Claim No. CA 004/2024
CA 005/2024

IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

In the name of His Highness Sheikh Mohammad Bin Rashid Al Maktoum, Ruler of Dubai

IN THE COURT OF APPEAL
BEFORE JUSTICE TUN ZAKI AZMI, H.E. JUSTICE SHAMLAN AL SAWALEHI AND JUSTICE LORD ANGUS GLENNIE

BETWEEN

(1) SHAUN GREGORY MORGAN
(2) FRANKLIN MORGAN LEGAL ADVISORY LLC

Appellants

and

THE REGISTRAR OF THE DIFC COURTS

Respondent

JUDGMENT OF THE COURT OF APPEAL

UPON considering the Appellants' Applications CA-004-2024 and CA-005-2024 dated 2 April 2024 and 29 April 2024 (the "Appeals") seeking to appeal the Order of Justice Wayne Martin dated 15 March 2024

AND UPON hearing the Appellants at the Appeal Hearing held on 22 July 2024

AND UPON reviewing DIFC Courts' Order No. 4 of 2019 - Mandatory Code of Conduct for Legal Practitioners in the DIFC Courts

AND UPON reviewing all documents and evidence filed and recorded on the court file

IT IS HEREBY ORDERED THAT:

1. The appeal of Shaun Gregory Morgan, appellant in CA-004-2024, is dismissed.

2. In respect of Franklin Morgan Legal Advisory LLC, appellant in CA-005-2024, the fine imposed on the appellant is reduced from USD 50,000 to USD 35,000.

3. In all other respects the appeal of Franklin Morgan Legal Advisory LLC, appellant in CA-005-2024, is dismissed.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 17 September 2024
At: 3pm

JUSTICE LORD ANGUS GLENNIE

Introduction

1. On 15 March 2024 Justice Wayne Martin (the "Judge"): (1) found that the First and Second Defendants ("Mr Morgan" and "FMLA" respectively) had committed breaches of the Mandatory Code of Conduct for Legal Practitioners in the DIFC Courts (the "Code"); (2) publicly admonished Mr Morgan and FMLA for their misconduct; (3) fined Mr Morgan USD 15,000; (4) fined FMLA USD 50,000; (5) ordered that Mr Morgan be removed from the DIFC Court's Register of Practitioners; and (6) ordered that FMLA be removed from the list of firms registered to represent parties in proceedings before the DIFC Courts.

2. On 18 April 2024 the Judge gave his reasons for his decision. He ordered that his decision and the reasons for it (respectively the "Decision" and "the Reasons") should be published in due course but should be kept confidential for a period of 30 days or until the final determination of any appeal from the Decision.

3. Mr Morgan and FMLA have both appealed from the Decision. This judgment finally determines those appeals. Save in one respect, the appeals are refused. We set out our reasons below. In light of our decision, there is no longer any reason to keep the Decision or the Reasons confidential. They may now be published. We shall refer to passages from the Reasons in the course of this judgment.

The Mandatory Code of Conduct for Legal Practitioners

4. The Judge referred to the Code promulgated by the Chief Justice on 18 September 2019 in the exercise of the powers conferred by Article 8(5)(b) of Dubai Law No. 7 of 2014. The Code, which repealed and replaced an earlier Code, was in force at all times material to these proceedings.

5. We set out below the main passages from the Code relied on by the Judge:

"PART A - Governing Principles

The DIFC Courts (**"the Court"**) were established to uphold the laws of the DIFC and to advance the rule of law by ensuring the just and effective resolution of disputes within the Court's jurisdiction. By registering with the DIFC Courts to practice in the Court, each individual registered legal practitioner (**"Practitioner"**) undertakes to act with integrity and independence in support of the Court and the wider community that it serves.

The right of any Practitioner to practice in the Court is conditional upon:

1. Observance of this Code issued periodically by the Chief Justice.

2. Recognition of the Court's power to refuse to permit a specific Practitioner to represent a party (or continue to represent a party) where, in the opinion of the judge hearing the matter, the integrity of the process would be threatened by that Practitioner's representation of the party or the fair administration of justice in accordance with the Overriding Objective in Part 1.6 of the Rules of the DIFC Courts (**"the Rules"**) would be put in peril;

3. Recognition of the Court's power to suspend, terminate or place conditions on a Practitioner's registration in the circumstances set out at Part G below;

4. Recognition of the Court's power to sanction any breach of the Code as provided for at Part F below; and

5. For the purposes of the Code, practice in the Court includes the issue and conduct of proceedings as well as advocacy.

PART B - Duties Owed to the Court

6. Practitioners shall deal with the Court and its staff honestly, cooperatively, with integrity and with civility.

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9. (A) Practitioners shall never knowingly or recklessly make any incorrect or misleading statement of fact or law to the Court and shall correct any material incorrect or misleading statement of fact or law at the earliest opportunity.

...

PART E - General Duties

...

22. (J) A Practitioner shall not engage in conduct involving dishonesty, fraud, deceit, or deliberate misrepresentation.

...

23. (A) Practitioners shall not act in any matter before the Court unless satisfied of their continuing adherence to the DIFC Court's registration criteria as set out in DIFC Courts Order No. 1 of 2019 in Respect of Issuing and Conducting Proceedings, Rights of Audience and Registration in Part I and Part II of the DIFC Court.

(B) By acting in any matter before the Court, a Practitioner represents that to the best of his knowledge none of the matters identified at Part G-40(A) apply to them. Part G-(A)d shall not prevent a Part II registered Practitioner from undertaking advocacy so long as he does not also have charge of his client's moneys.

24. Practitioners shall abstain from any behaviour which may tend to discredit the Court and the reputation of its Practitioners.

...

PART F - Sanctions for Breach of the Code

...

38. (A) The Court, acting through a Registrar, the Chief Justice or any nominee of the Chief Justice, may impose the following sanctions upon any Practitioner found on a balance of probabilities to have committed a breach of the Code.

a. Private Admonition;

b. Public Admonition;

c. Fine not exceeding US$15,000 in the case of an individual Practitioner and US$50,000 in the case of a firm;

d. Suspension from the Register of Practitioners for a period of time not exceeding 3 years;

e. Removal from the Register of Practitioners.

(B) The Court may impose a combination of sanctions. Any sanction other than a Private Admonition shall be published together with a summary of the complaint and the names of the Complainant and the Practitioner.

...

39. (A) A decision may be reviewed, or at its discretion a complaint reheard, by the Court of Appeal on the application of the Practitioner or the Complainant.

(B) ... Save where the application to the Court of Appeal is made by the Complainant, no permission to appeal shall be required.

PART G - Matters Affecting Registration

...

40. (A) Where a Practitioner;

a. Has been sentenced to a term of imprisonment in respect of any civil or criminal proceedings in Dubai or elsewhere;

b. Has been convicted of an offence involving dishonesty or fraud in Dubai or elsewhere;

.

(B) and a judge of the Court, if satisfied that any of the above conditions (Part G-40(A)) has been met, may on the application of an officer of the Registry make an order:-

a. Suspending the Practitioner from exercising his rights as a registered Practitioner for an appropriate period; or

b. Imposing conditions with which the Practitioner must comply on a continuing basis in order to remain enrolled on the Register of Practitioners; or

c. Terminating the right of the Practitioner to remain enrolled on the Register of Practitioners."

The proceedings in the Court below

6. Proceedings in the Court below were commenced on 7 December 2023. The Registrar summarised her claim in para [2] of her statement accompanying the Claim Form as follows:

"2. This Claim is brought on behalf of the Registry against Mr. Shaun Gregory Morgan (hereafter "Mr. Morgan") and Franklin Morgan Legal Associates LLC (hereafter "FMLA" or "the Company") for the reasons set out below:

a. The Registry has been informed of Mr. Morgan's prior offences in the United States of America where the United States District Court of Utah has sentenced Mr. Morgan to 60 months of imprisonment on the accusation of fraud.

b. Mr. Morgan has provided the DIFC Courts with fraudulent documents in the form of a number of documents, namely certificates that are purported to be issued by the `Court of Appeals' of the State of Maryland in the United States of America.

c. FMLA has, on numerous occasions, provided fraudulent documents to the DIFC Courts in addition to misleading the Court with regards to Mr. Morgan's qualifications as well as the nature of the Company.

d. The Registry has taken the view that Mr. Morgan is a fraudster that has forged his qualifications in order to register as a practitioner in the DIFC Courts, and in any event does not meet the requirements to become a registered practitioner given that he is not admitted to any association that allows him to practise as a legal practitioner."

7. The Judge summarised passages from the Registrar's statement and the documents produced by her. He also summarised the evidence given by Mr Morgan and by Mr Al Marri on behalf of FMLA. A full account of that evidence, both documentary and oral, can be found in the Judgment under appeal. For present purposes it is sufficient to concentrate on the Judge's findings.

The Judge's findings concerning Mr Morgan

8. The Judge observed that it was far from clear whether he had to decide the case on the balance of probabilities or beyond reasonable doubt. He decided to err on the side of the Defendants by applying the test of beyond reasonable doubt.

9. He made the following findings concerning the case against Mr Morgan.

"101. The first limb of the case against Mr Morgan relies upon Article 40 of the Code, and the proposition that he has been sentenced to a term of imprisonment and has been convicted of an offence involving dishonesty or fraud. This raises the question of whether the Shaun Gregory Morgan who was registered as a practitioner of the DIFC Courts is the same Shaun Gregory Morgan who was convicted of offences of dishonesty on his plea of guilty in the United States District Court in Utah in 2009.

102. I am satisfied beyond any reasonable doubt that the Shaun Gregory Morgan who was convicted of offences of dishonesty in Utah in 2009 and sentenced to a term of imprisonment of 60 months is one and the same as the Shaun Gregory Morgan who was registered as a practitioner of this Court. The evidence establishes that the person convicted of fraud in Utah in 2009 was from New Zealand, which is of course where the person who was registered as a practitioner was born. While one can conceive of the possibility that there might be two persons with the same name, the prospect that the person who is convicted for fraud in Utah and the person who was registered as a practitioner of this Court under the same name were both born in New Zealand seems very remote.

103. This conclusion is reinforced by Mr Morgan's response to the allegation. In his written statements he conspicuously failed to assert,

definitively, that he was not the person who was convicted of fraud in Utah. Rather, his statements were concerned with disparaging the evidence upon which the Registrar relied, based upon an asserted inconsistency between the date of release and the length of the term of imprisonment imposed. Further, and significantly, in Mr Morgan's first statement, in a response which is clearly directed to the Registrar's allegation that he had been sentenced to a term of imprisonment in the United States, he stated:

> "Furthermore, if requested it would have been provided in a closed meeting with the Registrar that on December 9 2012, I received an exoneration from the US Department of Justice which was given under a sealed order pursuant to a very serious misconduct by the US Federal Bureau of Investigation."

104. 9 December 2012 is one day before the documents establish that the Shaun Gregory Morgan who was imprisoned for fraud in Utah was released from prison. It seems most unlikely that the connection between these two dates is coincidental. Rather, in the context in which the statement above was made, it seems clear that it was intended by Mr Morgan to relate to, and answer, the allegation that he had been imprisoned for fraud. Of course, such an assertion is entirely inconsistent with the proposition that he was not the Shaun Gregory Morgan who was in fact imprisoned for fraud three years earlier. Between making this allegation in December 2023, and the hearing in March 2024, Mr Morgan must have come to appreciate this inconsistency, which is why, when questioned about it, he asserted that the exoneration related to 52 offences which were apparently unrelated to the charges in Utah.

105. I do not accept any of Mr Morgan's statements on this topic. If the offences in respect of which he was granted exoneration were unrelated to the charges in Utah, there is no reason why he would have referred to them in his first statement. Further, even though Mr Morgan asserts that he was given documents under seal to prove his exoneration, no such document has ever been produced to the Court, and the explanation given by Mr Morgan for that failure is utterly implausible.

106. I am satisfied beyond reasonable doubt that Mr Morgan's statements in relation to his asserted exoneration are a complete concoction, devised in a misguided and ill-considered attempt to answer the allegation relating to his imprisonment for fraud in Utah.

107. My conclusion on this topic is further corroborated by Mr Morgan's extraordinary prevarication during the hearing, when question about imprisonment in the United States, and which I have set out above. I am satisfied beyond reasonable doubt that his persistent refusal to answer a simple and direct question, put to him many times, was because of his concern with respect to the potential ramifications of making a false statement to the Court. His evasive answers gave him time to consider the course which he should follow although, in the result, I am satisfied beyond reasonable doubt that his assertion that he had only ever been in prison for driving offences in the United States is a complete concoction designed to explain his prevarication. I am satisfied beyond reasonable doubt that Mr Morgan has quite deliberately lied to the Court in relation to his imprisonment in the United States.

108. As the fact of his imprisonment in the United States invokes the application of Article 40 of the Code, it is unnecessary to consider whether the evidence establishes that Mr Morgan was also imprisoned in Switzerland - a topic upon which the evidence is less clear. It is sufficient to observe that, as I am satisfied of his imprisonment in the United States, pursuant to Article 40 of the Code I am empowered to terminate Mr Morgan's right to remain enrolled on the Register of Practitioners.

109. The second limb of the Registrar's claim against Mr Morgan is based upon Article 38, and the assertion that Mr Morgan has committed various breaches of the Code. Those breaches essentially lie in his application for registration as a practitioner on the basis of representations which he knew to be false relating to his registration as a legal practitioner in various jurisdictions in the United States, and in reliance upon a forged document attesting to his good standing before the Court of Appeals of Maryland. His failure to disclose his conviction and imprisonment for fraud is another aspect of his contraventions of the Code.

110. On the evidence before the Court, I am satisfied beyond reasonable doubt that Mr Morgan has never been admitted as a legal practitioner in any of the jurisdictions to which he referred in his application for registration and that he provided a forged Certificate of Good Standing in support of his application, and failed to disclose his prior conviction and imprisonment for fraud. I am also satisfied beyond reasonable doubt that Mr Morgan compounded those contraventions of the Code by supplying two more forged certificates to Mr Al Marri, who then supplied them to the Court. Mr Morgan provided another forged document to the Court in February 2024. The contraventions were further compounded by Mr Morgan's repeated assertions that he is indeed registered as a practitioner in the United States, although he has never produced any legitimate document to substantiate that assertion. By the time of the hearing on 14 March 2024, Mr Morgan had had almost four months to produce legitimate documents substantiating his admission to practice from the time when questions were first raised in mid-November 2023. His explanation for not producing such documents is utterly implausible and I reject it.

111. Mr Morgan's conduct gives rise to the following contraventions of the Code:

> (a) Article 6 - not dealing with the Court honestly and with integrity;
>
> (b) Article 9(A) - knowingly making an incorrect or misleading statement of fact to the Court and failing to correct any material incorrect or misleading statement of fact at the earliest opportunity;
>
> (c) Article 22(J) - engaging in conduct involving dishonesty, fraud, deceit and deliberate misrepresentation;
>
> (d) Article 23 - acting in a matter before the Court without being satisfied of his continuing adherence to the DIFC Court's registration criteria; and
>
> (e) Article 24 - failing to abstain from behaviour which may tend to discredit the Court and the reputation of its practitioners."

The Judge's findings concerning FMLA

10. The Judge made the following findings concerning FMLA, again applying the higher test of beyond reasonable doubt.

"112. The claim against FMLA is more confined. As already noted, the claim is essentially based upon FMLA's production of forged and fraudulent certificates to the Court without making any enquiry as to the veracity of those certificates at a time when it must have been aware that the question of Mr Morgan's entitlement to registration was under investigation. That conduct is exacerbated by the robust and false statements made by Mr Al Marri at the time, in his capacity as Managing Partner of the firm, to the effect that he could personally confirm that the allegations made against Mr Morgan were baseless, when he had no grounds for making that assertion. Those statements were repeatedly made to the Court and also to another firm of practitioners.

113. Mr Al Marri admitted these allegations during the hearing, in the terms which I have set out above. It is clear from the statements that he made to the Court that he made no enquiry whatever with respect to the veracity of the documents which he provided to the Court, or for the purpose of substantiating the very firm assertions which he had made to the effect that the allegations against Mr Morgan were baseless. I do not accept his assertion that he was not aware that there was a suspicion that Mr Morgan had provided forged documents at the time he was being asked to provide documents to prove Mr Morgan's registration as a practitioner in the United States. But even if Mr Al Marri was telling the truth in that regard, it speaks of such extraordinary gullibility and naivete as to reveal unfitness to manage a firm entitled to represent parties in proceedings in the DIFC Courts.

114. The evidence falls short of establishing that Mr Al Marri or FMLA knew that Mr Morgan's claims to registration in the United States were false, but it does establish that neither Mr Al Marri nor the firm made any enquiry with respect to the veracity of those claims before repeating them to the Court and providing forged and fraudulent documents in support of those claims. That conduct constitutes contraventions of the following provisions of the Code:

(a) Article 6 - not dealing with the Court with integrity;

(b) Article 9(A) - recklessly making an incorrect or misleading statement of fact; and

(c) Article 24 - behaviour which may discredit the Court and the reputation of its practitioners."

Sanctions

11. The Judge then determined what sanctions were appropriate. He said this:

"115. Systems for the registration of practitioners entitled to practice before Courts are designed to ensure that such practitioners have appropriate qualifications, skills and experience, and appropriate personal qualities of honesty and integrity, and to ensure adherence to appropriate ethical standards. Such systems have the dual purpose of protecting unwitting clients from persons holding themselves out as having the necessary qualifications, skills and experience to properly and adequately represent them in Court proceedings and to ensure that the Court receives the assistance of appropriately qualified practitioners who adhere to ethical standards of practice.

116. If these systems are undermined the administration of justice can be seriously compromised. Unwitting clients may forfeit their entitlement to justice because they are incompetently represented. The Court's obligation to ensure that all parties are given fair and equal treatment, and the administration of justice can be compromised if a party is incompetently represented.

117. It is no exaggeration to say that the proper administration of systems for the registration of practitioners is fundamental to the effective administration of justice by any Court.

118. This case is an extreme example of a deliberate and calculated attempt to undermine the system for the registration of practitioners before this Court which was successful for a time. Mr Morgan is a charlatan who has not established an entitlement to practice law in any jurisdiction. He is dishonest, completely lacking in integrity, and a fraudster. In these circumstances the only appropriate remedy under each of Articles 38 and 40 is to direct his removal from the Register of Practitioners.

119. As Mr Morgan's case is clearly within the most serious category of contravention of the provisions of the Code, it is also appropriate that the maximum penalties available under the Code be imposed upon him, being public admonition and a fine of USD15,000.

120. FMLA assisted Mr Morgan in the perpetration of his attempts to deceive the Court and the clients of the firm. In circumstances in which the firm must have been aware that there was a serious question in relation to Mr Morgan's entitlement to be registered as a practitioner, the firm reiterated his false assertions dogmatically, without any proper basis for doing so. Further, the firm provided forged and fraudulent documents to the Court without making any enquiry whatever as to their veracity, when clearly such enquiry was called for.

121. This conduct falls so far beyond the standards of conduct expected of reputable law firms that it must be concluded that the firm is not fit and proper to remain on the register of firms entitled to represent parties to proceedings before the DIFC Courts. Further, the firm's participation in conduct which undermined the system for the registration of practitioners strikes at a fundamental basis for the administration of justice by the Court, and brings the case against the firm into the most serious category of contraventions of the Code. It follows that, in addition to directing the removal of the firm from the register of firms entitled to represent parties before the Courts, the maximum penalties available under Article 38 of the Code should be imposed - namely public admonition and a fine of USD 50,000."

Mr Morgan's Appeal

12. Mr Morgan's Grounds of Appeal is a curious document consisting, as it does, of an introductory section headed "Background" followed by a section headed "Conclusion". The Background section sets out a number of complaints. Among them is a complaint that the Registrar initiated the Claim without making any attempt to resolve the matter directly with the Appellants; a complaint that the Judge gave an ex tempore judgment without giving any consideration to what had been said during the hearing; and a complaint that the DIFC "registration authorities" were at fault in registering Mr Morgan as a practitioner with FMLA. Further, it is asserted that no client in any proceedings before the DIFC has made any complaint against Mr Morgan and that the proceedings by the Registrar were pursued at the behest of other legal firms acting against his clients in actions brought before the DIFC Courts. Most of these points, though unsupported by any evidence, were repeated in the course of the hearing

before this court.

13. Mr Morgan's main complaint, however, advanced principally in the Conclusion section of the Grounds of Appeal, did not seek to overturn the Judge's findings of fact but was directed at the sanction imposed by the Judge. He insisted that he had the utmost respect for the DIFC Courts. He stated, in terms, that he consented to the decision of the Chief Registrar and does not seek reinstatement as a practitioner before the DIFC Courts. That should not, he said, be seen as an admission of any aspect of the Registrar's claims but rather as an acceptance that he no longer intends to practise in the DIFC Courts. For that reason, the punishment imposed by the Judge was too severe, especially as any public admonition would possibly expose the failings of the DIFC registration authority in the registration process. Any admonition - and he did not accept that any admonition was appropriate - should not be public but should be private pursuant to Part F 38(A)a of the Code. Further, the fine imposed by the Judge of the maximum amount permissible under the Code was excessive. But since, as he claimed, the fact of his suspension had already been notified to a number of practitioners in the DIFC, for that reason, amongst others, he had chosen not to submit further documents and he "completely accepts the decision of the Chief Registrar of the DIFC Courts".

14. In the course of the hearing of his appeal, Mr Morgan confirmed that although he did not agree with the Judge's findings of fact, he did not seek to have them set aside; and therefore the appeal had to proceed on the basis of the facts as found by the Judge. On this basis the appeal is without substance and, indeed, unarguable. The Judge found that the case against Mr Morgan, the substance of which he accepted, was "an extreme example of a deliberate and calculated attempt to undermine the system for the registration of practitioners before this Court". He described Mr Morgan as "a charlatan who has not established an entitlement to practice law in any jurisdiction", "dishonest, completely lacking in integrity, and a fraudster". He described Mr Morgan's case as "clearly within the most serious category of contravention of the provisions of the Code". It was therefore appropriate that the maximum penalties under the Code should be imposed. On the basis of the Judge's findings of fact, which are not disputed before us, we can only agree with this assessment.

15. Mr Morgan's appeal is refused.

FMLA's Appeal

16. Mr Al Marri, who appeared before this Court on behalf of FMLA, as he had before the Judge, presented his argument in a written "Post Hearing Submission". He was critical of the Registrar for her failure, as he saw it, to attempt to resolve the matter, and he imputed this to her acting in the interests of other law firms who had their own reasons for trying to discredit FMLA. He insisted that Mr Morgan was not and had never been a manager, shareholder or even an employee of FMLA, having been contracted by FMLA only as "at-counsel". He complained that much of the problem had been caused by the Registry's failure to follow the correct practices concerning registration of practitioners. He relied on Mr Morgan's evidence to argue that the case against both his firm and Mr Morgan was based on nothing more than "internet rumours and innuendos" and "third party information which was provided solely with the intent to discredit [FMLA]". He submitted that the Court should ask itself two questions: first, whether the solicitor/ lawyer/attorney has acted dishonestly by the ordinary standards of reasonable and honest people; and, secondly, whether he had been aware that by those standards he had been acting dishonestly. The single issue for the Court was whether there had been harm caused to the DIFC Courts or any potential clients, a question which had to be answered in the negative. The forwarding of a single email hardly qualified as misconduct or dishonesty. Since Mr Morgan had already consented to his removal from the list of practitioners without admitting the allegations against him, that should be the end of the matter. The whole process would result in irrevocable harm to FMLA. The re-instatement of FMLA to the list of registered practitioners should be ordered immediately.

17. It is notable that in these 10 pages of submissions there is no detailed attempt to undermine the conclusions of the Judge which we have set out above, nor any attempt to demonstrate why his findings of fact are wrong and should be overturned. The Judge found that FMLA assisted Mr Morgan in the perpetration of his attempts to deceive the Court and the clients of the firm; and that in circumstances in which FMLA must have been aware that there was a serious question in relation to Mr Morgan's entitlement to be registered as a practitioner, they reiterated his false assertions without any proper basis for doing so - and they provided forged and fraudulent documents to the Court without making any enquiry whatever as to their veracity, when clearly such enquiry was called for. He regarded such conduct as falling so far beyond the standards of conduct expected of reputable law firms that it must be concluded that FMLA is not fit and proper to remain on the register of firms entitled to represent parties to proceedings before the DIFC Courts; and FMLA's participation in conduct which undermined the system for the registration of practitioners struck at a fundamental basis for the administration of justice by the Court, and brought the case against the firm into the most serious category of contraventions of the Code.

18. Nothing in the submissions made on behalf of FMLA give us cause to doubt the Judge's assessment. He was entitled to come to the conclusion which he did.

19. But for one point, therefore, we would have refused FMLA's appeal in its entirety. That one point is this. Earlier in his judgment, in assessing FMLA's conduct, the Judge concluded that the case against FMLA was "more confined" than that against Mr Morgan. He did not find that they knew that the documents which they passed on were forgeries. He did not find that they were dishonest, merely that they were reckless as to the truth or falsity of what they were submitting or passing on on behalf of Mr Morgan. In those circumstances we consider that it was wrong of the Judge to impose the maximum fine of USD 50,000. If reckless behaviour of this kind attracts the maximum fine, what is the Court to do where actual dishonesty is proved? Although this was not a point specifically urged by Mr Al Marri, we think it right and commensurate with justice to reduce the amount of the fine payable by FMLA to USD 35,000.

20. In all other respects the appeal by FMLA is refused.

JUSTICE TUN ZAKI AZMI

21. I agree with the reasoning of Justice Lord Angus Glennie and have nothing further to add.

H.E. JUSTICE SHAMLAN AL SAWALEHI

22. I agree with the above judgment and have nothing further to add.