

## RULE AGAINST AN ATTORNEY-AT-LAW

SUPREME COURT  
DR. SHIRANI A. BANDARANAYAKE, J.  
AMARATUNGA, J. AND  
SOMAWANSA, J.  
S.C. RULE NO. 12/2004 (D)  
FEBRUARY 28TH, 2008  
APRIL 04TH, 2008

*Judicature Act – Section 42(2) – Acts of deceit and malpractice or other conduct unworthy of an Attorney-at-Law – Supreme Court Rules of 1998 – Rule 60 – Conduct of and etiquette for Attorney-at Law – Deceit – Malpractice–Crime – Offence?*

The complainant, one S alleged that one M, Attorney-at-Law had passed away on 11.02.1988 and the respondent A had been using late M's name and seal fraudulently and since he had been carrying on his practice under late M's name, he is guilty of deceitful conduct.

The Supreme Court called for observations from A and as he failed to satisfactorily explain his conduct to the Supreme Court, a Rule was issued directing A to show cause why he should not be suspended from practice or be removed from the office of Attorney-at-Law of the Supreme Court for acts of deceit and malpractice he had committed in terms of Section 42(2) of the Judicature Act.

**Held:**

- (1) Having a partnership would not fall within the category of deceitful practice in terms of Section 42(2) of the Judicature Act.
- (2) As the respondent failed to establish that there had been a partnership between the late M and the respondent, the conduct of the respondent in placing the signature and using the rubber stamp of a deceased Attorney-at-Law would constitute deceitful conduct and malpractice within the meaning of Section 42(2) of the Judicature Act.

*Per Dr. Shirani Bandaranayake, J –*

"In a situation, where there was no established partnership, the respondent had taken steps to file proxies, place the seal and sign

documents as M which has the effect of misleading not only the general public, but ... also the Courts."

- (3) The action taken by the respondent not only amounts to professional misconduct, but also conduct which is dishonourable and unworthy of an Attorney-at-Law.

**Cases referred to:**

1. *Dhammika Chandratilake v Susantha Mahes Moonasinghe* (1992) 2 Sri LR 303.
2. *In Re Arthenayake* (1987) 1 Sri LR 314.
3. *Attorney-General v Ariyaratne* (1932) 34 NLR 196.
4. *In Re Brito* (1942) 43 NLR 529
5. *Emperor Rajani Kante Bose et.al* 49 Calcutta 804.
6. *Re Seneviratne* (1928) 30 NLR 299.

Rule issued in terms Section 42(2) of the Judicature Act, No. 2 of 1978 against an Attorney-at-Law.

*Parinda Ranasinghe* (Jr.) S.S.C. for Attorney-General.

*Dr. Sunil Cooray* for respondent.

*Rohan Sahabandu* for BASL.

*Cur.adv.vult.*

August 28, 2008.

**DR. SHIRANI BANDARANAYAKE, J.**

The complainant, Noor Mohomed Suhaibdeen, of Madawala Bazaar, Pathadumbara was a defendant in a partition action instituted in the District Court on Kandy on 19.12.1995, bearing No. P/13629. The plaint in the said action was filed by the respondent in the instant matter namely, Abdul L. Mohomed Anees, Attorney-at-Law, in which he had placed his signature and had affixed his seal under the name A.L.M. Anees (hereinafter referred to as "Abdul Anees").

The complainant alleged that on 21.05.1996 the respondent had filed an amended plaint in the District Court of Kandy under the name of S.M. Musthapha and on that the Court had issued an interim injunction. He further alleged that on page 2 of the copy of the interim injunction issued to the complainant, the respondent had signed and affixed his seal as 'S.M. Musthapha'.

The complainant alleged that S.M. Musthapha, Attorney-at-Law passed away on 11.02.1988 and Abdul Anees had been using late S.M. Musthapha's name and seal fraudulently and since had been carrying on his practice under late S.M. Musthapha's name, that he is guilty of deceitful conduct.

The observations of Abdul Anees were called and he had failed to satisfactorily explain his conduct to this Court. Therefore on 08.10.2004 a Rule was issued directing Abdul Anees to show cause, why he should not be suspended from practice or be removed from the office of Attorney-at-Law of the Supreme Court for acts of deceit and malpractice he had committed in terms of Section 42(2) of the Judicature Act.

The complainant, Noor Mohomed Suhaibdeen and the Registrar of the District Court of Kandy gave evidence and the respondent, Attorney-at-law, Abdul Anees testified under oath in his defence.

The Rule issued on the respondent stated as follows:

- (1) The respondent was the registered Attorney for the plaintiff in Case No. P/13629 in the Kandy District Court while the complainant was the 3rd defendant in the same case;
- (2) the respondent had placed the private seal of the then deceased S.M. Musthapha, Attorney-at-law and forged the signature of the said S.M. Musthapha as the Attorney-at-Law for the plaintiff on the enjoining order dated 13.11.1996, restraining the 2nd defendant and the said complainant.
- (3) While the said S.M. Musthapha, Attorney-at-Law had expired on 11.02.1988, the respondent had fraudulently placed the private seal of the said S.M. Musthapha, Attorney-at-Law on several other documents filed in the said case P/13629 in the Kandy District Court.

The complainant, Noor Mohomed Suhaibdeen, a retired School Principal, submitted in his evidence that his residence situated at No. 133, Kandy Road, Madawala formed part of the subject matter in case No. P/13629, which was filed by the plaintiff, M.I. Laheer on 16.12.1995. It was not disputed that the respondent was the Attorney-at-Law for the plaintiff. Apparently, the said plaintiff was a relative of the respondent Attorney-at-Law. An enjoining order was

issued on 21.12.1995 preventing any further constructions or repairs of the said premises and the adjoining house purchased by the complainant, which order was prepared by the respondent (P1). He also submitted that a further interim injunction had been issued with regard to the same premises on 19.11.1996 (P2) and the said interim injunction contained a signature on page 2 of the said P2, purported to be of S.M. Musthapha for the plaintiff and also a rubber seal of the said S.M. Musthapha had been placed.

The complainant had also adduced evidence that in 2002, part of the complainant's house was demolished for road widening and a sum of Rs. 271,000/- had been paid to the complainant as compensation. Further the learned District Judge had visited these premises in question on 31.05.2004 and had allowed the complainant to fix windows only on the 1st floor of the house.

Accordingly the contention of the complainant was that due to the restraining orders, he and his family had been living in a partially built house from 1995 to date and they had to face immeasurable amount of difficulties and even the property he had purchased adjoining his house also had been neglected due to the said interim injunctions and more importantly that both these orders, according to the complainant were forgeries.

The Registrar of the District Court, Kandy, on perusal of the record of the partition action, viz., P/13629, submitted that this case had been called on 118 times and taken up for trial on 14 instances. Further, he submitted the following:

- A) the proxy for the plaintiff in the partition action was filed in the name of A.L.M. Anees on 16.12.1995;
- B) the said proxy contained the rubber stamp of the respondent as 'A.L.M. Anees' (P5);
- C) the Counsel for the plaintiff had filed a motion on 23.01.2002, withdrawing the existing proxy and seeking permission to file a fresh proxy in the name of S.M. Musthapha.

The respondent, in his evidence admitted that he had known the late S.M. Musthapha, Attorney-at-Law and that he was working with him since 1975 until his demise on 11.02.1988. He admitted that the signature of S.M. Musthapha and the corresponding rubber

stamp appearing on the second page of the enjoining order dated 13.11.1996 (P2) was placed by him. He submitted that he had registered a business on 02.04.1988 under the business name of 'S.M. Musthapha, Attorneys-at-Law' (P4) and that he had been using the letter heads, which depicted the words, 'Musthapha and Anees' well after the demise of 'S.M. Musthapha.'

Having admitted the above, the respondent contended that he had known late S.M. Musthapha, Attorney-at-Law for a very long period and that he was a close relative. Further it was contended that the complainant had been aware of the fact that S.M. Musthapha had died in 1988 and therefore the charge of deceit cannot be maintained against him on the evidence before this Court.

On the charge of malpractice against the respondent, his position was that there was nothing improper in an Attorney-at-Law or even several Attorney's-at-Law practice under a business name. In support of this contention, learned Counsel for the respondent in his written submissions had referred to 'De Silva & Mendis', 'D.N. Thurairajah & Co.', 'Julius & Creasy' or D.L. & F. de Seram' all of which are business names under which Attorneys-at-Law have been and are practicing their profession for long periods of time. Accordingly the contention of the respondent was that due to his long association with S.M. Musthapha, Attorney-at Law during his lifetime and his being a close relative, it was not a malpractice to use the impugned business name of "S.M. Musthapha, Attorneys-at-Law."

It was also submitted on behalf of the respondent that it is not a malpractice for an Attorney-at-Law to practice his profession under a firm name, which included the name of a deceased Attorney-at-Law with whom he had been in practice. Learned Counsel for the respondent referred to Dr. A.R.B. Amerasinghe (Professional Ethics and Responsibilities of Lawyers, P. 79), where it has been stated that,

"An attorney shall not practice under a firm name which includes any name other than his own name, that of a partner, or any past member of the firm or of a firm which conducted the same practice..."

The name of a firm does not necessarily identify the individual members of the firm and hence the continued use of a firm name after the death of one or more partners is not a deception and is permissible.\*

Accordingly it was contended that the respondent cannot be found guilty of malpractice.

The suspension and removal of Attorneys-at-Law is referred to in Section 42 of the Judicature Act and Section 42(2) of the said Act, which deals with such suspension or removal, reads as follows:

*"Every person admitted and enrolled as an attorney-at-law who shall be guilty of any deceit, malpractice, crime or offence may be suspended from practice or removed from office by any three Judges of the Supreme Court sitting together."*

As stated earlier, the Rule issued on 08.10.2004, against the respondent referred to acts of deceit and malpractice the respondent had committed in terms of Section 42(2) of the Judicature Act.

Considering the evidence before Court, it was not disputed that the respondent had registered a business in the name of 'S.M. Musthapha, Attorneys-at-Law' soon after the demise of S.M. Musthapha. It was also not disputed that he was using letter headings, which read as 'Musthapha and Anees'.

With regard to the registration of a business under the name 'S.M. Musthapha, Attorneys-at-Law', the contention of the respondent was that it was to 'perpetuate the good name of the said S.M. Musthapha and out of the respect he had for him'. However, after making reference to various other legal partnerships referred to earlier, it was contended on behalf of the respondent that, the respondent and the deceased S.M. Musthapha had a partnership from 1975.

Having a partnership, undoubtedly would not fall within the category of deceitful practice in terms of Section 42(2) of the Judicature Act. If there was such a legally recognised partnership between the respondent and the deceased, then as stated by

Dr. A.R.B. Amerasinghe (*supra*), the respondent was legally entitled to place the signature in question, which was placed on the enjoining order and served on the complainant. However, for the placing of the signature in question to be valid in this instance, it should be evident that a partnership had been established. Accordingly the question in issue is, was there a partnership between S.M. Musthapha and the respondent, Abdul Anees?

The respondent, as pointed out by the learned Senior State Counsel, took great pains in stressing the fact that he and the deceased had a partnership from the very outset in 1975. However, it is not disputed that the respondent, except for his own contention that there was a partnership between the deceased and himself, did not place any evidence before this Court to support his version. Moreover, on his own evidence, a question arose as to whether the respondent had been a partner of the deceased S.M. Musthapha or whether he had worked with the deceased only as an assistant. In his evidence in chief on 28.02.2008, the respondent took up the position that he had functioned with the deceased only as an assistant.

"ප්‍ර: - නම 1975 දෙසැම්බර් මස සිට මුස්තාපා සමග නීතිඥවරයෙක් වශයෙන් කටයුතු කළේ මොන පදනමක් උඩදී ?...."

උ: - සහායකයෙක් විදියට කාර්යාලය පාවිච්චි කළා පමණක් නෙවෙයි, සහායකයෙක් වශයෙන් කටයුතු කළා."

Further in his observations sent to this Court in reply to the complaint made against him on 07.02.2002, the respondent had not referred to a partnership between the deceased and himself, and had merely stated that the deceased S.M. Musthapha was his senior in profession.

"Answering to paragraph 2, I state on the demise of late Mr. S.M. Musthapha who was *my senior in profession* I registered in his name a firm called and known as 'S.M. Musthapha, Attorney-at-Law'. Hence I signed as S.M. Musthapha, Attorney-at-Law ....

I admit that Mr. S.M. Musthapha *who was my mentor and senior in my professional matters* died on 11th February 1988" (emphasis added).

In cross-examination, the respondent submitted that, he had discussed the possibility of registering a partnership between the deceased S.M. Musthapha and himself with S.M. Musthapha's son, Faiz Musthapha, President's Counsel and whether he had any objection to such registration.

"ඉ: - මහත්මියාගේ ස්ථාවරය වන්නේ එය. එම්. මුස්තාපා මියගිය දිනයේම, එස්. එම්. මුස්තාපාගේ පුතා වන ජනාධිපති නීතිඥ ෆයිස් මුස්තාපා සමඟ කතා කිරීමෙන් මේ කරුණු ගැන මහත්මියා අනතුරුව තීරණයකට එළඹුනා එස් එම් මුස්තාපා යන කමිත් මේ ව්‍යාපාර නාමය ලියා පදිංචි කරන්න?

උ: - දැන්ම වශයෙන්ම එස්. එම්. මුස්තාපා ව්‍යාපාර නාමයක් වශයෙන් ලියා පදිංචි කිරීමට ඔහුගේ විරුද්ධත්වයක් නිවැරදිවද කියලා දැනුවිටා. ඔහු එයට විරුද්ධත්වයක් නැතැ කිව්වා."

In support of this contention, the respondent relied on the document marked '01' dated 18.02.2006. The said document was issued by Faiz Musthapha, President's Counsel, on the said date and reads as follows:

"Mr. A.L.M. Anees, Attorney-at-law, was practicing in Kandy under my father, the late S.M. Musthapha, as his assistant. My father passed away on the 11th of February 1988. Upon his death, Mr. Anees succeeded to my father's practice and took over same at the same premises. I became aware that he continued the practice under the name, style and firm of 'S.M. Musthapha, Attorneys-at-Law.'

I had no objection to his doing so" (emphasis added).

All this material the respondent had relied upon, clearly indicate that the respondent had been functioning as an assistant of late S.M. Musthapha. Even the letter issued by Faiz Musthapha, President's Counsel, which was referred to earlier, introduces the respondent as S.M. Musthapha's, assistant and not as his partner.

On a careful examination of the contention of the respondent and the supporting evidence of his position, it is quite clear that he has not tendered any material to support his version that he had been functioning as a partner of the late S.M. Musthapha.

As pointed out earlier when observations were called on the complaint made against the respondent, he did not take up the position that he had indicated to the deceased S.M. Musthapha, about the registration of a business as a partnership under the name, style and firm of S.M. Musthapha, Attorneys-at-Law. At that stage his position was that he had functioned as an assistant to the deceased S.M. Musthapha. Later at the inquiry, he changed his position from being an assistant of the late S.M. Musthapha to that of his partner. The only piece of evidence he tendered in support of his version was the letter given to him by Faiz Musthapha, President's Counsel, which I had reproduced earlier. That letter, however does not indicate any discussion the respondent, as claimed by him in his evidence, had with the said Faiz Musthapha, President's Counsel at the time of his father, S.M. Musthapha's demise, of registering a partnership. For that matter, the contents of the letter does not indicate any kind of discussion the respondent had with the deceased S.M. Musthapha's son. The letter clearly states that he 'became aware' that the respondent had continued the practice under the name, style and firm of S.M. Musthapha, Attorneys-at-Law and that he had no objection for such action.

The aforesaid letter, it is to be noted, has been obtained by the respondent well after the Rule was issued. The said Rule was issued on 08.10.2004 whereas the letter 'D1' was written on 18.02.2006. The said letter, is only in support of the position that Faiz Musthapha, President's Counsel had no objection to the respondent carrying on the practice in the name, style and firm of his late father. Furthermore although the respondent contended that he and the deceased had a partnership from the very beginning in 1975, the document 'D1', refers to the respondent as his father's assistant until his demise in 1988. It would not be necessary to spell out in detail the difference between a partner and an assistant in a law firm and their respective legal implications.

Accordingly, the document D1, does not support the contention of the respondent that there was a discussion with Faiz Musthapha, President's Counsel, in regard to the registration of a partnership at the time of the death of S.M. Musthapha. It is not disputed that, except for the document marked 'D1', respondent had not placed

any other material before this Court, in support of his contention. Although he had referred to the intention of entering into partnership, there is not even an *iota* of evidence to support this position. Also, if there was an intention from the time he joined the deceased S.M. Musthapha, in 1975 could it be believed that for 13 years, until S.M. Musthapha's demise in 1988, that this could not get materialised? During a time span of 13 years, weren't the other assistants, whom the respondent had referred to, as had worked with the deceased and the respondent, aware of such an intention? If so, wouldn't the respondent have called them to establish the existence of the partnership or for that matter, even the intention of establishing such a partnership? If, as the respondent claims, there was such an idea of a partnership for over a period of 13 years, couldn't there be an indication, documentary or oral of such an intention?

The respondent relied on the fact that the business had been registered under the business name 'S.M. Musthapha' and the general nature of the business being 'Legal practice – Attorneys-at-Law and Notaries Public' (P4). He also referred to the letter issued in February 2006 by Faiz Musthapha, President's Counsel, in support of his contention that there had been an agreement with the late S.M. Musthapha to enter into a partnership with the respondent. However, as has been examined, it is abundantly clear that the respondent had not been able to satisfy this Court by submitting oral or documentary evidence to indicate that it had been the intention of the late S.M. Musthapha and the respondent to enter into a partnership.

In the circumstances I answer the question, which was raised as to whether there had been a partnership between the late S.M. Musthapha and the respondent, in the negative.

The question thus arises as to the conduct of the respondent in placing the signature and using the rubber stamp of a deceased Attorney-at-Law in the absence of a partnership.

The conduct of the respondent becomes questionable when one considers the two documents marked P3 and P12, which were produced before this Court at the proceedings. In both these documents, attention of the Court was drawn not to the contents of

the letter but only to the contents of the letter heads. The first document marked P3 is dated 28.10.1995 and the letter head reads thus:

**"Musthapha & Anees  
Attorneys-at-Law & NP**

**A.L.M. Anees LL.B. (Cey)**

ඒ. එල්. එම්. අනීස්

.....

එල් එල්. ඩී (ලංකා)

....."

The document marked P12, which bears letters of a different font, contains the names as 'Musthapha and Anees', but gives a different address and telephone number and the letter is dated 15.03.2004.

A careful examination of both these letter heads clearly indicates that the 1st document marked P3 was written seven (7) years after the business name was registered and the second letter marked P12 had been written in 2004, which is sixteen(16) years after the said registration. It is to be noted that the said business name was registered not as Musthapha and Anees, but as S.M. Musthapha – Attorneys-at-Law.

On being questioned of these letter heads, the respondent contended that there were excess of letter heads that were printed prior to 1988 and therefore he continued to use them even after the demise of S.M. Musthapha. It is to be noted that, when observations were called from the respondent by the Registrar of the Supreme Court, the respondent had used one of the aforementioned letter heads, which contained the names 'Musthapha and Anees' (P13).

The respondent also admitted that he had been using a rubber stamp, which contained a signature similar to that of late S.M. Musthapha.

"ප්‍ර: - දැන් ඔහන්මියා මේ ව්‍යාපාරය රෙජිස්ටර් කළාට පස්සේ එස්.එම්. මුස්තපා දන්සන එක්කරා විදියකට යොදන්න පටන් ගන්නා?

උ: - එහෙමයි"

As stated earlier, the Rule against the respondent refers to the conduct of the respondent and stated that he had committed 'deceit and malpractice' within the ambit of Section 42(2) of the Judicature Act.

Referring to deceitful conduct Dr. A.R.B. Amerasinghe (*supra*, pg. 157) clarifies as to what kind of action would constitute deceitful conduct and stated that,

"Deceit may amount to misconduct even though the act was not done in the performance of his professional duties. The Canadian Code makes 'committing, whether professionally or in the lawyer's personal capacity, any act of fraud or dishonesty, e.g. by knowingly making a false tax return or falsifying a document, even without fraudulent intent and whether or not prosecuted therefore' a violation of the rule requiring integrity. *Therefore, being dishonourable or questionable conduct, disciplinary action would be warranted*" (emphasis added).

Section 42(2) of the Judicature Act, refers to deceit, malpractice, crime or offence and although this section was similar to Section 35 of the Administration of Justice Law, the words 'or other conduct unworthy of an Attorney-at-law' which were in Section 35 of the Administration of Justice Law were not incorporated into Section 42(2) of the Judicature Act. Considering the scope of Section 42(2) in the light of the above, Amerasinghe, J., in *Dhammika Chandratilake v Susantha Mahes Moonesinghe*<sup>(1)</sup> clearly stated that the word 'offence' in Section 42(2) of the Judicature Act contained a wide meaning, which would include all forms of unprofessional conduct in the sense of the 'misconduct' of an Attorney-at-Law in the process of his professional work. Thus, according to Amerasinghe, J.,

"In *Re Arthenayake*<sup>(2)</sup> Seneviratne, J. at 349 said that in the interest of the Bar and that of the public, Section 42(2) of the Judicature Act should be amended by the addition of the words 'or other conduct unworthy of an attorney-at-law'. Although the phrase certainly did usefully put the matter beyond any doubt, and might have been retained out of an

abundance of caution, which, with great respect, is what I think Seneviratne, J., meant, I do not think the removal of the words 'or other conduct unworthy of an attorney-at-law' has diminished the powers of the court, I am inclined to think that the word 'offence' in Section 42(2) of the Judicature Act has a wider meaning than that given to it in the Penal Code and Code of Criminal Procedure. I think it means *disciplinary offence* and includes, conviction for an offence by a competent court, conduct that is criminal in character, malpractice – whether the professional misconduct involves moral turpitude or not –, deceit and all other forms of unprofessional conduct in the sense of misconduct the court ought to have taken into account at the time of the admission of any attorney-at-law in deciding whether he was a person of good repute."

Considering the matter in question, it is obvious that the respondent was only an Assistant of the late S.M. Musthapha, who had been a well-known legal luminary. Although the respondent claimed of a partnership he had had with the late S.M. Musthapha, as stated earlier, the respondent did not produce any material to establish his contention.

In a situation, where there was no established partnership, the respondent had taken steps to file proxies, place the seal and sign documents as S.M. Musthapha which has the effect of misleading not only the general public, but as correctly pointed out by the learned Senior State Counsel, also the Courts.

As pointed out by Amerasinghe, J. in *Dhammika Chandratilake v Susantha Mahes Moonesinghe* (*supra*), 'we do not have a right to practice, but only a privilege conferred by the State, provided certain conditions are fulfilled'. Thus the right to practice, according to Macdonell, C.J. in *Attorney-General v Ariyaratne*<sup>(3)</sup> is a revocable franchise. Howard C.J. in *Re Brito*<sup>(4)</sup>, following with approval the decision by Mukerjee, J. in *Emperor Rajani Kante Bose et al*<sup>(5)</sup> took a similar view and stated that,

"The practice of the law is not a business open to all who wish to engage in it, it is a personal right or privilege limited to selected persons of good character with special qualifications

duly ascertained and certified; it is in the nature of a franchise from the State conferred only for merit and may be revoked whenever misconduct renders the person holding the licence unfit to be entrusted with the powers and duties of his office. *Generally speaking the test to be applied is whether the misconduct is of such a description as shows him to be an unfit and unsafe person to enjoy the privilege and manage the business of others as (an attorney-at-law), in other words, unfit to discharge the duties of his office and unsafe because unworthy of confidence*" (emphasis added).

Rule 60 of the Supreme Court (Conduct of an Etiquette for Attorneys-at-Law) Rules of 1988 clearly states that an Attorney-at-Law must not conduct himself in any manner, which would be reasonably regarded as dishonourable and Rule 61 states that an Attorney-at-Law shall not conduct himself in any manner unworthy of an Attorney-at-Law.

On a consideration of all the circumstances of this matter, the action taken by the respondent not only amounts to professional misconduct, but also a conduct, which is dishonourable and unworthy of an Attorney-at-Law.

For the reasons aforesaid, I find the respondent guilty of deceit and malpractice within the ambit of Section 42 of the Judicature Act.

Considering the circumstances of this matter, I am of the view that it is appropriate to refer to the words of Schneider, A.C.J. in *Re Seneviratne*<sup>(6)</sup>, which were followed by Amerasinghe, J. in *Dharmika Chandratilake v Susantha Mahes Moonesinghe (supra)* that I can only hope that this decision will have the salutary effect of awakening in Anees 'a higher sense of honour and duty'.

The Rule is, therefore, made absolute. I order that the respondent, A.L.M. Anees, Attorney-at-Law be suspended from practice for a period of two (2) years commencing from today.

**AMARATUNGA, J.** – I agree.

**SOMAWANSA, J.** – I agree.

*Rule made absolute.*

*Attorney-at-Law suspended for 2 years.*