

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

F I N D I N G S

in Complaints

by

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

Complainers

against

**DAVID WILLIAM DICKSON, Dicksons
Solicitors, 19 Waterloo Street, Glasgow**

Respondent

1. In May 2016 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 David William Dickson, Dicksons Solicitors, 19 Waterloo Street, Glasgow (hereinafter referred to as "the Respondent") was a practitioner who may have been guilty of professional misconduct.
2. There was a Secondary Complainer, Mrs K.
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 25 August 2016 as a procedural hearing and notice thereof was duly served on the Respondent.
5. At the procedural hearing on 25 August 2016, the Complainers were represented by their Fiscal, Elaine Motion, Solicitor Advocate, Edinburgh. The Respondent was not present but was represented by Douglas Mill, Solicitor, Livingston. The Tribunal fixed a hearing for 1 November 2016 at 11:30am.

6. A second Complaint was lodged with the Scottish Solicitors' Discipline Tribunal by the Complainers in September 2016. The said Complaint averred that the Respondent was a practitioner who may have been guilty of professional misconduct in respect of separate matters.
7. There is no Secondary Complainer in relation to the second Complaint.
8. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent.
9. The Respondent agreed to dispense with the induciae in relation to the second Complaint, so that a notice of hearing for the 1 November 2016 could be served, allowing both cases to call at the same time. A notice of hearing was duly served upon the Respondent. No Answers were lodged for the Respondent.
10. At the hearing on 1 November 2016, the Complainers were represented by their Fiscal, Elaine Motion, Solicitor Advocate, Edinburgh. The Respondent was not present but was represented by Douglas Mill, Solicitor, Livingston. It was confirmed that the parties had reached agreement. Both Complaints were before the Tribunal. Two Minutes of Agreement which had been previously lodged were also before the Tribunal. Submissions were made on behalf of both parties.
11. The Tribunal found the following facts established:-

First Complaint

- 11.1 The Respondent is a solicitor enrolled on 7 December 1981. He practised as an employee until 6 January 1992 when he became a partner in Campbell & Dicksons and on 1 November 1999 set up as a sole practitioner under the business name of Dicksons Solicitors, 19 Waterloo Street, Glasgow.

Mrs K

- 11.2 The Respondent whilst at Dicksons acted on behalf of Mrs K in relation to her late husband's executry. Mrs K's husband died on 9 June 2014 and the Respondent

commenced acting on her behalf shortly after that date. He was instructed by Mrs K as her late husband's executrix to act in the executry.

- 11.3 The Respondent accepted instructions and visited Mrs K at her house in 2014.
- 11.4 Mrs K then heard nothing further. On attempting to contact the Respondent she had been met on various occasions with a voicemail. In addition her son had visited Dicksons and they advised him that Mr Dickson was not available. As a result of Mr Dickson's failure to communicate with Mrs K she submitted a complaint form to the SLCC dated 6 February 2015. In that she stated she was 88 years of age and that the Respondent had been ignoring phone calls since June 2014.
- 11.5 By e-mail letter of 12 February 2015 details of the complaint were sent by the SLCC to the Respondent.
- 11.6 On 15 February 2015 the Respondent replied to the SLCC's e-mail indicating that he met with Mrs K and her son on 14 February 2015 at their home, discussed the matter in hand and agreed with them what needed to be done.
- 11.7 A representative of the SLCC spoke with Mrs K on 16 February 2015 and was advised that the situation had been resolved and Mrs K would not be pursuing the complaint.
- 11.8 However, by letter of 23 March 2015 Mrs K wrote to the SLCC indicating that despite the visit on 14 February 2015 she had not heard anything further from him, despite being advised by him he would do so within 10 days of that meeting. She had called the Respondent but there was no reply and she wished the matter to be resolved as soon as possible given that her husband passed away on 9 June 2014. She requested a further complaint form.
- 11.9 As a result of Mrs K's letter the SLCC re-opened its complaint and advised the Respondent by letter of 28 April 2015.

- 11.10 On 1 May 2015 Mrs K indicated to a representative of the SLCC that she was very stressed about the situation and the stress “made her out of breath sometimes”.
- 11.11 On 27 May 2015 the SLCC noted a further telephone call with Mrs K to the effect that the Respondent had not responded to Mrs K. Mrs K’s messages went on to voicemails and a man at the door of Dicksons’ office had told her that it was rare for anyone to be in the office.
- 11.12 The SLCC attempted to contact the Respondent later on 27 May on two occasions but there was no answer on both occasions.
- 11.13 The SLCC then processed the complaint and the conduct matter was remitted to the Law Society to the Council to investigate. It duly did so. In the process of that on 18 June 2015 Mrs K contacted a representative of the Society and advised that she did not hold any other information in relation to the matter; that the Respondent held all the paperwork relating to her late husband’s executry and that she had not heard anything since her meeting with the Respondent on 14 February 2015 when he had cycled out to her house and had her sign some forms advising that the executry would be sorted within a few weeks. By this time Mrs K indicated she was now 89 and very anxious about matters. She confirmed a change of address as she was being relocated as her house was being demolished.
- 11.14 As at the date of the first Complaint there had been no further communication by the Respondent with Mrs K nor had any files or papers been produced to enable Mrs K’s late husband’s executry to be completed.

Failure to respond to the Law Society

- 11.15 By letter of 16 June 2015 the Society formally intimated Mrs K’s complaints, namely that the Respondent had:-
1. consistently failed to respond to her telephone calls since June 2014 seeking an update on her case;

2. failed to contact her following a meeting on 14 February 2015 despite advising at the meeting that he would be in touch within the next ten days; and
3. failed to make timeous progress with her case in that despite being instructed in June 2014 and being advised on 14 February 2015 that progress would be made within the next ten days her case is still ongoing.

11.16 At the same time a copy of the relevant papers that had been received by the Council from the SLCC were sent to the Respondent under cover of the same letter. No response was received.

11.17 On 10 July 2015 given the lack of response a Section 15(2) Notice and a Section 48 Notice were sent recorded delivery and separately by first class post to the Respondent. The Royal Mail Track and Trace internet facility evidenced that the recorded delivery Notices were signed for by "Colvin" on 13 July 2015. No response was received.

11.18 Accordingly on 3 August 2015 the second part of a Section 15(2) Notice was sent recorded delivery and by first class post to the Respondent. Again the Royal Mail Track and Trace internet facility evidenced that the recorded delivery Notice was signed for by "Colvin" on 05 August 2015. No response was received.

11.19 On 19 August 2015 the Council advised the Respondent that an additional issue of complaint had been raised in relation to his failure to respond to the Council. The SLCC confirmed that it could so be admitted into the complaints process and by letter of 25 September 2015 the Council formally intimated a complaint based on a failure to respond to the Respondent. No response was received.

11.20 By letter of 16 October 2015 the Council advised that as no response had been received it was moving the complaint to the next stage of the process.

11.21 On 12 November 2015 by both e-mail and letter the Council sent the Respondent a copy of file notes of telephone calls with Mrs K and the Respondent was

provided with a further seven days within which to respond and provide comments in relation to the complaint. No response to that was received.

11.22 As at the date of the first Complaint no correspondence was received by the Council from the Respondent in relation to any aspect of the complaint.

Second Complaint

Law Society of Scotland – Failure to co-operate – HMRC & VAT

11.23 The Complainers' Financial Compliance inspection team carried out an inspection of the Respondent's firm (Dicksons) on 8 January 2014. The Complainers following this inspection highlighted several matters that required to be dealt with. Accordingly the Complainers wished to carry out a further Inspection.

11.24 By letter of 4 March 2014 the Complainers advised the Respondent that an Inspection would take place on 28 March 2014. That was postponed at the Respondent's request by call on 26 March as he had confused the date.

11.25 By letters of 27 and 31 March 2014 the Complainers advised the Respondent that an Inspection would then take place on 25 April 2014. That was postponed at the Respondent's request on 24 April 2014 due to illness.

11.26 By letter of 30 April 2014 the Complainers advised the Respondent that the Inspection would then take place on 23 May 2014. The inspection team attended at his office but they could not gain entry and he was not answering any calls. A message was left on his answering machine but not returned.

11.27 On 5 June 2014 the Guarantee Fund Sub Committee met to discuss the situation. It was concerned that the Respondent had not responded to the requests for a follow-up visit and that he had therefore not provided evidence of the practice unit complying with the relevant Practice Rules. As a result the Respondent was invited to attend an interview in terms of Section 40 of the Solicitors' (Scotland) Act 1980 at the Complainers' office.

- 11.28 By letter of 9 June 2014 the Respondent was invited to an interview on 19 June 2014. He did not attend. The correspondence issued to the Respondent requesting a follow-up visit and the interview had not been returned undelivered and therefore there was no indication that the Respondent had not received the correspondence. Accordingly the matter was considered in his absence. The interview panel was concerned that without access to the office the inspectors were unable to establish the true financial position of the practice unit.
- 11.29 There was concern that the Complainer was not able to carry out its regulatory function without cooperation from the Respondent.
- 11.30 The interview panel agreed that it could not be certain if there was a risk to the Guarantee Fund because the inspectors had been unable to inspect the records. The interview panel recommended certain action to protect the client base and the profession.
- 11.31 On 3 July 2014 the Guarantee Fund Sub Committee met again to discuss the concerns raised at said interview panel. In between times the Respondent had been in communication and provided some responses. It therefore determined to withhold any substantive steps but to invite him again for Interview.
- 11.32 The interview was arranged for 21 August 2014 and the Respondent attended. He was advised that the reason he was asked to attend was more to do with his failure to cooperate with the Complainer than anything else. He was also advised that any failure to cooperate was time consuming and that it wasted the resources of the Financial Compliance department of the Complainers.
- 11.33 The Respondent advised that in early 2014 he had felt that he was undergoing a type of nervous breakdown. He had experienced trouble in coping with all that he had to do as a sole practitioner; he had concentrated on keeping his clients happy at the cost of responding to the Financial Compliance team. The Respondent stated that in hindsight this was a ridiculous thing to have done and that he realised it was discourteous and impinged on the Society's role. He advised that he did not know if he was clinically depressed and that rather than face up to the

difficulties he had not dealt with matters and had not opened the mail received from the Complainers.

- 11.34 The Respondent also advised that he had made great efforts to get matters up to date and that he had employed a cashroom specialist to carry out a weekly check of the books and do a weekly reconciliation. He was assured that his positive response had led to the Financial Compliance team confirming that apart from one issue all outstanding matters raised at the 8 January 2014 inspection had been addressed.
- 11.35 Matters then rested until February 2015 when the inspection team of the Complainers carried out a further inspection of the practice unit on 2 February 2015. It was noted at the inspection that an online VAT account activity report from October 2013 to January 2015 showed an estimated outstanding balance of VAT of £7,348.70 due to HMRC.
- 11.36 The Respondent advised the inspectors at that time that no VAT returns had been submitted to HMRC since October 2013. Accordingly the position of arrears due to HMRC was therefore unknown.
- 11.37 The Complainers attempted to contact the Respondent by letter of 7 May 2015 indicating a further Inspection would be carried out on 20 May 2015. The Financial Compliance team arrived on 20 May 2015 but again could not gain access.
- 11.38 On 4 June 2015 the Guarantee Fund Sub Committee met again to discuss the fact that the Financial Compliance team attended the practice unit for an inspection on 20 May 2015 and had incurred similar difficulties to those experienced in 2014. It was concerned that the lack of co-operation hampered the Complainer's ability to carry out its regulatory function.
- 11.39 The Respondent was again invited to Interview and he attended on 18 June 2015. He advised that he had health issues and that a matrimonial breakdown in February of that year had contributed to this. The solicitor provided some

evidence in relation to HMRC payments, advising that only a minor amount remained outstanding.

11.40 A further Inspection was arranged for 26 June 2015 and proceeded on that date. It was confirmed that all VAT returns were seen to have been submitted and that payment had been made up to date. It was noted that HMRC 'at a glance' showed that £1,013.13 remained outstanding. The Respondent confirmed that this was in respect of charges for late submission. The Financial Compliance team asked for this to be dealt with timeously as it would be reviewed at the next inspection.

11.41 The Guarantee Fund Sub-committee met again on 2 July 2015 and determined to fix another Inspection for January 2016 and to refer a complaint ex proprio motu to the SLCC.

11.42 The solicitor ceased to practice as a sole practitioner on 31 October 2015 and accordingly no further Inspection took place. The HMRC VAT matter has been finalised.

12. Having given consideration to the accepted facts and the parties submissions in relation to the question of professional misconduct, the Tribunal found the Respondent guilty of Professional Misconduct individually and in cumulo in respect of:

First Complaint

12.1 He delayed unreasonably to respond to the reasonable enquiries of the Complainers as narrated above;

12.2 Between June 2014 and May 2016 he delayed unreasonably and/or failed to timeously progress an executry;

12.3 Between June 2014 and May 2016 he delayed unreasonably and/or failed to respond to telephone calls from the Secondary Complainer seeking an update regarding her complaint;

12.4 From 14 February 2015 to May 2016 he delayed unreasonably and/or failed to contact the Secondary Complainer as promised despite having advised the

Secondary Complainer he would do so within 10 days of said meeting and make progress on the executry within the same time period;

Second Complaint

- 12.5 He delayed unreasonably to respond to and cooperate with the reasonable enquiries of the Complainers as narrated above; and
- 12.6 He failed to keep and/or ensure he had properly written up appropriate records to accurately reflect the financial position of his firm and in particular to submit the required VAT forms to HMRC timeously.
- 12.7 As a consequence of said delay and failure he breached Rules 6.7.1, 6.7.4, 6.13.1, 6.18.3 and 6.18.7 of the Practice Rules 2011.
13. The Tribunal heard further submissions from both parties in relation to disposal. Having given careful consideration to these submissions, the Tribunal pronounced an Interlocutor in the following terms:-

Edinburgh 1 November 2016. The Tribunal having considered the Complaints at the instance of the Council of the Law Society of Scotland against David William Dickson, Dicksons Solicitors, 19 Waterloo Street, Glasgow; Find the Respondent guilty of professional misconduct singly and *in cumulo* in respect of his delay unreasonably to respond to the reasonable enquiries of the Complainers, between June 2014 and May 2016 his delay unreasonably and/or failure to timeously progress a executry, between June 2014 and May 2016 his delay unreasonably and/or failure to respond to telephone calls from the Secondary Complainer seeking an update in her complaint, from 14 February 2015 to May 2016 his unreasonable delay and/or failure to contact the Secondary Complainer as promised despite having advised the Secondary Complainer he would do so within 10 days of said meeting and making progress on the executry within the same period, his delay unreasonably to respond to and cooperate with the reasonable enquiries of the Complainers, his failure to keep and/or ensure he had properly written up appropriate records to accurately reflect the financial position of his firm and in particular to submit the required VAT forms to HMRC timeously, and his breach of Rules 6.7.1, 6.7.4, 6.13.1, 6.18.3 and 6.18.7 of the Practice Rules 2011 as a consequence of said delays and failures; Censure the Respondent; Direct in terms of

Section 53(5) of the Solicitors (Scotland) Act 1980 that any practising certificate held or to be issued to the Respondent shall be subject to such restriction as will limit him to acting as a qualified assistant to (and to being supervised by) such employer or successive employers as may be approved by the Council of the Law Society Of Scotland or the Practising Certificate Sub Committee of the Council of the Law Society of Scotland and that for an aggregate period of two years; 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 but should not include the name of the Secondary Complainer.

(signed)

Kenneth Paterson

Vice Chairman

14. Edinburgh 1 November 2016. The Tribunal having considered the Complaints of May 2016 and September 2016 at the instance of the Council of the Law Society of Scotland against David William Dickson, Dicksons Solicitors, 19 Waterloo Street, Glasgow and having determined that the Respondent was guilty of professional misconduct considered that it was appropriate to award compensation to the Secondary Complainer; Ordain the Respondent in terms of Section 53(2)(bb) of the Solicitors (Scotland) Act 1980 to pay to the Secondary Complainer the sum of £1,000 by way of compensation in respect of loss, inconvenience and distress resulting from the misconduct within 28 days of the date on which this Interlocutor becomes final with interest at the rate of 8% per annum from the due date until paid.

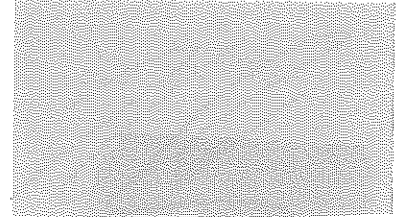
(signed)

Kenneth Paterson

Vice Chairman

15. 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 **23 NOVEMBER 2016**.

IN THE NAME OF THE TRIBUNAL



Kenneth Paterson
Vice Chairman

NOTE

At the hearing on 1 November 2016 the Tribunal had before it two Complaints and two signed Minutes of Agreement. The Minutes of Agreement agreed all of the averments of fact and duties and agreed that the Respondent's breaches of these duties amounted to professional misconduct. In the circumstances evidence did not require to be led and the Tribunal proceeded to hear submissions.

SUBMISSIONS FOR THE COMPLAINERS

Ms Motion indicated that in relation to the first Complaint the misconduct related to the Respondent's failure to get Mrs K's case to a stage where the estate could be wound up and then the Respondent's failure to engage with the Complainers. Mrs K is an elderly lady and the delay in resolving matters had made her anxious. She is 90 years old. From the terms of the Complaint it was clear that the Respondent had failed to progress what was a relatively simple executry and had ignored Mrs K, Mrs K's son, the SLCC and the Law Society.

In relation to the second Complaint Ms Motion indicated that the Respondent was guilty of the same pattern of behaviour as in relation to the First Complaint. The Complaint averred that the Respondent had cancelled various appointments and had also failed to appear at Law Society meetings. The Respondent's conduct was such that he would in turn ignore the Complainers and then engage with them but ultimately fail to deal with the issues requiring his attention.

SUBMISSIONS FOR THE RESPONDENT

Mr Mill submitted that this was a very sad case but wished the Tribunal to note that the Respondent's actions were not wilful or malicious. The Respondent's conduct was purely as a result of the deterioration in his mental health and him being unable to cope with the rigours of being a sole practitioner. At no stage were any client funds in danger. According to Mr Mill, the circumstances amounted to "*a muddle, not a fiddle*". The Respondent accepted that he gave promises to the Law Society which he did not implement. He did mean to carry out what he had promised but in reality could not deal with matters. As is detailed in the Complainer's productions the Respondent is a personable individual of integrity. He was pleasant and cooperative with the Law Society. He is fully appreciative of the Law Society's requirements and the reasons for those. There was no active intention to do wrong. He is now supported by a number of people around him. The Respondent hoped for closure and wished the matter to be dealt with by the Tribunal on that day.

When the Respondent realised that he was unable to continue working he engaged Mr Mill to assist him. They decommissioned the Respondent's practice. All matters relating to the firm were settled and finalised. In particular the VAT bill was paid. There is a small surplus remaining following the winding up of the practice. The Respondent has now recently entered his second year without a practising certificate. He is not seeking to return to practice. He had been a solicitor since 1981. He had an otherwise unblemished record. Mr Mill submitted that the Respondent would not practise as a sole practitioner again.

Mr Mill said that the Respondent wished to apologise to Mrs K and her family. However, he wished to make it clear to the Tribunal that Mrs K had never been in any financial distress as a result of his delay. Mr Mill also extended the Respondent's apologies to the Law Society, the Fiscal and the Tribunal.

DECISION

The Respondent had delayed or failed to deal with an executry for a significant period of time. The Respondent had failed to contact the Secondary Complainer despite repeated attempts on her part to obtain information. Such failure to respond would inevitably cause anxiety on the part of the client. The Respondent failed to keep proper records of his accounts. He also failed to engage properly with the Law Society. Failure to respond to the Law Society hampers it in the performance of its statutory duty and brings the profession into disrepute. The Respondent's conduct in this case was not that to be expected of a competent and reputable solicitor and was serious and reprehensible. The Tribunal found that professional misconduct was established.

Submissions were invited with regard to sanction. Ms Motion submitted that sanction was outside her remit but she would highlight a few matters for the Tribunal's consideration. Ms Motion noted that there had been no apology to Mrs K forthcoming until the date of the Tribunal hearing although the Respondent had previously apologised to the Law Society. The Respondent had made a choice not to open his mail. The Respondent had given various assurances but had not lived up to them. Mrs Motion noted that the Respondent had not renewed his practising certificate. However, she noted that any undertaking he gave through his representative to the Tribunal with regard to future practice could not be enforced. Therefore, the Tribunal had to consider the risk to the profession and how to protect the public should the Respondent return to work. She had seen no evidence of any rehabilitative steps

taken by the Respondent. She submitted that it would be a concern if there was potential for the Respondent to come back to work as a sole practitioner.

Mr Mill told the Tribunal that the Respondent is 59 years of age. He had not worked since he wound up his firm and even before that he was not doing much business. A small surplus was left after the practice was closed. Mr Mill submitted that there was very little chance the Respondent would want to return to work as a solicitor but appreciated that the Tribunal required to guard against any danger to the public if that were to occur. Mr Mill submitted that the Respondent's actions fell at the lower end of the spectrum of professional misconduct. The Respondent had not behaved with any malicious intent. He was very embarrassed by what had occurred. Mr Mill asked the Tribunal to be as understanding as they could be.

The Tribunal considered that the conduct was at the lower end of the scale of professional misconduct. The Respondent had tendered an early plea of guilty and showed remorse. He had cooperated fully with the Fiscal and the Tribunal in these proceedings. However, the Tribunal had in mind the need to protect the public. In these circumstances the Tribunal was of the view that it would be appropriate if and when the Respondent returns to work as a practising solicitor that he is issued only with a restricted practising certificate limiting him to working as a qualified assistant for an aggregate period of two years. Said time does not include any periods when the Respondent is not working as a solicitor in terms of his practising certificate.

SECONDARY COMPLAINER'S CLAIM FOR COMPENSATION

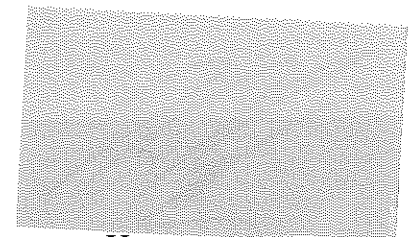
Both parties wanted to deal with the secondary complainer's claim for compensation at the Tribunal hearing on 1 November 2016 and the Tribunal had sufficient time and information before it to do so. The Tribunal had before it the Secondary Complainer's compensation claim form and her correspondence with the SLCC. The Tribunal noted that the Secondary Complainer said in those documents that she had suffered considerable distress and upset as a result of the delay in winding up her husband's executry. This was supported by a letter from her general practitioner. It was noted that the Secondary Complainer in her claim for compensation sought "appropriate compensation for distress and anxiety". The Tribunal did consider that the Secondary Complainer had been put to significant inconvenience and distress due to the Respondent's professional misconduct. It therefore thought it appropriate to award her £1,000 in compensation.

Mrs Motion referred the Tribunal to a letter dated 28 June 2016 and an email dated 1 November 2016, both from Anderson Strathern, a firm of solicitors. This firm had acted for the Secondary Complainer following the termination of the professional relationship between the Respondent and then Secondary Complainer. Anderson Strathern indicated that their total fee to the Secondary Complainer was £3832.50 which included the fees for work occasioned in proving the tenor of the will which had been lost. Mrs Motion conceded that there was no averment of misconduct in the complaint specific to the loss of the will. She said it was a matter for the Tribunal whether they considered the casual link had been made out. However, she indicated that Mr Mill had assured her that the cost would be covered by the Respondent.

Mr Mill indicated to the Tribunal that regardless of what the Tribunal ordered in relation to compensation, the Respondent was going to pay the Secondary's Complainer's fees due to Anderson Strathern. Mr Mill noted that the Respondent has some money available to him and did not want to leave any trail of debt behind. Therefore, there was provision for this bill to be paid in the unlikely event that it was not covered under the "lost documents" part of the master policy. Mr Mill said that the Tribunal could have his own personal assurance that it would be paid.

The Tribunal was of the view that it would be inappropriate to make an award of compensation in favour of the Secondary Complainer to compensate her for the fees due to Anderson Strathern for the work done to prove the tenor of the lost will. There was insufficient evidence to make out the causal link between the averments in the Complaint of professional misconduct and the compensation sought. However, the Tribunal was pleased to note Mr Mill's assurances that the Respondent was going to bear this cost.

Following submissions regarding publicity and expenses, the Tribunal made the usual order with regard to expenses. Publicity will be given to the decision. However the Secondary Complainer will be referred to as Mrs K. Mrs K is a 90 year old lady. She has already experienced significant anxiety as a result of this matter. It is therefore not appropriate for her identity to be disclosed.



Kenneth Paterson

Vice Chairman