

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

F I N D I N G S

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
24004**

1. A Complaint dated 21 November 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, 24004 (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 by the Respondent.
3. In terms of the Tribunal's Rules, the Tribunal appointed the Complaint to be heard on 21 January 2009 and notice thereof was duly served on the Respondent.
4. When the case called on 21 January 2009, 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 with regard to service of the Complaint and Notice of Hearing, the Tribunal resolved to proceed in the Respondent's absence.
6. The Tribunal allowed Affidavit evidence to be led in terms of Rule 9 of the Tribunal Rules.
7. The Tribunal found the following facts established

7.1 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.

7.2 The Respondent ceased to practise on 31st 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 30th 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.

MR A IPS DETERMINATION

7.3 On 23rd October 2007, the Complainers determined that the Respondents' firm had provided an inadequate professional service in relation to the client Mr A, and issued a direction, and thereafter on 3rd July 2008 the Complainers further determined that the Firm should pay the fee due to Neill Clerk

Murray Solicitors in the sum of £480.00 plus VAT of £84.00 on behalf of the client.

- 7.4 The determination was intimated to the Respondent by letter dated 17th July 2008 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 7th August 2008, 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 failed to comply with the determination.

MS B IPS DETERMINATION

- 7.5 On 23rd October 2007, the Complainers determined that the Respondents' firm had provided an inadequate professional service in relation to the client Ms B, and issued a direction, and thereafter on 3rd July 2008 the Complainers further determined that the Firm should pay the fee due to Neill Clerk Murray Solicitors in the sum of £560.00 plus VAT of £98.00 on behalf of the client.

- 7.6 The determination was intimated to the Respondent by letter dated 17th July 2008 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 7th August 2008, 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 failed to comply with the determination.

8. Having taken account of the Affidavit evidence and Productions lodged by 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 in respect of Mr A and Ms B within the respective periods specified. The Tribunal accordingly resolved to make Orders under Section 53C of the Solicitors (Scotland) Act 1980.

9. The Tribunal pronounced an Interlocutor in the following terms:-

Edinburgh 21 January 2009. The Tribunal having considered the Complaint dated 21 November 2008 at the instance of the Council of the Law Society of Scotland against Marie Angelo Land, Solicitor, Poste Restante, Harakopio, Messinia, Greece, 24004; Find that the Respondent failed to comply with the Determinations and Directions given by the Council of the Law Society of Scotland within the respective periods specified; Direct that Orders be issued under Section 53C of the Solicitors (Scotland) Act 1980; 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 £14.00; 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

10. 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 Tribunal heard evidence from the Clerk that the Notice of Complaint had been served on the Respondent on 2 December 2008 by recorded delivery and that it had been passed by the Post Office to the relevant authorities in Greece. The Clerk also gave evidence to the effect that the Notice of Hearing had been served on the Respondent on 23 December 2008 by recorded delivery and this had been passed by the Post Office to the relevant authorities in Greece. Nothing had been returned and nothing had been heard from the Respondent. The Fiscal confirmed that the Judicial Factor had been corresponding with the Respondent at the address in the Complaint but the last communication had been in January 2008 when she stopped using her old email address. The Fiscal stated that as far as she was aware, the Respondent had been at the address in Greece since leaving the country. In the circumstances, the Tribunal agreed to allow the Fiscal to proceed by way of Affidavit evidence in terms of Rule 9 of the Tribunal Rules.

EVIDENCE FOR THE COMPLAINERS

Ms Johnston referred to the Affidavit of Gillian Martin, Complaints Investigator with the Law Society of Scotland. Ms Martin confirms in her Affidavit that she was the Case Manager in relation to the Complaints against the Respondent by Mr A and Ms B. Ms Martin also confirms the personal and employment details of the Respondent. Ms Martin in her Affidavit states that on 23 October 2007 the Law Society determined that the Respondent's firm had provided an inadequate professional service in relation to Mr A and issued a Direction. On 3 July 2008 the Law Society determined that the firm should pay the fee due to Neil Clerk Murray Solicitors in the sum of £480 plus VAT of £84. This Determination was intimated to the Respondent by letter of 17 July 2008. On 7 August 2008 a formal letter was issued to her calling on her to confirm the steps taken to implement the Determination within twenty one days. Ms Martin confirms that the Respondent failed to reply and failed to comply with the Determination.

Ms Martin confirms that on 23 October 2007 the Law Society determined that the Respondent's firm had provided an inadequate professional service to Ms B and on 3

July 2008 determined that the firm should pay the fee due to Neil Clerk Murray Solicitors in the sum of £560 plus VAT of £98. This was intimated to the Respondent on 17 July 2008. On 7 August 2008 a formal letter was issued to the Respondent calling on her to confirm the steps taken to implement the Determination. Ms Martin confirms that the Respondent failed to reply and failed to comply with the Determination. Ms Martin also states in her Affidavit that the Judicial Factor indicated on 4 December 2008 that there were no funds held to meet these Determinations. Ms Martin refers to Productions being the Schedules of the relevant Client Relations Committees and the letters sent.

Ms Johnston explained that there had already been Determinations made by the Law Society and previous Orders had been issued by the Tribunal. These Orders had been satisfied from funds held by the Judicial Factor. Ms Johnston however explained that the original complainers had incurred extra expenses by way of legal costs and accordingly further Determinations were made by the Law Society in relation to this. The Respondent had not appealed these and had not responded to them nor had she implemented them. Ms Johnston asked the Tribunal to make Orders under Section 53C of the Solicitors (Scotland) Act 1980.

DECISION

The Tribunal noted that the Complaint and Notice of Hearing had been sent by recorded delivery to the Respondent at the address which the Law Society had for her. The Tribunal found on the basis of the Affidavit evidence of Ms Martin and the Productions lodged that the Respondent had failed to comply with the Determinations and Directions made by the Law Society. In the circumstances, the Tribunal considered it appropriate to make Orders under Section 53C of the Solicitors (Scotland) Act 1980. The Tribunal made the usual Order with regard to expenses and as this decision constitutes a decision in terms of the said Act publicity requires to be given to this decision.

Vice Chairman