

**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, 26  
Drumsheugh Gardens, Edinburgh  
Complainers**

**against**

**DAVID BLAIR-WILSON,  
Solicitor, formerly of HMP Perth,  
3 Edinburgh Road, Perth and now  
of HMP Castle Huntly,  
Longforan, near Dundee  
Respondent**

1. A Complaint dated 7 May 2014 was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society (hereinafter referred to as "the Complainers") averring that, David Blair-Wilson, Solicitor, formerly of HMP Perth, 3 Edinburgh Road, Perth and presently of HMP Castle Huntly, Longforan, near Dundee (hereinafter referred to as "the Respondent") was a practitioner who may have been guilty of acts or omissions which constituted professional misconduct and that the Respondent had been convicted and sentenced to a term of imprisonment of 12 months or more in terms of Section 53(1)(b) of the Solicitors (Scotland) Act 1980.
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 call as a procedural hearing on 6 August 2014 and notice thereof was duly served on the Respondent.
5. On 6 August 2014, the Complainers were represented by their Fiscal, Jim Reid, Solicitor, Glasgow. The Respondent was neither present nor represented. The Tribunal was advised that the Respondent had intimated to prison staff that he did not want to attend this hearing. The Fiscal moved to amend the Complaint by deleting the averment of professional misconduct with a view to proceeding solely on the basis of Section 53(1)(b) of the 1980 Act. Thereafter the Fiscal moved the Tribunal to fix a full hearing. The Tribunal granted the motion to amend and fixed a full hearing for 29 September 2014 at 12 Noon.
6. Notice of the hearing was duly served on the Respondent.
7. At the hearing on 29 September 2014, the Complainers were represented by their Fiscal, Jim Reid, Solicitor, Glasgow. The Respondent was neither present nor represented. The Fiscal moved the Tribunal in terms of Rule 14(4) of the Tribunal Rules 2008 to deal with the hearing in the absence of the Respondent. Confirmation was received from the prison that the Respondent was on home leave. The Tribunal, having heard evidence from the Depute Clerk to the Tribunal, being satisfied that notice of the hearing had been intimated to the Respondent in accordance with Rule 11(2), granted the motion to hear and determine the Complaint in the absence of the Respondent. The Fiscal had previously lodged a List of Productions which included *inter alia* a certified copy indictment and court minutes. He led evidence from one witness.
8. Having considered the oral evidence and documentary productions, the Tribunal found the following facts established:-
  - 8.1 The Respondent was born on 31 December 1957. He was enrolled as a Solicitor in the Register of Solicitors in Scotland

on 18 October 1982. His last practising certificate expired on 31 October 2011.

8.2 On 19 April 2013 at the High Court of Justiciary at Edinburgh, the Respondent was found guilty as libelled on Indictment by a majority to the following four charges:

“(001) on 6 October 2011 at HMP Saughton, 33 Stenhouse Road, Edinburgh you DAVID BLAIR WILSON did without reasonable excuse attempt to bring or otherwise introduce into a prison, namely HMP Saughton, Edinburgh, a personal communication device namely 3 mobile telephones, 3 SIM cards, 2 phone chargers and 2 earphones, being a prohibited article as specified under section 41(9A) of the aftermentioned Act in that you did conceal said personal communication devices in a package and conceal said package in a folder and attempt to bring said folder and package with you into prison when visiting a prisoner Mr A in your capacity as a solicitor: CONTRARY to Sections 41(1)(a) and 41(9A)(a) of the Prisons (Scotland) Act 1989 as amended;

(006) on 6 October 2011 at HMP Saughton, 33 Stenhouse Road, Edinburgh you DAVID BLAIR WILSON were concerned in the supplying of a controlled drug, namely Cannabis Resin, a Class B drug specified in Part II of Schedule 2 to the Misuse of Drugs Act 1971 to another or others in contravention of Section 4(1) of the aftermentioned Act and in particular to prisoner Mr A: CONTRARY to the Misuse of Drugs Act 1971, Section 4(3)(b);

(007) on 6 October 2011 at HMP Saughton, 33 Stenhouse Road, Edinburgh you DAVID BLAIR WILSON were concerned in the supplying of a controlled drug, namely Diazepam, a Class C drug specified in Part III of Schedule 2 to

the Misuse of Drugs Act 1971 to another or others in contravention of Section 4(1) of the aftermentioned Act and in particular to prisoner Mr A: CONTRARY to the Misuse of Drugs Act 1971, Section 4(3)(b);

(008) on 6 October 2011 at HMP Saughton, 33 Stenhouse Road, Edinburgh you DAVID BLAIR WILSON were concerned in the supplying of a controlled drug, namely Drostanolone Propionate, an ester of Drostanolone, an ester of Testosterone Propionate, an ester of Testosterone and Trenbolone Acetate, an ester of Trenbolone, all Class C drugs specified in Part III of Schedule 2 to the Misuse of Drugs Act 1971 to another or others in contravention of Section 4(1) of the aftermentioned Act and in particular to prisoner Mr A: CONTRARY to the Misuse of Drugs Act 1971, Section 4(3)(b);”

8.3 On 17<sup>th</sup> May 2013 at the High Court of Justiciary at Edinburgh, the Respondent was sentenced to a period of four years imprisonment from 17 May 2013.

8.4 The Respondent is currently serving out his sentence at HMP Castle Huntly, Longforgan, near Dundee.

9. 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.

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

Edinburgh 29 September 2014. The Tribunal having considered the amended Complaint dated 7 May 2014 at the instance of the Council of the Law Society of Scotland against David Blair-Wilson, Solicitor,

formerly of HMP Perth, 3 Edinburgh Road, Perth and presently of HMP Castle Huntly, Longforgan, near Dundee; Find the Respondent has been convicted of offences and sentenced to a period of imprisonment of four years and that accordingly Section 53(1)(b) of the Solicitors (Scotland) Act 1980 applies to the circumstances of this case; Strike the name of the Respondent, David Blair-Wilson, 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)**

**Malcolm McPherson**  
**Chairman**

11. 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**

**Malcolm McPherson**

**Vice Chairman**

**NOTE**

The Complaint in this case, as amended, was made solely in terms of Section 53(1)(b) of the 1980 Act 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 a period of imprisonment for a term of 12 months or more.

The Respondent had not lodged Answers, and had at no stage in any of the proceedings attended at the Tribunal. The Fiscal asked the Tribunal, in terms of Rule 14(4) of the 2008 Rules, to proceed and determine the Complaint in the absence of the Respondent. On the date of hearing the Respondent was on home leave. The Tribunal heard evidence from the Depute Clerk that Sheriff Officers had been instructed to serve a Notice of the Hearing on 29 September 2014, together with a letter from the Clerk explaining what had happened at the last hearing. She confirmed that an execution of service had been returned by the Sheriff Officers confirming that the notice and letter had been left in the hands of Mr B, Courts Administrator, HMP Perth on 11 August 2014. She further confirmed that she had been advised by Perth Prison that the Respondent was transferred to HMP Castle Huntly, Longforgan, by Dundee on 28 August 2014. The Tribunal being satisfied that the Notice of the Hearing had been intimated in accordance with Rule 11(2) of the 2008 Rules agreed to proceed to hear and determine the Complaint in the absence of the Respondent.

The Fiscal had previously lodged a List of Productions with the Tribunal's office. Mr Reid confirmed that he had intimated these to the Respondent and had also instructed Sheriff Officers to serve them at Perth Prison. Sheriff Officers had confirmed to him that by that stage the Respondent had been transferred to Castle Huntly and they had served the papers there. The Fiscal then proceeded to lead evidence from one witness.

**EVIDENCE FOR THE COMPLAINERS****IAN RITCHIE**

Mr Ritchie confirmed that he is employed by the Law Society of Scotland and that he is currently the Clerk to the Professional Conduct Sub Committee. The witness

confirmed that Production number 3 for the Complainers is a copy of the record card for the Respondent. This disclosed that the Respondent's full name is David Blair-Wilson, that his date of birth is 31 December 1957 and that the address held for him by the Law Society was 46 Edgar Street, Dunfermline, KY12 7EY. Mr Ritchie confirmed that the Respondent was enrolled as a solicitor on 18 October 1982. The last practising certificate held by the Respondent had expired on 31 October 2011 with no apparent application for renewal.

The witness confirmed that the Law Society had become aware of these offences at the time the Respondent was charged. There had been a large amount of publicity regarding the matter. The Respondent had subsequently appeared at the High Court of Justiciary and had been convicted of a number of offences of trying to smuggle controlled drugs and mobile phones into the prison.

Mr Ritchie confirmed that the Complaints Investigator in this case had emailed the High Court of Justiciary and had received in return documentation which was now Production number 1 for the Complainers. Item 1B was a certified copy indictment listing four charges, certified as a true copy by the Clerk of Justiciary. Production 1C was a certified copy minute dated 19 April 2013. Items 1D and E were certified copy minute from 19 April 2013 confirming that the jury had convicted the accused of four charges by majority. It confirmed that the court adjourned the diet for sentence until 17 May 2013.

The witness was asked to look at the certified copy indictment and confirmed that the name, date of birth and address matched the record held by the Law Society for the Respondent, which was Production number 3.

The witness then confirmed that Production 1F was a certified copy court minute confirming that on 17 May 2013 David Blair-Wilson was sentenced to a period of four years imprisonment to date from that date.

Mr Ritchie confirmed that Production number 2 was a print out from the Judiciary of Scotland website which contained the statement of Lord Jones made when he sentenced David Blair-Wilson on 17 May 2013. The witness went on to confirm that



the charges on the indictment of which the Respondent had been convicted, included attempting to bring mobile telephones, sim cards etc into the prison, and being concerned in the supply of cannabis resin, diazepam, and a number of different steroids, all at the prison.

## **DECISION**

The Tribunal was satisfied beyond reasonable doubt, from the evidence of Mr Ritchie and the certified copy court documents, that the Respondent had been convicted of offences and sentenced to a period of imprisonment of four years. In these circumstances, the Tribunal held that Section 53(1)(b) of the 1980 Act applied.

It was quite clear that the charges on the indictment were in their own right serious matters. They had been prosecuted in the High Court of Justiciary and had resulted in a sentence of four years imprisonment. These offences had been committed while the Respondent was acting in his role as a solicitor.

As a solicitor, the Respondent was a member of a profession where a high standard of ethical conduct is required. Members of the public must have a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, propriety and trustworthiness.

As a solicitor, the Respondent would be well aware of the seriousness of these charges and in particular the consequences of taking controlled drugs and mobile telephones into a prison. This clearly represents conduct which is a danger to the public and which must have seriously damaged the reputation of the legal profession. The Respondent had shown no remorse or appreciation of the seriousness of these matters in the course of the proceedings before the Tribunal.

The Respondent's conduct clearly demonstrated that he is not a fit person to be a solicitor.

Accordingly, the Tribunal concluded that there was no measure short of striking the Respondent's name from the Roll which was compatible with the serious nature of his conviction.

The Fiscal moved for an award of expenses in his favour and this was granted. The usual order for publicity was also made.

**Malcolm McPherson**  
**Vice Chairman**