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

DECISION

in Appeal under Section 42ZA (9) of the Solicitors (Scotland) Act 1980 as amended

by

MATTHEW BERLOW, Berlow Rahman Solicitors, 40 Carlton Place, Glasgow

Appellant

against

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

First Respondents

and

MS A

Second Respondent

1. An Appeal was lodged with the Scottish Solicitors' Discipline Tribunal under the provisions of Section 42ZA (9) of the Solicitors (Scotland) Act 1980 by Matthew Berlow, Berlow Rahman Solicitors, 40 Carlton Place, Glasgow (hereinafter referred to as "the Appellant") against the Determination and Direction made by the Council of the Law Society, Atria One, 144 Morrison Street, Edinburgh (hereinafter referred to as "the First Respondents") dated 9 August 2018 upholding complaints of unsatisfactory professional conduct made by Ms A (hereinafter referred to as "the Second Respondent") against the Appellant, ordering that the Appellant be censured, and directing that he pay a financial penalty, pay compensation to the Second Respondent and that the Appellant should undergo training in diversity in terms of Section 42ZA(4)(a) of the Solicitors (Scotland) Act 1980.

2. In accordance with the Rules of the Tribunal, the Appeal was formally intimated on the First Respondents and the Second Respondent. Answers were lodged for the First Respondents. The Second Respondent did not lodge Answers or enter the process.

3. Having considered the Appeal with the Answers, the Tribunal resolved to set the matter down for a Procedural Hearing on 31 January 2019. Notice thereof was served upon the parties.

4. At the Procedural Hearing on 31 January 2019, the Appellant was present and was represented by Adam Solomon, Q.C. The First Respondents were represented by their Fiscal, Elaine Crawford, Solicitor, Edinburgh. The Appellant requested 21 days to amend the grounds of appeal. The Fiscal consented to that motion and invited the Tribunal to grant the First Respondents 14 days to respond to any adjustment. The Appellant confirmed that he would lodge any Productions 14 days in advance of the hearing and that he would lodge a List of Witnesses 7 days before the hearing. Both parties invited the Tribunal to fix one date when any preliminary issues or a full hearing could be dealt with. Accordingly, the Tribunal fixed a Preliminary and Full Hearing for 8 May 2019, granted the Appellant 21 days within which to adjust his grounds of appeal and the Fiscal 14 days thereafter to adjust in response.

5. The Appellant lodged amended grounds of appeal. The First Respondents lodged adjusted Answers. Formal notices of the Preliminary and Full Hearing were served on all parties, including the Second Respondent.

6. At the hearing on 8 May 2019, the Appellant was present and was represented by Adam Solomon, Q.C. The First Respondents were represented by their Fiscal, Elaine Crawford, Solicitor, Edinburgh. The Second Respondent was neither present nor represented having not entered the process. The Appellant gave evidence and both parties made detailed submissions.

7. Having given careful consideration to the parole evidence, the detailed submissions and the documentary productions before it, the Tribunal:-

   (a) Refused ground of appeal 1 relating to complaint 1 and confirmed the Determination of unsatisfactory professional conduct on that complaint;
   (b) Allowed ground of appeal 2 relating to complaints 3 and 4 and quashed the Determination of unsatisfactory professional conduct on those complaints;
   (c) Confirmed the order that the Appellant be censured;

(d) Confirmed the Direction that the Appellant pay a fine of £1,750; and

(e) Quashed the Directions that the Appellant pay compensation of £100 and that he undergo training in diversity.

8. Having heard further submissions in relation to expenses and publicity, the Tribunal pronounced an Interlocutor in the following terms:-

> Edinburgh 8 May 2019. The Tribunal in respect of the Appeal under Section 42ZA (9) of the Solicitors (Scotland) Act 1980 by Matthew Berlow, Berlow Rahman Solicitors, 40 Carlton Place, Glasgow ("the Appellant") against the Determination of the Council of the Law Society of Scotland, Atria One, 144 Morrison Street, Edinburgh ("the First Respondents") dated 9 August 2018 upholding complaints of unsatisfactory professional conduct made by Ms A ("the Second Respondent") against the Appellant, ordering that the Appellant be censured, directing that the Appellant pay a fine of £1,750 and compensation of £100 to the Second Respondent and directing that he should undergo training in diversity; (a) Confirm the Determination of unsatisfactory professional conduct on complaint 1; (b) Quash the Determination of unsatisfactory professional conduct on complaints 3 and 4; (c) Confirm the order of censure of the Appellant; (d) Confirm the Direction that the Appellant pay a fine of £1,750; (e) Quash the Direction that the Appellant pay compensation of £100; and (f) Quash the Direction that the Appellant undergo training in diversity; Make no finding of expenses due to or by either party; and Direct that publicity will be given to this decision and that this publicity should include the name of the Appellant but need not identify any other party.
>
> **(signed)**
>
> **Alan McDonald**
>
> **Vice Chairman**

9. 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 Appellant by recorded delivery service on 20 JUNE 2019 .

IN THE NAME OF THE TRIBUNAL

[redacted]

Alan McDonald

Vice Chairman

NOTE

The hearing of 8 May 2019 was fixed to commence as a Preliminary Hearing and then move on if appropriate to a Full Hearing. The Tribunal sought clarification from both parties as to whether there remained any preliminary issues to be resolved prior to proceeding to a Full Hearing, given the adjusted Appeal and Answers. Ms Crawford confirmed that she wished to insist in her plea of a lack of specification in relation to the Appellant's ground of appeal 1 (vi). She explained to the Tribunal that it was her understanding that Mr Solomon was to make a motion to amend to amplify that ground of appeal in which case there would be no further issue. Mr Solomon confirmed that it was his understanding that the only remaining preliminary issue was that of the specificity of ground of appeal 1 (vi). He referred the Tribunal to paragraph 33 of his skeleton argument and confirmed that his submission would be that (1) the Appellant's expressions on Facebook were covered by Article 10(1) of the European Convention on Human Rights; (2) that the Law Society and the Tribunal have an obligation to apply Article 10; and (3) there was nothing within the decision of the Sub Committee of the Council of the Law Society of Scotland that had considered these complaints that could fall within Article 10(2) as justifying a restriction upon the Article 10 right. Following this explanation, Ms Crawford indicated that no formal amendment of the ground of appeal required to be made and that she was happy to accept the Appellant's verbal explanation.

The matter thereafter proceeded as a Full Hearing of the Appeal.

Mr Solomon commenced by inviting the Tribunal to allow a List of Productions for the Appellant to be received late. A List of Productions for the Appellant had been intimated to the Tribunal Office prior to the hearing, although this was not within the required time limit. In addition, the Appellant wished to add a number of character references and further Productions, number 7 – the original report before the Sub Committee and number 8 – copy correspondence between the parties and the Second Respondent. Apart from the character references, these were all documents that the parties had seen before. Mr Solomon apologised for the lateness of the Productions but submitted that there was no prejudice to any party. Ms Crawford confirmed that she had no objection to the majority of the Productions being lodged late but she took objection to Production 5 – a report by Mr C. She submitted that Mr C was not to be called as a witness and the report was not purported to be an expert report. She argued that it was of no evidential value. She invited the Tribunal, if it was minded to allow that Production to be lodged late, to allow her to lodge a further Production herself.

Mr Solomon explained that he had been unaware of the First Respondents' objection to this Production until the hearing. He submitted that his Production 5 was referred to by the Appellant in his email to the Law Society dated 23 April 2017. This was Production 6 for the First Respondents. He submitted that his Production 5 was support for the client's state of mind at the time of his conduct. The report was clearly relevant to the hearing, the Appellant having referred to it as justification for his conduct and the comments made by him. Mr Solomon submitted that the First Respondents in their Determination had stated that the Appellant's comments were devoid of substance and that the Appellant lacked honesty and integrity. He was surprised at Ms Crawford's position given that the First Respondents were not calling any evidence to contradict Production 5. He submitted that it was a matter for the Tribunal to determine the weight of the evidence and that this should not be a question of admissibility.

With regard to Ms Crawford's additional Production, Mr Solomon objected to its late lodging. He had not seen this document until the hearing and was not in a position to call evidence to say if the article was partial or wrong. There was a significant distinction between the late lodging of his Production 5 and the attempt to lodge Production 8 by the First Respondents. His Production 5 had been available to the First Respondents from the outset and was not a new document.

In response, Ms Crawford submitted that the Appellant's Production 5 was not a report by an independent expert. This document contained opinion and not fact. If the Appellant was submitting that having read this report, he had formed certain views then he was in a position to give evidence stating as much.

Mr Solomon clarified that it was the Appellant's position that what was stated in Mr C's report was true. He referred to ground of appeal 1 (v) where it was argued that the comments made by the Appellant were true or substantially true. He argued that the First Respondents new Production was at its highest tendentious and a vile attack on Mr C. He argued that by attempting to lodge this Production the First Respondents were descending into a political debate and that this hearing was not a political debate.

The Tribunal adjourned to consider the parties' submissions. The Appellant's Production 5 appeared to have been known to the First Respondents prior to the Sub Committee's decision. The document was in fact part of the proceedings before the Sub Committee. It appeared that there was no prejudice to the First Respondents by this item being lodged late. Hearsay evidence is admissible in

proceedings before the Tribunal. Accordingly, the Tribunal determined to allow the Appellant's Productions to be received late. Clearly, the weight to be given to any piece of evidence is something that would be considered by the Tribunal as the issues arose. With regard to the late Production for the First Respondents, this was something not known to the Appellant prior to the hearing. This appeared to present significant potential for prejudice to the Appellant's case. Clearly, if the Appellant gave evidence the First Respondents would be in a position to cross examine him about his Production 5. The Tribunal therefore concluded the fair and appropriate order was to refuse to allow the First Respondents to lodge Production 8 late.

Ms Crawford invited the Tribunal to receive a Joint Minute of Agreement between both parties. This was granted. She confirmed that the First Respondents would not be leading any evidence. Mr Solomon confirmed it was his intention to lead evidence from the Appellant.

EVIDENCE OF THE APPELLANT

The Appellant confirmed that he was a criminal defence lawyer but that his firm also carried out immigration, asylum and child welfare hearing work. He confirmed that there were seven members of staff in total, five were employees of the firm and the other two were himself and his wife. The employees came from all walks of life and backgrounds. Two of them were Asian Muslims, and two were Catholics. His wife is a Bangladeshi Muslim. The witness considered himself to be Jewish by tradition but he is an atheist. He considered himself to be a Secular Zionist. He had converted to Islam in 2008 in order to marry his wife. This was a gesture to her and her family. He is now considered as Muslim by the Bangladeshi community.

The witness was referred to Production 1 for the First Respondents. He confirmed that this was his record card and contained a finding of unsatisfactory professional conduct in 2015. He confirmed that this related to posts he had made on the Facebook page relating to his firm. This had amounted to an unseemly public spat between himself and another lawyer. This had been precipitated by the other lawyer making comments on the firm's Facebook page and the Appellant had remonstrated with that person.

The witness was referred to his Production 1 and confirmed that this was a number of articles and blogs that he had become privy to over the years and they had influenced his assessment of Organisation B and its campaign. These included an article that referred to comments made by the

chairman of Organisation B relating to a suicide attack at a school in Israel and referring to sources that were holocaust deniers. Included was an article from the Jerusalem Post referring to the same organisation holding an event on Holocaust Day that had also involved a Hamas supporter. Hamas is a proscribed terrorist organisation. The chairman of Organisation B had stated at the event "Today, we are all Hamas".

The witness confirmed that his Production 3 was a letter from Mr D who was a sole businessman running a small stall selling Dead Sea products in an Aberdeen shopping centre. The Appellant understood that Mr D felt that he was being targeted by Organisation B as an Israeli Jew who was a soft target as a sole businessman. Members of the organisation would protest near his stall encouraging others to boycott his products. The Appellant had not known at the time of his Facebook posts that the complainer in this case, the Second Respondent, was one of those protesters but he had learned this after the complaint was made. He had also learned that Mr D had instructed his solicitor to write a letter to Ms A asking her to cease and desist from this behaviour. The letter from Mr D confirmed that he believed that he was being targeted in a cowardly way by this organisation because of his country of origin and religion. The Appellant agreed with this assessment. Mr D had been chased out of Glasgow and had now been chased out of Aberdeen as a result of the activities of Organisation B. The Appellant believed that the harassment of Mr D was cowardly because he was a sole trader. The organisation did not protest against larger businesses nearby selling Dead Sea products. The Appellant also considered it to be racist.

The Appellant confirmed that Production 2 contained photographs showing the Second Respondent actively involved in these protests against Mr D.

In his Facebook posts, the Appellant had directed the words "cowards" and "racists" at Organisation B and not any individual. He had chosen those words as they reflected what was going on with Mr D. He regretted using the word "scummy" when calling the organisation racist but he had truly believed what he said at the time. He had felt that he was somehow helping Mr D. He had wanted as many people as possible to see his posts in the hope that members of the organisation might have a change of heart. He had hoped to start a debate leading to a rapprochement.

He had referred to himself as a defence solicitor in the Facebook post in a sense of irony, in hoping that someone would be convicted for this harassment of his friend. In fact, a member of Organisation B was convicted in 2016 of a breach of the peace in relation to the bullying of Mr D in Glasgow.

The Appellant accepted that there was an element of anger when he had used the words "loser friends" but he emphasised that he had been careful not to swear.

He had referred to "ignorant cowards" because they were suggesting that Mr D sold goods from the occupied territories when in fact his products were from the southern Dead Sea. He considered that all of his responses on Facebook had been true. He was not proud of some of the language that he had used and accepted that it was florid. He explained that this had reflected his state of mind at the time but he did not consider the language to be at the top end of derogatory language. He submitted that he had been called much worse by members of Organisation B.

He confirmed that his email of 23 April 2017 was his response to the Law Society in relation to the initial complaint made by Ms A. He denied that the comments set out in issue 3 were directed at the complainer. He explained that he had been told that the complainer was an instrumental figure in the harassment of Mr D and that Mr D had instructed his solicitor to write to her.

The Appellant explained that when he used the word "snowflake" in his email, he was referring to someone who was not able to engage in meaningful debate and was quick to complain. This word is contained in the lexicon and was a word he had heard used frequently.

The Appellant explained he had obtained the character references, now lodged with the Tribunal, after the Sub Committee's decision as he had been horrified at the suggestion that he required to undertake diversity training.

CROSS-EXAMINATION

The Appellant accepted that he was deeply angry and upset at the way his friend Mr D had been treated and felt that he had a duty to stand up for him.

His comments on Facebook had been directed to the organisation. He did not know who would be reading them but had wanted as many people as possible to see them. The language he had used reflected what he felt, was florid but did not include any swearing or threats of violence. He had wanted as many people as possible to know that what they were doing was intolerant and bullying.

Whilst he regretted using the word "scummy", he thought that in the circumstances the word was appropriate. It adequately reflected his disgust and he was not ashamed to say that anger came into his choice of language. He thought it was appropriate to draw attention to the actions of people being racist bullies. He supposed he could have looked up a thesaurus to choose his words better but at the time thought that the words used reflected his passion and anger. He was asked if the language used was provocative rather than seeking to enter into debate. He argued that his statements encouraged others to respond. He did not believe that he had stepped to an unacceptable level in the circumstances.

The Appellant was asked if he could not have put forward his political debate in a coherent fashion without using derogatory terms and responded that his language was a mixed bag. He explained that he is human and cannot be a 100% perfect all of the time. He explained that he had a double life involving Israel advocacy online and advocacy as a solicitor. He was always careful not to swear or make threats of violence. He accepted that his language could be florid. He considered it important to take into account the context of him making a stand and defending his friend from a relentless attack. When asked if he could do that without using terms such as "scummy racists" and "losers", he responded that he could not disagree but that context and the platform on which the comments were made required to be taken into account. He considered the language he had used to be measured if a tad unfortunate. He still stood by the tenor and purpose of what he had said. If he went back in time he would probably still use the same language as an expression of his anger at the time. This was a vehicle for his anger.

He agreed that the Facebook posts made reference to him being a lawyer. He explained that Organisation B knew him very well.

He agreed that he had refused to remove his posts when asked to do so.

In his email response to the complaint, he had used the term "wannabee social justice warrior" in a sarcastic tone. He did not consider it to be insulting and thought that some people might consider it a compliment. He considered that his email described how he felt about the complaint that had been made. He had suspicions that the complaint was one manufactured by Organisation B who had put an individual up to making the complaint. He accepted that calling someone a snowflake was not a positive description of an individual.

He denied that he had made accusations of anti-Semitism and Holocaust denial against the complainer. These were directed towards Organisation B.

He was asked if his real concern was being ordered to undergo diversity training and explained that this was part of his concern but not his sole concern. He was referred to a copy of an article printed in the Herald newspaper on 21 October 2018 and agreed this was an interview with him.

He accepted that some of his language was intemperate but that it was nowhere near meriting the maximum fine that could be imposed. He could not understand the rationale for diversity training at all. He drew a distinction between this case and his earlier finding of unsatisfactory professional conduct resulting in a fine of £150. This case had a totally different context and he considered that the fine was excessive. In the current case, he thought he was dealing with his right to enter into a political debate and felt that he was restraining his use of language so that it was florid but not obscene. He was not posting these messages as a solicitor and his double life had to be taken into account. He felt that he was doing something right and appropriate and he had in mind the Human Rights of someone he regarded as a friend who was being forced to leave the country. He described an incident when he had been involved in an anti-racism march as a member of a group of people representing Israel when members of Organisation B had directed derogatory chants towards him. The language he used in his posts had to be placed in context of that type of situation. He happened to be a solicitor but also had other responsibilities when perceiving injustice. He wanted the Tribunal to recognise that there was a fine line and that he did not feel that his actions deserved a large fine and diversity training.

RE-EXAMINATION

The Appellant was directed to his Production 8 which included correspondence from various parties in relation to the complaints made. An email from Ms A, using the email address "antifascist", referred to the Appellant's posts on Facebook being directed at the chairman of Organisation B. The Appellant emphasised that he had never made accusations directed towards to her personally. In her email she confirms that she is a member of Organisation B.

In response to a question from the Tribunal, the Appellant confirmed that Mr D had been a friend of his for some time before the Facebook posts were made. They had been friends at the time that Mr D was being harassed in Glasgow. The Appellant had witnessed the bullying. The Appellant

himself had been assaulted by one of the members of Organisation B when he had tried to film their protests against Mr D on his mobile telephone. What was happening to Mr D in Aberdeen was a mirror image of what had happened in Glasgow.

The Appellant was asked to explain what he meant when he had said that he was well-known to Organisation B. He explained that he was one of a group that had decided there needed to be a counter narrative to Organisation B and so they had set up another organisation in 2014 to counter their lies. The treatment of Mr D had galvanised that community. They would attend at the shopping centre in order to buy Mr D's products. The Appellant had been involved in what he referred to as Israel advocacy for many years. He was usually very careful when posting on forums not to swear because he is a lawyer, a matter which is well-known because he is a criminal defence lawyer and there are often articles in the press about him. The Appellant said he himself was the target of much abuse. He considers himself to be very vocal and prolific although he has slowed down in the last couple of years. The Facebook posts which were the subject of this complaint had no connection to his firm's legal page at all. There was nothing political on the firm's business page. The Facebook account he had used for the posts was the one he uses for Israel advocacy.

The Appellant confirmed that his posts were directed against the organisation itself and not particular members. He accepted that his posts appeared to be responses to individuals, one of whom he knew. This latter individual was one of the main actors in Organisation B and was someone the Appellant was aware had posted on social media in support of the PFLP and the IRA. The involvement of this individual had not affected his decision to enter the thread on Facebook. He had entered the thread as it appeared to be a call to boycott his friend Mr D.

He confirmed that the articles reproduced at Production 1 had been available for the Sub Committee as had Production 2. Only the character references which were produced for the Tribunal today had not been available for the Sub Committee.

He accepted that he was conscious at the time that he was making these posts that he was a solicitor. His reference to him being a defence lawyer in the post was meant to be ironic. He understood he could not escape from being a solicitor and was often targeted by Organisation B as a defence lawyer. He accepted that the word "intemperate" was a good description of the language he had chosen. He asked the Tribunal to take this in the context of a febrile debate in relation to what was happening to his friend which was palpable racism.

The witness explained that he had a personal and professional persona which sometimes he could not help overlapping.

SUBMISSIONS FOR THE APPELLANT

Mr Solomon made oral submissions to the Tribunal which were summarised in a written note of submissions that he lodged. These were as follows:-

1. This is the substantive hearing of the Appellant, Mr Berlow, who appeals against the decision of the Professional Conduct Sub Committee of the Law Society of Scotland of 9 August 2018 ("the Decision").

Brief background

2. It is alleged that Mr Berlow acted in breach of his professional obligations in respect of posts he made on Facebook on 28-29 August 2016 ("the Posts"), in which he was acting in a personal capacity, posting as Matisyahu Berlow, and thereafter, in respect of an email dated 23 April 2017 sent to the Law Society of Scotland ("LSS").

3. It is Mr Berlow's case that he was merely responding to a racist attack by a group known as [Organisation B] on one of his friends, [Mr D]. Mr Berlow maintains that [Mr D], who runs a skin care business, had been harassed by [Organisation B] simply because of his nationality (Israeli) and his religion (Jewish).

4. The complainer, [Ms A], was an individual who was not known to Mr Berlow, and whom he had never met. The complainer was not a client, nor was Mr Berlow involved in any way professionally with her. She was, however, identified by [Mr D] as someone who had been protesting outside his business, and had been asked by lawyers to desist from her behaviour.

5. The complainer initially raised two complaints, the second of which was deemed ineligible for investigation as it was totally without merit (see pages 2-3 of the Report of 28 June 2018 Ref.

1963 ("the Report") and letter of 6 March 2017 from the Investigations Manager to Mr Berlow). Complaint 1 related to comments made by Mr Berlow on Facebook about [Organisation B]. It is alleged that the language used was derogatory, and that Mr Berlow made unsubstantiated allegations. In an email to the case investigator dated 30 January 2017, the complainer expressly stated that Mr Berlow's comments were directed at a third party (i.e. not the complainer) and related to the second complaint (which was deemed ineligible for investigation).

6. The Summary of Complaint records the complainer, when asked how the first complaint has affected her, objected to Mr Berlow's comments on the basis that she is" *a pro-Palestinian activist".* That is indicative not only of her relationship with Mr Berlow (i.e. it is a political relationship) but is her own terminology as to how she has been affected by the conduct about which she complained. The complainer confirmed (by email dated 26 March 2017) that she is a part of [Organisation B] and that she had seen the posts on that organisation's Facebook page.

7. Mr Berlow responded to the complaint by email dated 23 April 2017. When asked by LSS on 24 April 2017, the file note made by LSS records that Mr Berlow said he *"was not opposed to his response being copied to the complainer but he wondered if his response would cause upset to the complainer given the current complaint".* LSS stated that" *consideration will be given to the copying of the response to the complainer".* It was therefore considered the decision of the LSS to send Mr Berlow's response to the complainer, which it thereafter did as confirmed by letter of 9 May 2017.

8. The response from the complainer was to raise a further complaint, by email of 13 May 2017, in which she states that had she behaved as Mr Berlow had, she would expect to appear at an FtP hearing *"which would in tum have significant consequences on my professional career".* Her email of complaint concludes with a political description of [Organisation B] and a description of Israel's" *apartheid practices and human rights abuses".* She describes [Organisation B]'s activities as *"our campaign",* which includes the boycott of the Dead Sea cosmetics industry in Aberdeen. The complainer sent a further email of 16 May 2017, in which she purported to draw the attention of the

LSS to terminology used by Mr Berlow such as *"snowflake"* and *"social justice warrior"* also being used by *"far-right organisations"*.

9. In his response of 29 May 2017, Mr Berlow asked the LSS to take into account the political differences between himself and the [Organisation B] and the fact that he would be a witness in a forthcoming court case against them. He therefore asked the LSS to consider the motivation behind the complaint.

10. The allegations were investigated, and the recommendation of the Report was that the Professional Conduct Sub-Committee ("PCC") uphold a complaint of unsatisfactory professional conduct in respect of issues 1, 3 and 4 (see page 23 of the Report). The Report recommended (at para. 10) that the PCC censure Mr Berlow (as is mandatory under s. 42ZA(3)(a) of the Solicitors (Scotland) Act 1980 ("the Act") following such a finding). The Report also recommended that Mr Berlow should compensate the complainer for having made unsubstantiated allegations directed at her, in the sum of £100 for the *"inconvenience and distress resulting from the solicitor's unsatisfactory professional conduct"*.

11. The Report however, **rejected** the idea that Mr Berlow should undertake education or training, and rejected the idea that he be made to pay a punitive fine (see page 23 of the Report).

12. The PCC considered the matter on 9 August 2018, and whilst agreeing with the Report that the allegations did not amount to professional misconduct, determined that they did amount to unsatisfactory professional conduct. Allegation 1 was said to be an *"ill-judged rant on social media"* and was *"unnecessarily pejorative"* and that it was likely to bring the profession into disrepute. Allegations 3 and 4 were held to be *"lacking in dignity"*, and therefore likely bring the profession into disrepute. The PCC held that even if Mr Berlow did not directly make accusations that the complainer participated in illegal activity, they could be read to imply that she did.

13. The PCC ordered that Mr Berlow:

I. undertake diversity training;

II. must pay a "substantial fine" of £1,750; and

III. pay compensation to the complainer of £100 for the " *inconvenience in having to bring the complaint in the first place".*

14. Oddly, although the Report specifically rejected recommending training or a fine, the PCC does not record that it differed from the Report in those respects. Instead, it purported to find a *"basis for coming to a different conclusion from that of the Complaints Investigator that a small amount of money should be paid to the complainer",* notwithstanding that that was precisely what was recommended in the Report. It appears that the PCC failed to take into account, or failed to understand, what had been recommended by the Report, or why.

15. Mr Berlow appealed to the SSDT by appeal dated 14 September 2018, citing three grounds, which were (in summary):

I. The terms of the complaint do not warrant the decision reached by the PCC, and the comments were not made *ad hominem;*

II. The PCC failed to pay regard to context in determining that there was unsatisfactory professional conduct; and

III. The sanctions under 42ZA(4) of the Act were variously unwarranted, excessive, and inappropriate.

16. These grounds were later amended, with permission, following the procedural hearing on 31 January 2019.

Submissions

17. The following points are made about factual matters:

a) It is admitted and averred that Mr Berlow was the author of the Facebook posts, and the email to the LSS (as set out at page 17, para. 7 of the Report).

b) It is accepted, as set out in the Report, that Mr Berlow's comments were *"directed against the [Organisation B] as opposed to being directed against any specific individual"* and that the beliefs he expressed *"are genuinely held by him"* (para. 9, p 20 of the Report).

c) It is accepted and averred that nothing done by Mr Berlow was done dishonestly, fraudulently or deceitfully (para. 14, p 20 of the Report);

d) It is accepted that Mr Berlow was referring to the [Organisation B] rather than directing statements about the complainer, (para. 15(a)-(b) of the Report);

e) It is disputed that there was "no evidence" that Mr Berlow had been advised that the complainer was an instrumental figure in the continued intimidation and harassment of [Mr D], or that there had been legal action taken against her (as set out at para. 15(c)-(d) of the Report). That evidence is produced in the correspondence from [Mr D] and the attached photographs of the complainer.

18. Mr Berlow contends that the context of his comments is important. He has presented evidence demonstrating the truth of his comments, showing what he said about the [Organisation B] was factually correct. This is a matter which the Report expressly refused to determine (para 14, page 21 of the Report), and the PCC ignored. The Tribunal is invited to take into account the articles at [1] of Mr Berlow's Production, and the Collier Report at [5] of his Production. The Collier Report demonstrates clearly that *"well over 40% of the supporters [of [Organisation B] are anti-Semitic and holocaust deniers"* and that those *"who align with the [Organisation B] may have good intentions, but cannot escape the fact that by their association with this group they are colluding with the spread of hate speech in Scotland."* (see Forward).

19. The terms of the complaint made against the appellant do not warrant the decision reached by the sub-committee, for the following reasons. (Ground 1 is directed at paragraph 1 of the Decision (i.e. the Facebook posts), Ground 2 at paragraph 3 (i.e. the 23 April letter), and

Ground 3 at paragraph 4 (i.e. sanction)).

Ground I(i)

20. The comments were not made *ad hominem* but in respect of a political organisation. The complainer was not even known to Mr Berlow. This is not disputed, and indeed, is even the complainer's own case.

21. The Respondents' position (as set out in the Answers) is that that point is irrelevant. That is wrong. It must be a relevant factor, when understanding the context, that the Facebook posts were not designed to insult and target an individual, but were made as part of a debate with a political organisation.

22. The comments are described as *"derogatory and offensive"*. That position cannot be substantiated unless the Respondents call evidence showing the truth of what [Organisation B] was saying, to which Mr Berlow was responding: if it is correct that the [Organisation B] was indeed racist, as Mr Berlow pointed out, then it is not offensive or derogatory to state as much.

Ground I(ii)

23. The comments were not made during the course of professional services being rendered by Mr Berlow. Again, this is accepted by the Respondents. Further, they were clearly made in a personal context, as expressing personal views.

24. The PCC state that the case of *Mahmood* was of *"considerable assistance"* to them and it is referred to, and relied upon, in the Respondents' Answer (see para I(ii) therein). It is said that Mr Berlow stated that he was a member of the legal profession and therefore that his comments *"adversely reflect on that profession"*.

25. *Mahmood* is not, and could not be, authority for a proposition that lawyers may not engage in political debate, nor even heated debate. In *Mahmood,* the lawyer had advocated violence (para. 41.3-5) and because of that crossed the line such that he acted without integrity. He was also advocating a terrorist attack (para. 42.4) and had made anti-Semitic posts (para. 45). It

is in **that** context that *Mahmood* takes into account the fact that the individual was a lawyer. It is not enough that an individual posts information which is political, nor even that the posts are taken by some to be offensive, to amount to unprofessional conduct.

26. That is *a fortiori* when the content of the posts is true. Further, it may be said to be an obligation of a lawyer to call out discrimination and bullying when it appears. None of this was considered in the Decision.

27. The suggestion that Mr Berlow lacked *"integrity"* in making the posts is simply wrong. That assertion cannot be made out.

Ground I(iii)

28. The posts were made on a political forum in which Mr Berlow was providing personal views which were genuinely, strongly and legitimately held.

29. The Respondents' Answer asserts that the language was *"inappropriate and derogatory"*. It is noted in this context that only the word *"derogatory"* appears in the Decision. It is no part of the role of the Respondents nor the PCC to monitor what it considers *"inappropriate"*. Further, whether or not the words are *"derogatory"* can only be determined when the truth and they context of the assertions is understood. It is clear that the language was not *"derogatory"*.

Ground I(iv)

30. The posts were made in circumstances in which it was legitimate for Mr Berlow to defend the position of his friend who had been harassed and targeted on grounds of his race or nationality by the group of which the complainer is a supporter (and by the complainer personally).

31. This is dismissed as irrelevant by the Respondents. But the context of the comments reveals whether there was unprofessional conduct. The conduct cannot be assessed in a vacuum.

Ground I(v)

32. The posts were true or substantively true, and in any event, fair comment. The points made above are repeated.

Ground I(vi)

33. The posts were made in defence of Mr Berlow's Article 8 rights, and that any restriction on such rights would be in breach of his Article 10 rights.

34. Article 8 provides that everyone has the right to respect for his private and family life, his home and his correspondence. Article 10 of the European Convention on Human Rights (ECHR) states that:

> 1. *Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*
> 2. *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

35. There is no evidence that the PCC considered Mr Berlow's Article 10 rights whatsoever. As a public body it has an obligation to apply Article 10. There is no basis for any restriction on the rights, pursuant to Article 10(2), nor is any relied upon by the Respondents.

Ground I(vii)

36. The posts did not, and could not, on any view amount to unsatisfactory professional misconduct, and therefore that such a conclusion was irrational. All professional misconduct is a serious matter (see *Walker v Bar Standards Board* (unreported) 19 September 2013 (paras. 11 and 16) and *Bar Standards Board v Howd* [2017] 4 WLR 54 [at 511). This case fall well

below that mark.

Ground 2

37. The sub-committee failed to pay due regard to context in arriving at the conclusion that the language at issue amounted to unsatisfactory professional conduct. In respect of the 23 April 2017 letter, in addition to the points made above, the following is asserted:

i. The letter was in response to a complaint from a political opponent, and not a client. That is the context in which it must be viewed;

ii. The language was not offensive. The apparent offense taken at the use of the word "snowflake" is out of all proportion to the seriousness of the allegation.

Ground 3(i)

38. The section 42ZA(4)(c) disposal is unwarranted in circumstances in which the complainer gave no proper indication that she had been directly affected by the conduct complained of, nor of any loss, and that she had had no professional, nor any, relationship with Mr Berlow, and was in fact herself engaged in the political acts about which the appellant was complaining. Mere assertion from the complainer as to the effect of the posts on her, is not evidence of the same.

39. Further, the sub-committee misunderstood that the report of the Complaints Investigator in this respect.

Ground 3(ii)

40. The sanction under section 42ZA(4)(b) is manifestly excessive, in the circumstances set out in sub-paragraphs to paragraph 1 above, and in which the conduct alleged cannot reasonably or rationally have been categorised as *"a serious act of unsatisfactory professional conduct"*, and that the sub-committee misunderstood that the report of the Complaints Investigator had recommended that the conduct was not sufficiently serious as to justify any fine, and/or ignored the same. There is no reasoned basis for determining that such a fine should be near the maximum permitted.

Ground 3(iii)

41. The sanction under section 42ZA(4)(a) is inappropriate in its disregard of Mr Berlow's particular circumstances, namely his commitment to diversity personally and professionally.

42. Further, it failed to take into account the fact that none of the complaints (past or present) concerned any act of discrimination nor did the complaints contain any reference to diversity or lack of the same, and failed to consider that the training ordered bore no coherent relationship to what had been alleged. Further or alternatively, the order for diversity training was irrational.

43. Further or alternatively, the sub-committee misunderstood that the report of the Complaints Investigator had recommended that the conduct was not such that Mr Berlow be required to undertake education in relation to any aspect of the law or legal practice, and/or ignored the same.

Conclusion

44. It is requested that the appeal be upheld.

In addition to the authorities referred to within his written note, Mr Solomon also made reference to the case of Adetoye-v-The SRA [2019] EWHC 707 (Admin) which concerned an appeal by a solicitor against the penalty imposed upon him following a finding of professional misconduct.

SUBMISSIONS FOR THE FIRST RESPONDENTS

Ms Crawford emphasised that the matter before the Tribunal was the question of unsatisfactory professional conduct and not professional misconduct. Mr Solomon interjected that he accepted that he had perhaps misused language in his submissions and accepted that the test for unsatisfactory professional conduct was a lower hurdle.

Ms Crawford submitted that there was nothing wrong in a solicitor expressing opinions through legitimate political debate. Whether the solicitor held the views genuinely or not the expression of

these views required to be in language appropriate for a person of standing in the legal profession. Some of the Appellant's comments in the Facebook thread appeared to be legitimate debate while in others, he appeared to lose control. The First Respondents' position was that the lack of integrity was founded in the Appellant allowing his language to reach the stage that it did.

The Appellant had identified himself as a defence lawyer in the Facebook posts. In evidence, the Appellant had confirmed that he was well-known to Organisation B as a lawyer. The Appellant had not refrained when he had been asked to withdraw his comments. In response he had become more defiant and had taken a decision to keep posting and not moderate his language. This demonstrated a lack of restraint and insight and could have caused a complete deterioration in the exchange of comments on the Facebook thread.

The Appellant displayed a further lack of insight in the language used within his email which was sent to his regulator investigating a complaint against him. The Appellant had been advised that any correspondence would be forwarded to the complainer. The Appellant was aware when he sent that email to the Law Society that it would be forwarded. He clearly intended the complainer to read that email. Whilst a conversation had taken place between the Appellant and a member of staff in the Law Society raising the question of whether or not it was appropriate to forward this email to the complainer, the Appellant's obligation in framing his response to the complaint was to put it in appropriate terms.

In evidence, the Appellant had indicated some regret at some of the language used and had accepted that there was an element of anger in his choice of words. He had conceded that his language was florid and indicated that he was not proud of some of the language he had used. It was not her position that the Appellant could not enter into a legitimate political debate or defend his friend. The issue was the use of derogatory and inappropriate language when doing so. He had not known when making his posts who would read them but had intended as many people as possible to see them.

She submitted there was no evidence before the Tribunal that anyone involved in Organisation B was involved in racism. The Appellant had indiscriminately called members of the organisation racists, cowards, losers and racist bullies. Whilst the Appellant had described having a double life, it was her submission that he always had to be conscious of the fact that he was a solicitor.

It was accepted generally that what a solicitor does in his personal life has an impact on his professional life as well and this is reflected in Rule B1.2.

Ms Crawford referred the Tribunal to the case of SRA-v-Majid Mahmood, case number 11625-2017. This was the case that had been referred to by the Sub Committee. She referred the Tribunal in particular to paragraph 41.5 of that decision, which referred to the additional responsibilities that the Respondent in that case had held as a solicitor and submitted that this was what the Sub Committee had had in mind when referring to the case. Mr Solomon indicated that he objected to this submission by Ms Crawford as this was speculation on her part. The Sub Committee did not indicate in their report which parts of the case they were relying upon. Ms Crawford conceded that to be correct. However, she referred the Tribunal to paragraph 52 of that decision where it was emphasised that being a solicitor was not a feature of one's being that one could switch on and off as one chose. She further referred to the cases of SRA-v-Mark Lewis, case number 11856-2018; United Bank of Kuwait-v-Hammond and Others [1988] 3All ER 418; Law Society of Scotland-v-Cushnie, 19 February 2002; and Law Society of Scotland-v-Grant Docherty, 24 April 2013.

The Fiscal submitted that the Appellant had used a scattergun approach by calling others racist. His comments were on a public forum addressed to an indeterminate audience and were made regardless to whom he might offend.

With regard to the award of compensation to the complainer, the Appellant had been aware that his response would be copied to her. The content of his email was insulting to her. He should have used particular care when responding to his regulator. The Sub Committee was not bound to agree with the investigator in all respects.

The Sub Committee had used the report as a central document. The author of the report had looked at the email sent by the Appellant as a whole and concluded that the language was derogatory and aimed at the complainer. It had been suggested by the Appellant that Organisation B was in fact advancing this complaint rather than the complainer. Ms Crawford submitted there was no evidence of that. The complaint was made by Ms A as an individual.

She submitted that the Sub Committee had not erred in either law or fact. The Sub Committee had all of the evidence before them, except the references. It had given proper consideration to what was

before them. The report at page 19 makes reference to solicitors being free to hold and express opinions.

She emphasised that, for the present case, it did not matter whether the Appellant had used his own personal Facebook account or his professional Facebook account.

With regard to the financial penalty, the Sub Committee indicated that they viewed the matter as a serious one and the Appellant had previous findings of unsatisfactory professional conduct on his record, including one for misuse of social media.

With regard to the diversity training, she accepted that there was no detailed reasoning within the Sub Committee's report. She submitted that diversity was part of legal practice and so relevant. She accepted that the Sub Committee report did not indicate what the Committee had in their mind when making this direction.

In answer to a query from the Tribunal, Ms Crawford confirmed that the Complaints Investigator was unlikely to have had access to the Appellant's record card.

Following a further query from the Tribunal and some discussion, the Fiscal accepted that the article from the Journal produced as her Production 3 was not formal guidance as such and therefore she was not putting any weight on it. She was unaware if there was any guidance directed specifically to the use of personal social media.

SUBMISSIONS IN RESPONSE BY THE APPELLANT

Mr Solomon drew the Tribunal's attention to the Appellant's Production 8 at page 5 and submitted that this indicated that the complainer was complaining as a Palestinian activist and as a member of Organisation B. This supported his submission that this was a complaint based on politics.

He invited the Tribunal to distinguish the cases of Cushnie, Docherty, Lewis and United Bank of Kuwait.

DECISION

This is an Appeal in terms of Section 42ZA(9) of the Solicitors (Scotland) Act 1980 against a Determination and Directions of the Council of the Law Society of Scotland dated 9 August 2018. The complaints before the Sub Committee were:

1. Mr Berlow failed to maintain the standards of behaviour expected of a solicitor in that in comments he wrote online on 27 August 2016, he used derogatory language, including referring to pro-Palestinian activists as "racists", "losers", "ignorant cowards", "racist bullies" and "scummy racists".
3. Mr Berlow failed to maintain the standards of behaviour expected by a solicitor in that the tone of his email of 23 April 2017 was derogatory and aggressive, by making defamatory accusations completely devoid of any substance, particularly in that he referred to me as "anti-Semitic" and a "holocaust denier" and that I have been "an instrumental figure in the continued intimidation and harassment of (a friend of Mr Berlow) in Aberdeen", and by making statements with intent to insult me, for example "Or is she a snowflake/the snowflake appears to give as good as she gets" and by referring to me as a "social justice warrior".
4. Mr Berlow failed to act with honesty and integrity by casually making incorrect statements in his email of 23 April 2017 that I had been the target of legal action and that [Organisation B] was linked to terrorist organisations.

(The numbering of these issues follows that used in the complaints process.)

The Appeal before the Tribunal contained three grounds, these could be summarised as:-

1. That in making its Determination of unsatisfactory professional conduct on complaint 1 the Sub Committee of the Council of the Law Society failed to take into account relevant factors and thus fell into an error of law with seven factors listed.
2. In regard to complaints 3 and 4, the Sub Committee failed to pay due regard to context and that it also failed to take into account the same relevant factors as listed in Appeal ground 1 and thus fell into an error of law.
3. Appeal ground 3 related to the Directions of the Sub Committee that the Appellant:-

(i) Pay compensation;

(ii) Pay a financial penalty;

(iii) Undergo diversity training.

It is not open to the Tribunal in the current proceedings simply to reconsider the three complaints that were before the Sub Committee. In considering its role in the current proceedings, the Tribunal was guided by the Court's comments in the case of Hood, Petitioner [2017] CSIH21 at paragraph 17 where it was said:-

"Cases where the court may interfere occur in three main situations. The first is where the Tribunal's or Sub Committee's reasoning discloses an error of law, which may be an error of general law or an error in the application of the law to the facts. The second is where the Tribunal or Sub Committee has made a finding for which there is no evidence, or which is contradictory of the evidence. The third is where the Tribunal or Sub Committee has made a fundamental error in its approach to the case, as by asking the wrong question, or taking account of manifestly irrelevant considerations, or arriving at a decision that no reasonable Tribunal or Sub Committee could properly reach."

In considering all of the grounds of appeal, the Tribunal gave consideration to the detailed submissions, the documents before it and the parole evidence of the Appellant. In this latter regard, the Tribunal considered the Appellant to be a credible witness who was doing his best to explain how the situation had occurred and who clearly held strong beliefs.

Turning to the first ground of appeal, the Tribunal noted that the Sub Committee made reference to the report of the Complaints Investigator, Appellant Production 7, and to agreeing with the conclusions of that report. It appeared to the Tribunal that the investigator had, within the report, taken into consideration all of the factors listed by the Appellant in ground of appeal 1 from (i) to (vi). With regard to appeal ground 1(vi), albeit the investigator does not specifically refer to articles 8 and 10 of the European Convention on Human Rights, the investigator does refer in conclusion (vi) to a solicitor's right to hold and express opinions.

With regard to appeal ground 1(vii), it appeared to the Tribunal that this ground, rather than being a factor not taken into account, was a broader criticism of the approach taken by the Sub Committee.

The Tribunal concluded that all of the relevant facts of the case were taken into account by the Sub Committee. The Sub Committee had applied the correct test for unsatisfactory professional conduct and had concluded, in agreement with the Complaints Investigator, that the Appellant's conduct was likely to bring the profession into disrepute. No error of fact or law was apparent. It was suggested that the Sub Committee had made an error of law by stating it had found the case of Mahmood helpful. It appeared to the Tribunal that the Court had made references to general principles, such as at paragraph 52 which were relevant to this case. There was nothing in the Sub Committee's report to suggest they had drawn the conclusions attributed to them by Mr Solomon.

In conclusion, the Tribunal determined to refuse ground of appeal 1 and confirm the Determination of unsatisfactory professional conduct on complaint 1.

Turning to ground of appeal 2, looking firstly at complaint 4, the Sub Committee had upheld the complaint that the Appellant had "casually" made "incorrect statements" in the email of 23 April 2017. The Sub Committee had made no reference within its deliberations to having had regard to the email from Mr D, which the Sub Committee had before it and which the Complaints Investigator had not. Within that email, Mr D confirmed having instructed solicitors to write to Ms A to "cease and desist". In considering complaint 4, the Investigator made no reference to the materials produced by the Appellant which the Tribunal understood included the items reproduced for the Tribunal as Production 1 for the Appellant. Elsewhere in the report, the Investigator refers to the Appellant holding genuine beliefs.

The Tribunal concluded that these matters appeared to be inconsistent with a conclusion that the Appellant had "casually" made "incorrect statements" in the email.

With regard to complaint 3, Ms A complained that the Appellant had made "defamatory accusations devoid of any substance". In the report, the Complaints Investigator declines to consider whether any comment made by the Appellant was in fact defamatory.

The Sub Committee made no reference to the email from Mr D which referred to Ms A being part of the protests against him. Nor is there any reference to the photographs which were reproduced for the Tribunal as Production 2 by the Appellant which the Tribunal understood from the submissions had been made available to the Sub Committee. The Tribunal also had the benefit of

the Appellant's evidence explaining that the photographs showed Ms A involved in the protests against Mr D.

The Complaints Investigator expressed the view that the email complained against did not directly accuse the complainer of being anti-Semitic or a Holocaust denier but could be read in a way to imply that. The Tribunal concluded that that was not the natural reading of the email.

In all of these circumstances, the Tribunal drew the conclusion that the Sub Committee had failed to take into account relevant facts when considering complaint 3.

Accordingly, the Tribunal upheld appeal ground 2 in relation to both complaints 3 and 4 and quashed the Determination of unsatisfactory professional conduct on both of these complaints.

Lastly, ground of appeal 3 was directed to the penalties imposed by the Sub Committee.

The Complaints Investigator had recommended consideration of compensation because of the accusations directed at the complainer with regard to complaints 3 and 4. As the Appeal against the Determination of unsatisfactory professional conduct was upheld on both of these complaints, the Tribunal considered it appropriate to quash the Direction to pay compensation.

The Sub Committee had directed in terms of Section 42ZA(4)(a) that the Appellant undergo diversity training. Section 42ZA(4)(a) gives authority to the Council as follows:-

"Where the Council consider that the solicitor does not have sufficient competence in relation to any aspect of the law or legal practice, to direct the solicitor to undertake such education or training as regards the law or legal practice as the Council consider appropriate in that respect."

The Sub Committee give very little reasoning for their Direction other than thinking "he might benefit" from such training. There was some discussion before the Tribunal as to whether or not diversity training fell within the ambit of this provision. In the circumstances of this Appeal, the Tribunal did not require to reach a decision on that. In the present case, there was no suggestion that the Appellant had acted in a racist manner. The Complaints Investigator and the Sub Committee's criticism seemed to be that the comments made displayed a lack of control or loss of temper by the Appellant. A loss of temper is not a matter of diversity, and therefore the Direction made on the

basis of the facts before the Sub Committee did not fall within the authority given by Section 42ZA(4)(a). Additionally, the Tribunal had had the benefit of hearing the Appellant's evidence. Accordingly, the Tribunal quashed the Direction to undergo diversity training.

With regard to the financial penalty imposed, the ground of appeal places emphasis on the conclusion reached by the Complaints Investigator. It became apparent, however, before the Tribunal that the Complaints Investigator was unlikely to have had access to the record card for the Appellant disclosing his previous findings of unsatisfactory professional conduct. One of those findings also related to misuse of social media, albeit, in different circumstances. The Sub Committee had open to it a range for the level of fine, taking into account all the circumstances of the case including the previous findings. The Tribunal could not conclude that the penalty selected was excessive. Accordingly, Appeal ground 3 as directed towards the fine was refused and the Tribunal confirmed the Direction to pay a fine of £1,750.

The Tribunal heard further submissions from the parties with regard to publicity and expenses. Neither party had any comment to make with regard to the order for publicity and both parties agreed that the appropriate approach for expenses was that no order be made in favour of either party. With regard to publicity, given the sensitive nature of the issues involved, the Tribunal considered it appropriate that the decision in this case should be anonymised and should only include the name of the Appellant.

Alan McDonald

Vice Chairman