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

DECISION

in Appeal under Section 42ZA(10) of the Solicitors (Scotland) Act 1980 as amended

by

EUAN CAMPBELL, Heatherwood, Near Invergowrie, Dundee
Appellant

against

THE COUNCIL OF THE LAW SOCIETY OF SCOTLAND, Atria One, 144 Morrison Street, Edinburgh
First Respondent

and

WILLIAM K L BROWNLIE, Messrs Stirling and Gilmour, 24 Gilmour Street, Alexandria and 13 West Princes Street, Helensburgh
Second Respondent

1. An Appeal was lodged with the Scottish Solicitors' Discipline Tribunal under the provisions of Section 42ZA(10) of the Solicitors (Scotland) Act 1980 by Euan Campbell, Heatherwood, Near Invergowrie, Dundee (hereinafter referred to as "the Appellant") against the Determination made by the Council of the Law Society, Atria One, 144 Morrison Street, Edinburgh (hereinafter referred to as "the First Respondent") dated 25 October 2018 not to uphold a complaint of unsatisfactory professional conduct made in respect of two heads of complaint against William K L Brownlie, Messrs Stirling and Gilmour, 24 Gilmour Street, Alexandria and 13 West Princes Street, Helensburgh (hereinafter referred to as "the Second Respondent").

2. In accordance with the Rules of the Tribunal, the Appeal was formally intimated on the First and Second Respondent. Answers were lodged for the First Respondent. The Second Respondent did not lodge Answers or enter the process.

3. Having considered the Appeal with the Answers, the Tribunal resolved to set the matter down for a Procedural and Preliminary Hearing on 11 February 2019. Notice thereof was served upon the parties.

4. At the Procedural and Preliminary Hearing on 11 February 2019, the Appellant was present and represented himself. The First Respondent was represented by its Fiscal, Breck Stewart, Solicitor Advocate, Edinburgh. The Tribunal allowed the Appellant to lodge an amended appeal and the First Respondent to lodge adjusted Answers. The Tribunal allowed the Appellant 14 days to adjust and the First Respondent 14 days thereafter to adjust in response. A hearing was fixed for 27 May 2019 at 10am.

5. At the Hearing on 27 May 2019, the Appellant was present and represented himself. The First Respondent was represented by its Fiscal, Sean Lynch, Solicitor, Kilmarnock. Both parties made submissions.

6. Having given careful consideration to the submissions and documentary productions, the Tribunal confirmed the determination of the Law Society in accordance with Section 53ZB(2) of the Solicitors (Scotland) Act 1980.

7. Having heard further submissions in relation to expenses and publicity, the Tribunal pronounced an Interlocutor in the following terms:-

> Edinburgh 27 May 2019. The Tribunal in respect of the Appeal under Section 42ZA(10) of the Solicitors (Scotland) Act 1980 by Euan Campbell, Heatherwood, Near Invergowrie, Dundee ("the Appellant") against the Determination of the Council of the Law Society of Scotland, Atria One, 144 Morrison Street, Edinburgh ("the First Respondents") dated 25 October 2018 not to uphold the complaint of unsatisfactory professional conduct made by the Appellant; Confirm the Determination of the First Respondent in respect of the complaint; Find the Appellant liable in the expenses of the First Respondent 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; Direct that publicity will be given to this decision and that this publicity should include the name of the Appellant and solicitor against whom the complaint was made.

(signed)
Nicholas Whyte
Chairman

8. 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 Appellant by recorded delivery service on 26 JUNE 2019.

IN THE NAME OF THE TRIBUNAL

Nicholas Whyte

Chairman

NOTE

The parties confirmed that the appropriate procedure for the Appeal was a review of the Professional Conduct Sub Committee's decision rather than a re-hearing of the case. The Tribunal had before it the amended appeal dated 14 February 2019, the determination of the Sub Committee dated 25 October 2018, Answers for the First Respondent dated 4 March 2019, the Appellant's note of outstanding issues dated 10 January 2019, an Inventory of Productions for the Appellant, a List of Authorities and Second Inventory of Productions for the Appellant, a Third Inventory of Productions for the Appellant, an Inventory of Productions for the First Respondent, and a Second Inventory of Productions for the First Respondent. At the hearing on 27 May 2019, the Appellant lodged Stirling and Gilmour's complaints handling protocol which was in force in 2014. The Tribunal directed that this would be recorded as the first production in the Fourth Inventory of Productions for the Appellant.

SUBMISSIONS FOR THE APPELLANT

The Appellant's appeal was based on Rule B1.12. He said the reference in that rule to "just cause" meant that a solicitor should not withdraw on a whim without good reason. To proceed without considering just cause made the rule meaningless. Just cause had application in contract and reparation law. He gave an example of a case arising from a car accident. If the Sheriff found there was a collision he/she would also look at causation. In a case for unfair dismissal, the Employment Tribunal must look at the actions of the employer and employee. It cannot just find there was a breakdown in their relationship. The Tribunal must look at the cause leading to the breakdown. He said this was a basic principle and to argue it should not apply in these proceedings was "extraordinary". The Appellant noted that in the Section 42A(7) Appeal by Messrs MacRoberts and Richard Barrie v Law Society of Scotland, Counsel for the Appellants referred to six reasons related to cause. He said that this principle was universal in these areas of law and to solicitors' conduct.

The Appellant submitted that the Sub Committee had made an error of law and had also failed to consider evidence. The Appellant said he could see why confusion had arisen. He referred to Production 8 in the Appellant's First Inventory of Productions. This was an email of 16 January 2015 from Mr Brownlie to the Appellant. On page 2 it said,

"As for what happens next you have made your dissatisfaction with the LLP's services very clear. The solicitor/client relationship has broken down so it would be better for both parties if you arranged alternative representation."

The Appellant noted that normally a client would be delighted to leave in these circumstances. However, there was a "rather large elephant in the room" since the firm was providing representation *pro bono* due to an earlier error. The Appellant submitted that the Sub Committee interpreted this sentence as evidence that the solicitor client relationship had broken down. The Appellant said that breakdown itself was not the cause or did not supply just cause. In his submission, the breakdown was the consequence or the effect, not the cause. He did not see how the Law Society could possibly exclude itself from this principle and deal with the case on a different basis.

The Appellant argued that the solicitor caused the breakdown. The Appellant had expressed his dissatisfaction, but this was not just cause to justify withdrawal. The Appellant referred to paragraph 11.05.08 of Paterson and Ritchie's "Law, Practice and Conduct for Solicitors" where it says that,

"If the client complains to the Commission during a matter and the complaint cannot be resolved amicably, the firm can properly withdraw from acting on the basis that the relationship of mutual trust and confidence has been lost. Of course the client may already have brought the relationship to an end by then. However, just because a client has made a complaint about an aspect of the work done, possibly performed by an agent instructed by the firm or by a member of staff who does not normally handle the client's business, does not automatically justify the firm in concluding that the relationship of trust and confidence has sufficiently broken down as to permit them to withdraw from acting."

The Appellant suggested this was a "common sense approach". If this was not the case, any complaint would constitute breakdown. He noted that most cases discussed in Paterson and Ritchie involved clients doing something wrong. However, in the present case, it was the solicitor who was "100% wrong" and therefore he could not withdraw with just cause.

The Appellant asked the Tribunal to consider what would happen if a solicitor assaulted a client. In that case the relationship would break down. The solicitor would have to withdraw. However, he would have no "just cause". He would have to withdraw due to his own actions. This therefore would not satisfy the just cause rule. If it did, the rule would not exist. If things were getting difficult,

a solicitor could manoeuvre a situation to create "just cause". Breakdown is usually the inevitable consequence of the circumstances leading up to it. It does not provide a "get out" to the solicitor.

The Appellant quoted from paragraph 11.05 of Paterson and Ritchie's "Law, Practice and Conduct for Solicitors" which describes the range of circumstances where it might be appropriate to withdraw and includes, unwillingness to accept advice; failure to make a payment to account, failure to give instructions, unreasonable behaviour by the client and the need to make a POCA or Money Laundering Regulations report. He noted the common thread of the client being at fault. He wished to emphasis that in this case there was no suggestion that he caused or contributed to the breakdown which was caused solely by the solicitor's actions. In his submission, the Tribunal should ascertain collectively what led to the breakdown and scrutinise this to see if the withdrawal was without just cause. He suggested that the Sub Committee did not examine that evidence. That much was clear because this was not recorded by the Sub Committee in their determination, for example, the failure of the solicitor to answer complaints about his assistant.

The Appellant submitted that the solicitor had many options other than withdrawal which he failed to consider. The Sub Committee did not look at the cause because they did not want to make a finding as to who was to blame. However, it was important to recognise that the solicitor's only role was to answer the complaint. The Sub Committee misinterpreted the evidence that it was in the Appellant's best interests to seek alternative representation. The Sub Committee was aware that the work was undertaken *pro bono* to rectify other matters. The Appellant expected them to provide free representation up to the conclusion of the case. As a result of the withdrawal, the Appellant had to seek alternative representation very quickly. His case was successful but he had to pay £12,500 in fees to his new solicitor. He lost out on free legal representation and the firm gained as it was free to do remunerative work.

The Appellant described to the Tribunal where he said the solicitor had gone wrong, and how he should have acted. He said that the assistant should not have refused to carry out his instructions to recall the sist. However, this matter could have been resolved. However, instead of dealing properly with the complaint, the solicitor embarked on correspondence which was unprofessional, high minded and lacking in good faith. He ignored the Appellant's ten complaints. He ignored his own protocol for dealing with complaints and SLCC guidance on complaints. He gave advice which was uncalled for in the letter of 17 December 2014 which was contained at Production 4 in the Appellant's first inventory of productions. The Appellant found the solicitor's attitude "terribly negative".

The Tribunal asked the Appellant when he lost confidence in the solicitor. The Appellant indicated that it was a gradual process. The issue regarding his son's surname was "the straw that broke the camel's back". The letter of 17 December 2014 showed that confidence had broken down. The solicitor did many things which were in bad faith or unprofessional. He ought to have offered alternative representation within the firm. He gave inadequate notice of withdrawal. He did not discuss the *pro bono* arrangement with the partner who had made it.

In conclusion, the Appellant submitted that the "just cause" principle was not satisfied. If the Tribunal thinks it was, that is tantamount to saying that solicitors can do anything they want and then withdraw, and the rule will not be breached. There must be a distinction between the situation where the solicitor is entitled to withdraw as opposed to a situation where the solicitor caused the grief on a 100% basis. If the solicitor was 100% to blame, there is no just cause. The Appellant noted that the Tribunal's decision was important for individuals like him who were receiving *pro bono* representation and for clients in speculative actions where there is a financial advantage in staying with one solicitor.

The Tribunal asked the Appellant how he knew the solicitor did not discuss the case with his partner who had made the *pro bono* arrangement. The Appellant noted there was no reference to this in the correspondence. There was reference to the solicitor saying he wasn't in contact with his partner. *Ex facie*, he did not revert to the partner.

SUBMISSIONS FOR THE FIRST RESPONDENT

Mr Lynch made oral submissions to the Tribunal which were summarised in a written note of submissions which were as follows:-

1. **Background**

1.1 This is an appeal under section 42ZA(10) of the Solicitors (Scotland) Act 1980 against the decision of the Council of the Law Society that the solicitor is not guilty of unsatisfactory professional conduct('UPC').

1.2 The appeal should be refused for the reasons contained in the Law Society's Answers to the appeal. This submission is made in support of those Answers.

1.3 In this submission I will consider:-

- the definition UPC, and how a first instance decision is made by the Law Society;
- the right of appeal, and the powers of this Tribunal in hearing the appeal;
- the relevant facts in this matter; and
- the Law Society Sub Committee's approach and decision at first instance.

1.4 I will conclude by submitting that the appeal should be refused and the determination 25th October 2018 to take no further action be confirmed.

2 Test for UPC

2.1 The definition of UPC is contained at section 46(1) of the Legal Profession and Legal Aid (Scotland) Act 2007:-

'Conduct by a solicitor which is not of the standard which could reasonably be expected of a competent and reputable solicitor but which does not amount to professional misconduct and which does not comprise merely inadequate professional services.'

The court, in Hood, Petitioner [2017] CSIH 21, at paragraph 16, distinguish UPC from inadequate professional services and make it clear that there is an element of repute involved in UPC.

2.2 The standard of proof as applying to UPC decisions is whether the conduct is proved on the balance of probabilities.

3 Law Society duty to investigate and determine UPC complaint

3.1 Section 2(1) of the 2007 Act defines a conduct complaint as one which suggests either professional misconduct or unsatisfactory professional misconduct. Unless such a complaint is deemed to be frivolous, facetious or totally without merit, the commission must remit to the relevant professional organisation, in this case the respondents: 2007 Act, Section 6.

3.2 Section 42ZA (1) sets out the respondent's duties in connection with a complaint of UPC. It provides:-

'(1) Where a conduct complaint suggesting unsatisfactory professional conduct by a practitioner who is a solicitor is remitted to the Council under .. the 2007 Act, the Council must having -

(a) investigated the complaint under section 47(1) of that Act and made a written report under section 47(2) of that Act;

(b) given the solicitor an opportunity to make representations, determine the complaint.'

3.3 Therefore there is a four stage process:-

1. Investigate
2. Report
3. Give solicitor opportunity to make representations
4. Determine complaint

3.4 That process was followed in this matter.

4 Complainer's right of appeal against finding of UPC

4.1 Section 42ZA(10) sets out the complainer's rights of appeal in connection with a finding of UPC or rather the absence of such. It provides:-

"(10) A complainer may, before the expiry of the period of 21 days beginning with the day on which a determination under subsection (1) or (2) not upholding the conduct complaint is intimated to him, appeal to the Tribunal against the determination."

5 Powers of the Tribunal in UPC appeal

5.1 Section 53ZB(2) sets out the Council's powers in connection with an appeal under section 42ZA(9):-

"53ZB Powers of Tribunal on appeal: unsatisfactory professional conduct
(1) On an appeal to the Tribunal under section 42ZA(9) the Tribunal-
(a) may quash or confirm the determination being appealed against..."

5.2 The Council invites the Tribunal to confirm the determination in accordance with section 53ZB(1).

6 Relevant facts

6.1 It is important to refer to the grounds of appeal to determine which facts may or may not be relevant to the appeal.

6.2 The appeal is concerned only with complaint/ground number 2. This ground of complaint was as follows:-

"2. Mr W K L Brownlie...failed to act in my best interests in that he...inappropriately withdrew from acting for me, notice of which being intimated to me by email on 16th January 2015. This was done without considering other options, without just cause, and in a manner which prejudiced the course of justice, due to me being involved in ongoing court proceedings at the time."

6.3 The complaints investigator who dealt with this matter produced a report dated 30th August 2018 which forms part of the second inventory of productions for the Council and is reproduced as pages

12-33 of that inventory.

6.4 The facts found by the complaints investigator are set out between pages 25 and 27 of that inventory. There are twenty four findings which were found to be established beyond reasonable doubt by the investigator and a further four findings which were found to have been proved on the balance of probabilities. Thus by 30th August 2018 the first two stages of the process mentioned at paragraph 3.3 above had been completed. As is apparent from the second inventory of productions for the Council there were further comments from the appellant on 1st and 11th September 2018 and a supplementary report was issued on 26th September 2018 (38-39 of the second inventory of productions for the Council). The complaints investigator did not change any of his previously expressed views. Thus the third stage mentioned above was complete.

6.5 The disposal schedule forms documents 8-11 of the second inventory of productions for the Council. In relation to issue 2, the only matter which is before this Tribunal, the sub-committee agreed with the findings of fact narrated within the report and gave consideration to Rule B1.12 of the 2011 Practice Rules. Its reasoning is set forth at pages 9 and 10 of the second inventory of productions for the Council. That is the decision and determination (the fourth stage) appealed against.

6.6 The Sub-Committee declined to make any finding as to blame in relation to the breakdown of the relationship between the parties, and they considered that this was outwith their remit. It is submitted that this approach was the correct one.

6.7 The note of appeal, as revised, and dated 14th February 2019, is based upon a misconception. The premiss is that Rule B1.12 is based on causation. It is not. The Rule states that a solicitor must not cease to act for clients without just cause and without giving reasonable notice, or (my emphasis) in a manner which would prejudice the course of justice. So far as possible the clients interests should not be adversely affected but solicitors are entitled to exercise their rights in law to recover their justified fees and outlays. The appellant in his third inventory of productions states that the rule has four separate components. It is not clear whether he is saying that all four hurdles must be cleared by the solicitor who withdraws from acting but it is clear from a reading of the rule that that is not the case. You must not withdraw without just cause without giving reasonable notice or in a manner which would prejudice the course of justice. The proper construction of the rule is that you may withdraw if you have just cause. Nothing more is required. Whether the notice is reasonable is a question of fact which will be determined by the circumstances of the case. For example, if a solicitor knows that he has to withdraw from a case but delays telling the client until shortly before a proof or debate, that might amount to a lack of reasonable notice. This would be particularly so if the only reason for withdrawing was outstanding fees. In an appeal under Section 42A of the 1980 Act (MacRoberts and Richard Barrie v The Council of the Law Society of Scotland) it was held that five weeks before a continued diet of proof was not an unreasonable time to give the client to make alternative arrangements.

6.8 So far as comments in that case relate to the procedure to be followed at an appeal hearing, these are superseded by the decision of the court in Hood, Petitioner mentioned above.

6.7 So if just cause is found to exist the withdrawal is justifiable. The third and fourth elements identified by the appellant are subsidiary to the first two. The Sub-Committee were satisfied that reasonable notice was given, and that adequate time was available to the appellant to secure alternative representation.

6.8 It is my submission that "just cause" must be looked at from the stand point of the practitioner as he finds the situation to be on the date upon which he takes the decision to withdraw. The point at which the solicitor decides to withdraw has to be taken as a snapshot. He has to examine the professional relationship as it exists as at that point in time. If the relationship has broken down, the cause is irrelevant at this stage. The solicitor cannot continue to act; see Patterson and Ritchie, paragraph 11.05.01, inventory of productions for respondents, tab 3. Less there be any doubt that the relationship had broken down, one need only go to the summary for the appellant, tab 1 of his first inventory of productions, and paragraph 1(a) of the answers for the respondent.

6.9 Were it otherwise a solicitor might be required to continue to act even although he was aware that he had been guilty of professional negligence in missing a time limit, for example for raising proceedings or for marking an appeal, or where some other conflict has arisen.

6.10 To adopt the approach advocated by the appellant would conflate service and conduct issues. The IPS which potentially gave rise to the conflict would become UPC at the point where the solicitor withdrew from acting. That could never have been the intention of the legislation.

6.11 Looking to the reasoning of the Sub-Committee already mentioned at paragraph 6.5 above, it is clear that the solicitor in this case was entitled to withdraw and that he had just cause for doing so.

6.12 What, then, is to be made of the appeal?

6.13 Guidance in relation to this matter is provided by the Inner House of the Court of Session in Hood, Petitioner already mentioned. The grounds upon which this Tribunal would be entitled to interfere are set out at paragraph 17 of the decision. It is submitted that the supervisory roll of this Tribunal on appeal from the Sub-Committee is the same as that of the court in terms of its scope for interference *Donaldson? Applying those tests to this case the Tribunal is respectfully invited to confirm the determination (see paragraph 5.2 above) and to refuse the appeal.

6.14 I will address you separately in relation to the question of expenses in due course.

In response to questions from the Tribunal members, Mr Lynch stated there was no need for the Tribunal to look beyond the breakdown in the solicitor client relationship. If the breakdown is due to a service issue then that can be dealt with separately. The client has a different recourse. Mr Lynch submitted that the *pro bono* arrangement was incidental and should not feature in the decision to continue to act. If the solicitor had engineered the breakdown the approach might be different.

The Appellant noted that "engineered" covered a multitude of sins. He submitted that where a solicitor did not act in good faith, there could be no just cause. There will be times when a solicitor through his own fault has to withdraw. This must be distinguished from the situation where withdrawal is down to the client's actions. The Appellant clarified that he did not suggest that a solicitor was duty-bound to continue acting when he knows that trust has broken down. He accepted that a solicitor might have to withdraw because of his own actions, but this would also breach the rule. The client can then look at a complaint regarding conduct, service or negligence. Once it was established that there had been a breach of the rule it was for the Sub Committee of Tribunal to decide on its severity. In his submission, the course of conduct in this case was so extreme and unprofessional, it could not be condoned. He reminded the Tribunal that the solicitor was not acting for him. The letter of complaint was about his assistant and could have been resolved. He should have passed the matter to the lead partner. The Appellant said that he wanted his confidence in the assistant restored. If the complaint had been investigated and dealt with, he would have been satisfied. The complaints were made in order to get that remedy.

DECISION

This was an Appeal in terms of Section 42ZA(10) of the Solicitors (Scotland) Act 1980 against the Determination of the Council of the Law Society of Scotland dated 25 October 2018. The only head of complaint referred to in this appeal was "Issue 2", namely that:-

"Mr W K L Brownlie [...] failed to act in my best interests in that he [...] inappropriately withdrew from acting for me, notice of which being intimated to me by email on 16 January 2015. This was done without considering other options, without just cause, and in a manner which prejudiced the course of justice, due to me being involved in ongoing court proceedings at the time."

As confirmed with the parties at the start of the hearing, the appeal proceeded as a review of the Sub Committee's decision-making. In considering its role in the current proceedings, the Tribunal was

guided by the Court's comments in the case of Hood, Petitioner [2017] CSIH 21 at paragraph 17 where it was said:-

"Cases where the court may interfere occur in three main situations. The first is where the Tribunal's or Sub Committee's reasoning discloses an error of law, which may be an error of general law or an error in the application of the law to the facts. The second is where the Tribunal or Sub Committee has made a finding for which there is no evidence, or which is contradictory of the evidence. The third is where the Tribunal or Sub Committee has made a fundamental error in its approach to the case, as by asking the wrong question, or taking account of manifestly irrelevant considerations, or arriving at a decision that no reasonable Tribunal or Sub Committee could properly reach."

The Appellant argued that the Sub Committee made an error of law. He submitted that when interpreting Rule B1.12, the decision-maker must look beyond the existence of just cause to see whether the reason was the underlying behaviour of the solicitor. If a solicitor has to withdraw due to his/her own actions, the solicitor is still also in breach of the rule.

The Tribunal considered the wording of Rule B1.12:-

"You must not cease to act for clients without just cause and without giving reasonable notice, or in a manner which would prejudice the course of justice. So far as possible, the client's interests should not be adversely affected, but you are entitled to exercise your rights in law to recover your justified fees and outlays."

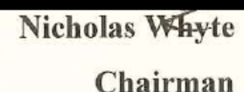
It also had regard to other scenarios where a solicitor is obliged to withdraw from acting, for example, in a conflict of interest situation, even where that conflict has arisen through the fault of the solicitor.

The Tribunal had regard to the Appellant's letter of 4 December 2014 (Production 2 of Appellant's First Inventory of Productions) in which he said he had "lost all confidence" in the solicitor's assistant. He said that matters had "now reached a stage where I have to consider contacting the Law Society." His email of 23 December 2014 (Production 7 of Appellant's First Inventory of Productions) referred to a complaint to the Law Society and a claim against the indemnity fund. The solicitor's email of 16 January 2015 (Production 8 of Appellant's First Inventory of Productions) noted that it would be inappropriate for the firm to continue to act as the parties were agreed that the solicitor/client relationship had broken down.

The Tribunal was satisfied therefore that the solicitor client relationship did break down. This was sufficient to constitute just cause for withdrawal. When a client raises lack of faith and a potential indemnity claim, solicitors are exposed and placed in a very difficult position. It can be difficult to ensure that any subsequent advice is truly independent. Solicitors must be free to withdraw if they can meet the requirements of Rule B1.12. The Tribunal could readily imagine the issues which would have arisen if the firm had continued to act for the Appellant and the case had been lost. There was no requirement for the Sub Committee to examine the reasons for the breakdown (the causes of "the cause"). If a solicitor causes the relationship to break down, the client is not without remedy. The client can raise an action in negligence or a complaint about the conduct or service relating to the actions which caused the breakdown. There is no requirement to find a "technical breach" of Rule B1.12 as suggested by the Appellant.

Withdrawing caused a financial detriment to the Appellant but withdrawal was not in breach of the rule. Whether the work is being paid for in the usual way or being carried out *pro bono*, the rule regarding withdrawal from acting must apply to protect solicitors and their clients. The Tribunal could not criticise the Sub Committee's reasoning for rejecting the Appellant's arguments about passing the case on to another solicitor in the firm. The Appellant was given reasonable notice and withdrawal did not prejudice the course of justice. The Appellant was able to secure representation and was ultimately successful in his court action. The Sub Committee's reasoning disclosed no error of law or error in the application of the law to the facts. The Tribunal therefore confirmed the Sub Committee's decision in terms of Section 53ZB(2).

Following submissions on publicity and expenses, the Tribunal awarded expenses to the First Respondent. Publicity will be given to the decision and will include the name of the solicitor in respect of the original complaint to the Law Society in accordance with paragraphs 14, 14A and 23 of Schedule 4 to the Solicitors (Scotland) Act 1980. However, there was no requirement to name any other person.



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Chairman