

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

ANNUAL REPORT 2003/2004
for the period 1st November 2003
to 31st October 2004

SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL
Constituted under the Solicitors (Scotland) Act 1980
for the year to 31st October 2004

TRIBUNAL

G.F. Ritchie (Chairman)

Solicitor Members

Mrs D.M. Boyd

Miss M.E. Brown

A.M. Cockburn (Vice Chairman)

G.L. Cunningham

M. McPherson

I.D.Morrison (until October 2004)

G.H. Pagan

K.R. Robb (Vice Chairman from June 2004)

P.W. Rockwell (Member & Vice Chairman till June 2004)

Lay Members

John Anderson

Peter Burdon

Mrs Elizabeth Cameron

Professor Monojit Chatterji

Dr Bronwen Cohen (until Dec 2003)

Michael Hastie

Mrs Gillian Pearey (until Dec 2003)

Professor Pauline Weetman CA
(until Dec 2003)

Ms Sophia Bain Ayre (from Jan 2004)

Mark Irvine (from Jan 2004)

Jeremy Mitchell (from Jan 2004)

CLERK

J.V. Lea

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CHAIRMAN'S INTRODUCTION

Details of the Tribunal's workload over the past 12 months are set out in this report. It has been another busy year, particularly during the last few months of the year.

The Tribunal website was launched on 9th August 2004. The website has information regarding the Tribunal and contains Tribunal Findings since 1995. The website is fully searchable and can be accessed at www.ssdt.org.uk

The Tribunal is committed to moving towards holding its hearings in public and has completed a consultation exercise. Suitable premises are being investigated at present and new Rules will come into force in early 2005.

This report highlights some of the main points from the decisions during the last year.

It is hoped that solicitors will take time to read this report and be reminded of their duty to maintain the highest standards of this profession.

I wish to thank all members of the Tribunal, the Tribunal Clerk, Depute Clerk and Tribunal secretaries for their help and support during the year. My special thanks also to my Vice Chairman Peter Rockwell, who retired from the Tribunal in June. His contribution to the work of the Tribunal was invaluable.

G.F. Ritchie
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 2002.

General

On 9th August 2004 the Tribunal launched its website at www.ssd.org.uk. The website includes details of all Tribunal members, the Tribunal Rules, the Tribunal Annual Reports and general information on the workings of the Tribunal. The main part of the site is made up of all the Tribunal Findings issued since 1995 where publicity has been given. The names of the clients have been taken out of the Findings to avoid any embarrassment to the parties concerned. The Findings are fully searchable and it is hoped that members of the profession find the website a useful tool.

The Tribunal is still committed to holding its hearings in public to make the proceedings more open and transparent and the Rules are being amended to allow this. The venues so far identified have difficulty in terms of compliance with the Disability Discrimination Act and more suitable premises are being investigated at present.

Three new lay members were appointed in January 2004 and undertook induction training and observation of Tribunal hearings prior to sitting. Six new solicitor members have just been appointed and will commence sitting early in 2005. During the year the Vice Chairman, Peter Rockwell, retired from the Tribunal. Ian Morrison, solicitor member, retired on 31st October 2004. Their contributions to the Tribunal over a number of years are greatly appreciated. Three long-standing lay members, Dr Bronwyn Cohen, Professor Pauline Weetman and Mrs Gillian Pearey also retired during the year and their contributions to the deliberations of the Tribunal were also greatly appreciated.

The Tribunal presently has one chairman and two vice chairmen. The Tribunal has completed the process of amending its Rules and these will shortly be submitted to the Lord President to come into force early in 2005.

TRIBUNAL BUSINESS

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.
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 two applications for the removal of restrictions on practising certificates. One was premature and in the other case the Tribunal was not satisfied that the restriction should be removed.

PROCEDURAL

Unfortunately there were a large number of cases where Respondents failed to lodge answers or deal with the Complaint until the last possible moment. The Tribunal has also had difficulty in tracing some Respondents and serving Complaints and Notices of Hearing. In terms of the Rules it is possible for the Tribunal to proceed on the basis of service at the address in the Complaint. However, the Tribunal takes all possible steps to ensure that the Respondent is aware of the Complaint and the date of the hearing.

Again, in a great number of cases Respondents entered into Joint Minutes admitting the facts and averments in the Complaint. The Tribunal always takes this into account in deciding the appropriate sentence.

It should be remembered that the Tribunal must be satisfied that the facts and averments amount to professional misconduct before such a Finding can be made. In an unusual case the Respondent admitted professional misconduct but the Tribunal found on the facts as accepted, that the Respondent's conduct did not amount to professional misconduct in terms of the Sharp test (Sharp-v-The Council of the Law Society of Scotland 1984 SC129). In this particular case although the Respondent accepted that she had misled the Law Society, the Tribunal was not satisfied beyond reasonable doubt that the Respondent had intended to mislead the Law Society. However, as the Respondent had no-one but herself to blame for having been charged with professional misconduct the Tribunal did not award expenses against the Law Society but resolved that there should be no liability for expenses due to or by either party.

HUMAN RIGHTS

The Court of Session issued a decision in respect of human rights issues concerning the Tribunal shortly after the end of the year to which this annual report relates. The Court of Session considered that the solicitor members of the Tribunal could not be said to lack the required degree of security of tenure and the Court was not satisfied having regard to the fact that solicitor members of a Tribunal must be knowledgeable and experienced that the appointment procedure for solicitor members to the Discipline Tribunal could properly be regarded as detracting from the independence and impartiality of the Tribunal. The Court was also satisfied that there was no merit in the criticism directed to the fact that two of the solicitor members of the Tribunal had also been members of the Tribunal at a previous hearing against the same Respondent. The Court further decided that the Tribunal's refusal to grant the Respondent's application for a discharge of the hearing was justified in circumstances where he had been given adequate notice of the hearing and no answers had been lodged and where the application for adjournment was received only the day before the hearing and that the other commitments of the Respondent solicitor did not justify the request for adjournment at such a late stage.

APPEALS UNDER SECTION 42A

There were again a number of Appeals under Section 42A which were lodged and thereafter withdrawn by Appellants. Solicitors are reminded that in terms of Rule 26 of the Tribunal Rules no appeal shall be withdrawn after it has been received by the Clerk of the Tribunal except with the special leave of the Tribunal and in granting leave the Tribunal may award expenses. In terms of Schedule 4 to the Solicitors (Scotland) Act 1980 the Tribunal is also obliged to give publicity to any decision in connection with a Section 42A appeal. Solicitors may wish to consider both these matters prior to lodging an appeal.

One appeal under Section 42A proceeded to a substantive hearing. The Tribunal found that the determination made and the reasons put forward by the Law Society to support a Finding of inadequate professional preparation service were not sustainable on the facts. The Tribunal felt that although it was competent to vary the determination of the Law Society any variation would have been so extensive that it would have meant the decision being completely rewritten and the Tribunal had insufficient information available to it to do this. The determination made in this case was that the Appellants had provided an inadequate professional service in that they had failed to prepare adequately and ensure that their clients would be able to park on common property. The Tribunal considered in this case that the Appellants may well have provided an inadequate professional service to their client but the Tribunal was not in possession of sufficient papers or facts to make any Finding consistent with that of the Law Society Committee.

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

The Tribunal had to consider one case under this section where the Respondent had been convicted after trial of embezzling money and fraudulently claiming expenses. In terms of the legislation if a Respondent is found guilty of an act involving dishonesty there is no need for the Tribunal to make a Finding of professional misconduct for the sanctions available to it to be imposed. The Tribunal considered that a conviction of embezzlement represents a serious departure from the high standards expected of a solicitor but the Tribunal took into account the small sums involved and the fact that the Respondent was not sentenced to imprisonment. The Tribunal also noted that the Respondent had been working for an employer since 2000 in a trustworthy and professional manner and there had been no further problems in the five years since the incident. The Tribunal imposed a Censure and Restriction on the Respondent's Practising Certificate for a period of three years.

OVERCHARGING OF FEES

There were two cases before the Tribunal involving the overcharging of fees. In one case the Respondent was found guilty of professional misconduct in respect of his overcharging fees in the winding up of an executry estate, his failure to render a fee note to a client and failure to gain written authority from a client to debit the ledger of the executry estate. The Respondent did not provide the Tribunal with any explanation as to why or how the overcharging had occurred. The Tribunal considered the overcharging was excessive and irresponsible and in the whole circumstances of the case considered

that there was no option other than to strike the Respondent's name from the Roll of Solicitors in Scotland.

In the other case the Tribunal found the Respondent guilty of professional misconduct in respect of his charging grossly excessive fees in respect of a number of executry estates, his producing inaccurate and misleading information with regard to the financial position of a number of executry estates and his breach of Rules 6 and 12 of the Solicitors (Scotland) Accounts Rules 1997. In this case the Tribunal did not consider that the Respondent had acted with dishonest intent but viewed the case very seriously given the number of instances of grossly excessive fees taken together with the inaccurate and misleading information with regard to the financial position in a number of estates. The Tribunal noted that the Respondent had sorted matters out quickly and repaid all the overcharged fees and the Tribunal noted there had been no further inspections by the Law Society since 2002 and no further problems had been identified. In the circumstances the Tribunal considered that a Censure, a fine of £10,000 and a Restriction on the Respondent's practising certificate for a period of four years would be sufficient.

FAILURE TO COMPLY WITH THE ACCOUNTS RULES

There were a number of cases before the Tribunal during the year where Respondents had failed to comply with the Accounts Rules. Some of these were ancillary to other matters but in four cases breach of the Accounts Rules was the main aspect of the professional misconduct. In one case the Respondent was found guilty in respect of a breach of Rules 11(3), 12, 13 and 15 of the Solicitors (Scotland) Accounts Rules 1997 and Rules 4, 8 and 11 of the Solicitors (Scotland) Accounts Etc Fund Rules 2001. The Respondent was also found guilty of a delay in recording standard securities, discharges of standard securities and delay in presenting deeds for stamping. The Tribunal was concerned by the frequency and regularity of the breaches of the Accounts Rules and the fact that these continued despite inspections by the Law Society when the difficulties were drawn to the Respondent's attention. The Tribunal, however, took account of the fact that the Respondent had taken steps to try and sort things out and had entered into a Joint Minute and co-operated with the Law Society. The Tribunal Censured the Respondent and imposed a Restriction on the practising certificate for a period of six years.

In another case the Respondent was found guilty of professional misconduct in respect of breaches of Rules 4, 6, 12, 13 and 15 of the Solicitors (Scotland) Accounts Rules 1997 and breach of Rules 4, 6, 8, 9, 14 and 21 of the Solicitors (Scotland) Accounts Etc Fund Rules 2001. In this case the Respondent committed numerous and major abuses of the Accounts Rules over a number of years in apparent disregard of all warnings given at sundry Law Society inspections of his books. The Respondent had a substantial deficit on his client account in October 2002 which was only rectified with the help of client loans obtained in breach of Rule 21. The Respondent had also overcharged fees in an executry. The Tribunal felt that there was no alternative but to strike the Respondent's name from the Roll of Solicitors in Scotland.

In another case the Respondent was found guilty in respect of his breach of Rule 3(1) of the Solicitors (Scotland) Accounts Certificate Rules 1997 and Rules 4, 6, 7, 8, 9, 10, 11, 14, 19 and 24 of the Solicitors (Scotland) Accounts Etc Fund Rules 2001. He had also carried on in practice without having in force professional indemnity insurance and a practising certificate and had appropriated fees, paid in cash, without making any record

thereof. The Tribunal found that the Respondent's way of working as a sole practitioner was totally unacceptable. The Tribunal noted, however, that there were no outstanding matters against the Respondent. The Tribunal was of the view that the Respondent had been naïve and foolish in his actions but the Tribunal was satisfied that his basic integrity was not in question. The Tribunal considered that a Censure and a Restriction on the Respondent's practising certificate for a period of five years would be sufficient.

In yet another case the Tribunal found the Respondent guilty of professional misconduct in respect of his breaches of Rules 4, 6, 12 and 15 of the Solicitors (Scotland) Accounts Rules 1997 and breach of Rules 6, 8 and 11 of the Solicitors (Scotland) Accounts Etc Rules 2001. The Respondent had also failed to put in place office systems, which he assured the Law Society were in place, to ensure that deeds were sent for stamping and were timeously recorded and failed in his capacity as Designated Cashroom Partner, to take all reasonable steps to ensure supervision of staff and systems so as to secure the accurate recording of transactions in client ledgers, to ensure that loan funds received by the firm for a client were credited to the ledger of the client to whom those funds have been advanced and to ensure that intrusions in and out of the firm's bank account were exclusively related to clients of the firm and not to the partners thereof. In this case the Tribunal took account of the fact that the Respondent was to some extent a victim of circumstances and in particular the actions of another party. The Tribunal noted the losses already incurred by the Respondent. The Tribunal also took account of the references lodged. The Tribunal, however, considered that the matters in the complaint were serious. If a Designated Cashroom Partner does not comply with the duty to ensure supervision of staff and systems in order to secure compliance with the Accounts Rules, the profession will be brought into disrepute. In this case the Tribunal ordered a Censure and a Restriction of the Respondent's practising certificate for a period of two years. (This case is presently under appeal by the Law Society.)

DISHONESTY

The Tribunal unfortunately had to deal with three cases of dishonesty during the year. In one case the Respondent was found guilty of misleading his clients, acting in a conflict of interest situation, misappropriating client funds to make payments on behalf of or to other clients in order to mislead them and using his own funds to make payments for these purposes. The Respondent also failed to comply with the Accounts Rules, notarised documents without the presence of the deposing witness and signed documents which he knew to be false and tendered these documents to the court. The Tribunal was very concerned that the Respondent's actions had continued over a period of at least eight years and although there was no evidence that the Respondent had misappropriated clients' money for his own personal gain, he had repeatedly misappropriated money from his clients' accounts which enabled him to continue with his deception. The Tribunal considered this conduct regrettably disgraceful and dishonourable. In the circumstances the Tribunal had no alternative but to strike the Respondent's name from the Roll.

In another case the Respondent was found guilty of a breach of the Accounts Rules, his failure to stamp and record dispositions and standard securities within a reasonable time, his failure to be honest with the Law Society, his falsification of title deeds and reports on title to lenders, falsification of the purchase price in dispositions, failure to disclose certain information, failure to act honestly in his dealings with fellow agents and failure to ensure the accuracy and integrity of his firm's accounting system. The Tribunal was

gravely concerned by the Respondent's conduct in this case. He had failed to run a professional practice and his actions had persisted over a period of time. The Respondent had deceived clients, fellow agents and lenders in an organised way. The Respondent had not given any explanation for his actions which amounted to a systematic scheme of falsification and non-recording of deeds together with inaccurate accounting which concealed the true nature of transactions. The Tribunal also took account of a previous finding of professional misconduct against the Respondent and considered that there was no option but to strike the Respondent's name from the Roll.

In the other case of dishonesty the Respondent was found guilty of professional misconduct in respect of misappropriation of client funds for personal gain and breach of Rules 6 and 12 of the Accounts Rules. The Respondent misappropriated a large sum from clients. The Tribunal considered there was no place in the profession for a solicitor who acts in this way. The Tribunal had no hesitation in striking the Respondent's name from the Roll of Solicitors in Scotland.

FAILURE TO RESPOND TO THE LAW SOCIETY

There were again unfortunately a very large number of Complaints, which came to the Tribunal in respect of the Respondents' failures to reply to the Law Society. The Tribunal has made it clear on numerous occasions that failure to respond to the Law Society amounts to professional misconduct. In five of these cases the Respondents were before the Tribunal wholly in connection with their failure to respond to the reasonable enquiries made by the Law Society. Failure to respond hampers the Law Society in the performance of its statutory duty and brings the profession into disrepute. In two of these cases the Tribunal considered that a Censure was a sufficient penalty. In another two cases a Censure and a fine of £1,000 were imposed. In the other case, given that there had been two previous findings of professional misconduct arising from analogous matters where the Respondent had previously been fined £2,000 and £5,000 respectively, the Tribunal considered that this was a continuing course of conduct and therefore regarded the case as very serious. The Tribunal accordingly imposed a Censure and a substantial fine of £10,000. (This matter is presently under appeal by the Respondent.)

In another case the Respondent failed to respond to the Law Society and Faculty Services Ltd and breached Rule 6(1) of the Solicitors (Scotland) Accounts Rules 1997. The Respondent was Censured and fined £1,000. In another case the Respondent failed to respond to the Law Society and also failed to render a fee note to his client which clearly and definitively advised the client of the fee that she was being charged. It is the duty of a solicitor to render to the client a fee note which leaves the client in no doubt as to the amount of fee which the client is being charged and to send to the client at the appropriate time an accounting in a conveyancing transaction which fully and accurately discloses the same. In this case the Tribunal Censured the Respondent and ordered a Restriction on his practising certificate for an aggregate period of at least five years. In another case the Respondent failed to respond to the Law Society and failed to fully implement a mandate, failed to reply to correspondence from a fellow agent, delayed in recording a standard security, failed to pay additional fees incurred by other solicitors and misled a client. The Tribunal took account of a previous finding of misconduct against the Respondent but noted that the Respondent had complied with the undertaking, which he gave to the Tribunal at that time. The Tribunal considered that a further Restriction on the

Respondent's practising certificate would be the best way of ensuring protection of the public and a Censure and a Restriction for a period of five years was ordered. In another case the Respondent failed to respond to the Law Society and also failed to complete the required number of continuing professional development hours in a number of practice years. The Tribunal was gravely concerned by his failure to complete his continuing professional development hours for four years in a row. It is imperative, if the public is to have confidence in the profession, that solicitors undertake the necessary continuing professional development and keep a record thereof. The Tribunal Censured the Respondent, fined him £3,000 and imposed a Restriction on his practising certificate for a period of three years. In yet another case the Respondent was found guilty of failing to respond to the Law Society and also failure to act in accordance with Article 7 of the Code of Conduct for Solicitors Holding Practising Certificates by causing or permitting to be published an advert in the Yellow Pages which was deliberately inaccurate or misleading. The Tribunal found that the placing of an advert indicating that the Respondent was competent to provide professional advice on matters of English law, was deliberately inaccurate and misleading. The Tribunal noted a previous finding against the Respondent where he had been fined £3,000 and had his practising certificate restricted for a period of ten years. The Tribunal was of the view that the public would be protected by the restriction already imposed, but given the serious view the Tribunal took of the Respondent's misleading advert, a further fine of £3,000 was imposed. The Tribunal also made Orders under Section 53C(2) of the Solicitors (Scotland) Act 1980 in connection with the Respondent's failure to comply with the Determinations and Directions of the Law Society in respect of inadequate professional services.

FAILURE TO COMPLY WITH OTHER PROFESSIONAL OBLIGATIONS AND CONDUCT UNBECOMING A SOLICITOR

The Tribunal had to deal with an unusual case where the Respondent was found guilty of misleading his client with regard to the raising and pursuing of a court action and making payments to his client purportedly in satisfaction of a court decree for payment when in actual fact these payments were made from the Respondent personally. The Tribunal considered this to be an exceptional case given the length of time it had taken for the client to take a complaint to the Law Society and given the fact that the client was not willing to appear at the Tribunal. The Tribunal also noted that the Respondent still had a Restriction on his practising certificate which would provide adequate protection for the public. In the particular circumstances of this case the Tribunal considered a Censure would be a sufficient penalty. In another case a Respondent was found guilty of professional misconduct in respect of his unreasonable delay in recording a disposition and a security and discharge and his seeking to obtain the replacement costs of title deeds from his client by indicating that it was for the purpose of recording her title to the property. The Tribunal was concerned by this as a solicitor has a professional duty not to misstate the factual position to his client. The Tribunal Censured the Respondent and ordered a Restriction on his practising certificate for a period of three years. In another case the Respondent was found guilty of professional misconduct in respect of failure to fully protect the interests of his clients and his acting with a reckless disregard to those interests in settling conveyancing transactions, his failure to timeously report to his purchasing and lending clients about his failure to obtain executed dispositions after settlement, resulting in delay in registering dispositions and standard securities. In the circumstances of this case the Tribunal took account of references lodged and considered that a Censure and a small fine of £600 was merited. (This case is presently under appeal

by the Law Society.) In a further case the Tribunal found a Respondent guilty of professional misconduct in respect of his failure to look after the interests of a number of clients and lenders by failing to record deeds relative to the transactions in which he acted on behalf of clients and lenders. The Respondent was also found guilty of breach of rules 8, 9, 11, 19 and 24 of the Solicitors (Scotland) Accounts etc Rules 2001 and his breach of regulation 16(2) of the Solicitors (Scotland) (Incidental Investment Business) Practice Rules 2001. In this case the Respondent was Censured, Fined £3,000 and the Tribunal Directed that his practising certificate be subject to a condition that the books and records of his practice be inspected by the Council of the Law Society at six-monthly intervals on six occasions at the expense of the Respondent.

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 publicity is given to the decision. Occasionally publicity is deferred, for example if a criminal prosecution is pending.

EXPENSES

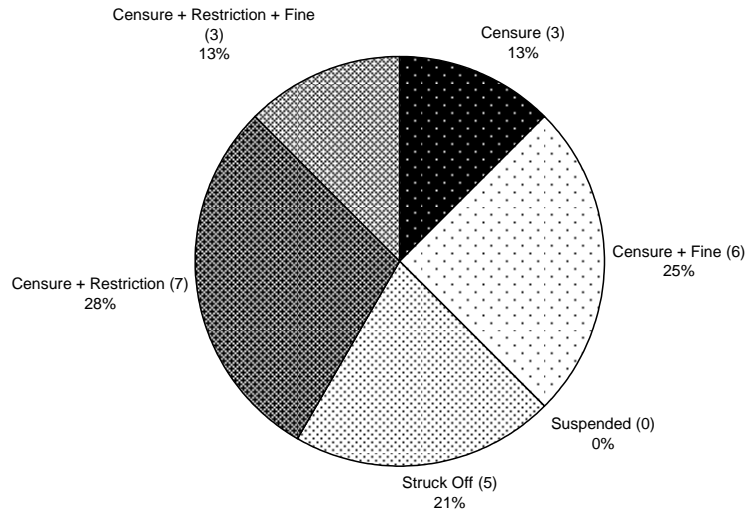
The Tribunal has the power to award expenses in terms of Schedule 4 to the Solicitors (Scotland) Act 1980. Expenses are usually awarded to the successful party and include the expenses of the Tribunal. Last-minute adjournments can result in an unnecessary increase in expense.

APPENDIX

STATISTICS FOR THE YEAR TO 31st OCTOBER 2004

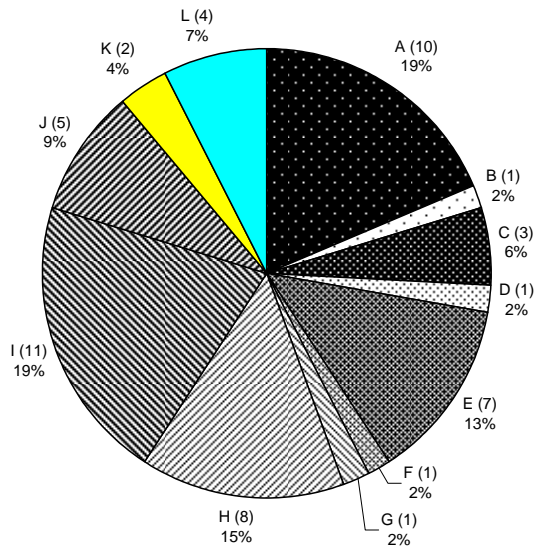
	Year to 31/10/04	(Year to 31/10/03)
Number of days on which the Tribunal met to hear complaints	22	(23)
Number of Complaints received	44	(26)
Complaints containing a Report under Section 53(1)(b) of the Solicitors (Scotland) Act 1980	1	(-)
Business outstanding or partly heard at end of year	23	(10)
Appeals to Court of Session	0	(3)
Complaints received direct from members of public	2	(1)
Miscellaneous Applications	2	(3)
Appeals under Section 42A of the Solicitors (Scotland) Act 1980	10	(5)
Appeals to Court of Session concluded during the year		
Appeals abandoned	1	(-)
Appeals heard	1	(1)
Successful appeals	1	(-)
Number of Cases heard and Decisions issued	33	(33)
Findings of Professional Misconduct – 23		
Findings under Section 53(1)(b) – 1		
S42A Appeals Decisions – 1		
S53C Findings Made – 2		
Cases withdrawn or no Finding made – 5		
Procedural Decisions – 0		
Decisions on application for restoration to the Roll or re restriction on practising certificate – 1		

Sentences Imposed in Respect of Findings of Professional Misconduct & Section 53(1)(b)



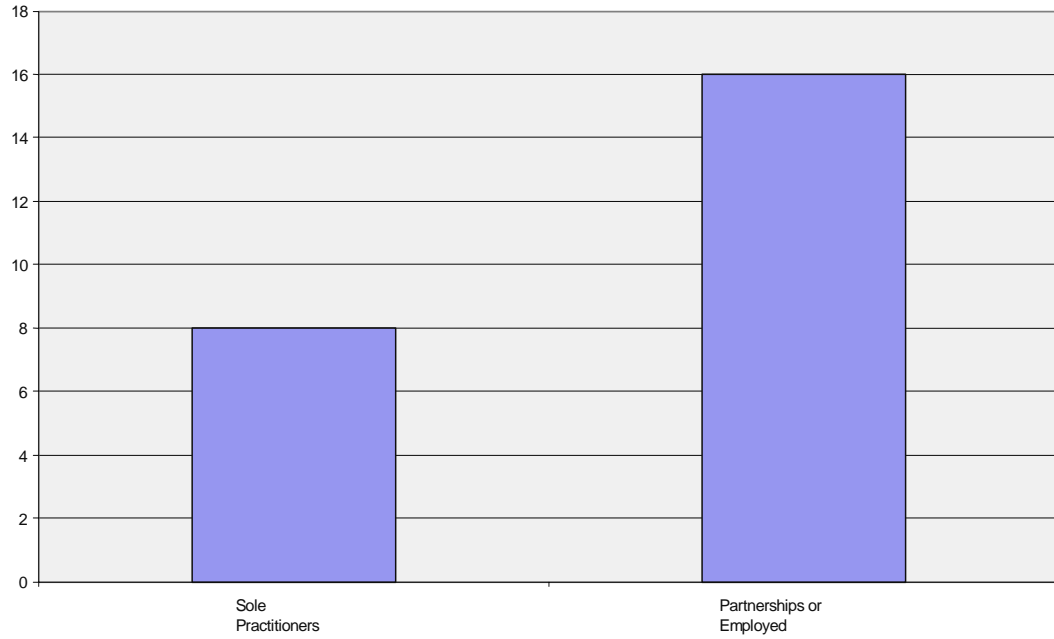
Principal Grounds on which Misconduct Established

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

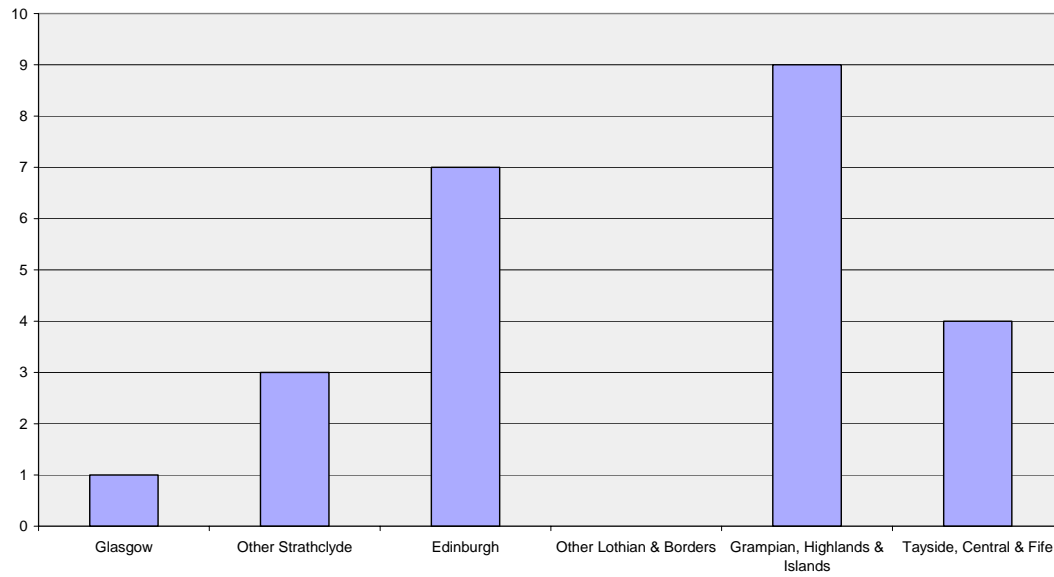


- A. Failure to reply to Law Society and/or clients.
- B. Conflict of Interest.
- C. Failure to deal with Trust/Executry in a proper manner.
- D. Failure to deal with Court Proceedings and prosecuting claims in a proper manner.
- E. Failure to complete conveyancing procedures in a proper manner.
- F. 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



Location of Solicitors Convicted or Found Guilty of Professional Misconduct



BIOGRAPHICAL DETAILS

Solicitor Members

G.F. Ritchie (Chairman)

Member of the Tribunal since 1988. Chairman since 2001. Admitted in 1968. Prior to 30 June 2004 a partner in 18-partner Tayside firm and head of the Commercial Department there and now a consultant with said firm. Main area of practice was in commercial property. Member of Council of Law Society (1979-1988). Dean of Faculty of Procurators and Solicitors in Dundee (1989-1991).

Mrs D.M. Boyd

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

Miss M.E. Brown

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

A.M. Cockburn(Vice Chairman)

Member of the Tribunal since 1998. Vice Chairman since 2003. Admitted in 1972. Partner in a six-partner firm with offices in Glasgow and Edinburgh since 1974. 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.

G.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.

M. McPherson

Member of the Tribunal since 2001. Admitted in 1977. Chairman of a 26-partner firm specialising in company and commercial law. Holder of a number of non-executive directorships and lay member of the Institute of Chartered Accountants of Scotland.

I.D. Morrison

Member of the Tribunal since 1999. Admitted in 1968. Former consultant to Macleod & MacCallum, Inverness. Past President of Scottish Law Agents Society. Past Dean of Faculty of Solicitors of the Highlands. Convener of Scottish Solicitors' Benevolent Fund. Governor of Eden Court Theatre, Inverness. Member Inverness Harbour Trust. Practice mainly commercial. Retired from Tribunal October 2004.

G.H. Pagan

Member of the Tribunal since 1995. Graduated BL, Edinburgh University 1957. Joined Hosack & Sutherland, Oban 1960. Senior partner until April 2005. Is now a consultant with Hosack & Sutherland. Founder member of Scottish Law Society's Trouble Shooters Scheme helping aggrieved clients to find other solicitors to take over. Part-time Procurator Fiscal at Oban (1970-1979). Appointed Honorary Sheriff at Oban in 1988. Founder of Will Aid, the solicitors' charitable scheme to raise money for famine relief and overseas development and to encourage members of the public to make wills.

K.R. Robb

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

P.W. Rockwell (Vice Chairman)

Member of the Tribunal since 1995. Vice Chairman since 2001. Senior partner in an Aberdeen firm; main areas of practice are agricultural and housing association law. Served on Law Society Legal Aid Central Committee and former local legal aid secretary. Chairman of Albyn House Association Ltd. Retired from Tribunal June 2004.

Lay Members

J. Anderson

Member of the Tribunal since January 2002. Professional Officer (Conduct and Competence) for General Teaching Council for Scotland, former teacher and trade union official, graduated in law from Edinburgh University in 1991, Children's Panel member since 1992, Chairman of City of Edinburgh Panel since 2000 and also an Independent Assessor in the public appointments process in Scotland.

P. Burdon

Member of the Tribunal since 2000. Retired actuary. Formerly managing director of Britannia Life, Chief Executive of Glasgow Chamber of Commerce, Vice Chairman of Court of Glasgow Caledonian University and non-executive Director of Scottish University for Industry. Currently lay member of Financial Services and Markets Tribunal and Independent Assessor for Scottish Executive and DFES.

Elizabeth Cameron

Member of the Tribunal since 2001. Member of 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). Current member of the Scottish Mediation Network.

Professor M. Chatterji

Member of the Tribunal since January 2002. BA (Bombay), MA, PhD (Cambridge). Bonar Professor of Applied Economics at 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.

Dr B. Cohen

Member of the Tribunal since 1993. Chief Executive of Children in Scotland, the national agency representing statutory and voluntary organisations and professionals working with children and their families across Scotland. Visiting Professor at the University of London. Retired from Tribunal December 2003.

M. 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). Various directorships in Property Companies.

Mrs G. Pearey

Member of the Tribunal since 1993. Admitted as English solicitor in 1971. Moved to Scotland in 1978. Former member of the Children's Panel. Part-time Chairman of Medical, Disability and Social Security Tribunals since 1986. Retired from Tribunal December 2003.

Professor P. Weetman, CA

Member of the Tribunal since 1996. Professor of Accounting at the University of Strathclyde. Member of the Pay Review Body for Nurses, Midwives and Professions Allied to Medicine. Non-executive member of the management board of the Students Awards Agency for Scotland. Member of the Advisory Council to the Scottish Qualifications Authority. Fellow of the Royal Society of Edinburgh. Member of Council of the Institute of Chartered Accountants of Scotland (1990-1993). Retired from Tribunal December 2003.

Jeremy Mitchell

Member of the Tribunal since January 2004. Jeremy Mitchell is a Council Member of the Telecommunications Ombudsman Service, 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.

Sophia Bain 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.

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 General Teaching Council for Scotland and serves on the Council's Professional Conduct Committee.