

**SCOTTISH SOLICITORS'
DISCIPLINE TRIBUNAL**
Constituted under the Solicitors (Scotland) Act 1980

ANNUAL REPORT 2006/2007
for the period 1 November 2006
to 31 October 2007

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TRIBUNAL

Alistair M Cockburn Chairman

Solicitor Members

Colin Bell

Dorothy M Boyd

Marie E Brown

Dr David C Coull

Gordon L Cunningham

Kirsteen Keyden

Tom McCartney

Alan McDonald

Douglas McKinnon

Malcolm McPherson (Vice Chairman)

Kenneth Paterson

Kenneth R Robb (Vice Chairman)

Nicholas Whyte

Lay Members

John Anderson, MBE

Sophia B Ayre

Peter Burdon

Elizabeth Cameron

Professor Monojit Chatterji

Michael Hastie

Mark Irvine

Jeremy Mitchell

CLERK

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CHAIRMAN'S INTRODUCTION

Details of the Tribunal's workload over the past 12 months are set out in this report. The volume of business has slightly increased with the Tribunal meeting approximately three times per month. The Tribunal has not issued as many decisions this year, mainly due to a long-running case in which nine days of evidence have been heard and which is yet to be concluded. The Tribunal findings continue to be put on the website which is fully searchable and can be accessed at www.ssd.org.uk Although Tribunal hearings are held in public and the forthcoming Tribunal hearings are now detailed on the diary part of the website, there has been little interest from the public.

The Tribunal has been involved with the Steering Group for the new Legal Services Commission and is liaising with the interim Chief Executive of the Commission with regard to issues of mutual interest.

This report highlights some of the main points from the decisions during the previous year. It is particularly important in these times of change that solicitors take the time to read this report and be reminded of their duty to maintain the highest standards of this profession.

I would like to thank my two Vice Chairmen, all the Tribunal members, the Tribunal Clerk, Depute Clerk and Tribunal secretaries for their help and support during the year.

Alistair M Cockburn
Chairman

CONSTITUTION

The Scottish Solicitors' Discipline Tribunal is an independent Tribunal constituted under the provisions of sections 50-54 of and Schedule 4 to the Solicitors (Scotland) Act 1980 as amended. The Tribunal usually sits with three solicitor members and two lay members. The Tribunal is independent of the Law Society of Scotland with none of the solicitor members being on the Council of the Law Society. The lay members are drawn from a wide variety of backgrounds. All Tribunal members are appointed by the Lord President. The Tribunal is governed by the Scottish Solicitors' Discipline Tribunal Procedure Rules 2005.

GENERAL

Tribunal hearings continue to be held in public at the Scotsman Hotel in Edinburgh. The diary part of the Tribunal website is now up and running and details the business scheduled to be heard. In certain cases, business is not put into the diary if there is a motion for the hearing to be held in private.

The Tribunal website at www.ssdt.org.uk includes details of all Tribunal members, Tribunal rules, Tribunal Annual Reports, general information on the workings of the Tribunal and all the Tribunal findings issued since 1995 where publicity has been given. Findings subject to deferred publicity or which are under appeal to the Court of Session are not put on the website until any criminal proceedings are concluded or until the appeal has been concluded. Tribunal findings usually go on the website approximately three months after the date of the Tribunal hearing.

The Legal Profession and Legal Aid (Scotland) Act 2007 contains a number of provisions which will change the way the Tribunal operates. Once the Act comes into force the Tribunal will have the power to award compensation to lay complainers where solicitors are found guilty of professional misconduct. The composition of the Tribunal will also change and the Tribunal will sit with two lay members and two solicitor members. The Act will also have an impact on the type of business that the Tribunal deals with. It is difficult at this stage to know what the impact will be on the workload of the Tribunal. The Tribunal is represented on the Steering Group for the new Legal Services Commission and is presently working on amending its rules to take account of the changes in the Act. The Tribunal still has concerns with regard to the practical implications of some of the measures included in the Act.

TRIBUNAL BUSINESS

The volume of Tribunal business remained high with the Tribunal meeting on slightly more occasions than in the previous year.

The Tribunal deals with the following types of business:

1. Complaints with regard to professional misconduct.
2. Complaints that a solicitor/firm of solicitors has provided an inadequate professional service.
3. Appeals by a solicitor/firm of solicitors against a finding by the Law Society of an inadequate professional service. (section 42A Appeals).

4. Applications for restoration to the Roll of Solicitors.
5. Applications for enforcement of inadequate professional service Orders made by the Council of the Law Society.

The Tribunal also received an application for the removal of a restriction on a practising certificate. This was considered premature as the solicitor had not worked under supervision for the required period of time.

Once the provisions of the Legal Profession and Legal Aid (Scotland) Act 2007 come into force, the Tribunal will no longer deal with the types of business listed at paragraphs 2, 3 and 5 above. The Tribunal, however, will have a new jurisdiction to deal with Appeals by solicitors and by lay complainers against the new power of the Law Society to make findings of unsatisfactory professional conduct.

PROCEDURAL

Again, there were a lot of cases where respondents entered into Joint Minutes admitting the facts and averments in the Complaints. This saves time and money and also avoids the need for complainers to give evidence. There were again a number of cases where hearings had to be adjourned due to the respondent's ill health and it is unfortunate that medical certificates are often not lodged with the Tribunal until the last minute.

A procedural hearing was held in respect of a Complaint where the respondent lodged a preliminary motion for dismissal of the Complaint as time-barred. The Tribunal did not accept that it had the power to dismiss the case because the Law Society had not properly applied its own policy. The Tribunal, however, considered that it did have an inherent jurisdiction to find a case time-barred if this was justified by the individual facts and circumstances of the case. The Tribunal would have to be satisfied that a point had been reached at which justice could not possibly be done due to the excessive delay.

Two Tribunal cases were appealed to the Court of Session where the Tribunal decisions were upheld subject to slight amendments to the interlocutors as agreed in terms of Joint Minutes between the parties. One Tribunal decision from 2005 was overturned during the year by the Court of Session. The Tribunal had varied a determination and direction of the Law Society and found that the appellants had failed to communicate to their client that an opinion sent to him was a sanitised version of an opinion and thereby deprived the client of the knowledge of a potential conflict of interest situation between the clients and the appellants which amounted to the provision of an inadequate professional service. The Court of Session accepted that the appellants had sent two letters asking for an opinion and had obtained two separate opinions. The court concluded that the Tribunal was not entitled to rest its decision on conflict of interest and quashed the Tribunal's decision.

COMPLAINTS UNDER SECTION 53C OF THE SOLICITORS (SCOTLAND) ACT 1980

The Tribunal dealt with eight Complaints under section 53C where the Law Society had determined that an inadequate professional service had been provided by the solicitor concerned and had directed awards of compensation or refunds of fees. These solicitors had then failed to comply with the determinations and directions and did not lodge an appeal against them. The Tribunal was accordingly required to issue Orders under section 53C(2) of the Solicitors (Scotland) Act 1980, resulting in the determinations and directions being enforceable in like manner as a warrant from any Sheriffdom in Scotland. The failure to comply with the determinations and directions involves the solicitors in further expense and as the findings are decisions of the Tribunal, in terms of paragraph 14 of Schedule 4 to the Solicitors (Scotland) Act 1980, publicity requires to be given to the decisions.

APPEALS UNDER SECTION 42A OF THE SOLICITORS (SCOTLAND) ACT 1980

One Appeal under section 42A was allowed on joint motion of the Law Society and the appellants. Another Appeal under section 42A was varied at the request of the Law Society and the appellants. In another section 42A Appeal decision, the Tribunal quashed the determination and direction of the Law Society. In this case the Tribunal concluded that there had been a breach of natural justice by the Law Society not allowing the appellants to comment upon matters of materiality affecting the decision-making process.

WITHDRAWAL OF COMPLAINTS AND APPEALS UNDER SECTION 42A

There were six Appeals lodged by solicitors under section 42A which were later withdrawn. In four of these cases, the appellants were found liable in the expenses of the Law Society and the Tribunal and the Appeals were dismissed. In one case, the Law Society decided to reconsider matters and accordingly no finding of expenses was made. In the other case, the Appeal was dismissed as it was not received within the time limits specified in rule 19 of the Tribunal Rules. Two Complaints under section 53C were dismissed as the respondents had implemented the determinations and directions by the time of the Tribunal hearing. Eight Complaints were withdrawn or dismissed for a variety of different reasons, in one case the reason being that the Complaint as amended was irrelevant because even if proved it could not amount to professional misconduct.

COMPLAINT UNDER SECTION 53(1)(b) OF THE SOLICITORS (SCOTLAND) ACT 1980

The Tribunal had to consider one case where the respondent had been convicted under the Misuse of Drugs Act 1971 and sentenced to a period of imprisonment of 32 months. The Tribunal considered that the offences to which the respondent pled guilty struck at the very heart of the obligations of honesty and integrity which are

incumbent upon every solicitor. The Tribunal was very concerned to find, on close examination of the wording of section 53 of the Solicitors (Scotland) Act 1980, that the Tribunal was unable in this case to do anything other than Censure the respondent. This was because the respondent had administratively had her name removed from the Roll and the Tribunal was accordingly unable to strike her name from the Roll. The Tribunal was also unable to fine her due to the terms of section 53(1)(b).

FAILURE TO COMPLY WITH PROFESSIONAL OBLIGATIONS

The Tribunal found a respondent guilty of professional misconduct in respect of her failure over a period of two years to adequately supervise her employee and failure to have in place an effective system of supervision of her employees for the protection of clients. If a solicitor decides to delegate any work, there remains a duty of supervision and a solicitor must accept personal responsibility for any improper actions which result from a failure of reasonable supervision. The Tribunal Censured the respondent and imposed a restriction on her practising certificate to prevent her while acting as a sole practitioner from employing any qualified assistant or trainee for an aggregate period of five years. Another respondent was found guilty of professional misconduct in respect of his passing a mobile telephone to a prisoner in custody contrary to Article 6 of the 2001 Code of Conduct for Criminal Work. It is important that police and custodial authorities can have trust and confidence in solicitors while they attend prisoners in custody. The Tribunal accepted in this case that it was a one-off stupid mistake and Censured the respondent. In another case, the Tribunal found the respondent guilty of professional misconduct in respect of his failure to actively prosecute a claim on behalf of his client, his failure to deal competently with the matters at hand, his disguising his incompetence by his failure to inform his clients as to progress or lack thereof with a claim, his failure to reply to the repeated enquiries made of him by his clients, his failure to submit a competent proper Legal Aid application and his allowing an excessive, inordinate and unreasonable delay to occur in the prosecution of his client's claim. The Tribunal noted that the respondent had recently had his practising certificate restricted twice in connection with two previous findings. The Tribunal found that the respondent had been involved in a persistent course of conduct over a period of years of not dealing with client's business properly or keeping clients properly informed. The Tribunal considered that the respondent had shown a wilful and reckless disregard for his clients over a number of years and that he was not a fit and proper person to remain on the Roll of Solicitors in Scotland. The Tribunal ordered that his name be struck from the Roll.

CONVEYANCING/FAILURE TO COMPLY WITH THE ACCOUNTS RULES AND MISLEADING CLIENTS

The Tribunal found a respondent guilty of professional misconduct in respect of his breach of rules 4(1)(a) and 6(1) of the Solicitors (Scotland) Accounts Etc Rules 2001 by his having a significant shortage on his client account and in respect of his failure to respond timeously, openly and accurately to the reasonable enquiries made of him by the Law Society. The Tribunal noted that the respondent's actions had continued over a considerable period of time and that the respondent had misappropriated client's money for his own personal gain in order to maintain his business. The

Tribunal found that the respondent was not a fit person to remain on the Roll and struck his name from the Roll.

In another case, the Tribunal found the respondent guilty of professional misconduct in respect of his breach of rules 10, 11 and 24 of the Solicitors (Scotland) Accounts Etc Rules 2001, his repeatedly acting in breach of the Accounts rules despite his shortcomings being brought to his attention and his unreasonable delay in recording and registering dispositions and standard securities and discharges. The Tribunal was concerned by the number of breaches of the Accounts Rules and delay in recording of deeds over a period of time. The Tribunal accordingly Censured the respondent, fined him in the sum of £2,000 and restricted his practising certificate for a period of five years.

Another respondent was found guilty of professional misconduct in respect of his failure to ensure that a standard security was registered in the Register of Charges timeously and thereafter to take appropriate remedial steps within a reasonable time to rectify that failure so as to protect the lender's interest and his failure to respond to correspondence from clients and from the Law Society. The Tribunal was of the view that the respondent had demonstrated a disregard for the welfare of his clients and their lender. The Tribunal however, took account of the respondent's early guilty plea and the respondent's health difficulties. The Tribunal Censured the respondent and fined him in the sum of £3,000.

Yet another respondent was found guilty of professional misconduct in cumulo in respect of his failure over a period of four months to record and register his clients' disposition whereby his clients remained uninfected, his misleading his lender clients in correspondence and in the Report on Title by advising them that there was an undelivered duly executed disposition when in fact the executed disposition had been delivered and by advising them that loan funds were to be used for the purchase of the property whereas in truth the purchase price of the property had already been paid and the loan funds were not being used for that purpose and his intromitting with loan funds from his clients for the purchase by another client of the property and utilising those funds for the provision of a loan to another party in connection with another property without the knowledge or authority of the lender client. If solicitors are to mislead lenders, it will undermine the crucial element of trust between lenders and their solicitors. It was also of concern to the Tribunal that it was clear from the respondent's evidence that he did not appreciate the implications of what had happened or what could have happened. The Tribunal, accordingly, imposed a Censure and a restriction on the respondent's practising certificate for an aggregate period of three years.

In another case the respondent was found guilty of professional misconduct in respect of his misleading his client by advising his client by letter that his appeal had not been able to get through the sift when the true position was that the appeal was out of time and the respondent knew that no sift had taken place. The Tribunal considered that the respondent had made an inexplicable error of judgment and allowed himself to be manipulated. The Tribunal, however, took account of the dysfunctional relationship between the respondent and his client in this particular case and the fact that the respondent had cooperated with the Fiscal. The Tribunal Censured the respondent and fined him £1,500.

Another respondent was found guilty of professional misconduct in respect of his misleading the Royal Bank of Scotland as to the purpose of bridging finance thereby obtaining loan funds from the bank on the basis that they were required to purchase a property in Scotland when the truth was that they were required to purchase a property in Italy. Misleading a lending institution is contrary to the central and absolute qualities of a solicitor of honesty, truthfulness and integrity. The Tribunal however considered that in this case it was a one-off stupid error of judgment, which was done to avoid inconvenience to a client. The Tribunal accordingly Censured the respondent.

DISHONESTY

The Tribunal unfortunately had to deal with three cases during the year which involved dishonesty. In the first case, the Tribunal found the respondent guilty of professional misconduct in respect of his misappropriation of £10,000 from his client, his misleading another client by giving her the false impression that he had settled her reparation claim in the sum of £10,000 when this was not the case and his preparing a will on behalf of another client in which a significant monetary benefit was conferred upon him. The essential and absolute qualities of a solicitor are honesty, truthfulness and integrity. The public must be able to trust their solicitor to act honestly. In this case, the respondent breached the trust of his client and the Tribunal ordered that his name be struck from the Roll of Solicitors in Scotland.

In the second case, the Tribunal found the respondent guilty of professional misconduct in respect of his misappropriation either for personal gain or for the benefit of others the sum of at least £214,098 of funds belonging to clients. Although the Tribunal was pleased to note that the respondent had repaid all the sums identified by the insurers, the respondent's conduct was unfortunately serious and reprehensible and totally contrary to the duty on solicitors to be people of honesty, truthfulness and integrity. The Tribunal accordingly struck the respondent's name from the Roll of Solicitors in Scotland.

In the third case the respondent was found guilty of professional misconduct singly and in cumulo in respect of his acting in a dishonest fashion to obtain significant overpayments from the Scottish Legal Aid Board (SLAB), his acting in a dishonest fashion on 30 occasions submitting accounts to SLAB which were designed to double his charges in respect of a particular period thereby enhancing the amounts of money claimed by him from SLAB, his acting in breach of Article 7 of the Code of Conduct for Solicitors and in breach of the Code of Conduct for Solicitors Practising in Criminal Work and in breach of the Code of Practice implemented and required by SLAB for Solicitors providing Criminal Legal Assistance and his failure to reply timeously, openly and accurately to the reasonable enquiries made of him by the Law Society. The Tribunal considered that the behaviour of the respondent in relation to his fraudulent claims to SLAB struck at the very heart of the obligations of honesty and integrity which are incumbent upon every solicitor. As the respondent had administratively removed his name from the Roll, the Tribunal was unable to strike him off the Roll. The Tribunal Censured the respondent and imposed the maximum fine of £10,000.

CONDUCT UNBECOMING A SOLICITOR

The Tribunal dealt with one case where a respondent was found guilty of professional misconduct in respect of his conviction in contravention of section 5 of the Road Traffic Act 1988 and his driving while disqualified from driving by order of the court at a time when he was not covered by any policy of insurance. The Tribunal considered that one of the essential qualities of a solicitor is integrity which extends to the personal as well as the professional conduct of the solicitor. The Tribunal must demonstrate to the public that the profession of solicitors seeks to maintain the highest standards of conduct and that a solicitor cannot separate his personal conduct from his membership of the profession. The Tribunal considered that the respondent's conduct, in this case, represented a serious departure from that expected of a member of the profession. The Tribunal was particularly concerned to note that the respondent drove while disqualified only 13 days after the disqualification had been imposed showing a reckless disregard for the court. The Tribunal noted a previous finding of misconduct against the respondent. The Tribunal Censured the respondent and restricted his practising certificate for a period of six years.

FAILURE TO RESPOND

The Tribunal dealt with eight cases where solicitors were found guilty of professional misconduct in respect of their failure to respond timeously, openly and accurately to the enquiries made of them by the Law Society. In three of these cases, respondents were Censured and fined. In two cases the respondents were merely Censured. In one case the respondent was Censured and had a restriction on his practising certificate for a period of three years. (In this case the respondent had a previous finding of misconduct against him.) In the two remaining cases, the respondents were found guilty of professional misconduct in respect of their failure to comply with their obligations under the Solicitors (Scotland) (Continuing Professional Development) Regulations 1993 as well as their failure to respond to the Law Society. In one of these cases the respondent was Censured and fined and in the other case, the respondent was Censured, fined and had his practising certificate restricted for a period of three years.

PUBLICITY

In terms of paragraph 14 of and Schedule 4 to the Solicitors (Scotland) Act 1980 as amended, every decision of the Tribunal is published in full, subject to the terms of paragraph 14A. Once the written Tribunal findings are intimated to parties, three weeks are allowed for an appeal and at the end of this three-week period, if there is no appeal, publicity is given to the decision. Occasionally publicity is deferred, for example if a criminal prosecution is pending.

EXPENSES

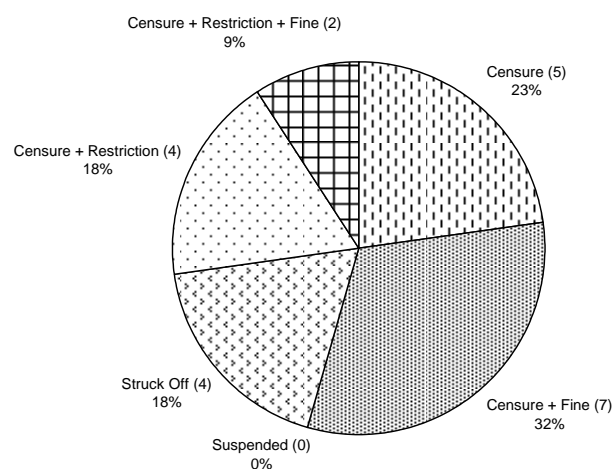
The Tribunal has the power to award expenses in terms of Schedule 4 to the Solicitors (Scotland) Act 1980. Expenses are usually awarded to the successful party and include the expenses of the Tribunal. Last-minute adjournments can result in an unnecessary increase in expense.

APPENDIX

STATISTICS FOR THE YEAR TO 31 OCTOBER 2007

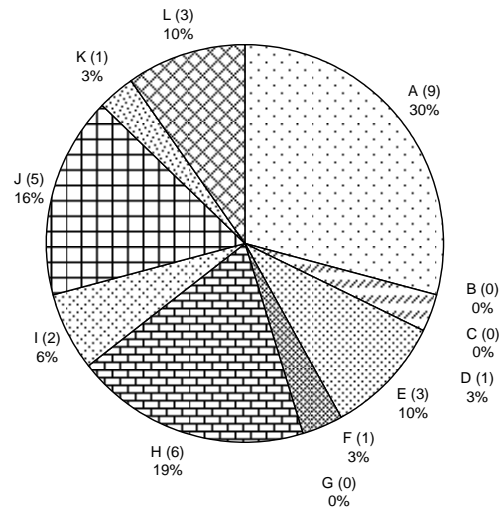
	Year to 31/10/07	(Year to 31/10/06)
Number of days on which the Tribunal met to hear Complaints	35	(31)
Number of Complaints received	57	(45)
Complaints containing a report under section 53(1)(b) of the Solicitors (Scotland) Act 1980	2	(1)
Business outstanding or partly heard at end of year	33	(23)
Appeals to Court of Session	1	(2)
Complaints received direct from members of public	0	(0)
Miscellaneous applications	1	(1)
Appeals under section 42A of the Solicitors (Scotland) Act 1980	8	(11)
Appeals to Court of Session concluded during the Year		
Appeals abandoned	0	(1)
Appeals heard	3	(1)
Successful appeals	1	(0)
Number of Cases heard and Decisions issued	50	(57)
Findings of professional misconduct – 21		
Findings under section 53(1)(b) – 1		
Section 42A appeals decisions – 3		
Section 53C findings made – 8		
Complaints withdrawn, dismissed or no finding made – 10		
Section 42A Appeals withdrawn or dismissed – 6		
Procedural decisions – 1		
Decisions on application for restoration to the Roll or re restriction on practising certificate – 0		

Sentences Imposed in Respect of Findings of Professional Misconduct and section 53(1)(b)



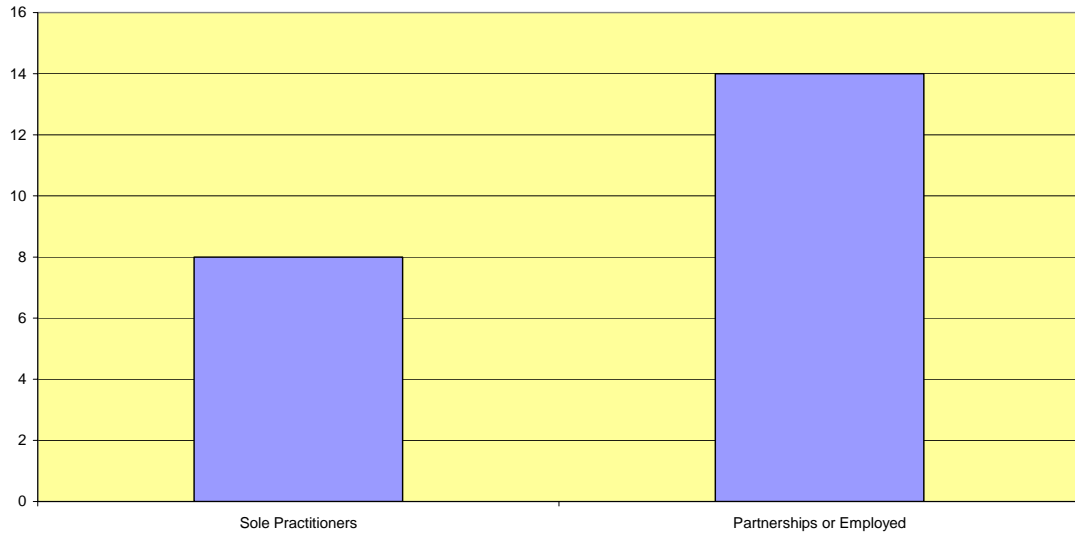
Principal Grounds on which Misconduct Established

Note: Some cases had misconduct established on more than one ground

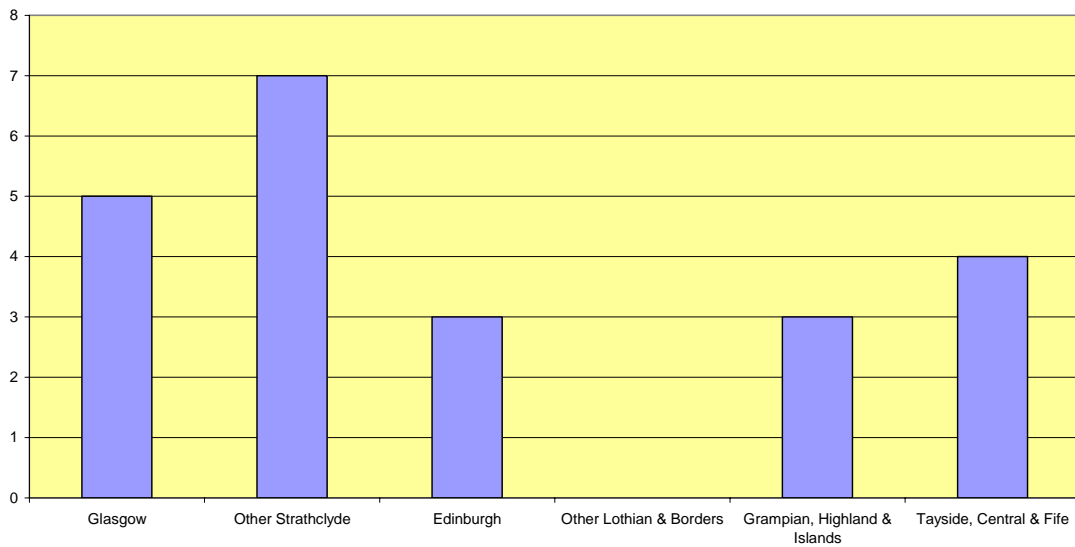


- A. Failure to reply to Law Society and/or clients.
- B. Conflict of Interest.
- C. Failure to deal with trust/executory in a proper manner.
- D. Failure to deal with court proceedings and prosecuting claims in a proper manner.
- E. Failure to complete conveyancing procedures in a proper manner.
- F. Excessive delay.
- G. Failure to implement mandates.
- H. Misleading the Law Society and/or other parties.
- I. Failure to comply with the Accounts Rules.
- J. Failure to comply with other professional obligations.
- K. Other conduct unbecoming a solicitor.
- L. Dishonesty.

Distribution of Solicitors Convicted or Found Guilty of Professional Misconduct and Section 53(1)(b)



Location of Solicitors Convicted or Found Guilty of Professional Misconduct and Section 53(1)(b)



BIOGRAPHICAL DETAILS

Solicitor Members

Alistair M Cockburn (*Chairman*)

Member of the Tribunal since 1998. Vice Chairman 2003-2005. Chairman from June 2005. Admitted in 1972. Partner in an eight-partner firm with offices in Glasgow and Edinburgh since 1974. His professional background is as a litigation solicitor; past convener of the Sheriff Court House Committee of the Royal Faculty of Procurators in Glasgow; accredited by the Law Society of Scotland as a specialist in employment law since 1993; past member of the Glasgow and North Argyll Legal Aid Committee. Acts as Clerk in various arbitration procedures.

Kenneth R Robb (*Vice Chairman*)

Member of the Tribunal since 1998. Admitted in 1978. In private practice principally in civil litigation and employment law until 2000. Part-time Sheriff, Immigration and Employment Judge. Member of the Disciplinary and Regulatory Committees of the Association of Chartered Certified Accountants. Previously part-time Appeals Service Chairman, member of Fitness to Practise Committees of the General Medical Council and Independent Assessor to the Food Standards Agency. Former member of the Council of the Law Society of Scotland, trustee of the Scottish Child Law Centre and trustee of Castlemilk Law Centre.

Malcolm McPherson (*Vice Chairman*)

Member of the Tribunal since 2001. Vice Chairman since June 2005. Admitted in 1977. Senior partner of a 73-partner firm specialising in company and commercial law. Holder of a number of non-executive directorships.

Colin Bell

Member of the Tribunal since 2006. Admitted 1994. Sole practitioner principally in the fields of property law, wills, trusts, executries and tax law. Member of the Institute of Chartered Accountants of Scotland. Treasurer of the Faculty of Procurators of Dumfriesshire.

Dorothy M Boyd

Member of the Tribunal since 1993. Partner in Shepherd & Wedderburn WS, specialising in commercial property and PPP.

Marie E Brown

Member of the Tribunal since 1993. Partner in Biggart Baillie since 1983. Main areas of work are commercial and residential property.

Dr David C Coull

Member of the Tribunal since October 2004. Admitted in 1973. Graduate of Aberdeen University (LLB 1971, PhD 1974). Author of a number of legal publications on insolvency, time computation and taxation. Consultant to Aberdeen firm, specialising in private client business. Chairman of Aberdeen Solicitors' Property Centre 1981-1999. A former tutor in Revenue Law at Aberdeen University, former Law Society Complaints Reporter, and a former member of a Law Society Client Relations Committee.

Gordon L Cunningham

Member of the Tribunal since 2000. Admitted in 1981. Partner in a three-partner firm with offices in Paisley and Glasgow. Member of sub-committee of the Paisley Faculty of Solicitors helping to adjust standard Schedule of Missive Conditions for use among the various firms within the Faculty to facilitate conclusion of missives in relation to domestic property.

Kirsteen Keyden

Member of the Tribunal since October 2004. Admitted 1979. Formerly an Associate with Paull & Williamsons based in their Edinburgh office and specialises in civil litigation, in particular defender-based reparation and insurance law. Accredited as a Specialist in Personal Injury Law in 2003. A Writer to the Signet and lectures and tutors in Civil Litigation and Time Management for the WS Society in the Law Society's Professional Competency Course. Awarded a Certificate in Forensic Medicine and Science from the University of Edinburgh in 2004. Member of the Criminal Injuries Compensation Appeal Panel.

Tom McCartney

Member of the Tribunal since October 2004. Admitted in 1981. Sole practitioner, principally in the field of family law and civil litigation. Accredited family law specialist. Accredited family law mediator. Extended rights of audience in civil cases. Part-time judicial appointment in the Appeals Service.

Alan McDonald

Member of the Tribunal since October 2004. Partner in South Forrest, Solicitors, Inverness, specialising in company and commercial law.

Douglas McKinnon

Member of the Tribunal since October 2004. Partner in Ayrshire firm specialising in court work comprising matrimonial, reparation and criminal law. Former member of the Council of the Law Society of Scotland and former Convener of the Client Relations Committee. Past Dean of the Faculty of Solicitors of Kilmarnock.

Kenneth Paterson

Member of the Tribunal since 2006. Admitted as a solicitor in 1973. Previously a Reporter to the Client Relations Committee of the Law Society for three years. Has been with Rankin & Aitken since 1977 being appointed a partner in 1979. Currently the senior partner of the firm dealing largely with private client work. Honorary Sheriff at Stranraer since 1998. Past Dean of Wigtown District Faculty of Solicitors.

Nicholas Whyte

Member of the Tribunal since September 2006. Partner in MacHardy Alexander & Whyte, Forfar, mainly dealing with conveyancing and executry work. Previously held a part-time appointment in the Appeals Service.

Lay Members

John Anderson, MBE

Member of the Tribunal since January 2002. Head of Professional Practice at the General Teaching Council for Scotland, former teacher and trade union official, graduated in law from Edinburgh University in 1991, Children's Panel member (1992-2006, Chairman 2000-2006), and also an Independent Assessor to the Office of the Commissioner for Public Appointments in Scotland, Member of the Education Honours Advisory Committee and member of the Faculty of Advocates Complaints Committee and Disciplinary Tribunal.

Sophia B Ayre

Member of the Tribunal since January 2004. Sophia Ayre is a lay member of the Employment Appeal Tribunal and a Consultant in Human Resources and was previously Human Resources Specialist with the Bank of Scotland and Polaroid UK Ltd.

Peter Burdon

Member of the Tribunal since 2000. Retired actuary. Currently a lay member of Financial Services and Markets Tribunal, the Pensions Regulator Tribunal, and the Claims Management Services Tribunal, and an Independent Assessor for the DCSF.

Elizabeth Cameron

Member of the Tribunal since 2001. Member of the Council on Tribunals and its Scottish Committee since 2002. Deputy Manager of Edinburgh Central Citizens Advice Bureau (1989-2002) and Mediation Co-ordinator and Manager of the In Court Advice Service in Edinburgh Sheriff Court (1997-2002) and Member of the Scottish Mediation Network.

Professor Monojit Chatterji

Member of the Tribunal since January 2002. BA (Bombay), MA, PhD (Cambridge). Bonar Professor of Applied Economics at the University of Dundee. Visiting Professor in USA, Australia, Mexico, India. Member of Advisory Board of BBC World Service since 1997. Vice Chairman of National Appeals Panel of Scotland (1996-1999). Member of School Teachers Review Body (England and Wales) since January 2004.

Michael Hastie

Member of the Tribunal since January 2002. Chartered Quantity Surveyor in own private practice. Served as JP in Aberdeen since 1976 and graduated to the Bench of District Court in 1984. Former Governor of Robert Gordon University (1986-1998). Member of Aberdeen City Council (1973-1999). Depute Lord Lieutenant of the City of Aberdeen. Various directorships in Property Companies.

Mark Irvine

Member of the Tribunal since January 2004. Mark Irvine is an independent consultant and works with a wide range of clients in the public, private and 'not for profit' sectors – both in the UK and in Europe. Mark was previously a senior official with the public services union UNISON (formerly NUPE), acting as its chief negotiator and Head of Local Government in Scotland during the 1990s. Mark is also a member of the Scottish Local Authorities Remuneration Committee (SLARC), a body established by Scottish Ministers to review remuneration and pay arrangements for elected local councillors.

Jeremy Mitchell

Member of the Tribunal since January 2004. Jeremy Mitchell is a Member of the Office of Communications Consumer Panel, and was formerly Chairman of the Scottish Advisory Committee on Telecommunications, Member of the Scottish Consumer Council and Commissioner for Scotland at the Broadcasting Standards Commission. His full-time career has been mostly in the field of consumer protection and his appointments have included Research Director at Consumers' Association ('Which?'), Director of Consumer Affairs at the Office of Fair Trading and Director of the National Consumer Council. He lives in Edinburgh.