

**IN THE INDEPENDENT  
LEGAL SERVICES COMMISSION**

NO. 16 OF 2013

BETWEEN:

**CHIEF REGISTRAR**

Applicant

AND:

**MOHAMMED AZEEM UD-DEAN SAHU KHAN**

Respondent

**Applicant** : Mr. A Chand

**Respondent** : In Person

**Dates of Hearing** : 15th July 2013

**Date of Judgment** : 30th July 2013

**JUDGMENT and SENTENCE**

1. The Applicant lays one complaint against the Respondent being a complaint of Professional Misconduct, contrary to section 83(1)(a) of the Legal Practitioners Decree 2009.

It reads as follows:

*"Mr Mohammed Azeem Ud-Dean Sahu Khan a legal practitioner, since 2009 to date has represented on his letterhead that he has been called to the Lincoln's Inn, such representation being false, misleading or deceptive or likely to mislead or deceive the public contrary to Rule 2.1(1)(a) of the Rules of Professional Conduct and Practice of the Legal Practitioners Decree 2009, which conduct was a contravention of section 83(1)(a) of the Legal Practitioners Decree 2009 and was an act of professional misconduct."*

2. When first appearing before this Commission for mention the Respondent immediately admitted the allegation and said he wished to proceed to mitigation.

3. The brief facts of the case are that the letterhead of the Respondent's law practice since 2009 has referred to the Respondent as being a "Bar-at-Law (Lincoln's Inn)" which is a gross misrepresentation on two counts. He is not a U.K. Barrister and he is not a member of Lincoln's Inn.

4. At the hearing the Respondent immediately and readily admitted the allegation and appeared to the Commission to be very remorseful. He submitted that the offending claim on his letter-head had been added by his father. He (Respondent) had no intention to deceive. He had, while resident in the U.K., been a student member of Lincoln's Inn but he had withdrawn from study and from sitting Bar finals because of financial constraints.

5. As a result he is no longer entitled to claim that his is a Barrister of Lincoln's Inn.

6. The Registrar in reply submits that the offence is very serious because it runs counter to the Commission's role to protect the public.

7. Counsel for the Registrar at the initial hearing asked for time to file penalty submissions for which they were given 7 days. When invited to respond, the Respondent declined the opportunity to do so or to even see these submissions.

8. The Registrar did in fact file submissions which included a submission that he be fined and be subject to a period of suspension. Despite the Respondent's earlier lack of interest in submissions on penalty the Registrar's submission's immediately provoked a response from the Respondent who very lately filed a submission suddenly devoid of remorse. Both parties' submissions have of course been considered.

9. After the hearing of this matter and while judgment was still being considered, the Respondent wrote a letter of further mitigation to the complainant, copying it to this Commission. Apart from repeating the mitigation he had advanced at the hearing, the Respondent had attached a photocopy of a newspaper article in which he is reported to have donated FJ\$20,000 to a children's charity. The Respondent did not say why he had attached this article but the Commission assumes that apart from evidence of his large financial resources he was trying to "curry favour" at this late stage with those about to sit in judgment on him. It is a magnanimous and altruistic deed to donate money to charity, however it is not so noble nor altruistic to publicise the fact to the community at large and far less noble to publish it to this Commission in a blatant and rather shocking attempt to "buy" his way out of what he might perceive to be possible harsh penalties. The Commission regards this with a great deal of cynicism and the Respondent would have been far better served by not placing evidence of his charitable deed before it while it was in the process of deliberating on his professional fate.

## **DISCUSSION**

10. The Respondent cannot still claim to be a member of Lincoln's Inn having once been a student member, as he submits. There is included in the bundle of documents served on the practitioner with the Registrar's complaint an email from the secretariat of that Inn that states that having never passed the Bar Finals nor been called to the Bar, he is not entitled to claim to be of Lincoln's Inn.

11. For a practitioner to hold himself out to be more qualified to practise than he in fact is, is dishonest. It does a disservice to both the public at large, including his clients and it does a disservice to legitimate members of Lincoln's Inn who might be practising in this jurisdiction. It is irrelevant, that there is no proof that anybody has been deceived. The deception is there for all to see. It is also irrelevant that his legal practice has been in the fields of commerce and conveyancing which he submits is "work not associated with a callee".

12. The fact that his father added the false qualification to the letterhead is no excuse. The practitioner obviously knew it was untrue and for at least three years when signing correspondence it would have been seen by him at the bottom of the page. He cannot because of that say that the misrepresentation was unintentional and an "oversight". A false representation such as this cannot be an "oversight" for more than 3 years. It is too late for him now to say that he is embarrassed and for him to undertake to remove the offending misrepresentation, both propositions he put before the Commission.

13. The Commission is unable to condone an act of professional conduct which is dishonest and deceptive and where it has been an on-going dishonest representation since 2009.

14. Lincoln's Inn is one of the four Inns of Court in England for training and admitting

Barristers to the Bar and it dates back to as early as 1442 if not earlier. As such it is an institution of great grandeur commanding respect and to falsely claim call to the Bar by that Inn is disrespectful to the Inn. In addition the dishonest representation presents a danger to the general public who would seek to rely on the professional advice and services of a practitioner with the gravitas of that call.

15. The Commission can never know if clients have instructed the practitioner on the inducement of his grand but false claims of qualification.

16. The Commission finds that the allegation is **established**.

17. The obviously unacceptable professional claim to qualification certainly raises the question if the practitioner is a fit and proper person to be in practice. To make daily a dishonest representation to his clients, to other practitioners and to institutions with which he is corresponding would strongly suggest that he is not such a proper person. The severity of the conduct however is tempered by his immediate acceptance of the allegation, and by the nature of the dishonesty which has been more "*passive*" in that it is a false claim to qualification, rather than an "*active*" act of dishonesty within his practice. Neither does the practitioner have a record of any other unsatisfactory or unprofessional misconduct.

18. This is a borderline case of the practitioner's name being struck from the roll, but for his co-operation, his seemingly genuine remorse at the hearing, the lack of evidence of any other malpractices, and the possibility of his redeeming himself; a period of suspension along with a substantial fine would suffice for this misconduct. The practitioner has already amended the qualification set out on his letter head and it will be for him in the future to demonstrate that he is a fit and proper person to be in practice.

19. The practitioner states in his reply to the Registrar's submissions that he is "willing to pay a penalty for having inconvenienced the Commission", a submission that again would suggest that he does not appreciate the gravity of his dishonesty. It is not a matter of inconvenience to the Commission. It is a matter of a deception which is being practised on the consumer public and the possibility of that public being misled or even damaged by that deception. The Commission seeks to prevent that and to assess an appropriate penalty that would deter other practitioners from making similar dishonest claims.

## **ORDERS**

1. The Respondent is publicly reprimanded.

2. There be no further reference to Lincoln's Inn on letterheads or business cards of the Respondent.

3. The Respondent's practising certificate is suspended for a period of eighteen months from the date of this judgment and he will be eligible to apply for a practising certificate from 1st of March 2015.

4. The Respondent is fined the sum of \$20,000 (being a sum equal to that he has donated to charity) to be paid to the Independent Legal Services Commission, such fine to be paid by 30th of August, 2013.

**JUSTICE PAUL MADIGAN  
COMMISSIONER**

**30 JULY 2013**