

IN THE FAMILY COURT

Before:

HIS HONOUR JUDGE MORADIFAR

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

In the matter of:
Re M (Committal)

Mr Nasrullah Mursalin

Date of the hearing:

12 July 2019

HHJ Moradifar

His Honour Judge Moradifar:

1. This case was last before the court in June 2019 when Mr Recorder Archer heard the family case over the course of three days. During the hearing, the Recorder became aware of the judgment of Judge AA Wilson who is a Judge of the First-tier Tribunal and was hearing an appeal relating to one of the parties' immigration application. The concluding paragraphs of the learned judge's judgment dated 8 May 2019 states as follows:

"16. the behaviour of the appellant's legal representatives, Gull Law Chambers I am satisfied falls a long way below that expected of

solicitors. They have included in the appeal documents a court document that contains a very clear warning about publication and they seem unable to either read that or have any knowledge of family law proceedings or indeed very limited knowledge of immigration proceedings given their repeated applications for adjournment in order that the family court proceedings are determined. I request a copy of this decision is forwarded by the appropriate Immigration and Asylum Chamber officer to ... family court case number ... in order that the relevant family judge can consider the position and whether contempt proceedings are appropriate or not.”

2. Recorder Archer directed that;

“Gull Law Solicitors is to file a statement by 1600 of 21st June 2019 dealing with why documents from the family proceedings were disclosed in the immigration proceedings and whether any application was made for permission from the Family Court to rely on the documents in the family proceedings in the immigration proceedings”.

I note with much regret that Gull Law Chambers/Solicitors are continuing to represent one of the parties in the family proceedings.

3. On 20 June 2019 in compliance with the above directions, Mr Nasrullah Mursalin of “*Gull Law Chambers 65-73 Stains Road, Hounslow, Middlesex...*” filed a statement setting out some of the information as ordered by the Recorder. I note in particular that in that statement Mr Mursalin you state that you;

- a. are the case worker in both the family and the immigration matters,
- b. were responsible for preparing both cases and this included the court bundles,
- c. further state that you believed that the attendance note from the “barrister” referred to following the “*family protocol*” for requesting information equated to “disclosure2 of the document, and
- d. took instructions from your client about the inclusion of the family case papers in the immigration bundle.

I have also considered the exhibits attached to your statement.

4. At this hearing before me you are unrepresented having attended with a barrister who purported to represent you, the supervising partner of Gull Law Chambers and the client in the family case. After I pointed out the issues of conflict and granted a short adjournment, the barrister's position was revised to only representing the party in the family case.
5. Mr Mursalin, I have explained to you the serious nature of this breach and the range of possible sentences that included a potential term of imprisonment. I gave you the opportunity of an adjournment to seek independent legal advice and representation. I have reminded you that you will be entitled to legal aid for such advice and representation. You declined this opportunity and stated that you wished for the matter to be dealt with today.
6. Having taken the oath to tell the truth, you confirmed the contents of your statement to be true. You have also told me that you no longer work at Gull Law Chambers. You further stated that you were supervised by the supervising partner and that you have no legal qualifications. You were entirely genuine in apologising for your conduct.
7. I note the unchallenged facts as are set out in your statement. I note that you are not legally qualified and was working under the supervision of a supervising partner Mr Riaz Gull at Gull Law Chambers. I further note that you have admitted to breaching the Family Procedure Rules (2010) at the first available opportunity. I have no doubt that such a breach was born out of a genuine ignorance of the relevant rules and a misunderstanding of what is a "protocol request".
8. The rules against disclosure are in place for very good reasons that include the protection of the parties and the children who are the subject of court proceedings in the Family Court. These rules are fundamental to the operation of our justice system and for the protection of the subject children. Therefore, the breach of these rules cannot be taken lightly. The very document from the family case that was disclosed, clearly states that it may not be disclosed. Therefore, you could not have been in any doubt about the need to consult and to seek advice.
9. Notwithstanding the relevant factors that I have set out above, given the gravity of this breach, in my judgment the only sentence that is commensurate to the gravity of this breach is one of a custodial sentence. Having regard to all the circumstances of the case and the range of my

sentencing powers, I sentence you to a six-month term of imprisonment that is to be suspended for six months beginning today.

_____ END _____