

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11831-2018

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

TARIQ MAJID

Respondent

Before:

Mr R. Hegarty (in the chair)

Mr B. Forde

Mr S. Hill

Date of Hearing: 9 October 2018

Appearances

There were no appearances as the matter was dealt with on the papers.

JUDGMENT ON AN AGREED OUTCOME

Allegations

1. The Allegations made against the Respondent contained in the Rule 5 Statement dated 4 June 2018 were that;
 - 1.1 By virtue of his conviction on 4 October 2016 for acting in breach of a restraining order imposed by Sheffield Crown Court on 15 April 2015 he:
 - 1.1.1 failed to uphold the rule of law and the proper administration of justice and therefore breached Principle 1 of the SRA Principles 2011; and/or
 - 1.1.2 failed to act with integrity and therefore breached Principle 2 of the SRA Principles 2011; and/or
 - 1.1.3 failed to behave in a way which maintains the trust the public places in him and in the provision of legal services and therefore breached Principle 6 of the SRA Principles 2011.
 - 1.2 Between 2013 and 2016 he failed to notify the SRA of changes in his place of work or places of business before the expiration of 14 days from the date on which the changes took effect, as required by s84 of the Solicitors Act 1974 (as amended) and therefore:
 - 1.2.1 failed to comply with his legal and regulatory obligations and deal with his regulators and ombudsman in an open and timely and co-operative manner in breach of Principle 7 of the SRA Principles 2011;
 - 1.2.2 acted in breach of s84 of the Solicitors Act 1974 (as amended).

Documents

2. The Tribunal had before it the following documents:
 - Rule 5 Statement dated 4 June 2018
 - Respondent's Response to the Allegations dated 25 July 2018
 - Statement of Agreed Facts and Outcome dated 8 October 2018

Factual Background

3. The Respondent was born in December 1969 and was admitted to the Roll of Solicitors on 1 June 2010. At the time of the hearing he held a current Practising Certificate which free from conditions.

Application for the matter to be resolved by way of Agreed Outcome

4. The parties invited the Tribunal to deal with the Allegations against the Respondent in accordance with the Statement of Agreed Facts and Outcome annexed to this Judgment ("Agreed Outcome"). The parties submitted that the outcome proposed was consistent with the Tribunal's Guidance Note on Sanctions.

5. The Tribunal had previously considered an application for an Agreed Outcome in this matter. The proposed outcome at that stage had been was a fine of £3,000. The Tribunal had considered that the admitted Allegations were serious, particularly the criminal conviction. The Respondent had received a warning form the SRA in April 2016. He had then been convicted in the Crown Court, following a guilty plea, on 4 October 2016. The Tribunal had agreed that the appropriate sanction was a fine, but was not satisfied that £3,000 was sufficient to reflect the seriousness of the misconduct. The Tribunal had considered that the appropriate sanction in all the circumstances was a fine of £5,000. The application for approval of the Agreed Outcome had therefore been refused.
6. The parties had made a further application for an Agreed Outcome, a copy of which is appended to this Judgment. The proposed outcome was a fine of £5,000, in line with the Tribunal's indication when it had previously considered the matter.

Findings of Fact and Law

7. The Applicant was required to prove the allegations beyond reasonable doubt. The Tribunal had due regard to the Respondent's 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.
8. The Tribunal reviewed all the material before it and was satisfied beyond reasonable doubt that the Respondent's admissions were properly made.
9. The Tribunal considered the Guidance Note on Sanction (December 2016). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. As indicated above, the Tribunal had indicated that a fine of £5,000 was appropriate when it had considered the matter previously. The misconduct included a criminal conviction and was moderately serious. It therefore fell within Level 2 of the Indicative Fine Bands but it fell in the middle range rather than the lower range of that level.
10. The Tribunal was satisfied that a fine of £5,000 was an appropriate sanction, having regard to the circumstances of the case and the Respondent's admissions.

Costs

11. The Tribunal was satisfied that the level of costs claimed were reasonable and was content to make the order proposed.

Statement of Full Order

12. The Tribunal Ordered that the Respondent, TARIQ MAJID, solicitor, do pay a fine of £5,000.00, such penalty to be forfeit to Her Majesty the Queen, and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,805.20.

Dated this 17th day of October 2018
On behalf of the Tribunal



R. Hegarty
Chairman

Judgment filed
with the Law Society
on 17 OCT 2018

Case No: 11831-2018

IN THE MATTER OF THE SOLICITORS ACT 1974

SOLICITORS REGULATION AUTHORITY

Applicant

and

TARIQ MAJID

Respondent

STATEMENT OF AGREED FACTS AND OUTCOME

1. By its application dated 4 June 2018, and the statement made pursuant to Rule 5(2) of the Solicitors (Disciplinary Proceedings) Rules 2007 which accompanied that application, the Solicitors Regulation Authority ("the SRA") brought proceedings before the Solicitors Disciplinary Tribunal making a total of 2 allegations of misconduct against Mr TARIQ MAJID ("Respondent").

The Allegations

2. The allegations against the Respondent, Tariq Majid, made by the SRA are that: -

- 2.1 By virtue of his conviction on 4 October 2016 for acting in breach of a restraining order imposed by Sheffield Crown Court on 15 April 2015 he:

- 2.1.1 failed to uphold the rule of law and the proper administration of justice and therefore breached Principle 1 of the SRA Principles 2011; and/or

- 2.1.2 failed to act with integrity and therefore breached Principle 2 of the SRA Principles 2011; and/or

- 2.1.3 failed to behave in a way which maintains the trust the public places in him and in the provision of legal services and therefore breached Principle 6 of the SRA Principles 2011.

- 2.2 Between 2013 and 2016 he failed to notify the SRA of changes in his place of work or places of business before the expiration of 14 days from the date on which the

change took effect, as required by s84 of the Solicitors Act 1974 (as amended) and therefore:

2.2.1 failed to comply with his legal and regulatory obligations and deal with his regulators and ombudsman in an open and timely and co-operative manner in breach of Principle 7 of the SRA Principles 2011;

2.2.2 acted in breach of S84 of the Solicitors Act 1974 (as amended).

Admissions

3. The Respondent admits that his Conduct as set out in the paragraph (above):
 - a) 2.1 breached Principles 1, 2 and 6 of the SRA Principles 2011; and
 - b) 2.2 breached Principle 7 of the SRA Principles 2011 and breached s84 of the Solicitors Act 1974.

Agreed Facts

4. The Respondent was born December 1969 and was admitted to the Roll of Solicitors on 1 June 2010. His SRA Number is 317580.
5. The Respondent's name remains on the Roll of Solicitors and he holds a current Practising Certificate free from conditions.

Allegation 1.1 - By virtue of his conviction on 4 October 2016 for acting in breach of a restraining order imposed by Sheffield Crown Court on 15 April 2015 he acted in breach of Principles 1, 2 and 6.

6. On 15 April 2015 the Respondent was made subject to a restraining order by Sheffield Crown Court. The order included a schedule of terms which set out conduct the Respondent was prohibited from undertaking. A Crown Court restraining order remains in effect until a further order is made.
7. On 26 April 2016 an SRA Adjudicator made a finding that the Respondent had failed to comply with Principles 1, 2 and 6 of the SRA Principles 2011 as result of being made subject to a restraining order. The SRA Adjudicator issued Mr Majid with a warning that if any disciplinary finding was made against him in the future, the adjudicator's finding would be taken into account when deciding upon any further action that might need to be taken.
8. On 4 October 2016 the Respondent appeared at Bradford and Keighley Magistrates Court and pleaded guilty to a charge that on 31 August 2016 in Bradford, without

reasonable excuse, he attended at the home address of UAT which he was prohibited from doing by the restraining order imposed by Sheffield Crown Court on 15 April 2015 and contrary to section 5(5) and (6) of the Protection from Harassment Act 1997.

9. The Respondent also pleaded guilty to making phone calls to UAT which he was prohibited from doing by the restraining order imposed by Sheffield Crown Court on 15 April 2015. This was contrary to section 5(5) and (6) of the Protection from Harassment Act 1997.
10. Bradford and Kelghley Magistrates Court imposed a community order, fined the Respondent £200, ordered that he pay a victim surcharge of £85 and ordered that he pay the Crown Prosecution Service costs of £85.
11. By virtue of the above conviction the Respondent failed to uphold the rule of law and the proper administration of justice in breach of Principle 1.
12. He has also failed to act with integrity in breach of Principle 2. In professional codes of conduct the term "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. The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards. Integrity connotes adherence to the ethical standards of one's own profession¹.
13. By failing to comply with a Crown Court restraining order the Respondent failed to adhere to the ethical standards of his profession and therefore failed to act with integrity contrary to Principle 2 of the SRA Principles 2011.
14. By virtue of his convictions described at paragraphs 9-10 above the Respondent failed to behave in a way which maintains the trust the public places in him and in the provision of legal services, in breach of Principle 6 of the SRA Principles. The failure by the respondent to comply with the Crown Court restraining order demonstrates a failure to adhere to a decision of the court. The public would expect a solicitor to adhere to a court order and a failure to do so would cause confidence in the profession to be undermined. Confidence in the profession would be further undermined by the Respondent acting as a criminal solicitor and regularly appearing at the police station to represent clients who themselves have acted in breach of restraining orders.

¹ *Wingate and Evans v SRA / SRA v Malins* [2018] EWCA Civ 366 – Paragraph 97 and 100

15. The Memorandum of an Entry entered in the REGISTER of the County of Bradford and Keighley Magistrates Court LJA: 2354, dated 4 October 2016, upon which the Applicant relies as proof of the Respondent's conviction for the offences is attached to this statement.

Allegation 1.2 - Between 2013 and 2016 he failed to notify the SRA of any changes in his place of work or places of business before the expiration of 14 days from the date on which the change took effect, as required by s84 of the Solicitors Act 1974 (as amended) and therefore acted in breach of Principle 7 of the SRA Principles 2011 and S84 of the Solicitors Act 1974.

16. SRA records do not reflect the Respondent's work history as he describes it in his letter dated 27 September 2017.

17. Solicitors are under an obligation under Section 84 of the Solicitors Act 1974 (as amended) to ensure the SRA is notified of any changes to a solicitor's place of business before the expiration of 14 days from the date on which the change took effect.

18. The Respondent failed to notify the SRA of his position with Wood Solicitors, Bradford between 2013 and 2017 and acted in breach of Section 84 of the Solicitors Act 1974 and Principle 7 of the SRA Principles 2011 by failing to comply with his legal and regulatory obligations.

Agreed Outcome

19. The Respondent and the SRA agree that:

19.1 the Respondent pay a fine of £5,000 such penalty to be forfeited to Her Majesty the Queen. The Applicant submits, and the Respondent accepts, that this sanction is consistent with the seriousness of the matters admitted and with the Tribunal's Guidance Note on Sanctions (5th Edition).

The level of fine has been determined after consideration of paragraph 26 -28 of the SDT's guidance note on sanction, paragraph 35 of Fuglers and others v Solicitors Regulation Authority and the indicative fine bands.

19.2 It is submitted that in light of all the circumstances of this case, including the aggravating and mitigating factors, the Respondents' conduct falls within Level 2 of the Indicative fine band as the conduct can be rightly categorised as "moderately serious". A level 2 fine band is £2,001 - 7,500.

19.2 the Respondent pay costs to the SRA in the fixed sum of £1,805.20. The Respondent to liaise with the SRA Costs Recovery Department to put in place a plan to pay the outstanding costs.

Explanation as to why such an order would be in accordance with the Tribunal's sanction guidance

20. At the time of the matters giving rise to the allegations and at the date of this agreement, the Respondent is and was a criminal solicitor who is expected to act with the utmost integrity and not in the ways described above at paragraph 2.

21. The respondent accepts the allegations and he pleaded guilty at the first available opportunity. However, the public would be concerned to know that a criminal solicitor had behaved in this way. As a result harm has been caused to the reputation of the legal profession by his actions.

22. The principal factors which aggravate the seriousness of the Respondent's misconduct are:

22.1 the Respondent has acted in breach of court restraining orders on numerous occasions over a period of time.

22.2 the Respondent was issued with a warning by an SRA Adjudicator following similar breaches in 2016.

22.3 the misconduct is such which the respondent should have known it was likely to be in breach of his obligation to protect the reputation of the profession.

22.4 the Respondent is a criminal specialist and knows the implications of behaving in the manner described at paragraph 2.

23. The following factors mitigate the seriousness of the Respondent's misconduct:

23.1 the Respondent has cooperated with the SRA;

23.2 there are no allegations of dishonesty against the Respondent;

24. Taking all of the above together, the seriousness of the Respondent's misconduct is such that a Reprimand is not a sufficient sanction or in all the circumstances appropriate. It is also accepted that neither the protection of the public nor the protection of the reputation of the profession justifies suspension or strike off in this case and the proposed outcome of the Respondent pay a fine (reflective of the seriousness of the admitted breaches) would be proportionate in the circumstances.

25. With respect to the level of the fine, the Respondent's misconduct can be assessed as falling within the moderate category (level 2) for which a fine in the range of £2,001 to £7,500 is appropriate.

26. A fine of £5,000 is appropriate and proportionate in all the circumstances of the case.

Signed

Kiran Sidhu
Legal Adviser
On behalf of the Solicitors Regulation Authority
Date: 10/10/18

Tariq Majid /
Respondent
Date 08-10-18