

IN THE MATTER OF LAIQUAT ALI DIN, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr R B Bamford (in the chair)
Mr N Pearson
Mrs V Murray-Chandra

Date of Hearing: 6th June 2007

**APPLICATION FOR THE DETERMINATION
OF AN INDEFINITE SUSPENSION**

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made by Affidavit sworn on 17th January 2007 by Laiquat Ali Din ("the Applicant") of 46 Bayswater Mount, Leeds, LS8 5LW that the period of suspension imposed upon him be terminated.

Statements of the Applicant dated 20th December 2006 and 15th January 2007 together with supporting documents were before the Tribunal.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 6th June 2007 when the Applicant was represented by Mr Mohammed of Counsel appearing in a personal capacity and The Law Society was represented by Ian Ryan, solicitor, of Bankside Law Limited, Thames House, 58 Southward Bridge Road, London, SE1 OAS.

The disciplinary history of the Applicant

Hearing on 4th November 2003

1. At a hearing on 4th November 2003 an allegation was substantiated against Mr Din that he had been guilty of conduct unbecoming a solicitor in that he failed to reply to

correspondence from the Office for the Supervision of Solicitors promptly or at all. The Tribunal on that occasion said that it was a matter of concern when a solicitor did not respond to correspondence addressed to him by his own professional body and said that such failure served only to bring the good reputation of the profession into disrepute and prevented the OSS from carrying out its task of policing the profession. No reason had been placed before the Tribunal as to why Mr Din had failed to reply to letters or for his lack of cooperation although the Tribunal noted there might have been a question regarding his health. The Tribunal in 2003 took into account the fact that Mr Din had closed his practice. Mr Din was ordered to pay a fine of £500.

Hearing on 23rd November 2004

2. On 23rd November 2004 the following allegations were substantiated against Mr Din namely that he had been guilty of conduct unbecoming a solicitor in each of the following particulars:-
 - (i) [withdrawn with the consent of the Tribunal]
 - (ii) That he had failed to comply with the Solicitors Indemnity Insurance Rules 2002 by failing to obtain Professional Indemnity Cover for the indemnity year 1st September 2002 to 31st August 2003.
 - (iii) That he failed to deliver, or delivered late, his Accountant's Report for the year ending 31st October 2002 notwithstanding section 34 of the Solicitors Accounts Rules 1974 and the Rules made thereunder.
 - (iv) That he failed to reply to correspondence from the Office for the Supervision of Solicitors (OSS).

The facts were as follows:

3. At all material times Mr Din was practising on his own account under the style of Din Solicitors.
4. The Investigation Officer of The Law Society carried out an inspection at Mr Din's practice address and produced a report dated 23rd April 2003. The Investigation Officer attended at the practice address on 21st March 2003 and found the premises locked and empty. As a result of information received he contacted Mr Din and met him on 31st March 2003.
5. Mr Din said that he had not practised from his practice address for some time, he had effectively closed his practice and wanted to leave the Roll of Solicitors. He said that he had been unable to afford professional indemnity insurance cover for the period commencing on 1st September 2002 as he was on the verge of bankruptcy. He said he had buried his head in the sand.
6. The OSS wrote to Mr Din in relation to these matters on 5 occasions but he failed to reply.
7. Mr Din failed to deliver his Accountant's Report for the year ending 31st October 2002 to The Law Society. His report, which was due to be delivered on or before 30th

April 2003, had not been received by The Law Society at the date of the hearing. The OSS wrote to Mr Din for an explanation on 28th July 2003 but he did not reply.

8. The Tribunal in 2004 said as follows:

"The Tribunal had noted that Mr Din had the support of his present partner and had also noted the medical evidence regarding his depressive illness in 2003. The Tribunal had given due weight to that medical evidence but noted that Mr Din had now fully recovered and resumed practice. The allegations against Mr Din were serious. He had knowingly practised without professional indemnity insurance during the winding down of his practice which was totally unacceptable. It was not sufficient explanation to say that he had been unable to afford the premiums. The Tribunal was greatly concerned to note that the Accountant's Report for the year ending 31st October 2002 remained outstanding despite Mr Din's return to good health and a new practice. Mr Din could not simply walk away from the responsibilities of his previous practice. The rules regarding Accountant's Reports and the closure of practices were there for the benefit of the public. The Tribunal expected Mr Din to fulfil his outstanding obligation and would reflect that expectation in its Order."

9. The Tribunal in 2004 ordered Mr Din to pay a fine of £6,000 and further Ordered that unless he file the outstanding Accountant's Report for the year ending 31st October 2002 with The Law Society by 1st February 2005 he would be suspended from practice for an indefinite period to commence on 2nd February 2005. Mr Din was ordered to pay costs.

10. Mr Din did not file the outstanding Accountant's Report by the due date and he was therefore suspended from practice for an indefinite period commencing on 2nd February 2005.

11. On 17th November 2005 the Applicant made an application for the determination of the indefinite suspension but did not attend the hearing. The Tribunal on that occasion refused the application and stated as follows:

"On reading the papers submitted by the Applicant the Tribunal had had some concerns which could only have been addressed by the Applicant being present to answer questions to enable the Tribunal to judge that he was a fit and proper person to work as a member of the profession. The Tribunal was unable in his absence to obtain the information it required and in those circumstances the application would be refused."

Application on 6th June 2007

Oral evidence of the Applicant

12. The Applicant confirmed the truth of his statements subject to a typographical amendment.

13. Since the previous application on 17th November 2005 when the Applicant had not attended, he had taken positive steps to ensure that his debts were sorted out. These had been paid in large part through family help.

14. Although he had found it very difficult to get a job and had also been committed to the care of two young nephews, following their mother's return he had been able to obtain employment in an administrative capacity in March/April 2007 to ensure that he kept up with his agreed payments of £500 per month. He had paid £1,500 off his debt to the Treasury for fines of £6,150. He accepted that he still owed £4,438.08 to The Law Society in costs.
15. The Applicant now felt much stronger and would feel very happy if he could rejoin the profession. He regretted that he had let himself go and what had occurred at his former practice. There was no-one to blame but himself. Things had got on top of him. He never wanted to practise on his own again but would like to be employed. He had discussed employment with a number of firms. His specialist areas were crime and mental health.
16. The Applicant said that conditions on his practising certificate would be justified and he would happily comply with them.
17. The Tribunal was referred to the letter from Messrs Riaz Solicitors dated 7th June 2007 to the Tribunal referring to the possibility of employment for the Applicant at that practice.
18. The Applicant said that he had kept in touch through friends with changes in the profession and legislation.

Submissions on behalf of the Applicant

19. Counsel explained that he was a close family friend of the Applicant who had been let down at a late stage by the solicitor he had instructed.
20. Counsel referred the Tribunal to the decision of the Tribunal in relation to the application of 17th November 2005. The main concern had been that the Applicant had not attended. He had been unwell. The Tribunal on that occasion therefore could not ask questions of him but the Applicant was present at today's hearing.
21. The Tribunal was referred to the medical report dated 8th May 2007 which confirmed that the Applicant was now medically fit to work as a solicitor.
22. Since the hearing in November 2005 the Applicant had paid his debts to the Legal Services Commission and was in the process of paying back his other debts. He had taken positive steps to show that he was trying to improve himself to return to the profession.
23. The Law Society had taken a neutral stance in relation to the present application.
24. Although the Applicant had received no firm offer of employment it was open to the Tribunal to impose a condition that he did not practise alone.
25. With regard to keeping up to date this could be achieved by CPD courses.

The Submissions on behalf of The Law Society

26. The Tribunal had before it outline submissions on behalf of The Law Society and the Tribunal was referred to those submissions. The Law Society adopted a neutral approach to the application and considered it a matter for the Tribunal which would of course take into account the interests of the public and the profession.
27. The Law Society did not ask the Tribunal to impose or recommend particular conditions in respect of any practising certificate. Appropriate conditions could be considered by The Law Society should the Applicant apply for a practising certificate.
28. The Tribunal was asked to note that a total of some £8,500 of debt remained outstanding in respect of fines and costs. The Applicant had agreed the costs of The Law Society of the present hearing in the sum of £1,940.16.

The decision of the Tribunal

29. The Law Society had taken a neutral view in relation to the application. The Tribunal considered carefully the findings of the Tribunal in November 2004 and the decision of the Tribunal in November 2005.
30. In all the circumstances the interests of the profession and its reputation were in this case satisfied by the length of suspension already served by the Applicant. Although the Applicant had not yet obtained a firm offer of employment in the law the public would be protected by appropriate conditions imposed on his practising certificate by The Law Society and indeed Mr Ryan had specifically requested the Tribunal not to impose or recommend specific conditions in that regard. The Tribunal noted the medical report stating that the Applicant was now medically fit to work in the profession and noted that the Applicant was making continuing efforts to repay his debts. The Applicant did not intend to work as a sole practitioner in the future.
31. The Tribunal had had the benefit of hearing the oral evidence of the Applicant. In all the circumstances the Tribunal was satisfied that it was right to grant the application and made the following Order:

The Tribunal Orders that the application of Laiquat Ali Din of 46 Bayswater Mount, Leeds, LS8 5LW for the determination of the indefinite suspension be granted and the Tribunal further Order that he do pay the costs of the response of the Law Society to this application fixed in the sum of £1,940.16.

Dated this 23rd day of August 2007
On behalf of the Tribunal

R B Bamford
Chairman