

**THE SOLICITORS (SCOTLAND) ACT 1980  
THE SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL  
(PROCEDURE RULES 2008)**

INTERLOCUTOR

in Complaint

by

THE COUNCIL OF THE LAW SOCIETY OF  
SCOTLAND, Atria One, 144 Morrison Street,  
Edinburgh (hereinafter referred to as "the  
Complainers")

against

SAAIMA KHALID, JKR Law Limited, 103  
West Regent Street, Glasgow (hereinafter  
referred to as "the Respondent")

Edinburgh, 28 June 2022. The Tribunal adjourns the hearing to 13 September 2022 at 10am; Directs the Respondent to lodge amended Answers and any List of Witnesses within seven days of the date of this Interlocutor; Allows fourteen days thereafter for the Complainers to adjust the Complaint and lodge any List of Witnesses; Ordains the Respondent personally to provide her address to the Tribunal Office within fourteen days of the date of this Interlocutor; and Finds the Respondent liable in the expenses of the Complainers and of the Tribunal including expenses of the Clerk, in respect of preparation for and attendance at the hearing on 28 June 2022, chargeable on a time and line basis as the same may be taxed by the Auditor of the Court of Session on an agent and client, client paying basis in terms of Chapter Three of the last published Law Society's Table of Fees for general business with a unit rate of £14.00, to be paid on the Respondent's behalf by Hughes Dowdall Solicitors.



Catherine Hart

Vice Chair

**NOTE**

At the hearing on 28 June 2022, the Complainers were represented by their Fiscal, Breck Stewart, Solicitor Advocate, Edinburgh. The Respondent was not present but was represented by Michael Foster, Solicitor, Glasgow.

Mr Foster apologised that his client was not present. He had expected her to attend. He had instructions to appear on her behalf. He made a motion to adjourn the hearing. He said he thought he had lodged amended Answers some months ago. His client's position was that although the facts of the Complaint were admitted, the circumstances did not amount to professional misconduct as she was not aware of her agent's actions and did not become aware of them until contacted by the Registrar's Office of the Law Society.

Mr Foster said he only realised the night before the hearing that he had not in fact lodged amended Answers. He took full responsibility for this mistake. He submitted that the Respondent should not suffer because of his error. He wished to make submissions on her behalf that the admitted facts did not amount to professional misconduct. He said that expenses should be awarded and his firm would accept responsibility for these. He also asked the Tribunal to receive late an Inventory of Productions for the Respondent. He had hoped that these would be agreed but this had not proved possible. He had not cited the accountant or arranged for him to attend. He had not anticipated there would be any question regarding the authenticity of the productions. He had been in possession of the productions for some time. He had been waiting for the accountant to provide a letter on headed notepaper but he had not done this.

The Fiscal objected to any motion to amend the Answers on the day of the hearing. He had prepared for the hearing on the basis of the Answers lodged. The transfer issue had been raised during the complaints process long before the matter was before this Tribunal. The Respondent would have to include averments of fact in the Answers as a foundation for the defence. The Fiscal had several objections to the productions. They were very late. They had been called for by the Complainers in November 2021 and had been the subject of a successful Rule 13 motion. All these documents had been in the hands of the Respondent's agent at the last calling of the case when the Tribunal had been invited to make an order under Rule 50 in relation to failure to provide these documents. The Fiscal had tried to speak to the accountant by telephone but had not been able to reach him. He did not know if the accountant was the Respondent's agent. He could not verify the documents lodged. The accountant was not present to give evidence. The

Law Society still do not know how the transfer occurred. Evidence is required. There were no witnesses present to speak to the amended Answers or the productions. In the circumstances, the Fiscal had no objection to the motion to adjourn. It was the first calling of the case as a full hearing. It was not in the interests of justice to proceed. Failure to not adjourn would prejudice the Respondent.

The Tribunal noted the procedural history of the case and questioned whether the matter would proceed on the next occasion if it was adjourned. The issue said to require amendment of the Answers had been live since Answers were first submitted and the Tribunal had specifically drawn it to Mr Foster's attention on the last occasion. It was very unsatisfactory that a motion was made on the day of the hearing to adjourn the case. However, this was the first motion to adjourn a substantive hearing. The motion was not opposed by the Complainers. The Respondent's agent accepted responsibility for the failure to lodge amended Answers. There might be a risk of prejudice to the Respondent if the Tribunal insisted that the matter proceeded that day.

In those circumstances the Tribunal adjourned the hearing to 13 September 2022 at 10am. The hearing will take place in person and the Tribunal expects parties to be able to proceed on that occasion. The Tribunal directed the Respondent to lodge amended Answers and any List of Witnesses within seven days (5 July 2022). It allowed fourteen days thereafter for the Complainers to amend the Complaint in response and to provide any List of Witnesses (19 July 2022). It personally ordained the Respondent to provide her address to the Tribunal Office within 14 days (12 July 2022). Mr Foster can provide this on the Respondent's behalf after consultation with her. The Tribunal allowed the Respondent's List of Productions to be received. Mr Foster should give consideration to provision of a medical certificate on soul and conscience if ill health is the basis upon which the Respondent cannot attend the hearing on 13 September 2022.

Paragraph 19 of Schedule 4 of the Solicitors (Scotland) Act 1980 provides that the Tribunal may make in relation to any complaint against a solicitor such order as it thinks fit as to the payment by the complainer or by the respondent of the expenses incurred by the other party and by the Tribunal or a reasonable contribution towards those expenses. Mr Foster had indicated that his firm would be responsible for any award of expenses in relation to the adjourned hearing. The Tribunal therefore found the Respondent liable in the expenses of the Complainers and of the Tribunal including expenses of the Clerk, in respect of preparation for and attendance at the

hearing on 28 June 2022 but noted that these expenses were to be paid by Hughes Dowdall Solicitors on the Respondent's behalf.



**Catherine Hart**  
**Vice Chair**