

**THE SOLICITORS (SCOTLAND) ACT 1980
THE SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL
(SSDT RULES 2024)**

DECISION

in hearing on Compensation in Complaint

by

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

Complainers

against

**KENNETH D WOODBURN, 16 Forth Street,
Edinburgh**

Respondent

1. On 12 August 2025, Kenneth D Woodburn, 16 Forth Street, Edinburgh (hereinafter referred to as “the Respondent”) was found guilty of professional misconduct.
2. There was a Secondary Complainer in the Complaint, Ms M, care of the Law Society of Scotland, Atria One, 144 Morrison Street, Edinburgh.
3. Following the finding of professional misconduct, the Tribunal allowed the Secondary Complainer 28 days from the intimation of the Findings to lodge a claim for compensation with the Tribunal Office. The Secondary Complainer lodged a Compensation Claim Form dated 18 August 2025.
4. After sundry procedure, the Tribunal set down a virtual Compensation Hearing to call on 5 May 2026.
5. At the virtual Compensation Hearing on 5 May 2026, the Secondary Complainer was present and represented herself. The Respondent was absent but was represented by William Macreath, Solicitor, Glasgow. Both parties made submissions.
6. The Tribunal found the following facts established:-

- 6.1 Ms M, care of the Law Society of Scotland, Atria One, 144 Morrison Street, Edinburgh was the Secondary Complainer in the Complaint against Kenneth D Woodburn, 16 Forth Street, Edinburgh. On 12 August 2025, the Respondent was found guilty of professional misconduct in respect of contraventions of Rules B1.2 and B1.15 of the Practice Rules 2011 in respect of the following conduct:
- a) On various occasions between May and October 2022 in the agents' room at the local Sheriff Court and in the office of the Firm the Respondent referred to the Secondary Complainer as looking "hot" and being "the hottest trainee in the room", or words to that effect.
 - b) On or around 07 to 09 September 2022 the Respondent discussed with the Secondary Complainer the breast augmentation and mastopexy surgery which she had undergone and asked her what colour her nipples were, or words to that effect; asked her what her nipples looked like when she masturbated and whether they got hard, or words to that effect; and spoke about occasions where he had engaged in sexual intercourse with other women commenting on the fact that his nipples had become erect when doing so.
 - c) On or around 07 October 2022, whilst conducting a discussion with the Secondary Complainer about whether a female could commit the crime of rape against a male, he substituted himself and the Secondary Complainer for the hypothetical male and female and stated "for example, if you were to drug me, jump on top of me and ride me whilst I am hard, that would be rape" or words to that effect.
 - d) On or around 12 October 2022, the Respondent said, when the Secondary Complainer confirmed her name and date of birth on a telephone call, that "I was shagging Margo/ Maggie on your birthday" or words to that effect.
- 6.2 The Respondent was found not guilty of professional misconduct in relation to an exchange of text messages on or around 6 November 2022.
- 6.3 The Secondary Complainer lodged a written claim for compensation, claiming the sum of £5,000.

- 6.4 The Secondary Complainer was directly affected by the Respondent's misconduct. As a result of the aforesaid misconduct, the Secondary Complainer suffered inconvenience and distress.

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

By Video Conference, 5 May 2025. The Tribunal, having considered the Complaint at the instance of the Council of the Law Society of Scotland against Kenneth D Woodburn, 16 Forth Street, Edinburgh and having previously determined that the Respondent was guilty of professional misconduct; Finds that the Secondary Complainer has been directly affected by the Respondent's misconduct and considers that it is appropriate to award compensation to the Secondary Complainer: Ordains the Respondent in terms of Section 53(2)(bb) of the Solicitors (Scotland) Act 1980 to pay to the Secondary Complainer, Ms M, care of the Law Society of Scotland, Atria One, 144 Morrison Street, Edinburgh, the sum of £3,000 by way of compensation in respect of inconvenience and distress resulting from the misconduct, payable in instalments of £100 per calendar month with the first instalment due within 28 days of the date of intimation of this Interlocutor to the Respondent, with interest payable at the rate of 8% per annum on any late or unpaid instalment from the due date until paid; Makes no award of expenses due to or by either party; and Directs that publicity will be given to this decision and that this publicity should include only the name of the Respondent.

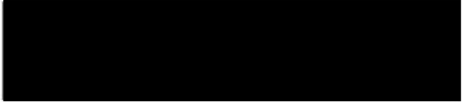
(signed)

Beverley Atkinson

Chair

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 Respondent and the Secondary Complainer by tracked delivery service on 19 AUGUST 2026.

IN THE NAME OF THE TRIBUNAL



Beverley Atkinson

Chair

NOTE

At the virtual Compensation Hearing on 5 May 2026, the Tribunal had before it the written findings of the Tribunal following the hearing on professional misconduct, the Secondary Complainer's written claim for compensation, receipts for payments made to the Secondary Complainer's therapist, copy medical records and emails from each of the parties containing written submissions.

SUBMISSIONS FOR THE SECONDARY COMPLAINER

The Secondary Complainer referred the Tribunal to her email of 4 May 2026 and the evidence led at the hearing on misconduct. She noted that the Respondent was in financial difficulties but emphasised that "he had been the maker of his own misery". She accepted that any award of compensation would require to be paid by instalments.

The Secondary Complainer submitted that the effects of this misconduct upon her were ongoing, given the publicity that followed the finding of misconduct. She stated that the effects of the misconduct had been detrimental to her career. She confirmed she had not been identified as a result of the publicity, but emphasised that the publicity had caused her ongoing anxiety.

SUBMISSIONS FOR THE RESPONDENT

Mr Macreath referred the Tribunal to his email of 1 May 2026. He submitted that it was inevitable that there would be an award of compensation in this case as a result of the inconvenience and distress caused.

With regard to the issue of the publicity that followed the finding of misconduct, he stated that the criminal bar in Scotland was small and it was inevitable that there would be "backroom gossip".

He submitted that the unquantifiable loss sustained here fell into the significant category and emphasised that the Respondent had attempted to deal with this issue in a professional manner.

DECISION

The Tribunal's powers to award compensation are set out in Section 53(2)(bb) of the Solicitors (Scotland) Act 1980 which provides that:-

“Where the solicitor has been guilty of professional misconduct, and where the Tribunal consider that the Complainer has been directly affected by the misconduct, direct the solicitor to pay compensation of such amount, not exceeding £5,000, as the Tribunal may specify to the Complainer for loss, inconvenience or distress resulting from the misconduct.”

The Tribunal considers that a direct effect is one which would not have happened but for the professional misconduct. The standard of proof to be applied in applications for compensation is the balance of probabilities. The Tribunal has a discretion to award compensation, but it is not obliged to do so. It is important to note that the amount of any compensation awarded must reflect the nature of the loss, inconvenience or distress resulting from the misconduct and is not based on the seriousness or otherwise of the conduct itself. There is no provision for the Tribunal to award “punitive damages”.

The Tribunal considered it appropriate to have regard to all of the evidence led before it at the hearing on misconduct in addition to the written documentation produced for the Compensation Hearing.

The written claim for compensation claimed the sum of £5,000. Although no specific figure was identified within the claim as quantifiable loss, the Secondary Complainer had lodged receipts for payments to her therapist for counselling and had referred to these in the body of her claim. The Tribunal noted that the therapist gave evidence that the Secondary Complainer had been seeing her since 2020, from a time when the Secondary Complainer was a student. In the absence of further evidence, the Tribunal concluded that it could not hold, on a balance of probabilities, that the costs for attending the therapist would not have been incurred but for the Respondent’s misconduct.

With regard to unquantifiable loss, the Respondent conceded that significant inconvenience and distress had resulted from the misconduct. It was clear to the Tribunal from the evidence led at the hearing on misconduct that the misconduct caused the Secondary Complainer distress during her traineeship and anxiety has continued since. Such was the effect of the Respondent’s behaviour on the Secondary Complainer that she felt compelled to assign her traineeship within eight months or thereby of its commencement. This is something that is likely to have an ongoing effect on her career.

The Secondary Complainer had produced copy medical records, showing that she had been prescribed medication by her GP during and after the time of the misconduct. Unfortunately, the medical records produced give little or no information as to the nature of the medical conditions being treated or any likely connection between those conditions and the misconduct of the Respondent. The Tribunal was unable to conclude on the balance of probabilities that the medication was required to be prescribed as a direct effect of the professional misconduct.

The Tribunal had regard to its guidance on compensation tariffs and concluded that the inconvenience and distress caused to the Secondary Complainer fell into the serious category. The Tribunal assessed the appropriate award of compensation as £3,000.

PAYMENT, EXPENSES AND PUBLICITY

SUBMISSIONS FOR THE RESPONDENT

Mr Macreath described the Respondent's financial circumstances and asked that he be allowed to pay in instalments of £100 per month. He invited the Tribunal to make no award of expenses. He accepted that the Tribunal was obliged to order publicity but emphasised that the Secondary Complainer should not be named.

SUBMISSIONS FOR THE SECONDARY COMPLAINER

The Secondary Complainer confirmed that she was prepared to accept instalments of £100 per month, so long as the compensation was paid in full.

She explained that she would prefer not to have any further publicity and invited the Tribunal to keep as much as possible private.

The Secondary Complainer confirmed that she had not incurred any expense in relation to the compensation proceedings.

DECISION

Given the Respondent's financial circumstances, and the position of the Secondary Complainer, the Tribunal considered it fair to allow the Respondent to make payment by instalments of £100 per calendar month.

In all of the circumstances, the Tribunal considered that it was fair and appropriate to make no award of expenses.

The Tribunal has an obligation to publish its decisions, under Paragraph 14 of Schedule 4 to the 1980 Act. It was appropriate that the same approach be taken to publicity of this decision as to publicity of the finding of professional misconduct. Therefore, the Secondary Complainer should not be named.



Beverley Atkinson
Chair