



Scottish Solicitors'
Discipline Tribunal

2024 Annual Report

Introduction

The **Scottish Solicitors' Discipline Tribunal** deals with serious disciplinary issues in the solicitors' profession in Scotland.

The Tribunal is an important part of solicitors' regulation. It helps protect the public and maintain the reputation of the profession by upholding its standards. It is independent of the Law Society of Scotland.

SSDT Administration Limited

The Tribunal is assisted in its administration by a private company limited by guarantee, SSDT Administration Limited. The company employs the Clerk and administrative staff.



Values and Objectives

The Tribunal strives to ensure so far as possible that all cases brought before it are dealt with in accordance with the legislative framework and the principles of natural justice, bearing in mind the importance of protecting the public from harm and maintaining public confidence in the legal profession. The Tribunal endeavours to deal with cases efficiently and expeditiously. The Tribunal has a duty to be independent, impartial and transparent.

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Chair's Introduction



It has been another busy year for the Scottish Solicitors' Discipline Tribunal. I am delighted to present the Annual Report for the period from 1 November 2023 to 31 October 2024. Although the overall number of new Complaints coming before the Tribunal this year has reduced, the complexity of them remains. Alongside casework, the Tribunal has been working hard to manage significant change in personnel and practice.

Importantly, the new Procedural Rules for the Tribunal came into force for all new cases from 1 September 2024. This means that both the new rules and the former 2008 rules are running in tandem for cases before the Tribunal at present; that will continue until cases governed by the 2008 rules are concluded.

Now that the new rules are being used in practice, we are reflecting on their application. For example, there are new provisions allowing the Tribunal to make Case Management Directions and there are new style forms of Complaint which are to be submitted when a case is referred to the Tribunal in the first instance. In addition, there are new rules and accompanying guidance on Health and Economic Crime legislation. We are closely monitoring their effect and hope that they will assist the effective and efficient progress of proceedings.

The Tribunal also implemented its Judgement Publication Policy on 1 September 2024. The policy clearly sets out the way in which the Tribunal deals with publication of decisions online, always having careful regard to the principles of proportionality, accountability, consistency and transparency. A copy of the policy is available on our website, along with both the 2008 and 2024 Procedure Rules.

Meanwhile, the Regulation of Legal Services (Scotland) Bill moves apace, having now reached Stage 3 of the Parliamentary process. We continue to engage with the Scottish Government and other stakeholders during this process and are pleased to note that many of our comments and observations have been taken account of in amendments to the original Bill. I wrote to the Convenor of the Committee dealing with the Bill and was pleased to note that my comments were helpful to MSPs in debate.

It will be interesting to see how the Bill is further amended. In its current format, we note that significant changes are proposed, and this may result in additional matters coming before the Tribunal. We will continue to contribute to the Parliamentary process and are actively engaging with other stakeholders in doing so.

Internally, there have been a number of changes to both staff and members. We were delighted to welcome new lay members Craig Cathcart, Patrick Wellington and Angela Brown in January 2024. Details of their diverse backgrounds are contained on our website.

In addition to this, Eric Baijal was appointed as a new Solicitor Member of the Tribunal in July 2024; he replaces Deborah Lovell. I would like to thank her for participation in the Tribunal and Review Group, and wish her well for the future.

All new members bring a wealth of knowledge and experience to the Tribunal and are performing well in their new roles. We are delighted to have them on board.

In September 2024 we said farewell to Nicola Ross, our Clerk since 2016. We thank Nicola for her loyal service to the Tribunal and wish her the very best for her future career.

Taking over as Clerk is Joyce Horsman and we welcome her warmly to the staff team. Joyce is an experienced solicitor, bringing enthusiasm and energy to her new role. Joyce joins us at a time of change and we look forward to working with her.

Finally, we held a consultation on the Standard of Proof which has now concluded. Responses have been collated and members are considering these in detail before making a decision on the way forward for Tribunal cases.

I take this opportunity to thank all Tribunal members for their dedication, support and hard work over the year. I am also grateful to staff in the Tribunal Office for all their invaluable assistance. I look forward to the challenges in the coming year with renewed vigour and confidence and am confident that the Tribunal will continue to fulfil its functions effectively and efficiently for the benefit of the profession and the public.

Lay Members' Representative's Statement



Paula Charlesworth

This year has been one of significant change for the Tribunal. Writing this summary from the perspective of the lay representative has given me the opportunity to reflect on the role I have stepped into and its importance in amplifying the lay voice within the Tribunal.

The Importance of the Lay Members

The presence of lay members ensures that the Tribunal's decisions reflect not only legal expertise but also the broader interests of those who rely on legal services. This balance is essential to safeguarding the Tribunal's integrity and credibility in the eyes of the public. Lay members play a vital role in strengthening transparency, fairness, and public confidence in the Tribunal's decisions and processes.

The Role of The Lay Representative

The lay representative serves as an individual voice within the Tribunal, ensuring the public interest is central to both decision-making and the running of the Tribunal. In this role, the lay representative brings together the perspectives of all lay members, synthesising their views into a unified voice that complements professional viewpoints. By representing the perspective of legal service consumers, the lay representative helps uphold the Tribunal's independence while promoting fairness and transparency.

It is an honour to have recently taken on this role, and I am deeply committed to its significance, both in shaping case outcomes and influencing how the Tribunal operates. I aim to bring a people-focused approach to coalescing the lay voice, ensuring the role continues to evolve to meet future challenges.

A Farewell

As I take up this position, I would like to extend heartfelt thanks to Ian Shearer, who has been a dedicated advocate for the Tribunal over the past five years, both as the lay representative and as a director. While Ian will continue in his role as a lay member, he has decided to step back from strategic oversight. Ian's contributions across various subgroups, most recently the rules group and legal reform group, have been invaluable. His steady judgement and meticulous eye for policy have left a lasting legacy.

We also bid farewell to Nicola Ross, who served as Clerk of the Tribunal for an impressive nine years. Nicola's expertise, particularly her deep knowledge of legislation, has been instrumental in ensuring the Tribunal operated efficiently. She will be missed.

A Warm Welcome

As one door closes another opens, and we warmly welcome Joyce Horsman to the team as the new Clerk of the Tribunal. Joyce brings valuable expertise and a fresh perspective, which will enable us to enhance our processes and capabilities to remain fit as we adapt to future challenges.

Looking Ahead

These transitions reflect the continuous evolution of our organisation, and our commitment to remaining fit for the future. To achieve this, we are focused on maintaining the right people, processes, and procedures to adapt to change and ensure we continue delivering on our mission to protect the public and enhance confidence in the legal profession. Collaborating with others, including through ongoing legal reform efforts in Scotland, we aim to improve how we work and ensure we are well-positioned to serve the public interest.

What We Do



Complaints

of professional misconduct

All complaints about legal practitioners are made in the first instance to the Scottish Legal Complaints Commission (SLCC).

It refers conduct matters to the Law Society.

After investigation, the Law Society prosecutes cases it considers might constitute professional misconduct before the Tribunal.

A Complaint of professional misconduct is then lodged with the Tribunal.



Section 42ZA Appeals

from the Law Society's determinations regarding unsatisfactory professional conduct

The vast majority of the Tribunal's work involves hearing complaints of professional misconduct. These are becoming more complicated and require more Tribunal time.



Section 53(1)(b) Complaints

that a solicitor has been convicted of an act involving dishonesty or any other criminal offence which resulted in a fine equivalent to level 4 on the standard scale or imprisonment of more than 12 months



Applications

for restoration to the Roll of Solicitors in Scotland or for removal of a restriction on a practising certificate.

Tribunal Members

The Tribunal is made up of twelve solicitor and twelve non-lawyer members (sometimes referred to as lay members).

Solicitor members are paid by SSDT Administration Limited which is in turn funded by the Law Society of Scotland. Lay members are paid by the Scottish Government.

Solicitor members are nominated by the Law Society and appointed by the Lord President. As well as nominating the solicitor members, the Law Society prosecutes practitioners before the Tribunal and also has an obligation to fund the Tribunal.

Vacancies are advertised on the Tribunal's website, the Law Society Journal and LawScot.

Non-lawyer members are nominated by the Scottish Ministers and appointed by the Lord President.

At each hearing, the Tribunal comprises two solicitor and two non-lawyer members.

Our Current Members

(as at 31 October 2024)

Beverley Atkinson
Dozie Azubike
Eric Baijal
Colin Bell
Angela Brown
Craig Cathcart
Paula Charlesworth
Douglas Cochrane

David Dickson
John Duffy
Kay Hampton
Catherine Hart
Mark Hastings
Thomas Hempleman
Paul Hindley
Ben Kemp

Chris Mackay
Vincent McGovern
Christine Pacitti
Kenneth Paterson
Martin Saville
Ian Shearer
Sally Swinney
Pat Wellington

How the Tribunal deals with a case

The Tribunal is governed by the Scottish Solicitors' Discipline Tribunal Procedure Rules 2024 ("SSDT Rules 2024") which came into force on 1 September 2024 replacing the 2008 Rules. Rules are approved by the Lord President.

In misconduct cases, Complainers (most frequently the Law Society), produce a Complaint which is lodged with the Tribunal and the Respondent practitioner is invited to submit Answers to that Complaint. Solicitors can be represented at a hearing and sometimes they represent themselves. Evidence can be led and submissions are made to the Tribunal on the question of misconduct.

Who are Respondents?

Solicitors, conveyancing and executry practitioners and registered European and foreign lawyers.

Expenses

The Tribunal has the power under the 1980 Act to award expenses. Expenses are usually awarded to the successful party and include the expenses of the Tribunal. The Tribunal has reconsidered the basis upon which it awards expenses for cases lodged after 1 September 2024. It intends to use the party and party scale as its starting point. Information is available to users on the Tribunal website - [Tribunal Expenses Guidance](#).

Publicity

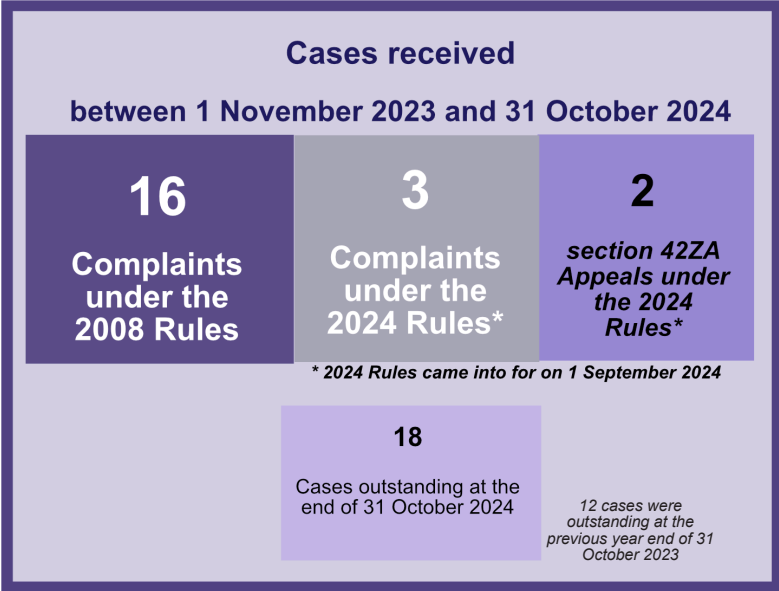
Every decision of the Tribunal is published in full subject to the terms of paragraph 14A of Schedule 4 to the Solicitors (Scotland) Act 1980. Occasionally publicity is deferred, for example, pending the conclusion of criminal proceedings.

Tribunal hearings

are generally held in public. The [website diary](#) details all Tribunal hearings, both substantive and procedural. Tribunal [decisions](#) generally appear on the website about three months after the date of the Tribunal hearing.

The Year in Review

1 November 2023 to 31 October 2024



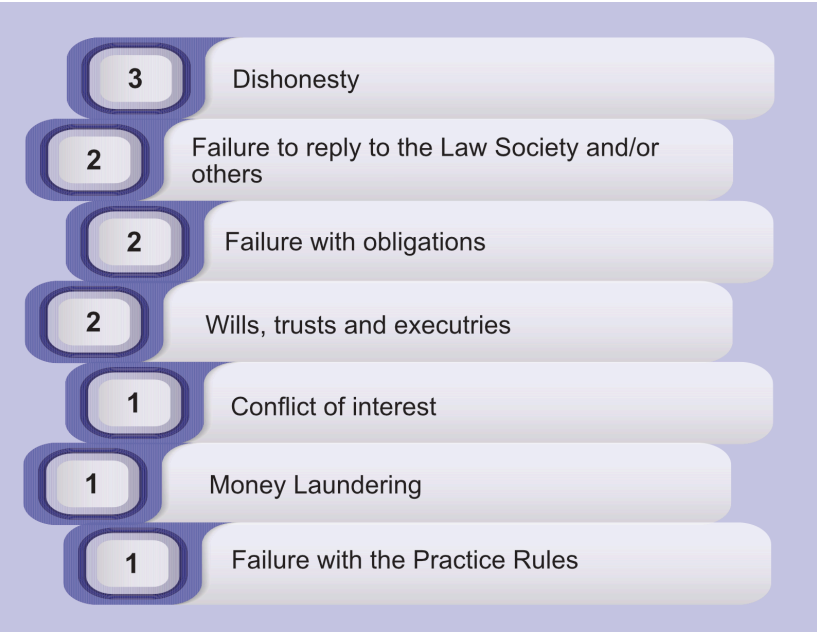
Tribunal Cases

The subject matter of the Tribunal’s cases can be researched using the Tribunal’s [searchable database of findings](#). As usual, the Tribunal dealt with a wide variety of cases this year.

In a case this year, the Respondent failed unconscionably over a period of four and a half years to complete the winding up of an executry and had repeatedly failed over that period to communicate with the Secondary Complainers and the solicitor acting for another party. The Respondent had not acted in the Secondary Complainers’ best interests. The executry should not have taken four and a half years to complete. The Tribunal was troubled that the matter was not yet completed. The Tribunal was satisfied that the Respondent’s conduct was in breach of Rules B1.4 and B1.9.1 of the Law Society of Scotland Practice Rules 2011 and that it constituted a serious and reprehensible departure from the standards of competent and reputable solicitors.

In another case, the Respondent failed to communicate with a complainer’s queries and complaint. They made a complaint to the Scottish Legal Complaints Commission (“SLCC”). The Respondent failed to communicate with the SLCC regarding the complaint for a very lengthy period and also failed to provide the file for over a year. The Respondent failed to communicate with the SLCC regarding another complainer’s complaint for a year and only delivered the file after there was a threat of litigation from the SLCC, seven months after it was requested. The Respondent failed to act in a third complainer’s best interests. He did not carry out the work adequately and completely within a reasonable time. He did not exercise the level of skill appropriate to the matter. The Tribunal was satisfied that the Respondent’s conduct was in breach of Rules B1.4, B1.9.1 and B1.10 of the Law Society of Scotland Practice Rules 2011 and that it constituted a serious and reprehensible departure from the standards of competent and reputable solicitors. It is not acceptable to delay taking appropriate action for so long. Solicitors must not ignore the SLCC. The public interest is affected because complainers cannot progress their complaints. It hampers the SLCC in performance of its statutory duties. It also brings the profession into disrepute.

The chart shows the grounds of professional misconduct established this year. A single case may have multiple grounds.

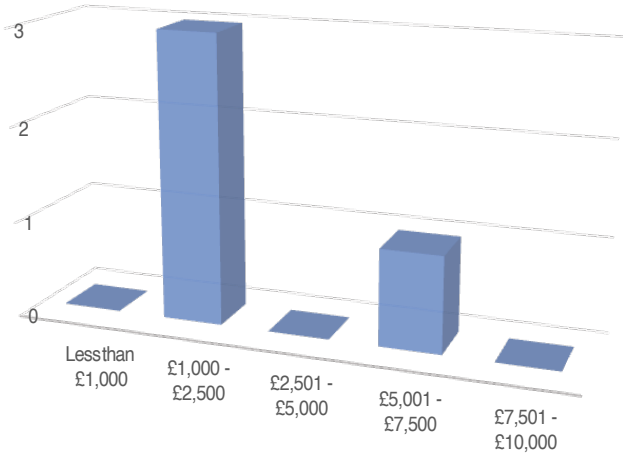


Sanctions

The Tribunal’s sanctions range from censure to strike off. The Tribunal publishes indicative sanctions guidance.

This year, 1 solicitor was censured. This sanction is used when the matter is at the less serious end of the scale, is an isolated incident and the solicitor demonstrates remorse and insight. It is used where there is no risk to the public and so no requirement for supervision.

LEVEL OF FINES



The Tribunal also imposed fines in 4 cases. These fines came to a total of £10,500. Fines are imposed when there is no risk to the public. Fines can be added to censures to show the seriousness of the solicitor’s conduct. The maximum fine the Tribunal can impose on a solicitor is currently £10,000 although the Economic Crime and Corporate Transparency Act 2023 introduces an unlimited fine for the Tribunal in cases involving economic crime.

1 solicitor had their practising certificates restricted so that they are only allowed to practise under the supervision of a solicitor approved by the Law Society of Scotland. In these cases, the Tribunal considered that the solicitor might put the public at risk if allowed to work unsupervised.

LEVEL OF RESTRICTIONS



The professional misconduct revealed areas of the solicitors’ practice which required review, retraining and supervision but the public would not be at risk if they were working under supervision.

No solicitors were suspended this year.

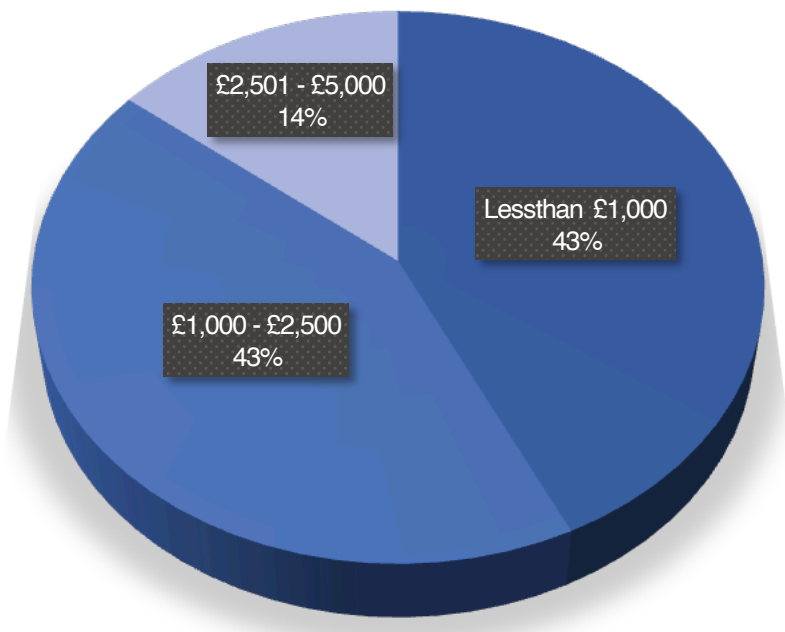
3 solicitors were Struck Off the Roll of Solicitors in Scotland.

In one of the dishonesty cases, the Respondent received cash payments from clients and did not bank them. He breached the accounts rules and failed to account for the money received. He was convicted of embezzlement in 2022. Competent and reputable solicitors are trustworthy and honest. They do not act in ways which are fraudulent and deceitful (Rule B1.2). They act in the best interests of their clients (Rule B1.4). They communicate effectively with clients and others (Rule B1.9). They ensure that clients' money is properly accounted for (Rule B6.3). The Respondent breached of all these rules. The principles of honesty and integrity are fundamental to the profession. Members of the profession are in a very privileged position and members of the public must be able to trust that a solicitor will carry out his duties and obligations in an honest and trustworthy manner.

Secondary Complainers & Compensation

Secondary Complainers become parties to the proceedings only after a finding of professional misconduct is made. Prior to this, they have no direct input into the Tribunal process. Once a finding of professional misconduct is made, Secondary Complainers are invited to make a claim for compensation and provide evidence of their loss, inconvenience or distress which must arise as a consequence of the misconduct. The Tribunal has provided [guidance notes](#) on its website for Secondary Complainers.

Level of Compensation Awarded



The Tribunal made decisions in **7** cases involving Secondary Complainers this year, compared to 20 last year. Of those decisions issued:-

- 4 Awards of compensation were made.
- 2 No awards of compensation.
- 1 compensation claim was dismissed.

It also issued **14** Compensation Interlocutors:-

- 11 were settled by the Respondent.
- 1 claim was dismissed as being lodged late.
- 2 claims were withdrawn by the Secondary Complainer.

1 Secondary Complainer was not seeking compensation and 4 Secondary Complainers did not lodge any claims for compensation.

1 case is outstanding and will be dealt with in the next reporting year.

In cases where the Tribunal remitted complaints to the Law Society under section 53ZA of the Solicitors (Scotland) Act 1980, compensation can be awarded by the Law Society if unsatisfactory professional conduct is established.

The maximum amount of compensation which the Tribunal can award for each individual claim is £5,000. This year, the Tribunal awarded a total of **£10,500** in compensation.

Appeals under Section 42ZA

Section 42ZA Appeals against unsatisfactory professional conduct decisions made by the Law Society are received from solicitors and lay appellants. This year, the Tribunal dealt with 7 appeals, 1 less than as last year. See page 11 for more detail on disposal of these appeals.

The appeal should identify any error of fact or law made by the Law Society when the Sub Committee reached its decision or describe the fundamental error in the Sub Committee's approach. There is [guidance for potential appellants](#) on the Tribunal's website.

In appeals cases the Tribunal can quash or confirm the determination of the Law Society. It can quash the censure accompanying the determination. It can quash, confirm or vary the direction being appealed against. It can order retraining of the practitioner, impose a fine not exceeding £2,000 and award compensation up to £5,000.

Tribunal Website

www.ssd.org.uk

The Tribunal’s website is frequently used by Tribunal members and the public. The Google analytics figures show page views for the reporting year.

The website was viewed 87,890 times from 1 November 2023 to 31 October 2024.

The findings page was accessed 37,951 times.

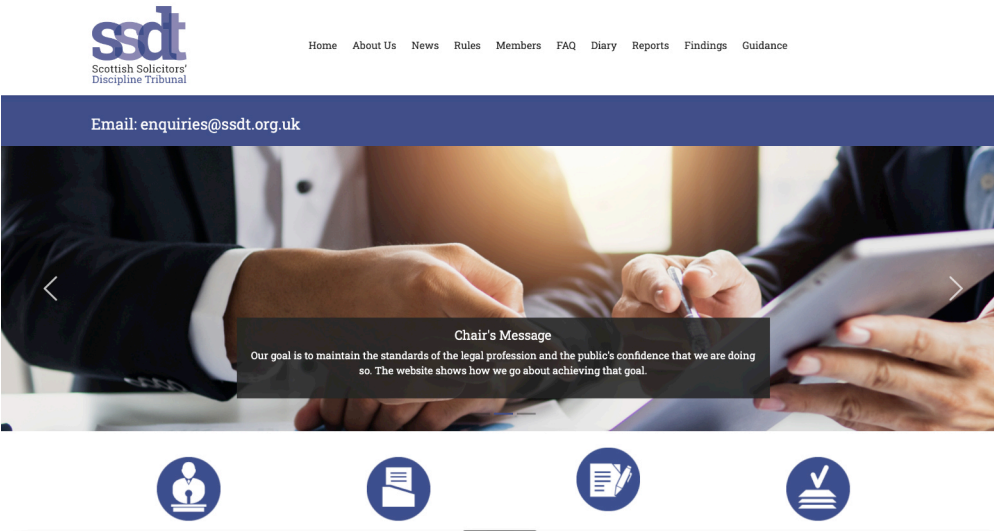
The home page 9,415 times.

The diary page 4,684 times.

The Rules page 951 times.

Judgement Publication Policy

Alongside its new 2024 Rules, the Tribunal released a Judgement Publication Policy which came into operation from 1 September 2024. Publishing decisions is part of the Tribunal’s commitment to open justice. It helps to ensure that the Tribunal’s processes are transparent. The content of decisions informs and educates users of legal services, the public and the profession. Publication demonstrates that the Tribunal’s powers are being exercised proportionately and consistently, and that the Tribunal is accountable for its decisions. Further information on the policy can be found on the guidance page of the website - [Judgment Publication Policy](#).



SSDT Administration Limited

Company Number SC53615

Registered Office: Unit 3.5, The Granary Business Centre, Coal Road, Cupar, Fife KY15 5YQ

The Tribunal is assisted in its administration by a private company limited by guarantee, SSDT Administration Limited. The company was incorporated on 9 June 2016.

The current directors of the company are Colin Bell, Kay Hampton, Sally Swinney, Ben Kemp, Beverley Atkinson, Christine Pacitti and Paula Charlesworth. Ian Shearer resigned as director in August 2024. The Clerk acts as company secretary. The company employs the Clerk and administrative staff. Further information about the company can be found on the [Companies House](#) page.

	Year to 31.10.2024	Year to 31.10.2023
Total costs of the Tribunal (including lay members' costs)	£245,209.35	£227,829.64
Costs recoverable from Respondents	£14,849.74	£56,003.44
Costs per solicitor with a practising certificate (excluding lay members' costs paid for by the Scottish Government)	£15.23	£14.07
Costs per solicitor with a practising certificate if all recoverable costs were received from Respondents	£14.15	£9.87



The Tribunal is funded by the Law Society in accordance with its obligations under paragraph 22 of Schedule 4 to the Solicitors (Scotland) Act 1980.

Total Tribunal funding for the reporting year was £245,209.35. This is made up of £209,000.00 funding from the Law Society and £36,009.35 paid by the Scottish Government in respect of lay members’ costs.

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