

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

FINDINGS

in Complaint

by

**THE COUNCIL OF THE LAW
SOCIETY of SCOTLAND, 26
Drumsheugh Gardens, Edinburgh
Complainers**

against

**SOPHINA MEHMOOD ALI, of 8
Fernleigh Road, Newlands,
Glasgow**

Respondent

1. A Complaint dated 16 June 2015 was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society (hereinafter referred to as "the Complainers") averring that Sophina Mehmood Ali of 8 Fernleigh Road, Newlands, Glasgow (hereinafter referred to as "the Respondent") was a practitioner who may have been guilty of professional misconduct.
2. There was no Secondary Complainer.
3. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent. No Answers were lodged for the Respondent.
4. In terms of its Rules the Tribunal appointed the Complaint to be heard on 3 September 2015 and notice thereof was duly served upon the Respondent.
5. At the hearing on 3 September 2015, the Complainers were represented by their Fiscal Paul Reid, Solicitor Advocate, Glasgow. The Respondent

was not present and was not represented. No contact had been made with either the Fiscal or the Tribunal's office by the Respondent. The Fiscal asked the Tribunal in terms of Rule 14(4) of its 2008 Rules to proceed to hear and determine the Complaint in the absence of the Respondent.

6. After hearing evidence from the Clerk, the Tribunal being satisfied that notice of the hearing had been duly posted to the Respondent in terms of Rule 11 of the 2008 Rules, granted the Fiscal's motion. The Fiscal proceeded to lead evidence from one witness and referred to productions previously lodged with the Tribunal.
7. Having given careful consideration to the evidence led and the productions lodged, the Tribunal found the following facts established:-
 - 7.1 The Respondent resides at 8 Fernleigh Road, Newlands, Glasgow. She was born on 1 December 1983. She was admitted as a Solicitor and enrolled on the Register of Solicitors practising in Scotland on 2 July 2008. She was formerly employed with the firm Brodies Solicitors, Edinburgh from 15 July 2008 through to 5 June 2009. From 7 November 2012 until 17 July 2015 she was employed with the organisation Parabis Scotland Limited, Fifth Floor, The Centrum Building, 38 Queen Street, Glasgow, G1 3DX.
 - 7.2 On or about 14 August 2015 she appeared before Glasgow Justice of the Peace Court and pled guilty to a charge of driving without insurance. She was disqualified from driving for a period of 6 months from that date.
 - 7.3 On or about 18 November 2014 she appeared from custody at Glasgow Stipendiary Magistrate Court and pled guilty to a number of road traffic offences namely:

- a) Contravention of section 47 (1) of the Road Traffic Act 1988 being an absence of an MOT certificate
- b) Contravention of section 103 (1) (b) of the Road Traffic Act 1988 being driving whilst disqualified.
- c) Contravention of section 143 (1) of the Road Traffic Act 1988 being driving without insurance.

In total she was fined a sum of £600 and was disqualified from driving for a period of 12 months commencing 18 November 2014.

8. Having heard submissions from the Fiscal that the conduct amounted to professional misconduct and having given careful consideration to the facts established, the Tribunal found the Respondent guilty of Professional Misconduct in cumulo in respect of:

- 8.1 her convictions of 17 November 2014 for contraventions of section 103(1)(b), section 143(1) and (2) and section 47(1) of the Road Traffic Act 1988 together with the earlier conviction of 14 August 2014 for a contravention of section 143(1) and (2) of the Road Traffic Act 1988.

9. Having heard further submissions from the Fiscal the Tribunal pronounced an Interlocutor in the following terms:-

Edinburgh 3 September 2015. The Tribunal having considered the Complaint dated 16 June 2015 at the instance of the Council of the Law Society of Scotland against Sophina Mehmood Ali of 8 Fernleigh Road, Newlands, Glasgow; Find the Respondent guilty of professional misconduct *in cumulo* in respect of her convictions of 17 November 2014 for contraventions of section 103(1)(b), section 143(1) and (2) and section 47(1) of the Road Traffic Act 1988 and her conviction of

14 August 2014 for a contravention of section 143(1)(2) of the Road Traffic Act 1988; Censure the Respondent; Find the Respondent liable in the expenses of the Complainers and of the Tribunal including expenses of the Clerk, 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; and Direct that publicity will be given to this decision and that this publicity should include the name of the Respondent and may but has no need to include the names of anyone other than the Respondent.

(signed)

Alan McDonald

Vice Chairman

10. A copy of the foregoing together with a copy of the Findings certified by the Clerk to the Tribunal as correct were duly sent to the Respondent by recorded delivery service on

IN THE NAME OF THE TRIBUNAL

Alan McDonald
Vice Chairman

NOTE

The Respondent was not present at the hearing on 3 September 2015. The Fiscal confirmed that he had had no contact from the Respondent prior to the hearing. He confirmed that he had written to the Respondent on a number of occasions following service of the Complaint and had had no response. Accordingly, he asked the Tribunal in terms of Rule 14 to proceed to hear and deal with the Complaint in the Respondent's absence.

The Tribunal proceeded to hear evidence from the Clerk confirming that a notice together with the Complaint had been sent by first class recorded delivery post to the Respondent at the address on the Complaint on 17 June 2015. The Royal Mail track and trace system confirmed that the notice had been signed for on 19 June 2015 by an individual giving the name Ali. The notice of hearing had been sent by first class recorded delivery to the Respondent at the address on the Complaint on 9 July 2015. The Royal Mail track and trace system confirmed that the item was delivered and signed for by an individual giving the name Ali on 11 July 2015. The Tribunal being satisfied that the hearing had been intimated to the Respondent in terms of Rule 11 of the Tribunal Rules 2008, and given that no contact had been made by the Respondent, granted the Fiscal's motion to proceed to hear and deal with the Complaint in the Respondent's absence.

EVIDENCE FOR THE COMPLAINERS

The Fiscal proceeded to call one witness, Ian Ritchie, care of The Law Society of Scotland. Mr Ritchie confirmed that he was employed by the Law Society of Scotland and had been since 2003. He was currently one of the clerks to the Professional Sub Conduct Committee. He confirmed that the details in Article 1.1 of the Complaint were correct, with one addition that the Respondent left her employment with Parabis on 17 July 2015. As far as he was aware the Respondent was no longer working within the profession. He confirmed that the Law Society had received a letter from the Crown Office and Procurator Fiscal Service dated 19 November 2014 advising that the Respondent had been convicted of various offences. The practise followed by the Law Society was then to pass the papers to the

Complaints Sub Committee who considered whether it was appropriate to pass the matter to the SLCC. Subsequently the SLCC referred the matter back to the Law Society to be considered for prosecution. It was at that stage that Mr Ritchie's department was involved.

Mr Ritchie was referred to Production 1 for the Complainers and confirmed that this was an extract conviction dated 14 August 2014 indicating that the Respondent had been convicted of a contravention of section 143 of the Road Traffic Act 1988, had been fined £200 and been disqualified from driving for 6 months. He confirmed the details on the extract conviction matched the details held by the Law Society for the Respondent. He was then referred to Production 2 for the Complainers and confirmed that this was an extract conviction dated 17 November 2014 and disclosed that the Respondent had been convicted of contraventions of section 103, section 143 and section 47 of the Road Traffic Act 1988. She was fined a total of £600 and disqualified from driving for one year.

SUBMISSIONS FOR THE COMPLAINERS

Mr Reid submitted to the Tribunal that the Respondent's conduct was so serious and reprehensible that it amounted to professional misconduct. He conceded that each matter in isolation might not in itself amount to professional misconduct but taken in cumulo they did so.

Mr Reid submitted to the Tribunal that the contravention of Section 103 of the Road Traffic Act amounted to a breach of a court order. Whilst the criminal courts might take a more modest view of driving without an MOT, Mr Reid submitted that this was a significant matter given the purposes of an MOT. He referred the Tribunal to R-v-Hughes 31 July 2013 paragraph 8 where the Supreme Court had emphasised the significance of driving without insurance. In this Complaint the Respondent had driven twice without insurance over a short period of time. This case involved repeated convictions over a short period of time including a breach of a court order. He referred the Tribunal to the case of Michael Alan Grant McNiven of 17 September 2007 where the Tribunal had emphasised that the profession of solicitors seeks to maintain the highest standards of conduct and that a solicitor could not separate

personal conduct from his membership of the profession. In that case the Tribunal had concluded that driving whilst disqualified taken together with a conviction for drink driving amounted to professional misconduct.

DECISION

The Tribunal held that the conduct averred by the Complainers had been proved beyond reasonable doubt.

The Tribunal thereafter gave careful consideration to the submissions of the Fiscal that the conduct proved amounted to professional misconduct. It is quite clear that a solicitor's conduct in his or her personal life can amount to professional misconduct. A solicitor must seek to maintain the highest standard of conduct. It was clear in this case that the Respondent's conduct represented a serious departure from the standards expected from a member of the profession, in particular with regard to the breach of a court order. The public must have faith in the profession. Such conduct brings the profession into disrepute.

Having intimated to the Fiscal that the Tribunal found the Respondent guilty of professional misconduct, the Tribunal asked the Fiscal if he had any further information with regard to the Respondent's personal circumstances. Mr Reid produced to the Tribunal a letter from the Respondent which had been sent to the Law Society by way of written representations to the Sub Committee meeting held on 4 December 2014 to consider her case. Mr Reid confirmed that the Respondent had been detained by the police on a Friday and held in custody to appear in court on the following Monday. He also confirmed that there were no other matters on her record at the Law Society.

Having regard to the fines already imposed, the three days spent in custody, and the otherwise good record for the Respondent, together with the content of the letter previously submitted to the Law Society, the Tribunal concluded that the matter should be dealt with by a Censure.

The Fiscal moved for expenses to be awarded in his favour in the usual manner. That motion was granted and the usual order was made with regard to publicity.

Alan McDonald
Vice Chairman