SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No.12822-2025

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD. Applicant

and

SHEHZAD ILYAS Respondent

Before:

Mr J Abramson (in the chair)
Ms V Kaye
Ms K Wright

Date of Hearing:11 – 12 June 2026

Appearances

Lydia Barnfather, counsel of QEB Hollis Whiteman, 1-2 Laurence Pountney Hill, London EC4R 0EU instructed by the Solicitors Regulation Authority for the Applicant.

Karen Robinson KC, counsel of QEB Hollis Whiteman, 1-2 Laurence Pountney Hill, London EC4R 0EU instructed by Goldmark Legal Services Ltd for the Respondent.

JUDGMENT

Allegations

1. The allegations made against the Respondent, Shehzad Ilyas, by the Solicitors Regulation Authority Limited ("SRA") were that while in practice as a Solicitor at Goldmark Legal Services Limited ("the Firm"):

1.1. Between 31 March 2022 and 24 November 2022, inclusive, when representing Client A in litigation arising from a road traffic accident, he failed to adequately comply with the following court orders, which led to costs orders being made against the Firm and the claim being struck out:

1.1.1. 31 March 2022
1.1.2. 18 May 2022; and/or
1.1.3. 26 May 2022.

In doing so, he breached any or all of Paragraphs 2.5 and 2.6 of the Code of Conduct for Solicitors 2019 ("the Code"), and any or all of Principles 1, 2, 5 and 7 of the SRA Principles 2019 ("the Principles")

1.2. On 24 November 2022 during a hearing at Bradford County Court, he provided answers during cross-examination which were misleading, in that he omitted to disclose to the court that he and Client A were co-directors of more than one company, and that Client A was also an employee at the Firm.

In doing so, he breached any or all of Paragraph 1.4 of the Code and Principles 1, 2, 4 and 5 of the Principles.

1.3. Between 10 February 2023 and 16 July 2024, he provided the SRA with inaccurate information in relation to his connection to Client A which he knew or ought to have known was inaccurate/and or misleading in that:

1.3.1. On 10 February 2023, he stated that Client A was a family friend and that none of the employees at the Firm, including the Respondent, have any personal interest with any other clients of the Firm; and/or

1.3.2. On 21 November 2023 he stated that the email address [the S email address] belonged to [MS] an administrative assistant at the Firm but failed to disclose that it was used by Client A.

In doing so, he breached any or all of Paragraph 1.4 of the Code, Principles 2,4 and 5 of the Principles.

1.4. In addition, manifest incompetence was alleged as an aggravating factor with respect to allegation 1.1 above but was not an essential ingredient in proving the allegation.

1.5. In the alternative to dishonesty, allegations 1.2 and 1.3 were advanced on the basis that Mr Ilyas' conduct was reckless. Recklessness was alleged as an aggravating feature of Mr Ilyas' misconduct but was not an essential ingredient in proving the allegations.

Executive Summary

2. The Tribunal found allegation 1.1 proved in full. Mr Ilyas had failed adequately to supervise the conduct of straightforward litigation, resulting in repeated non-compliance with court orders, wasted costs orders, adjournments, exclusion of evidence and the striking out of the client's claim. His conduct breached paragraphs 2.5 and 2.6 of the Code and Principles 1, 2, 5 and 7. The Tribunal found that the misconduct was manifestly incompetent and that it also demonstrated a lack of integrity.

3. Allegation 1.2 was found proved in part. The Tribunal found that Mr Ilyas had misled the court by omission when he failed to disclose that Client A was an employee of the Firm. That conduct breached paragraph 1.4 of the Code and Principles 1 and 2. However, the Tribunal accepted that the omission arose in difficult personal circumstances, after Mr Ilyas had received news of his uncle's death. The Tribunal did not find that Mr Ilyas had acted dishonestly, recklessly or without integrity.

4. Allegation 1.3.1 was dismissed. The Tribunal found that Mr Ilyas' response to the SRA on 10 February 2023 was not inaccurate or misleading when read in the context of the questions asked.

5. Allegation 1.3.2 was found proved. The Tribunal found that Mr Ilyas knowingly provided inaccurate and misleading information to the SRA about the owner and user of the "S" email address. His successive explanations were implausible, inconsistent with the known facts and calculated to conceal Client A's use of the email address and connection with the Firm. The Tribunal found that this conduct breached paragraph 1.4 of the Code and Principles 2, 4 and 5, and that it was dishonest.

6. The Tribunal's findings can be accessed here:

- Allegation 1.1
- Allegation 1.2
- Allegation 1.3

7. The Tribunal determined that the only appropriate and proportionate sanction was to strike Mr Ilyas off the Roll of solicitors. It did not find that there were exceptional circumstances so that such a sanction was disproportionate. The Tribunal's reasoning can be accessed here.

- Sanction

Documents

8. The Tribunal reviewed all the documents submitted by the parties, which were included in the electronic bundle.

Professional Details

9. Mr Ilyas, who was born in 1985, was admitted as a solicitor in June 2012. He held an unconditional current practising certificate. At the time of the conduct and currently, he was a director, owner, Compliance Officer for Legal Practice ("COLP"), Compliance

Officer for Financial and Administration ("COFA") and authorised signatory at the Firm.

10. The Firm is a company limited by shares and was authorised as a recognised body on 1 November 2016. It has one office based in Bradford and it specialises in Personal Injury, Immigration, Family and Matrimonial and Wills and Trusts.

Witnesses

11. The following witness provided written statements and gave oral evidence:

- Shehzad Ilyas – Respondent

12. The written and oral evidence of the witness 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 of the documents in the case and made notes of the oral evidence. 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.

Findings of Fact and Law

13. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with Mr Ilyas' rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Dishonesty

14. The test for dishonesty was that set out in <u>*Ivey v Genting Casinos (UK) Ltd t/a Crockfords*</u> [2017] UKSC 67 at [74] as follows:

> *"When dishonesty is in question the fact-finding Tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the factfinder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest."*

15. When considering dishonesty, the Tribunal firstly established the actual state of the Respondent'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.

Integrity

16. The test for integrity was that set out in *Wingate and Evans v SRA and SRA v Malins* [2018] EWCA Civ 366, per Jackson LJ:

> *"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".*

Recklessness

17. The test applied by the Tribunal was that set out in *R v G* [2003] UKHL 50 where Lord Bingham adopted the following definition;

> *"A person acts recklessly…with respect to (i) a circumstance when he is aware of a risk that it exists or will exist; (ii) a result when he is aware of a risk that it will occur and it is, in the circumstances known to him, unreasonable to take that risk."*

18. This was adopted in the context of regulatory proceedings in *Brett v SRA* [2014] EWHC 2974 (Admin).

19. Allegation 1.1 - Between 31 March 2022 and 24 November 2022, inclusive, when representing Client A in litigation arising from a road traffic accident, he failed to adequately comply with the following court orders, which led to costs orders being made against the Firm and the claim being struck out: 31 March 2022; 18 May 2022; and/or 26 May 2022. In doing so, he breached any or all of Paragraphs 2.5 and 2.6 of the Code and any or all of Principles 1, 2, 5 and 7 of the Principles.

Factual Background

19.1 The Firm acted for Client A, trading as Company A, in a road traffic accident claim arising from an accident on 20 July 2021. Client A was the Claimant. The claim was issued on 20 December 2021, allocated to the Small Claims Track, and supervised overall by Mr Ilyas.

19.2 On 31 March 2022, DJ Hickinbottom made 19 case management directions. Under oath on 24 November 2022, Mr Ilyas said that, due to a copying error, he had not been aware of directions 11 to 13, although he knew there was a gap after direction 7 and should therefore have realised that a page was missing.

19.3 The trial was first listed before DDJ Rose on 18 May 2022. It could not proceed because the Claimant's witnesses did not have access to a complete trial bundle. There were also issues with an unsigned further witness statement, which was then excluded. DDJ Rose adjourned the trial and ordered that:

- the Claimant be amended to Company A, with reservice dispensed with;
- the matter be adjourned to 15 July 2022;

- the Claimant's solicitor ensures that the Claimant's witnesses had access to, or copies of, the bundle, including the Defendant's evidence, for cross-examination; and
- no later than 14 days before the adjourned hearing, the Claimant's solicitor file a witness statement showing cause why they should not be fixed with wasted costs of £350.00, failing which the costs were to be paid in full by 4pm 7 days prior to the hearing (in other words, on 8 July 2022).

19.4 On 14 July 2022, Mr Ilyas applied for relief from sanctions so that the Claimant could rely on evidence from two further witnesses. He filed a supporting witness statement, with a statement of truth, which incorrectly stated at paragraph 2 that there were no specific directions for disclosure, witness statement exchange, or similar matters.

19.5 At the hearing on 15 July 2022, DDJ Rose ordered that:

- Person C's evidence be excluded for failure to file and serve it in accordance with the Directions Order;
- the Claimant's solicitor, namely the Respondent, attend the hearing personally and explain under oath why he had failed to discharge the 18 May 2022 order;
- the Claimant's solicitor pay the wasted costs of the previous hearing, assessed at £350.00, and further wasted costs of £350.00 plus VAT, by 4pm on 22 July 2022, or show cause why he should not do so; and
- in default of that payment or having shown cause, the Court would report him to the Solicitors Regulation Authority pursuant to section 51(7A) of the Senior Courts Act 1981, and the Defendant could apply for strike out under CPR 3.4(2)(b) and (c).

19.6 The wasted costs orders were paid on 15 July 2022.

19.7 On 25 August 2022, the Claimant applied to move the hearing date from 19 September, dispense with paragraphs 3 to 7 of the 15 July 2022 order, list the 14 July 2022 application, and require the Defendant to pay the Claimant's costs. The application was supported by a signed witness statement from Mr Ilyas dated 25 August 2022. In his witness statement, Mr Ilyas admitted that he had failed to pay the 18 May 2022 wasted costs order on time.

19.8 By order dated 3 October 2022, DJ Hickinbottom ordered that:

- the trial listed for 19 September 2022 be vacated and relisted, with the parties to liaise with each other and the Court to find a suitable date;
- the Claimant's 14 July 2022 application be heard in person on the day of trial;
- the remainder of the Claimant's application be dismissed; and
- the Claimant pay the Defendant's wasted costs of £350 plus VAT.

19.9 Mr Ilyas paid those wasted costs on 17 October 2022.

19.10 The trial was relisted for 24 November 2022 at Bradford County Court. DDJ Rose ordered Mr Ilyas to attend personally. The subsequent court order recorded that Mr Ilyas confirmed under oath that:

- he had not complied with DDJ Rose's 18 May 2022 costs order until 15 July 2022, despite it being an order requiring compliance within 14 days;
- his conduct of the matter was poorly supervised by him and negligent;
- after Mr De Vries, counsel instructed by Mr Ilyas, applied to withdraw because he had become professionally embarrassed, Mr Ilyas believed that he did not have rights of audience; and
- he was unfamiliar with the relevant law and procedure and did not understand his obligations.

19.11 DDJ Rose noted a wholesale failure to comply with court orders dated 31 March 2022, 18 May 2022, 15 July 2022, and 25 August 2022.

19.12 On 24 November 2024, DDJ Rose ordered that a copy of the judgment from the hearing be sent to the SRA pursuant to section 51(7A) of the Senior Courts Act 1981.

19.13 The court order was sent to the SRA by Bradford County Court on 30 November 2022 and by DAC Beachcroft LLP ("DACB"), who acted for the Defendant at the hearing, on 11 October 2023.

19.14 At the hearing, the Claimant's claim was struck out because there was no valid claim: the evidence was late and could not be relied on, except for that of the Claimant's director, who was not at the scene.

<u>The Applicant's Case</u>

19.15 Ms Barnfather submitted that Mr Ilyas' non-compliance with the Court orders detailed led to the claim being struck out. The Tribunal was referred to the Judgment of DDJ Rose:

> *"The claim evidences no valid claim as all evidence was late and therefore cannot be relied upon, save that of the Claimant Director, who was not at the scene, the solicitor for the Claimant has admitted under direct examination that he was unfamiliar with the area of law and procedure, failed to properly supervise the case and does not understand his obligations, and that this is accepted as a prima facie case of negligence on his part and is an abuse of process. There has been also the failure to comply with the orders of 31 March 2022, 18 May 2022, 15 July 2022 and 25 August 2022, including two failures to meet court ordered wasted costs, being 18 May 2022 and 25 August 2022, and which places Mr Ilyas in breach of his duty to the court and in contempt. Therefore it is ordered that the claim is struck out under CPR 3.4(2) on all limbs."*

19.16 At the hearing on 24 November 2022, Mr Ilyas told DDJ Rose that the 31 March 2022 order has not been fully scanned to the Firm's system and the directions had jumped from paragraph 7 to 14. Mr Ilyas accepted the missing paragraphs of the order should have been identified at that point, but it was missed and was an oversight. Mr Ilyas accepted that the payments could have been made more promptly, and says it was an unfortunate oversight as it was not diarised accordingly.

19.17 In his response to the SRA's Investigation Officer on 10 February 2023, Mr Ilyas (via his legal representative) stated that a copy of the order dated 18 May 2022 was not on the client matter. He stated that he could only speculate that the order was either not received and/or was misplaced, and which explained why the costs order was not paid on time. Mr Ilyas accepted it was the Firm's responsibility to have checked the position with the court and/or the defendant's solicitors.

19.18 In representations made (via his legal representative) on 3 March 2025, Mr Ilyas described his failures as *"good faith mistakes"* to which he *"made sensible admissions"*.

<u>Paragraphs 2.5 and 2.6 of the Code</u>

19.19 Ms Barnfather submitted that as a solicitor and officer of the Court, Mr Ilyas was responsible for ensuring compliance with court orders pursuant to the obligation in paragraph 2.5 of the Code which required him to *"comply with court orders which place obligations"*.

19.20 Paragraph 2.6 of the Code required that Mr Ilyas *"do(es) not waste the court's time"*. Mr Ilyas was responsible for ensuring he complied with the court orders, including an order to pay the wasted costs of the hearing on 18 May 2022 in the sum of £350.00. He failed to comply with these orders. As a result of the non-compliance, the court's time was wasted. Mr Ilyas has thus breached paragraphs 2.5 and 2.6 of the Code.

<u>Principle 1</u>

19.21 Principle 1 of the Principles required solicitors to act in a way that upheld the constitutional principle of the rule of law and the proper administration of justice. Ms Barnfather submitted that Mr Ilyas was obliged to comply with court orders as the failure to do so could impede the proper administration of justice. He did not apply to vary or set aside the orders, which he could have done, and took no steps to comply with them. This was inconsistent with his duty to the Court, as an officer of the Court. As a result, Mr Ilyas breached Principle 1 of the Principles.

<u>Principle 2</u>

19.22 His conduct also amounted to a breach of the requirement to behave in a way which maintained public trust in solicitors and in the provision of legal services. Ms Barnfather submitted that in relation to litigation, and involvement with Courts, solicitors held a privileged role within society. When a court order was made that required action by a solicitor, the public would expect a solicitor to ensure compliance or to make significant attempts to comply with any such order. This was particularly the case when an order arose from their work as solicitors or officers of the court. Such matters were most closely aligned to their practice, and this was reflected in the heightened expectations and potential consequences of failing to comply. Mr Ilyas' failure to ensure that his Firm complied with multiple court orders reduced the trust placed in the profession, in breach of Principle 2 of the Principles.

Principle 7

19.23 Principle 7 required solicitors to act in the best interests of each client. Solicitors should always act in good faith and do their best for their client. Mr Ilyas' failure to comply with court orders not only led to multiple adjournments, the exclusion of evidence and several wasted costs orders, but ultimately led to the claim being struck out entirely. Such conduct was plainly not in the best interests of his client. Consequently, there was a breach of Principle 7.

Principle 5

19.24 Ms Barnfather submitted that a fundamental aspect of practising as a solicitor was compliance with court orders. This was particularly the position for solicitors where the orders were made against them when acting in litigation as solicitors or officers of the court. A solicitor acting with integrity would, where they have not formally disputed or challenged any such order, seek to ensure compliance with it. A solicitor acting with integrity would not have failed to comply with a series of orders imposed by the court. In failing to comply with the court orders, Mr Ilyas breached Principle 5 of the Principles.

Manifest Incompetence

19.25 Mr Ilyas' conduct was aggravated by manifest incompetence. In *SRA v Iqbal* [2012] EWHC 3251 (Admin) Sir John Thomas [then President of the Queen's Bench Division] stated:

> *"It seems to me that Trustworthiness also extends to those standards which the public are entitled to expect of a solicitor, including competence. If a solicitor exhibits manifest incompetence, as, in my judgment, the Appellant did, then it is impossible to see how the public can have confidence in a person who has exhibited such incompetence. It is difficult to see how a profession such as the medical profession would countenance retaining as a doctor someone who had showed himself to be incompetent. It seems to me that the same must be true of the solicitors' profession. If in a course of conduct a person manifests incompetence as, in my judgment, the Appellant did, then he is not fit to be a solicitor. The only appropriate remedy is to remove him from the Roll. It must be recalled that being a solicitor is not a right, but a privilege. The public is entitled not only to solicitors who behave with honesty and integrity, but solicitors in whom they can impose trust by reason of competence"*.

19.26 In *Wingate*, Jackson LD stated:

> *"Principle 6 is directed to preserving the reputation of, and public confidence in, the legal profession. It is possible to think of many forms of conduct which would undermine public confidence in the legal profession. Manifest incompetence is one example. A solicitor acting carelessly, but with integrity, will breach Principle 6 if his careless conduct goes beyond mere professional negligence and constitutes "manifest incompetence"; see Iqbal and Libby. In applying Principle 6 it is important not to characterise run of the mill*

> *professional negligence as manifest incompetence. All professional people are human and from time to time make slips which a court would characterise as negligent. Fortunately no loss results from such slips. But acts of manifest incompetence engaging the Principles of professional conduct are of a different order".*

19.27 Ms Barnfather submitted that Mr Ilyas was the solicitor with conduct and supervision of the matter. His conduct went beyond mere professional negligence into manifest incompetence. He accepted that he made mistakes and that he should have *"overseen it properly"*. Further, in his witness statement dated 25 August 2022, Mr Ilyas stated that: *"given the straightforward nature of this matter. I submit it should not have taken 3 Trials for the same to be resolved"*.

19.28 Mr Ilyas' conduct was manifestly incompetent considering the number of court orders he failed to comply with and errors he committed throughout the life of the proceedings, which ultimately resulted in the claim being struck out. No competent solicitor would have acted as he did. Competent conduct in the circumstances would have involved at the very least complying with court orders and directions or applying to vary them as necessary.

19.29 Mr Ilyas was an experienced solicitor with over 10 years' experience. He would have appreciated the significance of failure to comply with court orders and directions. Accordingly, it was submitted, there was no excuse for Mr Ilyas' failure to comply with the court orders. The case was a straightforward small claims matter, yet his failure to conduct the case appropriately and in compliance with court orders ultimately proved fatal to the claim. Such conduct, it was submitted, was manifestly incompetent.

<u>The Respondent's Case</u>

19.30 Mr Ilyas admitted allegation 1.1 save that he denied that his conduct lacked integrity in breach of Principle 5. Further, Mr Ilyas admitted that his conduct was aggravated by manifest incompetence.

19.31 In his Answer, Mr Ilyas stated that he did not have conduct of the case, but was responsible for supervision as principal of the Firm. He had had successful conduct of files, whether directly or in the context of supervision, since 2009 and since qualifying in 2012 had never had any issue with any matter. He had never been criticised previously by any professional (opponents, counsel or judges).

19.32 Mr Ilyas accepted that supervision fell below the standards expected in that he failed to ensure that court orders were properly added to the file to be acted upon and to ensure that those conducting the case were managing the file adequately.

19.33 In his oral evidence, Mr Ilyas explained that this was a case where *"everything that could go wrong did"*. This was the only case, out of 5,300 cases conducted by the Firm, that suffered from the failures detailed. As regards the non-payment of the May 2022 wasted costs order, this was inadvertent; there was no benefit in not paying or delaying payment of the wasted costs order. The time to pay was missed. When it became apparent that the May wasted costs order had not been paid, it was paid immediately.

19.34 Ms Robinson KC submitted that Mr Ilyas accepted allegation 1.1 save for the alleged failure to act with integrity.

19.35 The Tribunal was referred to the SRA's guidance on integrity which provided non-exhaustive examples of what might constitute a failure to act with integrity. Significantly, those examples referenced a state of mind including that the conduct was wilful, knowing, in reckless disregard and deliberate. Ms Robinson KC submitted that it was not the SRA's case that Mr Ilyas' failures were deliberate or committed wilfully, knowingly or recklessly. Rather, it was alleged (and accepted) that his conduct was manifestly incompetent.

19.36 Whilst it was accepted that none of the states of mind detailed were required for a lack of integrity finding, the fact that they were absent pointed away from the conduct lacking integrity.

19.37 The objective requirement to meet the high standard of the profession should not be understood as requiring a counsel of perfection; not every breach of the standards connoted a lack of integrity. Nor was it that less than 100% compliance with court orders amounted to a lack of integrity.

19.38 *Wingate* made it clear that manifest incompetence did not necessarily equate to a lack of integrity; they were distinct concepts: *"A solicitor acting carelessly, but with integrity, will breach Principle 6 if his careless conduct goes beyond mere professional negligence and constitutes "manifest incompetence".*

19.39 Ms Barnfather had submitted that Mr Ilyas' conduct, properly construed, was a competence issue, but did not amount to a lack of integrity. Accordingly, the allegation that his conduct breached Principle 5 ought to be dismissed.

The Tribunal's Findings

19.40 The Tribunal was satisfied that Mr Ilyas' admissions were properly made. The Tribunal found that Mr Ilyas's conduct breached Paragraphs 2.5 and 2.6 of the Code, and Principles 1, 2, and 7 of the Principles. Further, that on the facts and evidence, his conduct was manifestly incompetent.

19.41 The Tribunal then considered whether his conduct lacked integrity. The Tribunal noted that in his oral evidence, Mr Ilyas explained that the paralegal with conduct of the case was not experienced in litigation. He had allocated this matter to the paralegal as he considered that it was *"straightforward"*; liability had been accepted, the only issue was quantum of damages and the matter had been allocated to the small claims track.

19.42 Whilst all of the correspondence was in Mr Ilyas' name, it had been drafted by the paralegal and approved by Mr Ilyas. Mr Ilyas, the Tribunal found, had properly admitted that there had been a series of failures on the case, including that he had failed to supervise it properly, and had failed to ensure that the witness statements signed by him were accurate, relying solely on what he was told without checking the file or any of the court orders.

19.43 With regard to the March 2022 directions, Mr Ilyas explained that a page of the directions was missed when it was scanned into the system by a member of staff, most likely because the original copy was double sided. It was clear, the Tribunal found, that the Firm had received the full directions. It would have been plain to anyone reading the scanned copy, that a page was missing, and in particular, this would have been abundantly clear to Mr Ilyas were he to have supervised the matter properly.

19.44 As to the May 2022 wasted costs order, Mr Ilyas explained that the Firm did not receive the actual order from the court, and no-one in the Firm had requested this. The Firm had relied on the advocate's attendance note of the hearing which stated only that £350 was to be paid prior to the next hearing.

19.45 The Tribunal found that Mr Ilyas had wholly failed to supervise the matter properly. He had explained that the matter *"wasn't at the top of my priority list",* that he *"did not give it my full attention".* He had described the failings as mistakes and human error. He had also cited the size of his caseload and the length of his working day as reasons for his failures in supervision.

19.46 The Tribunal accepted that a finding of manifest incompetence did not, without more, necessarily amount to a lack of integrity. It also accepted that the SRA did not allege that Mr Ilyas' failures were deliberate, dishonest or reckless. However, the Tribunal was satisfied that the conduct in this case went beyond ordinary negligence or an isolated failure of supervision.

19.47 Mr Ilyas was the principal of the Firm and the solicitor responsible for overall supervision of the matter. The proceedings were straightforward small claims litigation, yet there was repeated non-compliance with court orders over a sustained period. That non-compliance resulted in adjournments, wasted costs orders, the exclusion of evidence and ultimately the striking out of the client's claim. The failures were not confined to one administrative oversight: they included failing to identify an incomplete court order, failing to ensure compliance with directions, failing to pay wasted costs within time, and filing a witness statement which incorrectly asserted that there had been no specific directions for disclosure or witness evidence.

19.48 The Tribunal considered that a solicitor acting with integrity would have taken effective steps to ensure that court orders were complied with, or, if compliance was not possible, that appropriate applications were made promptly. Mr Ilyas did neither. His repeated failure to engage properly with orders of the court, particularly where he had not challenged or sought to vary them, was inconsistent with the higher ethical standards expected of a solicitor and officer of the court.

19.49 The Tribunal took into account Mr Ilyas' submissions that the failures were inadvertent, that there was no benefit to him in delaying payment of the wasted costs order, that this was one case out of many conducted by the Firm, and that he had not previously been criticised. Those matters did not, however, displace the seriousness of the repeated failures in this matter. The Tribunal was satisfied that the conduct was not merely a lapse in competence, but demonstrated a failure to adhere to the ethical standards of the profession.

19.50 Accordingly, the Tribunal found allegation 1.1 proved in its entirety including that Mr Ilyas failed to act with integrity in breach of Principle 5.

20 **Allegation 1.2 - On 24 November 2022 during a hearing at Bradford County Court, he provided answers during cross-examination which were misleading, in that he omitted to disclose to the court that he and Client A were co-directors of more than one company, and that Client A was also an employee at the Firm. In doing so, he breached any or all of Paragraph 1.4 of the Code and Principles 1, 2, 4 and 5 of the Principles.**

Factual Background

20.1 During the course of the substantive hearing on 24 November 2022, Mr Ilyas was questioned by DDJ Rose and cross-examined by the Defendant's counsel. He was asked by defence counsel whether he knew Client A personally. Mr Ilyas stated:

> *"I know the family and I know him through the family, and we're both directors of another business."*

Later in the hearing, DDJ Rose stated:

> *"… So Mr Ilyas, we're now at 12.15, we were due to start at 11 o'clock. I've examined you under oath. I've made various findings and you have made various submissions, your advocate today, your client's advocate has withdrawn on professional embarrassment. It has been established under cross-examination that you have personal financial links with the Claimant. I have to say that I take judicial notice of the information held at Companies House. You were not 100% accurate in cross-examination, you share more than one company with, with the Claimant, you also were a director of a company with him, Company B, which has since been dissolved … So you had more than one financial interest linked with this claimant…"*

The attendance note of Mr De Vries recorded:

> *"Under cross-examination from* [defence] *counsel* [the Respondent] *confirm that he knew Client A personally via his family, and that they were co-directors in one and or more business ventures together. DDJ made a prompt warning to* [the Respondent] *stating that he should consult the SRA conduct rules on financial dealings with clients in respect of his ability to meet his duties to the court. DDJ hinted that he'd be open to an app for professional embarrassment purposes in relation to evidence just given by* [the Respondent] *and stood down for 15 mins. …."*

The Applicant's Case

20.2 The Tribunal was referred to the comments of the Lord Chief Justice in *Brett*:

> *"…misleading the court is regarded by the court and must be regarded by any disciplinary tribunal as one of the most serious offences that an advocate or litigator can commit. It is not simply a breach of a rule of a game, but a*

> *fundamental affront to a rule designed to safeguard the fairness and justice of proceedings. Such conduct will normally attract an exemplary and deterrent sentence. That is in part because our system for the administration of justice relies so heavily upon the integrity of the profession and the full discharge of the profession's duties and in part because the privilege of conducting litigation or appearing in court is granted on terms that the rules are observed not merely in their letter but in their spirit. Indeed, the reputation of the system of the administration of justice in England and Wales and the standing of the profession depends particularly upon the discharge of the duties owed to the court."*

Principle 1

20.3 Ms Barnfather submitted that Mr Ilyas gave evidence that Client A was a family friend and co-director of a property company. He did not disclose a second co-directorship (until this was raised by the judge), nor the fact that Client A was working at the Firm. There was no evidence that Mr Ilyas corrected the court's understanding of the true position, (namely that Client A was an employee of the Firm) rather than him only being a family friend and co-director of Mr Ilyas. His actions in misleading or allowing the court to be misled as to the nature of his relationship with the Claimant/Client A failed to uphold his role as an officer of the court in breach of Principle 1.

Principle 2

20.4 The trust that the public places in solicitors, and in the provision of legal services, was dependent upon the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. Solicitors are required to discharge their professional duties with integrity, probity and trustworthiness. Members of the public would expect a solicitor to act in a straight-forward and transparent manner with the court, colleagues, and other members of the profession. This clearly included not providing information that they knew to be inaccurate and correcting any misleading impression that may have been created by that information.

20.5 It was incumbent upon Mr Ilyas to ensure that the information he provided to the Court was accurate and truthful. He did not do so. Nor did he take steps to correct the inaccurate information that he had provided to the court. A member of the public would expect a solicitor to ensure that the information provided to the court was accurate so that the court would not be misled when reaching its decision. In failing to do so, Mr Ilyas breached Principle 2.

Principle 4 and recklessness

20.6 At the time that he gave evidence, Mr Ilyas knew:

- That he had more than one business with Client A namely, Company B, and Company C; and

- That Client A was employed by the Firm.

20.7 Further, Client A had in fact been working on his own case by virtue of the emails sent to him on 2 August 2021 and 2 September 2021, which Mr Ilyas knew, or ought to have known as he had conduct of the case.

20.8 Mr Ilyas nevertheless told the court that he knew Client A through family and that they were both directors of a property company. He failed to inform the court about Company B and Client A's work for the Firm.

20.9 Ordinary decent people would consider it dishonest for a solicitor knowingly to mislead, or try to mislead, the court as to his relationship with Client A, particularly when providing evidence under oath. In doing so, Mr Ilyas' conduct was dishonest in breach of Principle 4.

20.10 In the alternative to a breach of Principle 4, it was alleged that Mr Ilyas' conduct was reckless. He was specifically asked about his relationship with Client A. As an experienced solicitor, Mr Ilyas would have known the significance of the questions asked. He failed to ensure the accuracy of his answers, disclosing the family connection and one business association, whilst failing to disclose the second business association and Client A's employment at Mr Ilyas' Firm. Mr Ilyas would have been aware that inaccurate information could mislead the court about the nature of his relationship with Client A.

20.11 No solicitor acting reasonably would have taken that risk. In taking the risk of providing inaccurate information, Mr Ilyas' conduct was reckless.

<u>Principle 5</u>

20.12 Mr Ilyas was in a position of trust and responsibility as a solicitor. A solicitor acting with integrity would not have acted in a manner that misled, or attempted to mislead, the court and the defence. A solicitor acting with integrity would have ensured that the information they were providing to the court was accurate. The Respondent did not do so and thus breached Principle 5.

<u>Paragraph 1.4 of the Code</u>

20.13 Mr Ilyas had a duty to ensure that he did not mislead, or attempt to mislead the court or others, either by his own acts or omissions. He chose not to tell the court that he shared a second directorship with Client A, or that Client A was employed at the Firm. Whilst the true position as to the second company was eventually discovered by DDJ Rose, Mr Ilyas' actions and omissions led the court to mistakenly believe that his relationship with Client A was limited to being a family friend and co-director of two companies. Neither the transcript of the hearing nor DDJ Rose's judgment revealed that the court was made aware by Mr Ilyas that Client A was also an employee of the Firm. Instead, Mr Ilyas allowed the court to be misled about the true position in breach of paragraph 1.4 of the Code.

<u>The Respondent's Case</u>

20.14 Mr Ilyas denied allegation 1.2. In his Answer, Mr Ilyas admitted that he did not tell the court that he and Client A had been co-directors or more than one company or that

Client A was an employee at the Firm. He denied that either of those omissions were deliberate.

20.15 Mr Ilyas explained that approximately 15 minutes before he was due to attend court, he had received news that his maternal uncle, whom he stated was like a father to him, had passed away. The impact of the news affected his ability to concentrate and focus properly when giving his evidence together with the inevitable pressures of doing so. Any errors in the evidence he gave to the court was the result of a lack of clarity in his thinking and not any intention to mislead the court or to be dishonest. Mr Ilyas acknowledged, with the benefit of hindsight, that he ought to have informed the court of his personal circumstances rather than trying to *"get on with the task"*.

20.16 Ms Robinson KC submitted that the Tribunal should consider Mr Ilyas' particular position and his state of mind in its determination of the allegation. Mr Ilyas explained in his evidence that the death of his uncle was unexpected. The receipt of the news left Mr Ilyas in a state of disbelief and disorientation, impacting on his ability to concentrate and think clearly.

20.17 Mr Ilyas' lack of clear thinking was evidenced by other demonstrably incorrect statements he made during cross-examination, although the SRA made no complaint was made about those matters. For example, Mr Ilyas asserted that he did not have rights of audience, when that was clearly and demonstrably incorrect. Ms Robinson submitted that such a statement was almost inexplicable until one considered Mr Ilyas' particular circumstances at the time.

20.18 As to the responses given by Mr Ilyas in relation to Client A, they were accurate. Ms Robinson submitted that it was accepted that Mr Ilyas should have also informed the court of Client A's status as an employee; to do so would have given a full answer to the question asked. However, his failure to do so was neither dishonest nor reckless in the circumstances. It was another example of Mr Ilyas' inability to focus on his evidence given the news he had received. There was no benefit to Mr Ilyas in not revealing that Client A was an employee nor that they had another co-directorship.

<u>The Tribunal's Findings</u>

20.19 Paragraph 1.4 of the Code required that *"solicitors must not mislead or attempt to mislead their clients, the court or others by their own acts or <u>omissions</u>…"* (The Tribunal's emphasis).

20.20 Mr Ilyas was asked if he knew Client A personally and, if so, in what context. He accepted that he had omitted to inform the court that Client A was an employee of the Firm, despite knowing that Client A had worked there for more than two years by the time of the hearing. The Tribunal found that, although Mr Ilyas' answer was factually accurate (Client A was known to him through his family and they had a business enterprise), his failure to disclose Client A's employment at the Firm, misled the court by omission. This was particularly so where the court was trying to understand the full extent of Mr Ilyas' personal relationship with Client A. Accordingly, the Tribunal was satisfied that Mr Ilyas had breached Paragraph 1.4 of the Code.

20.21 The Tribunal found that it was clear that in misleading the court, Mr Ilyas had failed to act in a way that upheld the constitutional principle of the rule of law and the proper administration of justice in breach of Principle 1. Members of the public expect solicitors to answer questions asked of them in a way that would not mislead the court. They would not expect a solicitor to mislead the court, whether by omission or otherwise. In failing to provide the court with full information, and thus misleading the court by omission, Mr Ilyas breached Principle 2.

20.22 The Tribunal was satisfied that Mr Ilyas knew that he had more than one business with Client A and that Client A was an employee of the Firm. His evidence with regard to the passing of his uncle was unchallenged and the Tribunal accepted that he had received this news shortly before he gave evidence. The Tribunal was satisfied that at the time he gave his answers to the court, Mr Ilyas believed those answers to be true and did not believe that he was misleading the court. Indeed, the Tribunal found that the answers provided were factually correct.

20.23 The Tribunal was not satisfied that the SRA had proved that Mr Ilyas had deliberately and knowingly misled the court by omission, or that he sought to conceal Client A's employment or the second business relationship. In the circumstances, the Tribunal found that ordinary decent people would not consider his failure to give full details of his relationship with Client A to be dishonest. The Tribunal therefore dismissed the allegation of breach of Principle 4.

20.24 The Tribunal also was not satisfied that Mr Ilyas was aware of a risk that his answers might mislead the court and that he unreasonably took that risk. The Tribunal, therefore, rejected the alternative case of recklessness.

20.25 The Tribunal found that Mr Ilyas' omissions arose in difficult personal circumstances and were not deliberate. Although he had misled the court by omission, the Tribunal was not satisfied that he had done so dishonestly or recklessly. It accepted that the news of his uncle's death had affected his ability to think clearly. In those circumstances, and applying *Wingate*, the Tribunal concluded that members of the profession would not regard his conduct as a departure from the ethical standards expected of a solicitor. The omissions did not demonstrate a lack of integrity.

20.26 Accordingly, the Tribunal found allegation 1.2 proved save that it did not find that Mr Ilyas had breached Principles 4 and 5. Nor did it find that his conduct had been reckless.

21 **Allegation 1.3 - Between 10 February 2023 and 16 July 2024, he provided the SRA with inaccurate information in relation to his connection to Client A which he knew or ought to have known was inaccurate/and or misleading in that: (1.3.1) On 10 February 2023, he stated that Client A was a family friend and that none of the employees at the Firm, including the Respondent, have any personal interest with any other clients of the Firm; and/or (1.3.2) On 21 November 2023 he stated that the email address [the S email address] belonged to MS an administrative assistant at the Firm but failed to disclose that it was used by Client A. In doing so, he breached any or all of Paragraph 1.4 of the Code, Principles 2,4 and 5 of the Principles.**

Factual Background

21.1 On 7 January 2023, the SRA wrote to Mr Ilyas regarding the referral received from DDJ Rose. The response from Mr Ilyas' legal representative dated 10 February 2023 stated:

> *"I am instructed that* [the Respondent] *has no financial associations, directorship, or shareholding with Company A. The Director of Company A is a Client A, and who is a family friend…. [the Respondent] and Client A decided to go into business together, with the intention of opening a dessert business. With that in mind, they incorporated Company B, but which was not progressed and the company was dissolved in February 2022. In January 2022, …* [the Respondent] *and Client A decided to enter into a new venture and incorporated Company C, but to date the company has not traded, and I am instructed is in the process of being dissolved."*.

21.2 The SRA received the Firm's client file on 10 February 2023, a review of which showed two emails sent to the S email address on 2 August 2021 and 2 September 2021, relating to the road traffic accident where Client A was the claimant.

21.3 On 11 October 2023, the SRA received a separate report from DAC Beachcroft Limited ("DACB"), who had acted on behalf of the defendant in the road traffic accident litigation. The report was made in line with the court order dated 24 November 2022, which directed that a copy of the judgment was to be sent to the SRA. DACB also reported additional concerns that Client A was an employee at the Firm. Evidence was provided in the form of three Claim Notification Forms ("CNFs") which had been submitted on other cases by an employee of the Firm matching the name of Client A.

21.4 On 26 October 2023, the SRA's Investigation Officer asked Mr Ilyas to confirm the full name and role of the employee using the S email address. In his response of 21 November 2023, Mr Ilyas that the email belonged to MS who was employed as an administrative assistant at the Firm. He carried out the initial administrative tasks and then the file was passed to the paralegal, Mr Shiraz. Once proceedings commenced Mr Shiraz retained conduct but was assisted by Mr Ilyas.

21.5 On 9 April 2024, the Investigation Officer provided the three CNFs to Mr Ilyas. In response, Mr Ilyas' representative confirmed that the claimant, Client A, was in fact an employee at the Firm:

> *"Client A initially joined Goldmark Services in December 2019 as a consultant providing business development and admin support services to the firm. He was then formerly employed by the firm in this very same role from October 2020 to October 2023. Following the termination of his employment, Client A continued to provide business development consultancy services to the firm, however, notice to terminate the same has been given by Mr. Ilyas and the engagement of Client A is due to end on the 31 May 2024. Client A's role within the firm has been very limited and on a part time basis."*

21.6 It was stated that Mr Ilyas genuinely understood the S email address belonged to Mr Iqbal, a former employee of the Firm and that Client A had been allocated a different e-mail address. However, further checks and clarification from the Firm's accountants indicated that after Mr Iqbal left and Client A joined the Firm, IT support had simply reallocated the existing email address to Client A rather than creating a new one. The incorrect information was therefore provided as an honest mistake.

21.7 On 1 July 2024, the Investigation Officer raised further enquiries after noting that the staff list provided did not include a MS and further noting that on 30 April 2024, Mr Ilyas stated that the S email address belonged to Mr Iqbal.

21.8 On 15 July 2024, Mr Ilyas' legal representative confirmed that MS and Mr Iqbal were the same individual. He stated that *"Given the length of time that had passed since Mr. Iqbal's employment with the firm, Mr. Ilyas had mistakenly referred to him as [MS]"*.

<u>The Applicant's Case</u>

21.9 Ms Barnfather submitted that on 10 February 2023, via his legal representative, Mr Ilyas told the SRA during an investigation, that Client A was a family friend and that none of the employees at the Firm, (including Mr Ilyas) had any personal interest with any other clients of the Firm. This, it was submitted, was untrue because Client A was an employee of the Firm and also the director of Company A.

21.10 Furthermore, on 21 November 2023 he told the SRA that the user of the S email address was MS who was employed as an administrative assistant at the Firm, and did not disclose to the SRA that it was used by Client A.

21.11 Members of the public would expect a solicitor to act in a straight-forward and transparent manner with the regulator. This clearly included not providing information that they knew to be inaccurate, and promptly correcting any misleading impression that may have been caused by that information.

21.12 In providing the SRA with inaccurate and/or misleading information as to the nature and extent of his relationship with Client A, Mr Ilyas failed to uphold public trust and confidence in the profession and acted in breach of Principle 2.

21.13 When providing information to the SRA, as part of its ongoing investigation, Mr Ilyas knew that Client A had worked at the Firm, and that he had done so from 1 October 2020 until 31 October 2023. Further, following the termination of his employment, Client A continued to provide business development consultancy services to the Firm until May 2024. Mr Ilyas failed to disclose these facts on either 10 February 2023 or 21 November 2023 and did so only when inaccuracies in his earlier account were drawn to his attention.

21.14 Given this state of knowledge and belief, Mr Ilyas acted dishonestly by the standards of ordinary decent people. Ordinary decent people would consider it dishonest to provide inaccurate and/or misleading information to the regulator, particularly as part of an ongoing investigation into their professional conduct. In doing so, Mr Ilyas failed to act with honesty in breach Principle 4.

21.15 He also failed to act with integrity in breach of Principle 5. A solicitor acting with integrity would not have acted in a manner that could have misled the regulator as to his relationship with Client A during an investigation into that solicitor's professional conduct. A Solicitor acting with integrity would have ensured that he was providing accurate information to his regulator when asked about his relationship with Client A and the user of the S email address. In failing to act with integrity, Mr Ilyas breached Principle 5.

21.16 Mr Ilyas had a duty to ensure that he did not mislead, or attempt to mislead clients, the court or others, either by his own acts or omissions. When providing information to the SRA, as part of its ongoing investigation, Mr Ilyas failed to disclose that Client A had worked at the Firm or that Client A had been a user of the S email address. He failed to disclose these facts and did so only when inaccuracies in his earlier account were drawn to his attention. Such conduct was in breach of Principle 1.4 of the Code.

<u>The Respondent's Case</u>

21.17 Mr Ilyas denied allegation 1.3. The answers provided on 10 February 2023 were accurate. Client A was a family friend and none of the employees at the Firm had a personal interest with any other clients of the Firm, i.e. with any client other than Company A.

21.18 In his Answer, Mr Ilyas accepted that he stated that the S email address belonged to MS. This was his misunderstanding of the format of email addresses at the Firm. His answer had been provided in good faith, based on his honest, but incorrect understanding.

21.19 Ms Robinson submitted that (as regards allegation 1.3.1) it was important to read the questions the SRA had actually asked and not to read other words into the questions. At question 7 the SRA asked:

> *"Do you or any of your employees at [the Firm] have a personal interest with any other clients of the Firm"*

21.20 The preceding question asked:

> *"Please provide details of all your financial associations with [Company A], including shared directorships and holdings."*

21.21 Ms Robinson submitted that it was clear, reading Question 7 in context, that the query related to clients other than Company A. This question, it was submitted, did not ask about Client A's status and there was nothing in the question which meant that Mr Ilyas ought to have detailed that Client A was an employee at the Firm.

21.22 When properly analysed, the answers that Mr Ilyas provided were accurate.

21.23 , It was submitted that Mr Ilyas accepted that he did not, in his response of 21 November 2023, disclose that the S email address was used by Client A. His answer was based on his understanding of the format of the Firm's email addresses. The error made in the information provided was not deliberate, but was the result of Mr Ilyas' failure to make full and proper checks. This was another example of carelessness on the part of Mr Ilyas, that neither amounted to dishonesty nor recklessness.

The Tribunal's Findings

21.24 The Tribunal considered the Applicant's request for information and Mr Ilyas' response dated 10 February 2023. It accepted Mr Ilyas' oral evidence that Client A was a family friend and was therefore satisfied that this aspect of his response was accurate.

21.25 The Tribunal further considered the terms of the questions asked by the Applicant and the answers provided. It accepted Ms Robinson's submission that those questions should be read according to their ordinary meaning and without adding any gloss.

21.26 Read in context, the Applicant's enquiries concerned Company A and the conduct of the litigation, not Client A personally. The SRA's summary of DDJ Rose's report identified the Claimant as Company A, and the subsequent questions concerned the file, the litigation, matters arising from Mr Ilyas' oral evidence, and his financial associations with Company A. No express question was asked about Client A's employment status or wider relationship with the Firm.

21.27 The Tribunal found that Mr Ilyas' answer to question 7 was accurate in context. His statement that neither he nor any Firm employee had a personal interest in "any other client" was naturally understood to refer to a client other than Company A. The Applicant had not identified any personal interest involving an employee and any client other than Client A.

21.28 Accordingly, the Tribunal was not satisfied that Mr Ilyas' response was inaccurate or misleading in the manner alleged. It therefore dismissed allegation 1.3.1.

21.29 It was plain, and accepted by Mr Ilyas, that the information he provided on 21 November 2023 regarding the S email address was inaccurate. Mr Ilyas had stated that the S email address belonged to MS, that MS was employed as an administrative assistant, and had carried out the initial administrative tasks on the file. During his oral evidence to the tribunal Mr Ilyas stated that MS had never worked for the Firm. When asked how he had come to attribute an email address to someone who had never worked for the Firm, Mr Ilyas stated that he had relied on information provided to him from the Firm's external IT company and the Firm's accountant.

21.30 The Tribunal found this explanation wholly implausible. Given the Firm's small size, Mr Ilyas could be expected to know the names of his employees and, in particular, whether someone had never worked for the Firm. His explanation that he had failed to *"fact check"* or *"follow it through and sort of corroborate and make sure"*, was equally implausible. The Tribunal found that each assertion Mr Ilyas made on 21 November 2023 about the owner of the S email address was inaccurate and misleading.

21.31 When Mr Ilyas was provided with the CNFs, it was stated on his behalf that the S email address belonged to Mr Iqbal. The Tribunal noted that Mr Iqbal had been employed by the Firm for only a 6-week period in 2019. The emails in question were dated 2 August and 2 September 2021, over two years after Mr Iqbal's employment had ended. In those circumstances, and given that the issue had been raised again, the Tribunal did not accept that Mr Ilyas had again mistakenly identified the author of the emails and user of the S email address.

21.32 In an email of 15 July 2024, Mr Ilyas' representative stated that MS and Mr Iqbal were *"in fact the same individual".* The Tribunal determined that this could not be correct given that, on Mr Ilyas' own evidence, Mr Iqbal had worked for the Firm, but MS had not.

21.33 Further, the Tribunal did not accept that Mr Ilyas genuinely believed the S email address belonged to Mr Iqbal. He was asked about that email address four years after Mr Iqbal's departure from the Firm, and the relevant emails had been sent two years after his employment ended.

21.34 The Tribunal found that Mr Ilyas' explanations were deliberate and specific misrepresentations designed to avoid disclosing that Client A had been employed by the Firm. The Tribunal did not accept his explanation that differences in the standard email address formats caused him to attribute the S email address to MS or Mr Iqbal.

21.35 The Tribunal found that this conduct was plainly in breach of Mr Ilyas' obligation under paragraph 1.4 of the Code not to mislead. Members of the public would not expect a solicitor to provide misleading or inaccurate information to their regulator during an investigation into their conduct, particularly to conceal that a person connected to litigation was also an employee of the firm. In doing so, Mr Ilyas had undermined public trust in him and in the profession in breach of Principle 2.

21.36 Mr Ilyas had also failed to act with integrity. Members of the profession would not expect a solicitor to provide deliberately misleading information, only correcting the position when faced with irrefutable evidence. The deliberate provision of inaccurate and misleading information fell well below expected ethical standards and was in breach of Principle 5.

21.37 The Tribunal determined that Mr Ilyas knew that:

- the S email address did not belong to MS
- MS was not employed as an administrative assistant; and
- MS had not carried out the initial administrative tasks on the file.

21.38 Accordingly, he knew that the information he provided to the SRA in relation to the S email address was inaccurate and misleading. Ordinary and decent people would consider it dishonest knowingly to provide inaccurate and misleading information to a regulator. Accordingly, the Tribunal found that Mr Ilyas' conduct was dishonest and in breach of Principle 4.

21.39 The Tribunal found allegation 1.3.2 proved, including that Mr Ilyas' conduct had been dishonest.

21.40 Accordingly, the Tribunal dismissed allegation 1.3.1 and found allegation 1.3.2 proved.

21.41 Given its findings, the Tribunal did not consider whether Mr Ilyas' conduct was reckless.

Previous Disciplinary Matters

22. None

Mitigation

23. Ms Robinson submitted that the failures in allegation 1.1 comprised a sequence of mistakes arising from incompetence and inadequate supervision, rather than dishonesty, wilful disregard of court orders, personal gain, or any planned course of misconduct.

24. The misconduct related to the management of a single file which had been allocated to a junior paralegal with limited experience of small claims litigation, coupled with Mr Ilyas' failure properly to supervise that file and ensure that court orders were identified, diarised and complied with. It was submitted that he did not seek to blame others, but that the context was one of disorganisation and poor file management, not deliberate or calculated wrongdoing.

25. As to harm, it was accepted that Client A's claim was struck out in November 2022. However, Mr Ilyas made prompt financial reparation. He paid £5,000 to cover the value of the claim and the Firm accepted responsibility for the indemnity costs order made against Client A, amounting to a little over £14,000. The reparation was made within weeks of the November 2022 hearing and, insofar as he was able to remedy the financial consequences, Mr Ilyas did so promptly.

26. Mr Ilyas had a previously unblemished career. He had made admissions, had given evidence which demonstrated remorse and some insight, and had taken steps to address the failings. Those steps included changes to the way in which files were maintained and supervised, the introduction of specific meetings with paralegals to review file progress, and the continuing engagement of a compliance company to assist with audit, compliance checks, file reviews and file processes.

27. The Tribunal was also invited to take into account that the SRA had not sought an interim order or interim conditions, and that Mr Ilyas had continued to practise without restriction pending the hearing.

28. By way of personal mitigation, Mr Ilyas was 41 years old, had qualified as a solicitor in 2012 and had worked consistently as a solicitor since that time. The Tribunal was referred to material setting out his education, training, employment history and charitable work, all of which were relied upon as matters standing to his credit.

Submissions on Exceptional Circumstances

29. Ms Robinson submitted that, although dishonesty would ordinarily lead to strike off, that was not an invariable consequence. The Tribunal was required to consider whether, on the particular facts of the case, exceptional circumstances existed such that striking Mr Ilyas off the Roll would be disproportionate.

30. It was submitted that this was such a case. The dishonesty found by the Tribunal was confined to allegation 1.3.2 and to a single communication dated 21 November 2023

concerning the S email address. Allegation 1.3.1 had been dismissed, and the Tribunal had not found dishonesty or lack of integrity in relation to allegation 1.2.

31. The Tribunal was invited to treat the narrow scope of the finding as an important factor. This was not a course of dishonest conduct over a sustained period, nor was the dishonest conduct for the purpose of securing a benefit in the underlying litigation. It was a single dishonest representation, made after the underlying proceedings had concluded.

32. It was further submitted that there was no discernible personal benefit to Mr Ilyas, whether financial or otherwise. On the contrary, the consequence of the finding was grave for him personally and professionally. The case was therefore distinguishable from cases in which dishonesty was motivated by gain, concealment of personal wrongdoing, or the securing of an improper advantage.

33. Nor, it was submitted, was there evidence of actual harm or unfair prejudice to any client, the court, the opposing party, or any third party arising from the dishonest statement. The communication post-dated the conclusion of the litigation and did not affect the conduct or outcome of that case. In practical terms, the adverse consequence of the misconduct fell principally on Mr Ilyas himself.

34. Ms Robinson submitted that those factors, taken together with the mitigation already advanced, justified a finding that exceptional circumstances existed. The Tribunal was invited to conclude that the public interest could be met by a sanction short of strike off and that, in the particular and unusual circumstances of this case, striking Mr Ilyas off the Roll would be disproportionate.

35. Ms Barnfather submitted that the Tribunal should reject the contention that exceptional circumstances arose. Although the dishonest conduct was confined to allegation 1.3.2, it could not properly be characterised as isolated or trivial. It fell to be considered in its full context, namely Mr Ilyas' manifestly incompetent conduct of the underlying litigation, the Tribunal's finding that he had failed to act with integrity in relation to repeated non-compliance with court orders, and the subsequent SRA investigation into his conduct.

36. It was submitted that the dishonesty was particularly serious because it was directed to the regulator during an investigation into Mr Ilyas' professional conduct. The SRA was seeking to understand his links with Client A and Company A, including matters arising from his evidence before the court on 24 November 2022. In that context, the provision of false and misleading information was conduct which went to the heart of the regulatory process.

37. The Tribunal was invited to find that the dishonest statement was not merely an erroneous answer. It was a specific and calculated misrepresentation. Mr Ilyas did not simply fail to identify the user of the S email address; he positively attributed that email address to a different individual, assigned that person a role within the Firm, and stated that the individual had carried out initial administrative tasks on the file. The nature and detail of that response supported the conclusion that the dishonesty was deliberate and purposeful.

38. It was further submitted that the dishonest conduct had an obvious purpose: to avoid disclosure of Client A's involvement with the Firm and, in particular, his use of the S email address in relation to the underlying claim. That was directly relevant to the matters under investigation and to the SRA's ability to scrutinise the true nature and extent of Mr Ilyas' relationship with Client A.

39. The submission that there was no benefit to Mr Ilyas was therefore rejected. The benefit lay in the attempted avoidance of regulatory scrutiny. But for the subsequent material received from DAC Beachcroft, including the three Claim Notification Forms, the deception may have succeeded and the SRA may not have uncovered the true position regarding Client A's involvement with the Firm and the claim.

40. Similarly, it was submitted that the absence of proven actual harm did not materially assist Mr Ilyas. The dishonesty had the potential to impede the SRA investigation, which was itself a serious matter. Dishonesty to a regulator undermined the proper functioning of professional regulation and the maintenance of public confidence in the profession.

41. Accordingly, Ms Barnfather submitted that this was not a case where the dishonesty was momentary, technical, or explicable by unusual personal pressures. It was a considered misrepresentation made to the regulator in response to a direct enquiry, and it was calculated to conceal information relevant to the investigation.

Sanction

42. The Tribunal had regard to the Guidance Note on Sanctions (11th Edition – February 2025). 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.

43. The Tribunal found that, as regards allegation 1.3.2, Mr Ilyas was motivated by his desire to conceal Client A's employment with the Firm. Whilst there was no sophisticated planning, his actions were considered. His conduct regarding allegations 1.1 and 1.2 were in breach of the trust placed in him by his client and the court to act competently, ensuring that information he provided was accurate. Mr Ilyas was wholly responsible for his misconduct and, an experienced solicitor, had deliberately sought to mislead the regulator. The Tribunal assessed his culpability as high.

44. He had caused harm to his client, although the Tribunal accepted that Client A had been fully compensated by Mr Ilyas. His proven dishonesty had also caused harm to the reputation of the profession, which was in material breach of his obligation to protect the public and maintain public confidence in the reputation of the profession. As Coulson J stated in <u>*SRA v Sharma*</u> [2010] EWHC 2022 Admin:

> *"34. There is harm to the public every time that a solicitor behaves dishonestly. It is in the public interest to ensure that, as it was put in Bolton, a solicitor can be "trusted to the ends of the earth"."*

45. The dishonest, deliberate and calculated nature of Mr Ilya's misconduct was an aggravating factor. In mitigation, the Tribunal noted that Mr Ilyas had made good any loss suffered by Client A. He had admitted some of his failings, including that his conduct of the litigation was manifestly incompetent. He had shown a degree of insight and had introduced procedures in the firm to ensure that misconduct of the nature found proven in allegation 1.1 would not be repeated.

46. Given the finding of dishonesty, the Tribunal did not consider the lesser sanctions within its sentencing powers. It was well-established principle that a strike off would invariably be the appropriate sanction in cases of dishonesty, save in exceptional circumstances. The Tribunal had regard to the case of *Bolton v Law Society* [1994] 2 All ER 486 in which Sir Thomas Bingham stated:

> *"….Lapses from the required standard (of complete integrity, probity and trustworthiness)….may….be of varying degrees. The most serious involves proven dishonesty….In such cases the tribunal has almost invariably, no matter how strong the mitigation advanced by the solicitor, ordered that he be struck off the roll of solicitors."*

47. The Tribunal considered whether there were exceptional circumstances which justified a sanction other than strike off. In doing so, it took into account the nature, scope and extent of the dishonesty found proved. The Tribunal accepted that the finding of dishonesty was confined to allegation 1.3.2. However, it did not accept that the dishonest conduct could properly be characterised as narrow, technical or momentary. The dishonesty occurred during an SRA investigation into Mr Ilyas' professional conduct and was directed to the regulator in response to enquiries plainly relevant to that investigation.

48. The Tribunal found that Mr Ilyas had initially provided the name of someone who did not work at the Firm as the owner of the S email address. When further queries were raised, he then provided the name of Mr Iqbal, an employee who had not been employed at the relevant time. Thereafter, following further queries, he stated that MS and Mr Iqbal were the same person, when, on his own case, that was evidently untrue because MS had never worked at the Firm whereas Mr Iqbal had. Those were not accidental or insignificant inaccuracies. They were successive explanations which were inconsistent with the known facts and which served to obscure Client A's use of the S email address and his connection with the Firm.

49. The Tribunal was satisfied that the dishonest conduct was deliberate, calculated and purposeful. Its purpose was to avoid disclosure of information relevant to the SRA's investigation and thereby to impede regulatory scrutiny. The fact that the dishonesty was not accompanied by sophisticated planning, and that it did not relate to the obtaining of money or the conduct of the underlying litigation, did not materially reduce its seriousness. Dishonesty to a regulator during an investigation into professional misconduct struck at the heart of the regulatory process and was fundamentally incompatible with the trust and confidence which the public was entitled to place in solicitors.

50. The Tribunal found that the nature, scope and extent of the dishonesty was such that it fell outside of the residual category of cases where striking off the Roll was

disproportionate. Accordingly, the Tribunal found that there were no exceptional circumstances which justified a departure from the usual sanction where dishonesty was proved. The only appropriate and proportionate sanction was that Mr Ilyas be struck off the Roll of Solicitors.

Costs

51. Ms Barnfather applied for costs in the sum of £32,188.77. She submitted that the allegations had been properly brought, and the matter had been prosecuted reasonably. The Tribunal had found some of the disputed matters proven, including that Mr Ilyas' conduct had been dishonest and lacking in integrity.

52. Ms Robinson invited the Tribunal to scrutinise the schedule and make a sensible reduction to the amount claimed. In particular, there was an application for supervision costs which was unclear. The Applicant also claimed for attendance at the hearing when such attendance had been unnecessary given that the case was largely documentary apart from Mr Ilyas' evidence.

53. Further, there was likely to have been duplication in costs occasioned by the instruction of alternative counsel when original counsel was unavailable.

54. As to means, Mr Ilyas relied on his completed statement of means which evidenced his minimal income. He had not received any salary since September 2025. He had been in receipt of statutory sick pay from October 2025 to April 2026. He had been living off his savings which were now severely depleted.

55. The Tribunal noted the observations made in relation to the supervision costs claimed. There was no explanation as to how those costs arose, or why 44 hours of supervision were necessary. The Tribunal also accepted that there was likely to have been some duplication due to the instruction of counsel when original counsel became unavailable. Accordingly, the Tribunal determined that there should be a reduction in the costs claimed. The Tribunal determined that costs in the sum of £28,000 were reasonable and proportionate taking into account the matters detailed above.

56. The Tribunal then considered whether there should by a further reduction in costs based on Mr Ilyas' means. The Tribunal noted that Mr Ilyas was recently in receipt of state benefits. The Tribunal considered the findings in <u>*Barnes v SRA*</u> [2022] EWHC 677 (Admin), that the correct order was no order as to costs if there was no realistic prospect of the respondent being able to pay costs. The Tribunal noted that Mr Ilyas was the co-owner of a property that was free from mortgage. Accordingly, Mr Ilyas was not impecunious and the Tribunal did not find that <u>*Barnes*</u> applied in this matter.

57. The Tribunal then considered whether the costs order should be deferred such that costs could not be enforced without the permission of the Tribunal. The Tribunal determined that such an order was not appropriate in circumstances where Mr Ilyas was a part beneficial owner in a property.

58. Accordingly, the Tribunal ordered Mr Ilyas to pay costs in the sum of £28,000.

Statement of Full Order

59. The Tribunal Ordered that the Respondent, SHEZHAD ILYAS, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £28,000.00.

Dated this 8th day of July 2026
On behalf of the Tribunal

J. Abramson

J Abramson
Chair