

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

INTERLOCUTOR

in Appeal under Section 42ZA of the Solicitors (Scotland)
Act 1980 as amended

by

DAVID MURPHY, 3 Hillhome, Portencross, West Kilbride,
Ayrshire

Appellant

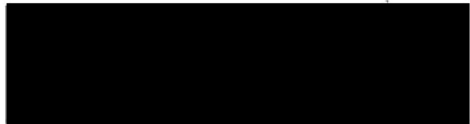
against

THE COUNCIL OF THE LAW SOCIETY OF
SCOTLAND, Atria One, 144 Morrison Street, Edinburgh
First Respondents

and

NEIL RANKINE, 29 Strathblane Road, Milngavie, Glasgow
Second Respondent

By Video Conference, 8 June 2026. The Tribunal, having heard submissions from both parties in relation to the Section 42ZA Appeal by David Murphy, 3 Hillhome, Portencross, West Kilbride, Ayrshire ("the Appellant"): Refuses the Appellant's motion, opposed by the First Respondents, to adjourn the Preliminary Hearing; Grants the Appellant's motion under Rule 47 of the SSDT Rules 2024 and Allows him to withdraw his Appeal; Finds the Appellant liable in the expenses of the First Respondents chargeable as same may be taxed by the Auditor of the Court of Session on a party and party basis in terms of Schedule 1 of the Act of Sederunt (Taxation of Judicial Expenses Rules) 2019 as amended with a unit rate of £18.00; and Directs that publicity will be given to this decision.


Beverley Atkinson
Chair

NOTE

This Appeal under Section 42ZA of the Solicitors (Scotland) Act 1980 was set down for a virtual Preliminary Hearing on 8 June 2026 for the consideration of pleas to the competency, relevancy and specification of the grounds of appeal, raised by the First Respondents. The Appellant was present and represented himself. The First Respondents were represented by their Fiscal, Breck Stewart, Solicitor Advocate, Edinburgh. The Second Respondent had not entered the proceedings and was not present.

Motion to Adjourn

The Appellant made a motion to adjourn the Preliminary Hearing pending the receipt by him of the written decision of the Tribunal in relation to another Section 42ZA Appeal which had been dismissed by the Tribunal on 26 May 2026. The Appellant explained that the reasons for his motion were (a) that the pleas were the same in both Appeals and that this panel would be going through the same process as the process a week ago, which seemed senseless and (b) he could not afford the expenses of the Fiscal or the Tribunal in this Appeal.

The Tribunal emphasised to the Appellant that the present proceedings are distinct from the other Appeal dealt with on 26 May and enquired what the Appellant hoped to learn from the written decision of the other panel which could assist in these proceedings. The Appellant responded that the Fiscal's pleas were the same in this Appeal as the last and that the outcome would be the same. The Tribunal asked the Appellant if it was correct that the other Appeal related to an entirely different transaction. The Appellant confirmed that was the case but emphasised that the motion for the Tribunal today was identical to that dealt with on 26 May. He explained that he was unable to contest the motion. The Tribunal asked the Appellant to explain why that was his position and emphasised that the Tribunal had his grounds of appeal before it. The Appellant explained that he had no legal background and considered that there were grossly unequal resources and knowledge involved. He emphasised that he could not contest what the Fiscal said in his submissions. He felt that he had been ambushed by the Fiscal at the last Preliminary Hearing when he was sent the written grounds objecting to his Appeal and some 146 pages of legal precedent. He explained that he did not have the capacity to deal with all of that. He advised that he did not qualify for legal aid in relation to this case and that he could not afford to pay the fees for independent legal advice. He advised that he had submitted his Appeal, having looked at the guidance notes on the website for the SSDT, to the best of his ability and in good faith.

The Tribunal explained to the Appellant that it could only look behind the decision of the Law Society in this case if he could establish that there had been (a) an error of law, or (b) a finding contrary to the evidence before the Sub Committee or (c) that the Sub Committee had essentially made a fundamental error. The Tribunal emphasised to the Appellant that it is an independent body which could not advise him on how to

present his Appeal. The Tribunal asked the Appellant if he could explain what difference the written decision in his other Appeal would or could make to his approach in this Appeal. The Appellant responded that he had no knowledge of the law and could not contest the Fiscal's argument. He explained that he thought that he was going to be dealing with the Second Respondent when arguing this Appeal. The Tribunal explained that the Appeal raised by him was challenging a decision of the Law Society and that it was not unusual for the solicitor complained of not to participate in proceedings. The Appellant responded that he believed the Law Society did not wish to address the facts of his complaint and did not wish to be accountable for their decision. He believed that he did not have the capacity to deal with the Law Society's legal argument.

The Tribunal emphasised to the Appellant that in order to consider his motion to adjourn, it needed to understand the purpose of any adjournment.

The Fiscal confirmed that the First Respondents opposed the motion to adjourn. He submitted that the present Appeal related to a separate complaint made to the Scottish Legal Complaints Commission ("the SLCC"), a wholly different decision of the Sub Committee and an entirely different conveyancing transaction. The Appellants in the other Appeal were different, namely this Appellant and his partner. He explained that the First Respondents' submissions had been in the hands of the Appellant since March 2026 and that the Appellant had had seven days since the other Preliminary Hearing to consider whether he should go ahead with the present Appeal. He confirmed to the Tribunal that the amended grounds of appeal in this case should be treated as supplementary to the original grounds and invited the Tribunal to treat the First Respondents' Answers as answers to both.

The Appellant explained that, at the Procedural Hearing on 21 November 2025, he was informed that his grounds of appeal did not meet the criteria of the Hood test and so he had submitted amended grounds of appeal on 9 January 2026. He understood that the Chair at the Procedural Hearing in February 2026 said that these grounds met the criteria of Section 42ZA and the Hood principles. The Appellant submitted that an extract minute of 21 November 2025 confirmed that the Chair requested the Fiscal to contact the Appellant regarding the issue of expenses. The Appellant stated that he had contacted the SSDT on several occasions raising the issue of expenses and he had not received an answer. He stated that he could not continue to incur a huge bill. The Tribunal explained that it could not give him advice in relation to his Appeal. The Tribunal confirmed that if he was unsuccessful at the end of these proceedings the Law Society were entitled to move for expenses. The Tribunal emphasised that it could not prejudge the issue of expenses. The Appellant stated that it appeared to him from the guidance that the Tribunal has a discretion to award expenses. He stated that if the Tribunal were telling him he might face a large bill, he would have to withdraw his Appeal. He had asked the Fiscal to provide him with a note of his expenses.

The Tribunal explained that there could be no finding in relation to the issue of expenses until these proceedings were concluded and that expenses could not be quantified until the Appeal was concluded. All that could be said at the current stage was that if the First Respondents are successful in their argument, the Fiscal intends to move for expenses. The Appellant emphasised that he could not afford to pay the expenses for the First Respondents. He explained that he had asked the Law Society for a note of their expenses. The Appellant recollected that the Chair's predecessor had asked the Law Society to provide him with these but they had not done so.

DECISION

The Tribunal gave very careful consideration to all of the information before it. The Appellant made a motion to adjourn this case pending the receipt of the written judgment of the Tribunal on 26 May 2026. Both Appeals were separate and distinct. They involved complaints relating to completely distinct transactions. The appeals related to separate and distinct decisions of the Sub Committee. The grounds of appeal were separate and distinct. In the absence of an explanation from the Appellant, the Tribunal found it difficult to understand how the reasoning in the other proceedings could be relevant to this case. The Appellant was present at his earlier proceedings and had heard the First Respondents' submissions and the decision of the Tribunal.

The Tribunal had regard to Rule 4 of the 2024 Rules which sets out the overriding objective of the Tribunal and concluded that the fair and just decision was to refuse the motion to adjourn.

The Tribunal advised the Appellant of its decision and invited further submissions.

Motion to Withdraw

The Appellant drew the Tribunal's attention to his email of 3 June 2026. The Tribunal emphasised that it was not in a position to offer advice to the Appellant on how to proceed.

The Appellant responded that he considered that he would have to withdraw his Appeal. He believed that he did not have the knowledge to proceed. He understood that, unless he had legal representation, he would ultimately fail. He could not afford to pay the Law Society's expenses of this Appeal. The Tribunal emphasised that if he was successful in his argument then he could make the same motion for an award of expenses as the Law Society could, if they were successful. The Tribunal asked the Appellant if he would like a few moments to consider how he wished to proceed. The Appellant responded that he would like to proceed with his Appeal if there was any chance of bringing the Second Respondent to justice. However, he could not afford an award of expenses against him. He asked the Tribunal if it could offer him any assurance that there would be no

award of large-scale expenses against him. The Tribunal advised that the issue of expenses could only be determined following the outcome of the proceedings today. The Appellant submitted that the outcome was likely to be the same as the last Preliminary Hearing. The Tribunal emphasised to the Appellant that the two Appeals were entirely separate and that this panel would make its decision based on the case before it.

The Appellant was advised that the Tribunal was in a position to hear submissions on the preliminary plea. The Appellant responded that he wanted to proceed with the Appeal but without the threat of an award of expenses. The Tribunal explained that this was not possible and the Appellant replied that he had no option but to withdraw his Appeal.

The Fiscal drew the Tribunal's attention to Rule 47(2) of the 2024 Rules and confirmed that the First Respondents were seeking an award of expenses if the Appeal was to be withdrawn.

The Appellant advised the Tribunal that he had received an offer from the Fiscal a few days ahead of the Preliminary Hearing indicating that the First Respondents would not seek expenses if he withdrew his Appeal. The Fiscal explained that he had made an extra-judicial offer to settle the matter and confirmed that he was happy to provide the Tribunal with a copy of the letter he had emailed to the Appellant.

The Tribunal asked the Appellant to confirm his position and he advised that, in light of the risk of an award of expenses against him, he had no choice but to withdraw his Appeal.

DECISION

The Fiscal provided the Tribunal with a copy of his letter to the Appellant of 28 May. This letter set out an offer to the Appellant that if he confirmed that he was no longer insisting in his Appeal, no later than the 2 June 2026, before the Fiscal spent time preparing for the Appeal, the First Respondents would not seek expenses.

The Tribunal gave very careful consideration to the whole circumstances. It noted the terms of Rule 47 which it required to apply having regard to the overriding objective in Rule 4.

The Tribunal noted that the Appellant had had notice of the Law Society's submissions since March 2026. The Appellant was present at the Preliminary Hearing on 26 May 2026. The Fiscal's email to the Appellant of 28 May 2026 set out an offer to settle. The Tribunal noted the financial circumstances of the Appellant. However, the Appellant confirmed that he had been aware of the Tribunal guidance in relation to expenses

and the risk of an award being made against him from an early stage in proceedings. Having regard to the whole circumstances, the Tribunal considered that the fair and just decision was to award expenses, on the usual basis, to the First Respondents.

The Tribunal invited submissions on publicity. The Fiscal noted that the Tribunal had an obligation to publish its decision. The Appellant advised that he had no views on the issue of publicity and realised that Tribunal decisions will be published.

The Tribunal directed that the decision would be published.



Beverley Atkinson
Chair