

**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**

**On behalf of**

**MR and MRS A**

**SECONDARY COMPLAINERS**

**against**

**GRANT EUAN TURNER  
DOCHERTY, Solicitor, of DWF  
Biggart Baillie, 2 Lochrin Square,  
96 Fountainbridge, Edinburgh**

**RESPONDENT**

1. A Complaint dated 16 October 2012 was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society (hereinafter referred to as "the Complainers") on behalf of Secondary Complainers Mr and Mrs A requesting that Grant Euan Turner Docherty, Solicitor, of DWF Biggart Baillie, 2 Lochrin Square, 96 Fountainbridge, Edinburgh (hereinafter referred to as "the Respondent") be required to answer the allegations contained in the statement of facts which accompanied the Complaint and that the Tribunal should issue such order in the matter as it thinks right.
2. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent. Answers were lodged for the Respondent.

3. In terms of its Rules the Tribunal appointed the Complaint to be set down for a procedural hearing on 16 January 2013 and notice thereof was duly served on the Respondent.
4. At the procedural hearing on 16 January 2013 the Complainers were represented by their Fiscal, Paul Marshall, Solicitor, Edinburgh. The Respondent was represented by Mr James McCann, Solicitor, Clydebank. Mr McCann indicated that as currently instructed there was no prospect of a plea being tendered but there was a prospect of a Joint Minute agreeing certain matters. He advised that a debate would be necessary to consider an objection to the evidence leading from the recovery of the mobile phone records of the Respondent. Mr Marshall indicated that if this objection was to be insisted upon then the Tribunal would require to hear evidence relating to the way these records were recovered and he would lead a witness to speak to that. He also agreed that there were matters capable of agreement. The Tribunal adjourned the case to a substantive hearing on a date to be afterwards fixed, between 21 April 2013 and the end of May 2013. The Tribunal thereafter appointed the Complaint to be heard on 24 April 2013 and notice thereof was duly served on both the Complainers and the Respondent.
5. An application was lodged on behalf of the Respondent in terms of Rule 43 of the Scottish Solicitors' Tribunal Procedure Rules 2008 for the hearing on 24 April 2013 to be heard in private. Consequently the Tribunal appointed that the case be set down for a procedural hearing on 28 March 2013. Notice was duly served upon the Respondent. Thereafter the Complainers sought leave to lodge an amended Complaint and the Tribunal granted this application. The procedural hearing that had been fixed for 28 March 2013 was redundant and the case did not require to call on that date.
6. When the case called on 24 April 2013, the Complainers were represented by their fiscal Paul Marshall, Solicitor, Edinburgh. The

Respondent was present and represented by Murray Shaw, Solicitor, Glasgow. The Secondary Complainer, Mr A, was present. The Tribunal had before it the aforementioned amended Complaint. Written submissions were lodged on behalf of both parties. Both parties confirmed that the Respondent was admitting the whole content of the amended Complaint and was pleading guilty to the averments of professional misconduct. It was agreed by both parties that the finding of professional misconduct remained with the Tribunal. The Tribunal heard submissions from both parties.

7. The Tribunal found the following facts admitted:

7.1 The Respondent was enrolled as a solicitor on 27 April 1989. Between 17 November 2010 and 30 January 2011 he was a partner with Biggart Baillie LLP. He is currently employed as a consultant with DWF Biggart Baillie.

7.2 The Respondent's father, Mr B, instructed solicitors R & R S Mearns, Solicitors, Glasgow, in connection with the sale of a property at property 1. The Secondary Complainers instructed Martin and Company, Solicitors, Ayr to make an offer for the property on 11 August 2010. Mr B instructed R & R S Mearns to accept the Secondary Complainers' offer and missives were concluded on 23 August 2010 with a date of entry of 17 November 2010. The transaction did not complete on 17 November 2010 or thereafter.

7.3 On 3 December 2010 a Court of Session summons for an action for payment of the purchase price of the property was personally served on the Secondary Complainers at their home address. On 6 December 2010 Mr C of Biggart Baillie LLP contacted Martin and Company to advise that his firm was instructed by Mr B in connection with the action for payment

and confirmed that a summons had been served on the Secondary Complainers.

- 7.4 On 13 December 2010 the Respondent telephoned Ms D of Martin and Company in connection with the action for payment. The Respondent advised that Mr C was off. He wanted to know whether or not Martin and Company had instructions. Ms D prepared a contemporaneous file note of this telephone call with the Respondent dated 13 December 2010, which was Production 5 on the List of Documents for the Complainers.
- 7.5 On 20 December 2010 the Respondent telephoned Ms D of Martin and Company in connection with the action for payment. The Respondent asked whether or not Martin and Company had instructions. Ms D advised the Respondent that Mr E was meeting with the Secondary Complainers that afternoon, and that Martin and Company should be in a position to revert shortly thereafter. Ms D prepared a contemporaneous file note of this telephone call with the Respondent dated 20 December 2010, which was Production 6 on the List of Documents for the Complainers
- 7.6 On 22 December 2010 Mr C of Biggart Baillie LLP telephoned Mr E of Martin and Company to request an update on progress in relation to Mr B's court action against the Secondary Complainers. Mr E advised Mr C that a meeting in relation to the action had been postponed to the following day. At this stage in the discussion the Respondent began speaking on the telephone. Mr E advised the Respondent that the Secondary Complainers were endeavouring to borrow funds to make a payment in full and final settlement of the sums due. The Respondent advised that they should not bother unless the sum was £100,000. The Respondent advised that the property was

his parents' house and that he was due to get a cut of the sale proceeds. The Respondent stated he would rip Mr A to shreds. The Respondent indicated that he intended to use the full weight of the law to make life difficult for the Secondary Complainers. He said that if the Secondary Complainers did not enter appearance in the court action he would take decree against the Secondary Complainers and sequestrate them. Mr E prepared a contemporaneous file note of this telephone call with the Respondent dated 22 December 2010. Following this telephone discussion, Mr E sent a letter to the Secondary Complainers dated 22 December 2010 reporting the content of his call with the Respondent, which was Production 9 on the List of Documents for the Complainers.

7.7 On 31 December 2010 the Respondent telephoned Mr E. Mr E advised the Respondent that he had no instructions to defend the action. The Respondent advised that he would move for decree and thereafter press for sequestration as soon as possible. Mr E prepared a contemporaneous file note of this telephone call with the Respondent dated 31 December 2010, which was Production 12 on the List of Documents for the Complainers

7.8 During the period 6 December 2010 to 30 January 2011, the Respondent sent 33 text messages to Mr A. Some of these messages were threatening and abusive. Some of these messages were sent to Mr A late in the evening or in the early hours of the morning. They placed Mr A and Mrs A and their son in a state of fear and alarm. On 30 January 2011 the Secondary Complainers contacted the police to make a complaint about the Respondent's conduct. The police advised the Respondent not to contact the Secondary Complainers again. The Respondent consented to a request by the Council to prepare a transcript of the text messages sent to and received from Mr A which had been saved on the Respondent's mobile

phone. A transcript of those messages was made by Law Society employees Ms F and Ms G and dated 22 June 2011. This transcript was produced by the Complainers and discloses inter alia, the following messages that had been sent by the Respondent to the Secondary Complainer, Mr A:-

- i) 13/12/2010 at 19.16 “You are not helping yourself by refusing to communicate. The more you refuse to engage, the more suspicious I will become and the harder I will come after you and your family; and believe me, I will come after you with everything I have.”
- ii) 13/12/2013 at 21.32 “You don’t trust me? What a load of crap. You are the one who has failed to perform his obligations, not me or my father, and you are full of shit. If you were an honest human being, we would be hearing your story from a lawyer who represents you and not bullshit stories. Raising proceedings was the right thing to do and I will destroy you and I will ensure that you are destroyed if you continue to piss around. Pay and it goes away.”
- iii) 14/12/2012 at 14.18 “Just spoken with your lawyers, Martin & Co, and they still have no instructions from you. That just shows that you are not in a position to deal with this in a sensible manner. The case calls on 24 December and if you have not paid by then we will seek summary judgement and then move as quickly as possible to sequestrate (bankrupt) you and your wife. If I don’t get a proper response, I will pay you a personal visit.”
- iv) 15/12/2010 at 20.40. “Lawyers name mf”
- v) 15/12/2010 at 21.23. “Its text you mf lawyers name.”
- vi) 16/12/2010 at 01.03. “Go for your life. You are a lying cheating prick.”

- vii) 16/12/2010 at 01.09. “Do you really think you can owe someone £625 grand, lie about your position continually and not come under the severest pressure. I hope the lot of you are petrified. You only have yourself to blame. Being gentle with you does not work.....you just spit out more lies. Sort it out and pay my father.”
- viii) 16/12/2010 at 01.28. “Also arranging for you to be blacklisted with estate agents across the country, to ensure that you can’t cause anyone else grief. Focus on the real issue (your failure to pay), deal with it and the thing goes away.”
- ix) 16/12/2010 at 21.08. “Fuck you. I will see you in court and bury you.”
- x) 22/12/2010 at 17.37. “So you don’t have the money? If so you were lying to me before. If you do have the money, then you are lying to me now. Take it from me, I will not let you go on this one. All the more determined to nail you through the legal process and will keep the pressure on you in other ways too.”
- xi) 22/12/2010 at 20.30. “No integrity, no honesty and no courage. Just about the lowest form of life. My father says thanks for ruining his Christmas and for making the whole process of dealing with the death of my mother more difficult. He knows exactly what I am doing and what I am going to do, so stick your self righteous crap where the sun don’t shine. People like you always come to a very sticky end.”
- xii) 18/01/2011 at 18.17. “You are now at the end of the road, with the court decree issued and served and the next phase being a petition for bankruptcy and still no sign of sensible dealing.....just denial and then silence. I also gather that you are in arrears with the rent on the house you are renting, which just further confirms that you are an idiot who does not care about the

consequences of his actions. I am also going to have the police investigate you, as I suspect you have committed a criminal offence along the way. You should have been honest when you had the opportunity. This is not a family which you can mess with. If you try to run, we will find you and have the law take you and your wife down.”

Separately, Mr A consented to a request by the Council to prepare a transcript of the text messages sent to and received from the Respondent which had been saved on Mr A’s mobile phone. A transcript of those messages was made by Law Society employees Ms F and Ms G and date 29 June 2011 and was produced by the Complainers. These messages included, inter alia, the following message sent by Mr A to the Respondent on 16 December 2010 at 1.00am. “We have taken legal advice and you messages have been sent 2 a solitor you’e called me everything under the sun. I have a son who is shaking with fear after what u have threatened 2 do. We will follow this through. I have never seen or heard such obsenaties from a person who represents the law.”

8. Having given careful consideration to the facts as admitted and the submissions made by both parties, the Tribunal found the Respondent guilty of professional misconduct in terms of Section 53 of the Solicitors (Scotland) Act 1980 in respect of his failure to maintain the standards of propriety expected of him as a member of the legal profession, this failure being of sufficient gravity and culpability so as to be capable of bringing the profession into disrepute.
9. Having heard from the Respondent in mitigation the Tribunal pronounced an Interlocutor in the following terms:-



Edinburgh 24 April 2013. The Tribunal having considered the amended Complaint at the instance of the Council of the Law Society of Scotland on behalf of Mr and Mrs A, Secondary Complainers against Grant Euan Turner Docherty, Solicitor, of DWF Biggart Baillie, 2 Lochrin Square, 96 Fountainbridge, Edinburgh; Find the Respondent guilty of Professional Misconduct in respect of his failure to maintain the standards of propriety expected of him as a member of the legal profession, this failure being of sufficient gravity and culpability so as to be capable of bringing the profession into disrepute; Censure the Respondent and fine him in the sum of £7500 to be forfeit to Her Majesty; 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)**

**Alistair Cockburn**

**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

**IN THE NAME OF THE TRIBUNAL**

**Chairman**

**NOTE**

This matter called as a hearing before the Tribunal on 24 April 2013. An amended Complaint had previously been lodged and been allowed to be received by the Tribunal. Both parties confirmed that all of the averments relating to fact, duties and professional misconduct were agreed. No evidence therefore required to be led and the hearing could proceed on the basis of submissions on behalf of both parties.

**SUBMISSIONS FOR THE COMPLAINERS**

Mr Marshall indicated to the Tribunal that both parties had prepared written submissions and were aware of what each were to say. Both parties had lodged these written submissions with the Tribunal. An agreement had been reached between the parties as a result of which the revised Complaint dated 22 March 2013 had been prepared. Both parties however recognised that it was a matter for the members of the Tribunal to find if the contents of the revised Complaint were sufficient for a finding of professional misconduct.

Mr Marshall asked the Chairman whether the Tribunal wished him to go through his submissions in detail or whether it simply wished to ask him questions. It was drawn to Mr Marshall's attention that as this was a public hearing he should at least go through the bare bones of his submissions so that those present could hear them.

Mr Marshall invited the Tribunal to hold that the conduct complained of within the Complaint amounted to professional misconduct, meeting the test set out in the case of Sharp. The background to the Respondent's conduct was the failed conveyancing transaction for the Respondent's father's house. The Secondary Complainers had concluded missives for the purchase of that property and on the date of settlement failed to produce the purchase price and the sale did not proceed. Thereafter, the Respondent's firm was instructed by the Respondent's father to raise an action for payment of the purchase price. Another solicitor within the litigation department of that firm raised the action on 3 December 2010. On 6 December 2010 that solicitor contacted the Secondary Complainer's then solicitors to advise that he was instructed and to confirm that the action had been raised and served on the Secondary

Complainers. Despite not being a member of the litigation team dealing with this matter, the Respondent subsequently became involved in his firm's handling of the court action. The Respondent himself telephoned these agents on 13 and 20 December 2010. On 22 December 2010 the original solicitor within the litigation department telephoned the Secondary Complainer's then agent. He was seeking an update on progress in obtaining the Secondary Complainer's instructions. The Secondary Complainer's agent understood he was speaking with the litigation solicitor when the Respondent began to speak on the call. Mr Marshall then took the Tribunal through the content of the file note prepared by the Secondary Complainer's agent. However, Mr Marshall submitted that the most significant element of the Respondent's conduct was his sending of text messages as disclosed in his Production No 18. This production disclosed a total of 33 messages sent by the Respondent to the Secondary Complainer during the period 6 December 2010 to 30 January 2011. He then took the Tribunal through the content of the text messages as noted in these Findings.

The Chairman raised a number of questions with the Fiscal seeking clarification of his submissions with regard to these text messages. In particular the Fiscal was asked whether or not some of the messages simply indicated that the Respondent was going to use the full force of the law. Mr Marshall conceded that that would be fair to say with regard to certain of the messages but that it was completely inappropriate to speak directly to another and use such language such as "I will come after you with everything I have" and "I will destroy you". The Chairman drew Mr Marshall's attention in particular to the text message of 14 December 2010 at 14.18, where the Respondent indicated "I will pay you a personal visit."

In the course of Mr Marshall's submissions, the Chairman requested clarification with regard to one of the text messages sent by the Secondary Complainer to the Respondent. Within that text message it was suggested that the Respondent had made a threat that was not referred to within the Complaint. The Fiscal emphasised that this suggested remark by the Respondent was no part of the Complainer's case and he asked the Tribunal not to make any Finding on the basis of the content of that text message. He asked the Tribunal to rely on the text message of 16 December 2010 at

01.02, simply to confirm that the Secondary Complainers had been placed in a state of fear and alarm.

Mr Marshall submitted that the text messages sent by the Respondent not only failed to meet the standard of behaviour expected by a solicitor but also breached the Solicitors (Scotland) (Standards of Conduct) Practice Rules 2008. The Chairman asked Mr Marshall whether this was the correct interpretation of this provision. The Chairman indicated to Mr Marshall that an appropriate interpretation of that provision was that the independence suggested within the Rules related to advice given to a client. Mr Marshall invited the Tribunal to hold that the requirement of independence stood alone. However he conceded that the strongest part of his case related to the language used within the text messages and he referred the Tribunal to the case of Law Society of Scotland-v-Locheil William Cameron Cushnie. A copy of this case was lodged with the Tribunal. Mr Marshall invited the Tribunal to hold that the Respondent's repeated use of intemperate language was such as to amount to misconduct within the terms of this case. The Respondent's conduct involved the repeated use of abusive and threatening language in a number of texts that were sent over a period of 2 weeks. This had clearly caused alarm to the Secondary Complainers and their son. This conduct did not come to a complete stop until after the Secondary Complainers had contacted the police and the police had spoken to the Respondent. Whilst this matter did appear to be out of character for the Respondent, it was none the less a sustained and concerning course of conduct.

## **SUBMISSIONS FOR THE RESPONDENT**

Mr Shaw referred the Tribunal to the written plea in mitigation that had been lodged by him and provided to the Tribunal. He confirmed that this was a plea of guilty tendered by the Respondent as a result of very considerable and careful consideration following advice received from a number of independent sources. For his part, Mr Shaw felt that what tipped the balance was the content of some of the text messages sent over a fairly short period of time. He confirmed that he accepted that the matter of whether conduct amounted to professional misconduct was a matter for the Tribunal. He accepted that the case of Cushnie applied but submitted that that case could be distinguished as the behaviour disclosed there was significantly worse and

was behaviour carried out in a public sense. Whilst it was accepted that much of the language in the text messages was completely inappropriate, the Chairman had correctly identified that language such as “ripped to shreds” did refer to the use of the court action.

The Tribunal asked Mr Shaw to confirm his position with regard to the suggested threat referred to within one of the messages sent by the Secondary Complainer. Mr Shaw emphasised that the threat alluded to was not before the Tribunal, not part of the Complaint and not part of the evidence before the Tribunal. Accordingly, he submitted that the tribunal could not make any finding with regard to that text. The Chairman confirmed that on that basis the tribunal would have no regard to the content of that particular text message.

Mr Shaw confirmed that he would await the Tribunal’s Findings with regard to the question of misconduct before addressing the Tribunal further with regard to mitigation. Prior to adjourning, the Tribunal asked Mr Shaw for clarification with regard to two of the text messages. In one the Respondent indicated that the matter was personal and nothing to do with the Respondent being a lawyer. Mr Shaw clarified that the plea in this case was submitted on the basis that the Respondent allowed himself to become involved after his firm had been instructed. He submitted that the Respondent should have changed his perspective and acted accordingly but unfortunately continued to behave as a son protecting his father. Part of the problem here had been confusion as to whether or not the solicitors for the Secondary Complainers were still instructed. The second text message questioned related to a statement that the Respondent would have the Secondary Complainer blacklisted with Scottish Estate Agents. The Respondent himself interjected and clarified that at a stage where the Secondary Complainer was still representing to him that the transaction would settle, he discovered from a local estate agent that the Secondary complainer was attempting to rent a local house. That estate agent had also confirmed that the Secondary Complainer already had rent arrears in connection with another property. It was on that basis that Mr Docherty had said he would have the Secondary Complainer blacklisted.

Mr Marshall then referred the Tribunal back to his submissions with regard to the loss of independence on the part of the Respondent.

## **DECISION**

The Tribunal gave very careful consideration to the submissions on behalf of both parties and the contents of their written submissions.

The Tribunal held that the Fiscal's submissions with regard to the Solicitors (Scotland) (Standards of Conduct) Practice Rules 2008 were not well founded. A plain reading of these provisions clearly indicated that the issues of a solicitor's independence related to advice given. Such a provision was not relevant to the current case.

However, the Tribunal found the other submissions by the Fiscal to be well founded. It was perfectly clear to any solicitor that he must act according to appropriate professional standards, behaving in a proper manner and using appropriate language. The nature, number and content of the text messages sent by the Respondent were clearly not just inappropriate but matters of great concern to the Tribunal. Some of these texts had clearly been sufficient to place the Secondary Complainers in a state of fear and alarm – as was admitted by the Respondent. This conduct was not something done in the heat of the moment but involved repeated acts over a period of time. These texts disclosed a complete loss of restraint and sense of judgement on the part of the Respondent that had persisted for that period of time.

The Tribunal were clear that they would have no regard to the text message sent by the Secondary Complainer of 15 December 2010 at 21.11. However, the remaining text messages did not only disclose inappropriate and abusive language but language which was threatening in tone such as remarks in the nature of "I will pay you a personal visit", "will keep the pressure on you in other ways too", and "this is not a family which you can mess with." The repeated use of such intemperate language completely lacking in dignity and restraint clearly fell short of the conduct to be expected of a competent and reputable solicitor and could only be regarded as serious

and reprehensible. Accordingly the Tribunal found the Respondent guilty of professional misconduct

## **MITIGATION**

The Tribunal reconvened and indicated its Finding of professional misconduct to both parties and invited submissions with regard to penalty.

Mr Marshall confirmed that there was no application for compensation by either the Complainers or the Secondary Complainers. He confirmed that the Complainers were moving for an award of expenses.

Mr Shaw referred the Tribunal to his written submissions and the reference lodged on behalf of the Respondent. He asked the Tribunal to hold that this conduct was completely out of character for the Respondent at a time when he faced very difficult personal circumstances. The unexpected death of the respondent's mother in 2010 had made the sale of his father's property a more sensitive matter. When the Secondary Complainer had submitted his offer to purchase the property the Respondent was anxious to confirm that funds would be available to ensure that the transaction could be completed smoothly and with as little disruption to his father as possible. The Respondent had become involved in contacting the Secondary Complainer originally to bring clarity to the matter. Early on in communications the Respondent had been advised by the Secondary Complainer that this was simply a matter of timing. As time passed it became clear that the Secondary Complainer was not going to complete and at that stage the texts became objectionable. He submitted that the main part of the misconduct related to a short time frame of 13 December to 16 December. Reference had been made to the late hour of the sending of some of these texts. It required to be clarified that the timing of these texts was provoked by a text sent by the Secondary Complainer to the Respondent that had awoken the Respondent.

Mr Shaw emphasised that this matter had already had significant consequences for the Respondent in him not being able to become a partner in the new merged firm of which he was now a consultant. The new firm required that all partners be registered



as foreign lawyers with the SRA in England. Mr Docherty had so far not been able to register because of this outstanding Complaint. It was hoped that, dependant on the penalty imposed by the Tribunal, the Respondent would be able to re-apply after the conclusion of this hearing. Mr Shaw asked the tribunal to hold that the behaviour in the Cushnie case was of a completely different level to the behaviour in this case. The Respondent wanted to make it clear that he apologised for his behaviour. When asked by the Tribunal what Mr Shaw thought was an appropriate sanction he indicated that he thought a Censure would suffice. The Respondent did not take this case lightly. He was unlikely to repeat such behaviour and had already significantly suffered as a result of the Complaint.

## **PENALTY**

The Tribunal gave careful consideration to the submissions in mitigation on behalf of the Respondent. It accepted that this conduct was out of character for the Respondent and occurred during a particularly difficult time in his business and private life. However, the nature of the respondent's conduct in this case was particularly damaging to the reputation of the profession.

This conduct was not a spontaneous act in the heat of the moment but rather deliberate conduct over a sustained period. Although, it could be said that the worst text messages took place between 13 and 16 December, the Respondent was continuing to send inappropriate, abusive and threatening messages as late as January 2011. The difficulties faced by the Respondent in no way justified the use of the offensive and unprofessional language used in the numerous texts. These texts disclosed a total lack of restraint that had persisted for a significant period of time. The Respondent's conduct clearly fell well below the accepted ethical standards of a solicitor and brought the profession into disrepute. Clearly in these circumstances a Censure alone was not sufficient to mark the gravity of the Respondent's misconduct. However, having regard to the previous good conduct of the Respondent, and the number of difficult issues he faced at that time both personal and professional that may have influenced his conduct, the Tribunal felt that there was no risk to the public if the Respondent was allowed to continue with a full practising certificate.

Taking these factors into account the Tribunal held that a Censure plus fine would be an appropriate penalty. However, the level of fine required to reflect the serious view the Tribunal took of the Respondents conduct and the level by which his conduct fell below the standard of conduct expected of a reputable solicitor. Accordingly the Tribunal Censured the Respondent and fined him £7500. The Tribunal made the usual Order with regard to publicity and followed the usual practise of awarding expenses where a Respondent is found guilty of professional misconduct.

**Alistair Cockburn**  
**Chairman**