

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

FINDINGS

in Complaint

by

**THE COUNCIL OF THE LAW SOCIETY of
SCOTLAND, Atria One, 144 Morrison Street,
Edinburgh**

against

**WILLIAM LAWSON CRIGGIE, formerly at
Carlton Building, 63 Carlton Place, Glasgow
and now at 137 (2nd Floor) Sauchiehall Street,
Glasgow**

1. A Complaint was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society (hereinafter referred to as "the Complainers") averring that William Lawson Criggie, formerly at Carlton Building, 63 Carlton Place, Glasgow and now at 137 (2nd Floor) Sauchiehall Street, Glasgow (hereinafter referred to as "the Respondent") was a practitioner who may have been guilty of professional misconduct.
2. There was no Secondary Complainer.
3. The Tribunal caused a copy of the Complaint as lodged to be served on the Respondent. Answers were lodged for the Respondent.
4. In terms of its Rules, the Tribunal appointed the Complaint to be heard on 4 May 2018 and notice thereof was duly served on the Respondent.
5. The hearing took place on 4 May 2018. The Complainers were represented by their Fiscal, Grant Knight, Solicitor, Edinburgh. The Respondent was present and represented himself. A Joint Minute agreeing the averments of fact, duty and misconduct was lodged with the Tribunal. The Respondent formally withdrew his Answers.

6. The Tribunal found the following facts established:-

- 6.1 The Respondent is a solicitor enrolled in the Registers of Scotland. He was enrolled as a solicitor on 25 September 2008. His date of birth is 19 June 1980. He was formerly a Partner and Director of Hamilton Burns WS Limited, Carlton Buildings, 63 Carlton Place, Glasgow and that between 4 November 2013 and 23 May 2017. In that period he was the Anti-Money Laundering Partner between 1 November 2013 and 6 October 2016 and the Designated Cashroom Manager between 2 July 2015 and 23 May 2017. From 24 May 2017 to the present date he has been employed by Latta Law Limited, 137 (2nd Floor) Sauchiehall Street, Glasgow and that in a position of a solicitor.
- 6.2 On 1 April 2016, the Scottish Legal Complaints Commission wrote to the Complainers remitting to them a complaint raised by a client of the Respondent (YM) raised by her and narrating six alleged issues of professional misconduct. On 12 April 2016 the Complainers intimated the said complaint to the Respondent and required his response within twenty one days. The Respondent failed to respond. On 6 May 2016 the Complainers issued notices to the Respondent in terms of Section 15 (2)(i)(i) of the Solicitors (Scotland) Act 1980 and Section 48(1)(a) of the Legal Professional and Legal Aid (Scotland) Act 2007. Whilst the Respondent acknowledged said notices, he failed to respond. On 1 June 2016, a further notice was issued by the Complainer to the Respondent in terms of Section 15(2)(i)(i) of the said 1980 Act. The Respondent acknowledged receipt of said notice but again failed to respond. By email dated 13 June 2016, the Complainers intimated to the Respondent that in the event of the Respondent's continued failure to deliver the files in relation to the complaint, steps would be taken to initiate proceedings for recovery of those files. The files were subsequently received from the Respondent's firm by letter dated 17 June 2016. On 30 June 2016, the Complainers wrote to the Respondent by way of reminder requesting that he provide a response to the complaint. The Respondent failed to respond. On 19 July 2016 the Complainers wrote to the Respondent advising that the Complainers Complaints Sub-Committee would convene on 16 August 2016 to determine whether or not a further complaint would be raised against the Respondent in light of his failure to respond to the original complaint and the subsequent notices. On 29 August 2016, the Complainers wrote to the Respondent to inform him that the said Sub-Committee

had determined that the Complainers ought to raise a further conduct complaint against the Respondent.

6.3 On 10 October 2016, the Scottish Legal Complaints Commission remitted back to the Complainers the conduct complaint which the Complainers had then raised *ex proprio motu* against the Respondent. On 24 October 2016, the Complainers intimated the said complaint to the Respondent and requested a response within twenty one days. The Respondent failed to respond. On 16 November 2016, the Complainers issued notices to the Respondent in terms of Section 15(2)(i)(i) of the Solicitors (Scotland) Act 1980 and Section 48(2) of the Legal Profession and Legal Aid (Scotland) Act 2007. The Respondent failed to respond to said notices. On 21 December 2016, the Complainers issued a notice to the Respondent in terms of Section 15(2)(i)(i) of the Solicitors (Scotland) Act 1980 intimating that he was required to give six weeks notice to the Complainers of his intention to make an application to take out a practising certificate for the year commencing 1 November 2017.

6.4 On 21 December 2016 the Complainers wrote to the Respondent advising that they were required to suspend their investigation of the complaints against the Respondent pending the determination of a matter before the Inner House of the Court of Session. On 27 July 2017, the Complainers lifted its suspension of the investigation of the said complaints against the Respondent. On 15 August 2017, the Complainers wrote to the Respondent confirming that the suspensions had been uplifted. The Complainers then conducted and concluded their investigations in relation to the said complaints and issued their findings to the Respondent on 12 October 2017. On 26 October 2017, the Respondent provided a response to the Complainers' Investigation Report. The Complainers conducted further enquiries and the whole matter was placed before the Complainers Professional Conduct Sub-Committee for consideration at their meeting on 30 November 2017. Said Committee determined that matters should be referred to the Tribunal in terms of Section 51 of the Solicitors (Scotland) Act 1980.

7. Having heard submissions from the Complainers, the Tribunal found the Respondent guilty of Professional Misconduct in respect that he failed or delayed to respond to

correspondence and statutory notices issued by the Scottish Legal Complaints Commission and the Complainers.

8. Having heard mitigation from the Respondent, the Tribunal pronounced an Interlocutor in the following terms:-

Edinburgh 4 May 2018. The Tribunal having considered the Complaint at the instance of the Council of the Law Society of Scotland against William Lawson Criggie, formerly at Carlton Building, 63 Carlton Place, Glasgow and now at 137 (2nd Floor) Sauchiehall Street, Glasgow; Find the Respondent guilty of professional misconduct in respect that he failed or delayed to respond to correspondence and statutory notices issued by the Scottish Legal Complaints Commission and the Complainers; Censure the Respondent; 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.

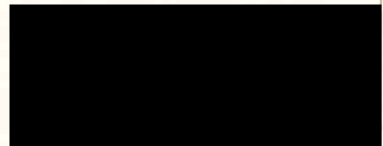
(signed)

Colin Bell

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 17 MAY 2018.

IN THE NAME OF THE TRIBUNAL



Colin Bell
Vice Chairman

NOTE

The parties entered into a Joint Minute whereby the Respondent admitted all averments of fact, duty and misconduct. The Respondent formally withdrew his Answers. No evidence was led.

SUBMISSIONS FOR THE COMPLAINERS

The Fiscal asked the Tribunal to make a finding of professional misconduct based on the fact that the Respondent had failed or delayed to respond to letters or notices issued by his regulator. The Fiscal noted that the various letters referred to in the Complaint were listed in chronological order in the Inventory of Productions for the Complainers.

The Fiscal had been instructed to inform the Tribunal that it was the Complainers' view that the issues raised in this Complaint were at the lower end of the scale of professional misconduct. The Fiscal noted that the Respondent had not previously had any findings against him and had cooperated by entering into a Joint Minute. The Complainers took no action regarding the original complaint. Had the Respondent replied to the correspondence it was unlikely the matter would have gone any further.

SUBMISSIONS FOR THE RESPONDENT

The Respondent accepted that his conduct amounted to professional misconduct. At the time of the original complaint, the Respondent was managing partner, cashroom partner and money laundering partner at Hamilton Burns. The firm went into administration on 24 May 2017. The Respondent was under a lot of pressure at that time dealing with the financial situation of the firm and various complaints. He explained that the relevant files were provided to the Complainers. The Law Society was able to determine the Complaint without his cooperation.

The Respondent said that he was embarrassed to be taking up Tribunal time with this matter. This situation could have and should have been resolved at a much earlier stage. However, due to the situation at Hamilton Burns, this matter had wrongly slipped down his list of priorities. He apologised. He said that this was the first time he had appeared before the Tribunal and he hoped that it would be the last. Had he responded to original complaint, he would not be here today.

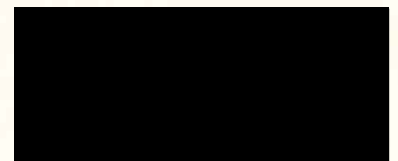
In response to a question from the Chairman, the Respondent indicated that he now works as an employed solicitor for a Legal Aid firm. In response to a question from a member of the Tribunal, he

agreed that the Law Society is his regulator and he ought to respond to them. He noted that the fallout from the demise of Hamilton Burns was chaotic. He had learned from this incident never to ignore letters from his regulator.

DECISION

The Respondent had failed or delayed to respond to several items of correspondence and statutory notices issued by the Complainers. The Tribunal had regard to the test for professional misconduct contained in Sharp v Council of the Law Society of Scotland 1984 SLT 413. There are certain standards of conduct to be expected of competent and reputable solicitors and a departure from these standards which would be regarded by competent and reputable solicitors as serious and reprehensible may properly be categorised as professional misconduct. The Tribunal had regard to many previous cases of the Tribunal where it had been held that failure to respond to the Law Society hampers the regulator in the performance of its statutory duty to deal with conduct complaints and brings the profession into disrepute. It accordingly found the Respondent guilty of professional misconduct.

The Tribunal considered that the conduct was at the lower end of the scale. In addition, there were mitigating factors. The Respondent had cooperated with the Fiscal and entered into a Joint Minute. He had expressed his remorse and apologised. He had displayed insight into his conduct. He had attended the Tribunal in person. The Tribunal considered therefore that the appropriate sanction was one of Censure. Any other sanction would be disproportionate to the seriousness of the conduct. The Tribunal made the usual orders with regard to publicity and expenses.



Colin Bell
Vice Chairman