismissal from the Firm he received several nuisance calls from a withheld number. He averred

that he was certain these calls were from Person A because he could hear her laughing. The calls only stopped once he announced that he would record them going forwards. The calls were denied in a witness statement made by Person A on 11 March 2026.

- 27.39 Mr Ladenburg invited the Tribunal to consider the way Person A elaborated her complaint against Mr Yousef over time, which was relevant to her credibility and reliability. By way of example, Person A's account of the lift home and alleged sexualized comments did not appear in her first complaint, only emerging in subsequent accounts which were variously exaggerated, invented, and malicious. After review, the Applicant had declined to pursue Person A's allegations of sexual misconduct. The evidence of the text exchanges proved nothing more than mutual gentle flirtation. Mr Ladenburg submitted that Person A had an extremely casual relationship with the truth.
- 27.40 Mr Ladenburg maintained that the Firm's internal investigation of what events had taken place was unfair and flawed from the outset, when Mr. Bhatia uncritically adopted Person A's account as true - "*... as matters stand, I believe her account of it*". Mr Ladenburg submitted that the Tribunal was not bound by any findings of the internal disciplinary and appeal process and should approach the evidence of Person A with caution, considering the numerous inconsistencies and contradictions revealed by her oral testimony.
- 27.41 Mr Yousef denied that he provided legal services to and/or received payment from Person A without the knowledge of the Firm and so denied any breach of the 1.4 of the Code or Principles 2, 4 and 5.

The Tribunal's Findings

- 27.42 The only agreed fact between the parties was that legal services were provided by Mr Yousef to Person A during a police interview on 9 April 2021. The allegation that Person A paid Mr Yousef the sum of £250 in cash following that interview was robustly denied. With a view to determining the correct version of events, the Tribunal considered a significant amount of evidence, including contemporaneous text messages and phone records, along with the oral evidence of witnesses. The Tribunal was grateful to both Mr Tankel and Mr Ladenburg for their forensic examination of the phone logs, to help the Tribunal to understand where the truth lay where testimony was diametrically opposed.

Credibility

- 27.43 The Tribunal heard from Person A, the original complainant in this matter, and considered in detail her initial written complaint and subsequent communications with the Firm and the Applicant, all the communications she exchanged with Mr Yousef and also the police station attendance note of the interview held on 9 April, which Person A signed and acknowledged in her oral testimony.
- 27.44 Person A was unable to give a rational or logical reason as to the trigger for her request for a receipt some three months after the event in question, something which, on her own account, she wished to put behind her and forget. Under oath, she then

admitted to being dishonest when telling Mr Yousef, in a text exchange, that she was with her accountant who needed the receipt. The Tribunal did not accept Person A's analysis that this was a "*white lie*." The Tribunal was unable to determine what her motivation was.

- 27.45 Person A was dishonest in the police interview. At the time, she denied making any silent phone calls in the context of the malicious communications offence but said in oral testimony that she had in fact made them, blaming her earlier denial on following Mr Yousef's advice and instructions. His case, however, as proved by the attendance note of the interview, was that he had not advised her to issue a denial, but, that if she wished to, she could make 'no comment'.
- 27.46 Person A claimed she did not initiate any of the phone calls made to Mr Yousef, but this was contradicted by her phone records. In particular, the call made at 22.10 for 1 hour 45 minutes on 29 March 2021 was an outgoing call from Person A's phone. When questioned about statements she had made, which were contradicted by evidence, the Tribunal found that Person A was unable to provide a credible explanation and that parts of her evidence were tainted.
- 27.47 Person A also had no explanation for why she had not, over the four and a half years since she received the caution, reported herself to her professional regulator, as she was required to do. Although she explained that she had not worked since the Covid-19 pandemic, she had paid an annual fee to remain on the register, and the obligation therefore remained.
- 27.48 The Tribunal concluded that it was unfortunate that the evidence of Person A had been accepted at face value and without question, which had resulted in five years of investigation and the subsequent prosecution of Mr Yousef.
- 27.49 By contrast, the Tribunal found that Mr Yousef was an honest and credible witness. He accepted when he had made mistakes and, as Mr Ladenburg acknowledged, his administrative paperwork was laggard, chaotic and haphazard. The Tribunal also found, however, that this was due to the nature of his work as an overwhelmed criminal duty solicitor engaged with legal aid work, worsened by the impact of the pandemic. It noted Mr Yousef's diagnosis of dyslexia.
- 27.50 Mr Yousef's explanations for events were believable and backed up by the contemporaneous documentary evidence. The Tribunal accepted that he preferred to discuss legal matters in a phone call rather than in writing because of his dyslexia. Where he could not remember something, he said so and the impact of the delay in bringing proceedings was noted. The Tribunal also took account of the enormous toll that these proceedings had taken on Mr Yousef over the past five years.
- 27.51 The Tribunal also heard evidence from Person B on behalf of Mr Yousef and found her to be a valuable witness who was credible, clear, and cogent. Where her recollection differed from Mr Yousef's, the Tribunal attributed that to the passage of time and did not find any suggestion of deliberately incorrect recollection.
- 27.52 The critical issue, as both Mr Tankel and Mr Ladenburg agreed, was the matter of the £250, and whether it changed hands between Person A and Mr Yousef.

- 27.53 Mr Yousef said the figure was mentioned in telephone calls and in texts as being the price of hardwood flooring that he wished to sell, and which was subsequently sold to a third party on 8 April. That case was supported by the documentary evidence. This figure happened to be the same as the amount Mr Yousef had told Person A was charged for attending at a police station interview on legal aid rates. The Tribunal considered this carefully but determined, on the balance of probabilities and in the light of all the other evidence presented, that this was a coincidence.
- 27.54 The Tribunal had to determine whether Person A's assertion that she handed over the cash was true or whether it should believe Mr Yousef, who robustly denied that had happened. It did not find Person A to be a witness on whose testimony it could safely rely, and preferred the evidence of Mr Yousef, which was supported by Person B. On the balance of probabilities, the Tribunal did not find it proved that the sum of £250 in cash changed hands on 9 April 2021. Further, it did not find it proved that Mr Yousef gave Person A, a lift home at the conclusion of the police station interview, preferring the evidence of Person B.
- 27.55 The Tribunal found, on the balance of probabilities, that Allegation 1.1 was not proved.
- 28 **Allegation 1.2: From 9 April 2021 to 14 July 2021, the Respondent concealed from the Firm that he had represented Person A at a police station interview while on annual leave on 9 April 2021 and/or provided false and/or misleading information to the Firm about Person A. In doing so, the Respondent breached any or all of: (1.2.1) Principles 2, 4 and 5 of the Principles and (1.2.2) Paragraph 1.4 of the Code.**

The Applicant's Case

Concealment of Representation and Provision of Misleading Information

- 28.1 On 14 July 2021, Person A contacted the Firm to request a receipt for a payment she stated she had made to Mr Yousef. She informed the Firm's cashier, Mr Jamie Curzon, that she had paid Mr Yousef £250. Following that call, Mr Curzon emailed Mr Yousef requesting Person A's file reference. Mr Yousef replied that he had "*no recollection*" of any £250 cash payment and asked, "*why we would act for the client for £250 cash?*" He further asserted that Person A was a "*bogus caller*" who had been making false calls to law firms requesting receipts, without identifying the source or basis of this allegation and without disclosing that he had represented her at the interview.
- 28.2 Relying on Mr Yousef's explanation, Mr Curzon emailed colleagues stating: "*If we receive a phone call from [Person A] asking for a receipt for £250 cash she supposedly paid to [Mr Yousef] back in April, it's not a legitimate call. [Mr Yousef] has said she is harassing firms about transactions that never happened*". When Ms Louise Pynegar, the Practice Supervisor, spoke with Mr Yousef, he confirmed the information he had given to Mr Curzon. The Firm's systems were checked on 14 July 2021, and it was established that no record of Person A existed on either the financial or case management systems or in the form of physical records.

- 28.3 On 15 July 2021, Mr Yousef provided Ms Pynegar with screenshots of only five text messages, limited to Person A's recent requests for a receipt. Earlier communications were not disclosed. He also provided a written statement in which he acknowledged, for the first time, that he had attended the police interview on Person A's behalf, and he did not repeat his earlier allegation that she was a "bogus caller". Person A later disclosed additional messages and further information to Mr Ramsell. A disciplinary investigation was opened on 16 July 2021.

Respondent's Position

- 28.4 Mr Yousef emailed the managing director of the Firm on 17 July 2021, setting out his position. His initial account to the Firm was that Person A was a "bogus caller" and not a genuine client. He later acknowledged that he had represented her at the interview but denied receiving payment or agreeing a fee, asserting that he had 'forgotten' to open a file because he was busy and the matter had concluded. When confronted with text messages from Person A, he claimed they related to a sale of wooden flooring and that the messages disclosed to the Firm were incomplete.

Breaches of the Principles and the Code

Dishonesty – Principle 4

- 28.5 Applying the test for dishonesty in Ivey v Genting Casinos, Mr Yousef had many opportunities between the interview date and 14 July 2021 to disclose that he had represented Person A but did not do so. He continued corresponding with her, failed to open a client file, and failed to record the £250 payment.
- 28.6 Despite receiving reminder texts from Person A requesting a receipt, he still did not regularise the position. When questioned on 14 July 2021, he knowingly withheld the truth, falsely describing Person A as a 'bogus caller' and concealing that he had acted for her. His conduct was deliberate, misleading, and extended over several months. It amounted to dishonesty by the standards of ordinary decent people and therefore breached Principle 4.
- 28.7 His actions were conscious: he knew he was not authorised to give legal advice or accept payment, yet he hid his involvement and avoided creating any record of Person A as a client. This deliberate concealment further demonstrated dishonesty and a breach of Principle 4.

Integrity – Principle 5

- 28.8 By failing to disclose his involvement with Person A, failing to record her as a client, and failing to account for the £250 payment, Mr Yousef ensured there was no trace of her when she contacted the Firm. His lack of openness, together with making unjustified allegations about Person A, fell below the ethical standards expected of a solicitor. He therefore breached Principle 5.

Public Trust and Confidence – Principle 2

28.9 Mr Yousef’s concealment of his dealings with Person A, combined with misleading and non-transparent conduct when she contacted the Firm, undermined public trust in him, in solicitors, and in legal services. The public and colleagues must be able to rely on the accuracy of a solicitor’s statements about clients. His conduct breached Principle 2.

Not to Mislead – Paragraph 1.4 of the Code

28.10 By giving misleading information and omitting relevant facts about his dealings with Person A, Mr Yousef misled or attempted to mislead the Firm. This amounted to a breach of paragraph 1.4 of the Code.

The Respondent’s Case

28.11 Mr Yousef denied that:

- he sought to deliberately conceal his representation of Person A from the Firm
- he deliberately supplied any misleading information in respect of Person A
- his conduct in this regard breached the Principles or the Code.

28.12 Mr Yousef referred in both his witness statement and in oral evidence to that fact that he was overwhelmed with work and accepted that he had made a mistake in not opening a file on behalf of Person A. The Firm had furloughed numerous members of staff, which had increased his workload. In his own words he had worked “*at the front line*” for the Firm. He had to travel 90 miles to get to and from the office and had to visit police stations over a large geographical area. He felt that the Firm had taken advantage of him and his willingness to go the extra mile.

28.13 Person A was allocated to Mr Yousef when she phoned the Firm: at no point did he seek to conceal his representation of her from the Firm.

28.14 Mr Yousef asked his manager Mr Ramsell about the case, and he suggested Mr Yousef arrange a remote interview. During cross-examination Mr Ramsell did not specifically recall a conversation with Mr Yousef about Person A as a prospective client but accepted he may have viewed the instruction as viable if it were possible to conduct the interview remotely. This was a common feature of the practice at the time because this situation arose during the third national lockdown.

28.15 The protracted delay in arranging the interview was not unusual. Mr Yousef accepted that he ought to have opened a file earlier than he did, but the opening of a client file after the event was not an uncommon feature of the Firm's business, which involved bulk Legal Aid work. There was no concealment whatsoever. Mr Yousef corresponded with DC Hodge from his Firm e-mail address. He completed and signed a police station attendance note, which was on his desk at the Firm at the bottom of a pile of other attendance notes in the months between the police station interview and Person A's request for a receipt.

- 28.16 The attendance note was subsequently uploaded to the client file on 15 July 2021 by one of the Firm's administration assistants, as shown by the metadata. Mr Ramsell accepted in evidence that the attendance note was indeed made on the Firm's template. This undermined the suggestion that Mr Yousef was attempting to conceal the matter from the Firm. Mr Ramsell also acknowledged that there was no criticism of Mr Yousef's conduct of the interview. It was not uncommon for a client not to follow advice given and recorded in the attendance note – in this case the advice to give 'no comment.'
- 28.17 The £250 alleged to have been demanded and received by Mr Yousef as a fee for representing Person A was a negligible amount for Mr Yousef to have staked his reputation and livelihood. It represented less than the standard Legal Aid fee (inc. VAT) for attending a police interview and was a fraction of what would constitute a reasonable private fee for the same work. Mr Ladenburg therefore contended that the evidence relied upon by the SRA as consistent with Mr Yousef deliberately concealing his involvement with Person A, was in fact more consistent with an omission arising from overwork and the sheer number of clients being attended to by Mr Yousef over the relevant period.
- 28.18 Mr Yousef maintained that he attempted to phone the DSCC after leaving the police station, to log the matter for the purpose obtaining Legal Aid payment, but he was not able to connect with the number and subsequently forgot.
- 28.19 Mr Yousef accepted that his initial response when asked about Person A on 14 July 2021 was to the effect that she was a bogus caller, explaining, "*why would we act for the client for £250 cash?*" This was more than three months after Person A's police interview and it was just a kneejerk response to a shouted enquiry, in a moment of confusion in which there was no immediate connection with Person A. Mr Yousef adamantly maintained that he did not ask for, still less receive £250 from Person A, and therefore the enquiry made no sense to him, hence his response that it was not "*a legitimate call*". His response arose from his confusion about the situation rather than any instinct to seek to undermine Person A. He subsequently realised whom she was.
- 28.20 Mr Ladenburg invited the Tribunal to consider Mr Yousef's dyslexia, confirmed by documentary evidence, which affected his memory and his ability to process information quickly.
- 28.21 Mr Yousef denied any concealment from the Firm regarding representing Person A at the police station and/or providing false and/or misleading information to the Firm and so denied any breach of the 1.4 of the Code or Principles 2, 4 and 5.

The Tribunal's Findings

- 28.22 The Tribunal found that whilst using the Firm's email address to liaise with the police officer in Person A's case, Mr Yousef did not, in the period prior to the police interview, attempt to conceal from the Firm that he intended to represent Person A at the interview.
- 28.23 Regarding the fact that Mr Yousef had failed to open a file for Person A in timely fashion, the Tribunal heard from Mr Ramsell, a partner and Mr Yousef's manager,

who provided helpful evidence on the Firm's usual practices. It was noted that the work of a duty solicitor often involved substantial travel which could be out of hours, with the result that a file was often opened after the event.

- 28.24 The Tribunal accepted that whilst the Firm would not usually have taken on Person A as a client because her matter was 'out of patch' (a situation which had arisen because Person A had homes in both Sheffield and London), there was a real possibility that the interview would be conducted remotely because of the impact of lockdown. The Tribunal also noted that at the time, and because of lockdown, it could be difficult for duty solicitors to speak to the DSCC, which was necessary to claim a legal aid fee. Whilst this did not alter Mr Yousef's obligation to do this, it did, in the context of his significant workload, explain the delay in doing so.
- 28.25 In the light of Mr Yousef's own evidence, the Tribunal did not find it significant that Mr Yousef carried out the interview on his day off. The Tribunal noted that he often went the extra mile in his endeavours to meet all his professional commitments.
- 28.26 The Tribunal determined that the police station attendance note, which was considered during the cross-examination of both Person A and Mr Yousef, was made in the course of Mr Yousef's usual business as an employee of the Firm. It refuted the allegation that he was attempting to conceal his activities from the Firm. The note did not provide any false or misleading information as it recorded advice that was given and statements made by Person A during the interview. Person A had never denied that she had received legal services.
- 28.27 The Tribunal found, on the balance of probabilities, that Allegation 1.2 was not proved.
29. **Allegation 1.3: On 15 July 2021, created one or more entries on the Firm's case management system purporting to indicate that work activities had been undertaken/completed in April 2021, which he knew or ought to have known were false and/or misleading as the activities could not have been genuinely undertaken/completed on the dates specified. In doing so, the Respondent breached any or all of: (1.3.1) Principles 2, 4 and 5 of the Principles and (1.3.2) Paragraph 1.4 of the Code.**

The Applicant's Case

Creating Backdated Entries on the Firm's Case Management System

- 29.1 The Applicant relied upon the earlier findings, including the circumstances in which Person A contacted the Firm on 14 July 2021 and Mr Yousef's subsequent explanations. In addition, the Applicant relied upon further facts showing that Mr Yousef had created and backdated documents on the Firm's systems.
- 29.2 On 15 July 2021, Mr Yousef instructed an administration assistant to open a file for Person A on the accounting system. Although this aligned with a discussion with his supervisor, Mr Yousef unilaterally requested that the file be backdated to 8 April 2021 and further instructed that it be closed the same day. This was not authorised or discussed with his supervisor. That same morning, a new file also appeared on the

client management system, despite no file having existed the previous day. By the end of 15 July 2021, seven entries had been added to that file, including a purported handwritten attendance note for the interview, terms of engagement, and an opening and closing letter. The metadata review exhibited by Sue Hall in her witness statement dated 9 October 2023, which confirmed this, was agreed evidence.

- 29.3 The entries falsely suggested that work had been undertaken prior to 15 July 2021, but this was impossible. The Firm had not generated a financial file number until 15 July, and a case management file could not have been opened before that point. Mr Yousef did not recall, but did not deny, altering the ‘date done’ fields to earlier dates. For example, a file note dated 9 April 2021, and documents entitled ‘opening and closing letter to client’ and ‘terms of engagement’ dated 15 April 2021, were all shown by metadata to have been created on 15 July. Session logs confirmed that Mr Yousef had not accessed the case management system on the earlier dates and could not have done so because no file was in existence. There was no evidence that any opening letter, closing letter or terms of engagement had ever been sent to Person A.
- 29.4 During an investigation meeting on 29 July 2021, Mr Yousef accepted that he had created and backdated the entries. He asserted that backdating the file opening date was “*normal procedure*”, although this was not supported by any evidence.

Breaches of the Principles and the Code

Dishonesty – Principle 4

- 29.5 Applying the Ivey v Genting Casinos test, Mr Yousef’s conduct was dishonest by the standards of ordinary decent people. After learning of Person A’s complaint and the Firm’s enquiries, he knowingly created backdated entries, opened a file with a false date, and inserted documents with fabricated dates to suggest earlier work had been done. He also altered Word document dates and electronic ‘date done’ fields. Rather than acting transparently, by noting when the records were actually created, he produced records that were false and misleading. This amounted to dishonesty and breached Principle 4.

Integrity – Principle 5

- 29.6 A solicitor acting with integrity would not create false records implying work had been undertaken when it had not. By backdating the file and generating documents showing fictitious earlier activity, Mr Yousef failed to meet the profession’s ethical standards. He therefore breached Principle 5.

Public Trust and Confidence – Principle 2

- 29.7 By falsifying records and creating the appearance of legitimate contemporaneous work, Mr Yousef acted in a way likely to undermine trust and confidence in the profession. Accurate, reliable case records are essential for solicitors, clients, and the public. His conduct breached Principle 2.

Not to Mislead – Paragraph 1.4 of the Code

29.8 By creating and recording backdated entries, Mr Yousef misled or attempted to mislead the Firm. This amounted to a breach of paragraph 1.4 of the Code.

The Respondent's Case

29.9 Mr Yousef accepted as a matter of fact that he created several entries on the Firm's case management system in July 2021 in relation to the work he conducted on Person A's behalf in April 2021 but averred that this delay was on account of pressure of work and forgetfulness. Mr Yousef maintained that the creation of a client file after the event was not unusual in the context of a busy Legal Aid firm conducting volume Duty Solicitor police station work. Mr Yousef accepted that he ought to have opened a file relating to Person A earlier but maintained that this was because he was very busy and forgot to do so. At the time of his attendance upon Person A between February and April 2021, Person A had been adamant that no formal correspondence relating to the police matter was to be sent to her home address because she did not want her partner to see it.

29.10 On 15 July Mr Yousef discussed the issue with his manager Mr Ramsell in circumstances where Mr Ramsell knew that the attendance had occurred in April. Mr Ramsell advised him to open a client file. As Mr Yousef said: "*I was just doing what I had been told*". The Firm's Legal Aid Contract obliged the Firm to maintain appropriate logs and records for auditing purposes. The opening of a file necessitated a client care letter, a further requirement for the Firm, and so it was implicit within Mr Ramsell's suggestion that opening and closing letters and terms of engagement be created. If the letter was sent, it would have been by a secretary at the Firm. Mr Yousef backdated the entries to correspond with the date of the attendance.

29.11 Mr Yousef did not intend to mislead anyone by the backdating of the entries and had no malicious or misleading intent. The Firm was required to demonstrate for audit purposes the appropriate paperwork relating to any attendance upon a client. Mr Yousef had forgotten to make the appropriate entries at the time of the attendance, and so was bound to rectify the position when it was brought to his attention.

29.12 Mr Yousef denied the Applicant's suggestion that these documents were backdated dishonestly to create the impression that they were created on the date shown on the letter and so denied any breach of the 1.4 of the Code or Principles 2, 4 and 5.

Delay

29.13 Mr Ladenburg invited the Tribunal to consider the extent to which the delay in bringing this application had prejudiced Mr Yousef, and to resolve any evidential uncertainties arising from the delay in Mr Yousef's favour. By way of example, the recording of Person A's PACE interview on 9 April 2021 was not available to resolve the issue of whether the interviewing officer advised Person A of her right to a free interview, as Mr Yousef maintained was the case. The officer no longer worked for the MPS and so could be of no assistance to resolve the matter.

29.14 The relevant conduct took place between February and July 2021. The Firm and Person A both reported the matter to the SRA in July 2021, and yet the SRA's decision to refer the matter to the SDT was not until 22 December 2024. A delay of nearly three and a half years between referral to the SRA and referral to the SDT is difficult to understand, given that neither the complaint nor the investigation was particularly extensive or complex.

Missed investigative opportunities

29.15 Mr Ladenburg submitted that the messages between Mr Yousef and Person A that had been supplied by Person A to the SRA during the investigation were fragmentary and misleading, removed from their proper context in the full sequence of messages. They should have been obtained at a much earlier stage of proceedings. This would have revealed, for example, that any banter between Person A and Mr Yousef was entirely mutual. Mr Yousef was prejudiced by the retention of the messages. He could not supply them himself because he had changed his phone and they were no longer available to him.

Respondent's character

29.16 Mr Yousef was 55 years old and qualified as a solicitor relatively late in life at the age of 49, having worked exceptionally hard to obtain his legal qualifications and start a second career. He had no previous convictions and had never previously been the subject of any regulatory investigation or any disciplinary finding.

29.17 Mr Yousef provided extensive written testimonials of his positive good character, which the Tribunal was invited to consider when considering first Mr Yousef's credibility as a witness and secondly his propensity to act in the manner alleged.

29.18 In summary, Mr Yousef denied asking for or receiving any payment in respect of his attendance upon Person A, he denied attempting to conceal his representation of Person A from the Firm, and he maintained that any delay in the opening of a client file or the completion of paperwork was a consequence of overwork and inadvertence and not dishonesty. It followed that Mr Yousef did not accept that his conduct breached 1.4 of the Code, or Principles 2, 4 and 5 as alleged or at all.

The Tribunal's Findings

29.19 The Tribunal carefully considered the events which took place at the Firm on 15 July 2021, which included examining the metadata presented to the Tribunal.

29.20 There was no evidence to suggest that Mr Yousef had concealed the paperwork relating to Person A, or the fact that she was a client, but he accepted that he should have opened the client file before he did so. The Tribunal determined that it was known to Mr Ramsell, and indeed it was on his instruction, that the client file was opened and closed on 15 July.

29.21 There was nothing in the evidence presented to suggest that files being opened after the event was uncommon at the Firm. It was Mr Yousef's evidence that he had been taught that files should be opened on the day of the police interview or as soon as

reasonably possible thereafter. Until the interview had happened instructions were treated as enquiries only; it was common for there to be communications with and on behalf of potential clients before that date, which may or may not lead to a formal engagement.

- 29.22 The Tribunal nonetheless determined that the dates on the engagement and client letters were dated 15 April, which was not correct, as they were created on 15 July. This was wrong and the Tribunal found that it was a breach of Principle 2.
- 29.23 The Tribunal found, on the balance of probabilities, that Allegation 1.3 was proved insofar as the documents entitled Opening and Closing Letter to Client and Terms of Engagement were dated 15 April 2021 but were created on 15 July 2021. This was a breach of Principle 2. The Tribunal did not find any breach of Principles 4 or 5 or of Paragraph 1.4 of the Code.

Previous Disciplinary Matters

30. None

Mitigation

31. Mr Ladenburg's submissions were made in the context of the Tribunal, in its summary judgment, having essentially exonerated Mr Yousef, who had robustly denied allegations which were based on the evidence of a dishonest witness. The Tribunal had not found that Mr Yousef had breached principles of honesty or integrity.
32. Mr Ladenburg referred to the extensive character evidence in the hearing bundle which demonstrated Mr Yousef's diligence and his dedication in taking a much longer journey than most to becoming a solicitor. Mr Ladenburg emphasised that Mr Yousef was widely praised as being exceptionally diligent, honest, trustworthy, and decent. He was demonstrably public-spirited, in common with most duty solicitors in the criminal sphere and respected by his clients and colleagues.
33. The impact of these proceedings had been profound for Mr Yousef. He had suffered from delays and five years of investigation by the Applicant, and had also been subjected to what appeared, in hindsight, to be peremptory decisions made against him by his employer. This had caused serious anxiety, brought uncertainty in its wake, and had a very damaging effect on Mr Yousef's mental health and morale over a period of five years.
34. Without minimising the seriousness of the breach found by the Tribunal, it was of a relatively low nature and should be viewed in the context of Mr Yousef acting on the instructions of Mr Ramsell in circumstances where he was being unjustly, unfairly, and dishonestly accused of something that had never happened.
35. Taking all the above circumstances into account and noting the stress Mr Yousef was under and his dyslexia, Mr Ladenburg proposed that the matter should be treated at the very lowest end of the sanctions available to the Tribunal, since the Tribunal had dismissed far more serious charges than it had found proved.

36. Mr Ladenburg submitted that the Tribunal should either award No Order or a Reprimand, although the latter was not something he was inviting, because the delayed investigation had already had a punitive effect.

Sanction

37. The Tribunal referred to its Guidance Note on Sanctions (11th edition February 2025) when considering sanction and the proper approach to sanctions, as set out in [Fuglers and Others v SRA](#) [2014] EWHC 179. 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.
38. The Tribunal assessed the seriousness of the misconduct as low, by considering the level of Mr Yousef's culpability and the harm caused, together with any aggravating or mitigating factors.
39. In assessing culpability, the Tribunal had regard to Mr Yousef's lack of motivation or dishonesty and proven failure to have committed any breaches of integrity or trust. He did not mislead his employer, Person A, or the regulator. He should, however, bear some responsibility for adding the wrong date to a client care letter, which resulted in generic, non-identifiable harm, in terms of the public's trust and confidence in the profession. This was a one-off event and there was no evidence of wrongdoing on any other occasion. The Tribunal did not consider that there were any aggravating factors.
40. The Tribunal noted that Mr Yousef had no previous disciplinary findings against him.
41. The Tribunal next considered mitigating factors and noted the wide range of character references in support of Mr Yousef, the one-off nature of his single breach of the Principles, the fact that he had not intended to deceive the Firm, and the insight and remorse that he showed under cross-examination.
42. As to sanction, the Tribunal adopted a 'bottom up' approach. The misconduct was too serious for No Order in circumstances where there has been a breach which has led to a loss of public trust and confidence. In all the circumstances a Reprimand was the fairest and most proportionate sanction. A Reprimand was imposed where the Tribunal has determined that the seriousness of the Respondent's misconduct justified a sanction at the lowest level and that the protection of the public and the reputation of the legal profession did not require a greater sanction.

Costs

The Applicant's Case for a Costs Order

43. Mr Tankel opened his application for costs by confirming that the Applicant was reducing its claim from £76,830.00 to £15,000 to reflect the outcome of the proceedings. He referred to the case of [Broomhead v SRA](#) [2014] EWHC 2772 (Admin) which made provision for an issues-based costs order when the regulator has succeeded on some, but not all, of its allegations.

44. Mr Tankel submitted that costs should follow the event where one allegation was proved in part. That allegation, which was serious as it involved creating a letter that was deliberately backdated, always gave rise to a prima facie concern about dishonesty, which in turn justified the Applicant's referral to the Tribunal. Mr Yousef failed to give a good explanation for why he did this and it appeared that his actions arose from chaos or incompetence.
45. The backdating of the letter was part of the overall evidential picture that the Applicant considered when deciding whether ought to be brought before the Tribunal on the basis that it indicated concealment. Mr Tankel referred to information published by the Applicant which warned that being able to show a good documentary record was necessary to dispel any suspicion that a solicitor was not acting in accordance with required standards. Mr Yousef's situation would have been much simpler if his record-keeping had been proper.
46. Regarding quantum, Mr Tankel submitted that the sum of £15,000 was reasonable and proportionate because a hearing of allegation 1.3 alone would have taken two days and required oral testimony. A sanction was imposed, which reflected serious professional misconduct and a five-year investigation.
47. In terms of means, Mr Tankel submitted Mr Yousef had a decent income and was a property owner, as set out in his Statement of Means, meaning that he was able to pay the sum sought of £15,000.

The Respondent's Defence to the Applicant's request for Costs

48. Mr Ladenburg directed the Tribunal to paragraph 49 of the Guidance Note on Sanctions (11th edition February 2025) in which Mr Justice Nicol in the judgment in Broomhead was quoted as follows:

“However, while the propriety of bringing charges is a good reason why the SRA should not have to pay the solicitor's costs, it does not follow that the solicitor who has successfully defended himself against those charges should have to pay the SRA's costs. Of course, there may be something about the way the solicitor has conducted the proceedings or behaved in other ways which would justify a different conclusion. Even if the charges were properly brought it seems to me that in the normal case the SRA should have to shoulder its own costs where it has not been able to persuade the Tribunal that its case is made out. I do not see that this would constitute an unreasonable disincentive to take appropriate regulatory action”.
49. Mr Ladenburg submitted that this judgment supported his application that the Applicant should bear its own costs in these proceedings, because it had not been able to persuade the Tribunal of its primary case.
50. Mr Ladenburg acknowledged that a single breach of Principle 2 had been found but submitted that this was only one twelfth of the breaches alleged, and that this was a case which should never have been prosecuted. There was no finding of dishonesty and the breach occurred in circumstances where Mr Yousef was defending himself against allegations he knew to be wrong. The Firm had wrongly and immediately

jumped to the conclusion that Person A was a truthful witness. The fact that Person A had repeatedly misstated who made the late-night calls had not been proved until the very late and very recent submission of her phone records.

51. The Applicant's solicitors had insisted that Person A had been consistent in her allegations despite an acknowledgment that Person A had not engaged an accountant, contrary to what she told Mr Youssef. The question of Person A's non-disclosure to her regulator was raised in correspondence but not confirmed until she was under cross-examination. This was a legitimate matter of concern in a regulatory matter where one person's word had to be tested against another's.
52. Mr Ladenburg reminded the Tribunal of its finding that Person A's honesty should not have been taken at face value; indeed, representations were made stridently to the Applicant about Person A's credibility as early as December 2024, again in January 2025 and by Mr Youssef's current solicitor after he was instructed in November 2025. In all the circumstances, the backdating of the letter should have been dealt with in-house by the Applicant.
53. In terms of the delay in bringing the case before the Tribunal, Mr Ladenburg relied on the case of SRA v Tsang [2024] EWHC 1150 (KB) (Admin), which confirmed that the Tribunal was entitled to consider the impact of the delay in producing material which undermined Person A's credibility and should have been considered by the investigator at an earlier stage. The delay contributed to the disproportionate impact of the proceedings on Mr Youssef and the stress and reputational damage he had suffered.
54. In terms of Mr Youssef's means, Mr Ladenburg submitted that his Statement showed that he was heavily in debt and it could be properly inferred that the debts had arisen from defending himself in these proceedings. This impacted on his ability to pay any costs in circumstances where he had to defend himself against a case that in large part did not find favour with the Tribunal.

The Respondent's Case for a Costs Order

55. Mr Ladenburg submitted that an award of costs in Mr Youssef's favour would be appropriate to reflect the reputational and financial hardship caused to him by the bringing of a largely unproved case based on the evidence of a discredited witness.
56. He referred to paragraph 50 of the Guidance Note on Sanctions (11th edition February 2025) which stated that there may be circumstances in which it is considered appropriate to make an award of costs against the Applicant if there are factors meriting the same. Mr Ladenburg noted that the guidance referred to the series of authorities emanating from Bradford MDC v Booth [2000] 164 JP 485 DC, to the effect that the Tribunal will not wish to punish or deter a regulator who is behaving responsibly in bringing proceedings, and yet this default position can be departed from for good reason, including substantial financial hardship suffered by a respondent where a costs order is not made.
57. It was appropriate for an order to be made so that the Applicant was in future more robust in its assessment of the credibility of the principal witness, in circumstances where the case was dependent on one person's word against another's.

58. In terms of quantum, Mr Ladenburg submitted that Mr Yousef's adjusted costs, which he was seeking in the sum of £37, 482, were modest.

The Applicant's Response

59. Mr Tankel offered some further clarification of the decision in Broomhead. In that case the SRA succeeded on two out of three allegations and the Tribunal ordered that the whole of the SRA's costs be paid. Mr Justice Nicol, however, found, on appeal, that there should have been a discount to reflect the failed allegation. This was an issues-based approach which was also appropriate in these proceedings.
60. Mr Tankel took exception to Mr Ladenburg's submission that it was proper to make the inference that Mr Yousef's debts arose from defending himself in these proceedings when there was no evidence to support that contention. Furthermore, the level of debt contended was not reflected in the Statement of Costs. Mr Tankel accepted, however, the Tribunal's intervention that it had been explained that the costs of solicitors previously instructed in this case were not being claimed.
61. With regard to the issue of delay, Mr Tankel referred to paragraph 57 of Tsang which set out what he referred to as the most recent iteration of the 'Baxendale-Walker' principle:
- "... when an allegation is dismissed, the starting point is that there should be no order as to costs. For costs to be awarded against the SRA there must be a good reason justifying the departure from that starting point. In considering whether there is such a good reason, the fact that the proceedings were brought in exercise of the SRA's regulatory function is to be seen as a crucial factor and regard is to be had to the risk that the making of adverse costs orders will have a chilling effect on the exercise of the regulatory jurisdiction".*
62. The examples meriting an adverse costs order, as given in Baxendale-Walker, were that the proceedings were improperly brought or so badly conducted as to amount to a shambles, and that was the framework against which the Tribunal had to assess these proceedings.
63. There was not an unquestioning acceptance of Person A's evidence, although Mr Tankel was unable to trespass upon matters subject to legal professional privilege. The matter of her professional regulation had been interrogated and shared with Mr Yousef. The Applicant had proactively sought the evidence of Person B, which the Tribunal found to be persuasive. Person A's allegations of sexual impropriety were not pursued.
64. This was not a case in which Person A was on trial. Mr Tankel emphasised that in the unused material brought before the Tribunal on short notice there was only one document put to Person A in cross-examination, which was the email in which she said she did not wish to make any further witness statements, due to stress and anxiety levels. The late evidence did not therefore change any assessment of her credibility.

65. The case was not solely, or even mainly, based on Person A's evidence: it had been agreed that Mr Yousef had done the work, but failed to register it. The cash sum was referred to in SMS messages and proof of cash withdrawal had been provided. Mr Yousef had referred to Person A as a 'bogus caller' and he had backdated the engagement letter. The 'hardwood flooring defence' was unlikely and needed to be tested, as did Mr Yousef's evidence generally, to come up to proof.
66. The 'chilling effect' of adverse costs orders should not be deployed in cases where it was essential that the evidence on both sides should be tested.
67. Mr Ladenburg's final response was to reassert that without the allegation of £250 cash changing hands, which relied on Person A's credibility and reliability, there was no case of moonlighting, concealment, or dishonesty to answer. The surrounding evidence was also consistent with Mr Yousef's account, advanced from the early stages of the investigation, that there was no concealment and no cash payment.

The Tribunal's Findings

68. The Tribunal had regard to its jurisdiction pursuant to Rule 43(4) SDPR, to the conduct of the parties and to the question of the extent to which the allegations were reasonably pursued.
69. The Tribunal gave credit to the Applicant for reducing the sum of costs sought to reflect the outcome of the proceedings and noted that a claim for costs of £76,830 had been reduced to £15,000.
70. As a breach of Principle 2 had been breached, the Tribunal considered it right for the Applicant to have some of its costs in accordance with the issues-based approach outlined in Broomhead.
71. The Tribunal found, however, that costs associated with the breach of Principle 2 could have been held to a lower level had there been an earlier and full analysis of the actual harm caused by the Respondent's proven misconduct and the matter kept in-house. It had investigated the matter of the backdated client care letter but failed to analyse all the circumstances. It had sought to make the evidence fit an assumption of Mr Yousef's dishonesty, without reviewing the common practices of the Firm more generally, and whether late file opening was a frequent occurrence resulting from the pressures of a duty solicitor's workload.
72. The Tribunal therefore determined that it was reasonable and appropriate to reduce the Applicant's costs to £10,000.
73. The Tribunal also found that it was reasonable and appropriate for Mr Yousef to benefit from an issues-based costs order. His claim was in the sum of £37,482. The Tribunal had found that the most serious allegations against Mr Yousef were not proved and should have been reviewed as more evidence emerged during the investigation. This evidence challenged the testimony of a witness whose account could not be safely relied upon. The breach resulting from backdating the client care letter was in the context of Mr Yousef being told by his manager to open and close the file on the same day.

74. The Tribunal determined that it was reasonable and appropriate to award costs in the sum of £27,000 to Mr Yousef.
75. The Tribunal acknowledged that there should be a net payment of £17,000 from the Applicant to the Respondent to satisfy the costs orders.

Statement of Full Order

76. The Tribunal ORDERED that the Respondent, MOHAMMED ALIAS YOUSEF, Solicitor, be REPRIMANDED and it further ORDERS that he do pay to the Applicant the costs of and incidental to this application and enquiry fixed in the sum of £10,000.00 and it further ORDERED that the Applicant do pay to the Respondent the costs of and incidental to the application and enquiry fixed in the sum of £27,000.00.

Dated this 24th day of April 2026
On behalf of the Tribunal

A. Kellett

A. Kellett
Chair