

**THE SOLICITORS (SCOTLAND) ACT 1980  
THE SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL**

**FINDINGS**

**in Complaint**

**by**

**THE COUNCIL OF THE LAW  
SOCIETY of SCOTLAND, 26  
Drumsheugh Gardens, Edinburgh**

**against**

**MARIE ANGELO LAND,  
Solicitor, Poste Restante,  
Harakopio, Messinia, Greece**

1. A Complaint dated 28 March 2008 was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society (hereinafter referred to as "the Complainers") requesting that, Marie Angelo Land, Solicitor, Poste Restante, Harakopio, Messinia, Greece (hereinafter referred to as "the Respondent") be required to answer the allegations contained in the statement of facts which accompanied the Complaint and that the Tribunal should issue such order in the matter as it thinks right.
2. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent. No answers were lodged for the Respondent.
3. In terms of its Rules the Tribunal appointed the Complaint to be heard on 17 June 2008 and notice thereof was duly served on the Respondent.
4. The hearing took place on 17 June 2008. The Complainers were represented by their Fiscal, Valerie Johnston, Solicitor, Edinburgh. The Respondent was not present or represented.

5. After hearing evidence from the Clerk to the Tribunal in respect of service of the Complaint and the Notice of Hearing and having heard evidence from one witness, the Tribunal found the following facts established

5.1 The Respondent is a Solicitor enrolled in Scotland. She was born on 5th April 1958. She was admitted as a Solicitor on 13th November 1987 and enrolled in the Register of Solicitors in Scotland on 27th November 1987. She was a Partner in Messrs Lyons, Laing & Co, Solicitors then in Leitchman & Co, Solicitors, until December 1994 and from 23rd December 1994, a Partner in Marie A Land, Solicitors, operating from 29 Nicolson Street, Greenock, LP 22 Greenock.

5.2 The Respondent ceased to practise on 31<sup>st</sup> October 2006. She continued to correspond from the address of her former firm then moved to reside in Greece in early 2007. She is not currently practising as a solicitor. On 30<sup>th</sup> August 2007 Morna Grandison was appointed Interim Judicial Factor to the Respondent's estate and that of the former Firm of Marie A Land Solicitors.

#### MS A IPS DETERMINATION

5.3 On 7<sup>th</sup> June 2007, the Complainers determined that the Respondent's firm had provided an inadequate professional service in relation to the client Ms A, and directed that she pay £750 by way of compensation to the client.

5.4 The determination was intimated to the Respondent by letter dated 19<sup>th</sup> June 2007 with details of the right of appeal and requesting that she provide an explanation of the steps taken to implement the determination within 21 days. She did not reply. On 10<sup>th</sup> July 2007, a formal letter was issued to her by the

Complainers calling upon her to confirm the steps taken to implement the determination within 21 days. The Respondent failed to reply and has failed to comply with the determination.

#### MR B IPS DETERMINATION

5.5 On 14<sup>th</sup> August 2007, the Complainers determined that the Respondents' firm had provided an inadequate professional service in relation to the client Mr B and directed that she pay £1,750 by way of compensation to the client and that the fees payable by the Scottish Legal Aid Board be abated by £200 which was to be waived or to be refunded.

5.6 The determination was intimated to the Respondent by letter dated 6<sup>th</sup> September 2007 with details of the right of appeal and requesting that she provide an explanation of the steps taken to implement the determination within 21 days. She did not reply. On 4<sup>th</sup> October 2007, a formal letter was issued to her by the Complainers calling upon her to confirm the steps taken to implement the determination within 21 days. The Respondent failed to reply and has failed to comply with the determination.

#### MS C & MR D IPS DETERMINATION

5.7 On 5<sup>th</sup> April 2007, the Complainers determined that the Respondent's firm had provided an inadequate professional service in relation to the clients Ms C and Mr D, and directed that she pay £50 by way of compensation to the clients.

5.8 The determination was intimated to the Respondent by letter dated 25<sup>th</sup> April 2007 with details of the right of appeal and requesting that she provide an explanation of the steps taken to implement the determination within 21 days. She did not reply. On 17<sup>th</sup> May 2007, a formal letter was issued to her by the

Complainers calling upon her to confirm the steps taken to implement the determination within 21 days. The Respondent failed to reply and has failed to comply with the determination.

#### MR E IPS DETERMINATION

5.9 On 23<sup>rd</sup> October 2007, the Complainers determined that the Respondent's firm had provided an inadequate professional service in relation to the client Mr E, directed that she pay £800 by way of compensation to the client, that the fees due to the Firm be nil and directed they be waived and that £447 which had been paid by the client was to be refunded.

5.10 The determination was intimated to the Respondent by letter dated 6<sup>th</sup> November 2007 with details of the right of appeal and requesting that she provide an explanation of the steps taken to implement the determination within 21 days. She did not reply. On 6<sup>th</sup> December 2007, a formal letter was issued to her by the Complainers calling upon her to confirm the steps taken to implement the determination within 21 days. The Respondent failed to reply and has failed to comply with the determination.

#### MS F IPS DETERMINATION

5.11 On 23<sup>rd</sup> October 2007, the Complainers determined that the Respondent's firm had provided an inadequate professional service in relation to the client Ms F, directed that she pay £800 by way of compensation to the client, that the fees due to the firm be nil and ordered that those fees already paid by the client be refunded.

5.12 The determination was intimated to the Respondent by letter dated 6<sup>th</sup> November 2007 with details of the right of appeal and requesting that she provide an explanation of the steps taken to

implement the determination within 21 days. She did not reply. On 6<sup>th</sup> December 2007, a formal letter was issued to her by the Complainers calling upon her to confirm the steps taken to implement the determination within 21 days. The Respondent failed to reply and has failed to comply with the determination.

#### MS G IPS DETERMINATION

- 5.13 On 25<sup>th</sup> September 2007, the Complainers determined that the Respondent's firm had provided an inadequate professional service in relation to the client Ms G, directed that she pay £500 by way of compensation to the client, that the shortfall of £8.00 on the registration fees for the client's disposition be paid and that she pay the £80 due for the late payment fee relating to the SDLT.
- 5.14 The determination was intimated to the Respondent by letter dated 3rd October 2007 with details of the right of appeal and requesting that she provide an explanation of the steps taken to implement the determination within 21 days. She did not reply. On 29<sup>th</sup> November 2007, a formal letter was issued to her by the Complainers calling upon her to confirm the steps taken to implement the determination within 21 days. The Respondent failed to reply and has failed to comply with the determination.
6. Having considered the foregoing circumstances and having heard submissions on behalf of the Complainers, the Tribunal found that the Respondent had failed to comply with the Determinations and Directions given by the Council of the Law Society of Scotland under Section 42A of the Solicitors (Scotland) Act 1980 in respect of Ms A, Mr B, Ms C and Mr D, Mr E, Ms F and Ms G within the periods specified. The Tribunal resolved to make Orders in terms of Section 53C(2) of the Solicitors (Scotland) Act 1980 and issued an Interlocutor in the following terms:-

Edinburgh 17 June 2008. The Tribunal having considered the Complaint dated 28 March 2008 at the instance of the Council of the Law Society of Scotland against Marie Angelo Land, Solicitor, Poste Restante, Harakopio, Messinia, Greece; Find that the Respondent has failed to comply with the Determinations and Directions given by the Council of the Law Society of Scotland under Section 42A of the Solicitors (Scotland) Act 1980 within the respective periods specified; Direct that Orders be issued under Section 53C of the said Act; Find the Respondent liable in the expenses of the Complainers and in the expenses of the Tribunal as the same may be taxed by the auditor of the Court of Session on an agent and client indemnity basis in terms of Chapter Three of the last published Law Society's Table of Fees for general business with a unit rate of £11.85; and Direct that publicity will be given to this decision and that this publicity should include the name of the Respondent.

**(signed)**

**David Coull**

**Vice Chairman**

7. A copy of the foregoing together with a copy of the Findings certified by the Clerk to the Tribunal as correct were duly sent to the Respondent by recorded delivery service on

**IN THE NAME OF THE TRIBUNAL**

**Vice Chairman**

**NOTE**

The Respondent did not attend the Tribunal and was not represented. The Tribunal heard evidence from the Clerk that the Notice of Complaint had been served by Airmail Signed For International on 23 April 2008, there had been no response from the Respondent. The Notice of Hearing was then served on 16 May 2008 in like manner and the Clerk's office had had no contact from the Respondent. Ms Johnston advised that she had not heard from the Respondent but understood that the Respondent had been in touch with the Judicial Factor and had recently remitted substantial funds but the Judicial Factor required proof of the claims and the Law Society required the Orders to allow payment to be made. Ms Johnston asked that the Complaint be amended in Paragraph 7.2 to read "3 October" instead of "25 October" in line one. This was agreed.

**EVIDENCE FOR THE COMPLAINERS**

The Complainers led the evidence of Lorna Johnston, Case Manager with the Law Society. L Johnston confirmed that the Respondent was a solicitor on the Roll of Solicitors in Scotland and was presently residing in Greece. L Johnston also confirmed that the Respondent was presently subject to Judicial Factor. L Johnston referred to the correspondence being the Productions lodged. L Johnston referred to Complainers Production 1 being the schedule issued in respect of the meeting of the Complainers on 7 June 2007 when a Direction to pay £750 by way of compensation was made. This was intimated to the Respondent on 19 June 2007 and a formal letter was sent 10 July 2007 (Productions 2 and 3). L Johnston confirmed that no reply had been received. L Johnston explained that different addresses were used because the Respondent had moved and the Law Society had regular updates as to where she was.

In connection with Mr B, Production 4 was the Determination made by the Law Society awarding compensation of £1750 and abatement of fees of £200. The letter of 6 September intimated this to the Respondent and a formal letter was sent on 4 October 2007. (Productions 5 and 6) No replies were received.

In connection with Ms C and Mr D, Production 7 was the schedule of the Law Society meeting on 5 April 2007 awarding £50 compensation. This was intimated on 25 April 2007 and a formal letter was sent on 17 May 2007 (Productions 8 and 9).

In connection with Mr E, Production 10 was the schedule of the Law Society meeting awarding £800 compensation and waiving the fees payable and ordering repayment of £447. This was intimated to the Respondent on 6 November 2007 and a formal letter was sent on 6 December 2007 (Productions 11 and 12). L Johnston confirmed that there was no response from the Respondent.

In connection with Ms F, Production 13 was the schedule of the Complainer's Committee dated 23 October 2007 awarding £800 compensation and repayment of any fees that had been paid. This was intimated on 6 November 2007 and a formal letter was sent on 6 December 2007 (Productions 14 and 15).

In connection with Ms G, the schedule of the Complainer's Committee dated 25 September 2007 awarded £500 compensation and ordered that a shortfall of £8.00 on registration fees and £80 for the late payment fee in connection with SDLT be paid. This was intimated on 3 October 2007 and a formal letter sent on 29 November 2007 (Productions 17 and 18). L Johnston confirmed that there was no response from the Respondent. L Johnston also confirmed that none of the Determinations and Directions of the Law Society had been implemented.

Ms Johnston, the Fiscal made a formal motion to the Tribunal to find that the Determinations and Directions of the Law Society had not been complied with and to make Orders under Section 53C.

## **DECISION**

The Tribunal was satisfied that the Complaint and the Notice of Hearing had been properly served on the Respondent. The Tribunal found the witness for the Complainers to be credible and reliable and accepted her evidence. The witness had referred to various documents lodged with the Tribunal and the Tribunal was satisfied on the basis of the oral and written evidence that the Respondent had failed to comply

with the Determinations and Directions of the Law Society. The Tribunal accordingly resolved to make Orders under Section 53C. The Tribunal also found the Respondent liable in the expenses of the proceedings. As the disposal of this Complaint constitutes a decision for the purposes of the Fourth Schedule to the Solicitors (Scotland) Act 1980, the Tribunal is required in terms of Paragraph 14 of the Schedule to give publicity to this decision.

**Vice Chairman**