

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

**F I N D I N G S**

**in Complaint**

**by**

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

**against**

**SHAHID SATTAR PERVEZ,  
Solicitor of the former firm of  
Belton Pervez, 430 Victoria Road,  
Crookston Glasgow and now  
residing at 8 Langhaul Place,  
Crookston, Glasgow**

1. A Complaint dated 14 May 2009 (reference: DC/09/13) was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society (hereinafter referred to as "the Complainers") requesting that, Shahid Sattar Pervez, Solicitor of the former firm of Belton Pervez, 430 Victoria Road, Glasgow and now residing at 8 Langhaul Place, Crookston, Glasgow (hereinafter referred to as "the Respondent") be required to answer the allegations contained in the statement of facts which accompanied the Complaint and that the Tribunal should issue such order in the matter as it thinks right.
2. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent. No answers were lodged for the Respondent.
3. In terms of its Rules the Tribunal appointed the Complaint to be heard on 9 July 2009 and notice thereof was duly served on the Respondent.

4. The hearing took place on 9 July 2009. The Complainers were represented by their Fiscal, Sean Lynch, Solicitor, Kilmarnock on behalf of Elaine Motion, Solicitor-Advocate, Edinburgh. The Respondent was not present or represented.
5. A Joint Minute was lodged admitting the facts, averments of duty and averments of professional misconduct and also admitting the court conviction for an act involving dishonesty with a sentence of two years and eight months. No evidence was accordingly led.
6. The Tribunal found the following facts established

6.1 The Respondent was born on 3 June 1968. He was admitted as a solicitor on 12 December 1997. He was enrolled as a solicitor in the Register of Solicitors of Scotland on 15 December 1997. After his admission he was employed by Thomas Caplan solicitors, Glasgow until 16 March 2001 and on 9 April 2001 became a partner in the firm of Belton Pervez, 430 Victoria Road, Glasgow. He ceased to be a partner in Belton Pervez on 31 October 2005. He is presently residing at 8 Langhau Place, Crookston, Glasgow. On 2 September 2006 the Respondent's name was removed from the Roll due to non payment of his practising certificate fees.

### **Criminal Conviction**

- 6.2 On 16 July 2007 the Respondent tendered a plea of guilty to the following amended indictment at the High Court, Glasgow that between:-
1. 22 March 2005 and 23 May 2005, both dates inclusive at the office premises of Belton Pervez, Solicitors, 430 Victoria Road, Glasgow you did conspire in an attempt to pervert the course of justice and in furtherance of said

conspiracy, you did between 22 March 2005 and 23 May 2005, both dates inclusive provide an affidavit to the legal representatives of Mr AB stating that you, Shahid Pervez and Mr AB were at an appointment together at said office premises at Belton Pervez, Solicitors at 11.30am on 19 January 2005 when the offence libelled in charge (1) was committed, you Shahid Pervez knowing that such information contained within the Affidavit was false and this you did for the purpose of providing a false alibi for Mr AB at the Trial of Mr AB and you did this attempt to pervert the course of justice.

- 6.3 Sentence was deferred until 20 August 2007 and on that date the Respondent was sentenced to a period of imprisonment of 5 years and 3 months in relation to the charge narrated within paragraph 6.2 above.
- 6.4 The Respondent marked an appeal against sentence and on 2 May 2008 the Respondent's sentence was reduced from 5 years and 3 months to 2 years and 8 months.
- 6.5 The Respondent is currently serving out his sentence under a home release scheme residing at the address set out in these Findings.

**Law Society of Scotland - Mr A (1)**

- 6.6 Mr A lodged a complaint with the Complainers in relation to an alleged inadequate service provided by the Respondent and his firm in relation to instructions to obtain a divorce.
- 6.7 By letter of 8 December 2005 the Complainers intimated the complaint to the Respondent's firm. The Respondent's partner replied to that letter by letter of 9 January 2006 indicating that

he was awaiting the attendance of the Respondent and would hope to be in a position to revert within the next 7 - 14 days after having the Respondent look into the matter.

- 6.8 By letter of 23 January 2006 the Respondent's partner indicated that the Respondent was seeking to resolve matters directly with Mr A.
- 6.9 By letter of 6 February 2006 the Complainers requested a response to the complaint by return.
- 6.10 By letter of 8 February 2006 the Respondent's partner replied providing some response to the letter of 8 December 2005. Said letter did not deal with the issues set out in paragraph 6.7 above.
- 6.11 By letter of 7 April 2006 the Complainers again wrote to the Respondent's firm, now Patrick Campbell & Co (incorporating Belton Pervez) seeking clarification within 14 days as to whether an account was prepared and if so whether it had been paid either by Mr A or by the Scottish Legal Aid Board. No response was received.
- 6.12 The complaint of an inadequate professional service set out in 6.6 above was determined in the absence of the information set out in 6.7 above.

#### **Law Society of Scotland - Mr A (2)**

- 6.13 As narrated in paragraph 6.6 above Mr A made a complaint to the Complainers in relation to an alleged inadequate professional service provided by the Respondent and his firm.

- 6.14 By letter of 18 August 2006 the Complainers intimated an additional conduct complaint to the Respondent. No response was received.
- 6.15 By letter of 12 October 2006 the Complainers served a Notice, recorded delivery in terms of Section 15(2)(i) of the Solicitors (Scotland) Act 1980 on the Respondent. No response was received.
- 6.16 By letter of 19 January 2007 the Complainers served a further Notice under Section 15(2) of the Solicitors (Scotland) Act 1980 and intimated an additional complaint of professional misconduct to the Respondent. No response has been received by the Complainers to said correspondence.

7. Having considered foregoing circumstances and having heard submissions from the Fiscal, the Tribunal found that Section 53(1)(b) of the Solicitors (Scotland) Act 1980 applied to the circumstances of this case in respect of the Respondent's conviction and found the Respondent guilty of Professional Misconduct in respect of:

- 7.1 his failure from 8 December 2005 to 7 April 2006 and from 18 August 2006 to 19 January 2007 to respond to the reasonable enquiries of the Complainers in respect of his client, Mr A.

8. The Tribunal pronounced an Interlocutor in the following terms:-

Edinburgh 9 July 2009. The Tribunal having considered the Complaint dated 14 May 2009 at the instance of the Council of the Law Society of Scotland against Shahid Sattar Pervez, Solicitor of the former firm of Belton Pervez, 430 Victoria Road, Glasgow now residing at 8 Langhaul Place, Crookston, Glasgow; Find that the Respondent has been convicted of an offence involving dishonesty and sentenced to a period of imprisonment of two years eight months and

that accordingly Section 53(1)(b) of the Solicitors (Scotland) Act 1980 applies to the circumstances of the case; Find the Respondent guilty of professional misconduct in respect of his failure to respond to the reasonable enquiries of the Law Society in respect of his client Mr A; Censure the Respondent; Fine him in the sum of £1,000 to be forfeit to Her Majesty; 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.

**(signed)**

**Gordon Cunningham**

**Chairman**

9. 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**

**Chairman**

**NOTE**

The Complaint contained averments of professional misconduct and was also made under the provisions of Section 53(1)(b) of the Solicitors (Scotland) Act 1980 which provides for the Tribunal exercising certain powers where solicitors have been convicted of an act involving dishonesty or sentenced to a term of imprisonment of more than two years. A Joint Minute was signed admitting the whole of the Complaint.

**SUBMISSIONS FOR THE COMPLAINERS**

Mr Lynch submitted that the conviction for which the Respondent was sentenced for a period of two years eight months imprisonment was the most serious aspect of the Complaint. The remainder of the Complaint related to failure to respond to the Law Society. Mr Lynch explained that the Respondent was presently on home release in Glasgow. He understood that he was not presently in employment and had had his name removed from the Roll in 2006. The Tribunal's powers were accordingly limited. Mr Lynch stated that a financial penalty may not be appropriate due to the personal circumstances of the Respondent. Mr Lynch referred the Tribunal to previous findings.

**DECISION**

The Tribunal were extremely concerned about the Respondent's criminal conviction in respect of providing a false alibi and attempting to pervert the course of justice. Such behaviour is extremely damaging the reputation of the legal profession and had the Respondent's name still been on the Roll, the Tribunal would have had no hesitation in striking his name from the Roll. The Tribunal however noted that the Respondent was no longer on the Roll, his name having been removed from the Roll due to non-payment of his practising certificate fees in September 2006. The Tribunal was again concerned that the wording of Section 53 of the Solicitors (Scotland) Act 1980 does not give the Tribunal sufficient power to deal appropriately with cases such as this to allow the interests of the public to be adequately protected. The Tribunal



understands that steps are presently being taken to rectify the situation. The Tribunal was only able to impose a Censure in respect of the Respondent's conviction.

The Tribunal noted that the Respondent was not presently working but also noted that the Respondent had a number of previous Findings in respect of failure to respond to the Law Society. Failure to respond to the Law Society prevents the Law Society from properly investigating Complaints and can bring the whole profession into disrepute. The Tribunal accordingly imposed a fine in addition to the Censure in respect of this matter. The Tribunal made the usual order with regard to publicity and expenses.

**Chairman**