

**THE SOLICITORS (SCOTLAND) ACT 1980
THE SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL
(PROCEDURE RULES 2008)**

F I N D I N G S

in Complaint

by

**THE COUNCIL OF THE LAW SOCIETY of
SCOTLAND, formerly at 26 Drumsheugh
Gardens, Edinburgh and now at Atria One, 144
Morrison Street, Edinburgh**

against

**MICHAEL FYFE WRIGHT, Solicitor,
formerly of Laurelbank House, 57A Henderson
Street, Bridge of Allan**

1. A Complaint dated 15 September 2015 was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society (hereinafter referred to as "the Complainers") averring that, Michael Fyfe Wright, Solicitor, formerly of Laurelbank House, 57A Henderson Street, Bridge of Allan (hereinafter referred to as "the Respondent") was a solicitor to whom the powers exercisable by the Tribunal in terms of Section 53(2) of the 1980 Act applied.
2. There was no Secondary Complainer.
3. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent. No Answers were lodged for the Respondent.
4. In terms of its Rules the Tribunal appointed the Complaint to be heard on 21 January 2016 and notice thereof was duly served on the Respondent.
5. When the Complaint called on 21 January 2016, the Complainers were represented by their Fiscal, Valerie Johnston, Solicitor, Edinburgh. The Respondent was not present or represented.

6. After having heard evidence from the Clerk with regard to service of the Complaint and the Notice of Hearing, the Tribunal determined to proceed in the absence of the Respondent. The Tribunal heard evidence from one witness for the Complainers and noted the Productions lodged on behalf of the Complainers.

7. The Tribunal found the following facts proved:-
 - 7.1 The Respondent was convicted of attempted extortion on 27 November 2014 at Haddington Sheriff Court and was sentenced to 12 months imprisonment on 7 January 2015. Extract of the conviction and sentence was attached to the Complaint.

 - 7.2 The Complainers submitted a Complaint Form to the Scottish Legal Complaints Commission. The SLCC considered the Complaint and, in terms of the Legal Profession and Legal Aid (Scotland) Act 2007 Section 6, remitted the Complaint to the Complainers to investigate.

8. Having considered the foregoing circumstances, the Tribunal found that Section 53(1)(b) of the Solicitors (Scotland) Act 1980 applied to the circumstances of this case in respect of the Respondent's conviction.

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

Edinburgh 21 January 2016. The Tribunal having considered the Complaint dated 15 September 2015 at the instance of the Council of the Law Society of Scotland against Michael Fyfe Wright, Solicitor, formerly of Laurelbank House, 57A Henderson Street, Bridge of Allan; Find that the Respondent has been convicted of an offence and sentenced to 12 months imprisonment and that accordingly Section 53(1)(b) of the Solicitors (Scotland) Act 1980 applies to the circumstances of the case; Strike the name of the Respondent, Michael Fyfe Wright, Solicitor, from the Roll of Solicitors in Scotland; Find the Respondent liable in the expenses of the Complainers and of the Tribunal including expenses of the Clerk, chargeable on a time and line basis as the same may be taxed by the Auditor of the Court of Session on an agent and client, client paying basis in terms of Chapter Three of the last published Law Society's Table of Fees for general business with a unit rate of £14.00; and Direct that publicity will be

given to this decision and that this publicity should include the name of the Respondent and may but has no need to include the names of anyone other than the Respondent.

(signed)

Kenneth Paterson

Vice Chairman

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

IN THE NAME OF THE TRIBUNAL

Kenneth Paterson
Vice Chairman

NOTE

This Complaint is a case which is made solely in terms of Section 53(1)(b) of the Solicitors (Scotland) Act 1980 which provides for the Tribunal exercising its powers in terms of Section 53(2) of the said Act inter alia where solicitors have been sentenced to imprisonment for a period of 12 months or more.

The Respondent had not lodged Answers to the Complaint and did not appear at the Tribunal. The Tribunal heard evidence from the Tribunal Clerk with regard to service of the Complaint and Notice of Hearing. The Complaint was sent to the Respondent recorded delivery on 21 September 2015 and was signed for by a person on 26 September 2015. No Answers were lodged by the Respondent. Thereafter Notice of Hearing for a hearing on 4 December 2015 was served on the Respondent by recorded delivery but was returned marked "not called for". The Tribunal office arranged for service by sheriff officer. The Tribunal then fixed a new date of 21 January 2016 and attempted service of the Notice of Hearing on the Respondent by sheriff officer. Sherriff officers attended at spoke to the Respondent's mother in law who resided next door who confirmed that Mr Wright no longer lived at that address and resided with his parents but she did not know the exact address. She called the Respondent from her mobile and the sheriff officer spoke to him. He refused to divulge his address but indicated he was happy to accept service of the new hearing date by email. Notice of the new hearing date was emailed to the Respondent on 25 November 2015 and the Respondent replied by email to say that email was an acceptable means of communication.

The Tribunal accordingly proceeded in the Respondent's absence.

SUBMISSIONS FOR THE COMPLAINERS

Ms Johnston referred to the Productions lodged with the Tribunal and confirmed that she had sent these to the Respondent but she had heard nothing from him. Ms Johnston then led evidence from Mr Ritchie.

EVIDENCE BY MR IAN RITCHIE

Mr Ritchie confirmed he was Clerk to the Professional Conduct Sub Committee and that the Law Society had received a letter from the Crown Office telling them of the Respondent's offence and conviction. Mr Ritchie confirmed that the Second Inventory of Productions comprised the papers given to him by the Scottish Courts Service. Production 4 of this Inventory of Productions was the

Respondent's record card. Mr Ritchie confirmed that the conviction related to attempted extortion by the Respondent for the sum of £25,000. The identity of the victim had been redacted. The matter had gone to trial and there was a jury verdict. The Respondent was sentenced to 12 months' imprisonment. Mr Ritchie confirmed that Production 2 of the Second Inventory of Productions was a letter from the Respondent to the Law Society during the complaints process and Production 3 was another letter sent by him on 9 June 2015. Mr Ritchie said that he understood Yourcourt Ltd was a business which the Respondent ran but he had checked online and it appeared that the company had been dissolved in November 2015. Mr Ritchie stated that the Respondent had contacted the records office and asked that correspondence be sent to him by email.

In response to a question from one of the members, Mr Ritchie confirmed that he was unaware of any appeal against the conviction lodged by the Respondent and understood that the Respondent had served his sentence. He confirmed that the Respondent was still on the Roll but does not currently have a practising certificate.

SUBMISSIONS FOR THE COMPLAINERS

Ms Johnston stated that in her opinion the letters written by him giving an explanation for his conduct showed a state a mind and showed a lack of insight into how this matter affected his being a solicitor. The letter however did express remorse.

DECISION

The Tribunal was satisfied beyond reasonable doubt on the basis of the evidence provided that the Respondent had been convicted of a charge of attempted extortion and sentenced to a period of imprisonment of 12 months. In these circumstances the Tribunal was satisfied that Section 53(1)(b) of the 1980 Act applied.

The Tribunal considered that having a conviction for attempted extortion is incompatible with being a solicitor. The Tribunal further considered that the letters written by the Respondent did not demonstrate any real insight into the seriousness of a solicitor being involved in this kind of conduct. In the circumstances the Tribunal considered that the Respondent was not a fit and proper person to be on the Roll of Solicitors and Struck his name from the Roll.

Ms Johnston made a request for expenses and asked the Tribunal make the usual order with regard to publicity. The Tribunal saw no reason to depart from the usual practice of finding a Respondent liable in the expenses where a finding has been made against a Respondent. The Tribunal ordered publicity in the usual way.

Kenneth Paterson
Vice Chairman