

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

FINDINGS

in Complaint

by

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

Complainers

against

**GORDON SCOT WATSON, 2/1, 1 Briarwood
Gardens, Glasgow**

Respondent

1. A Complaint dated 12 August 2025 was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society of Scotland, Atria One, 144 Morrison Street, Edinburgh (hereinafter referred to as "the Complainers") averring that Gordon Scot Watson 2/1, 1 Briarwood Gardens, Glasgow (hereinafter referred to as "the Respondent") was a practitioner who may have been guilty of professional misconduct.
2. There was no Complaint Originator.
3. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent. Answers were lodged for the Respondent.
4. In terms of its Rules, the Tribunal appointed the Complaint to be set down for a virtual Procedural Hearing on 21 November 2025 and notice thereof was duly served on the Respondent.
5. At the virtual Procedural Hearing on 21 November 2025, the Complainers were represented by their Fiscal, Gavin Whyte, Solicitor, Edinburgh. The Respondent was presented and represented himself. Parties indicated that they intended to enter a Joint Minute and, thereafter, would make submissions. The Respondent indicated that he would prefer to make submissions in person.
6. The Tribunal set down an In Person Hearing for 9 February 2026 at 10am and notices thereof were duly served upon both parties.

7. At the Hearing on 9 February 2026, the Complainers were represented by their Fiscal, Gavin Whyte, Solicitor, Edinburgh. The Respondent was present and represented himself.
8. The Tribunal found the following facts established:-
 - 8.1 The Respondent is Gordon Scot Watson. His date of birth is 4 January 1989. The Respondent was admitted as a solicitor on 18 August 2017. He has been a partner at the firm G S Watson Law since August 2022. The Respondent was the sole principal and money laundering reporting officer of the firm and was the manager and relevant person in terms of the money laundering regulations. The Respondent's practising certificate was suspended at the time of these proceedings.
 - 8.2 The Respondent's practice commenced business on 1 August 2022. At that time, the Respondent signed an anti-money laundering disclosure form which advised the Law Society of Scotland's member registration department that neither he nor the practice unit provided legal or notarial services which fell within the scope of the Money Laundering Regulations 2017.
 - 8.3 An inspection was carried out by the financial compliance department of the Law Society of Scotland on 10 May 2023.
 - 8.4 After the inspection the Respondent was emailed on 12 June 2023 by the Law Society of Scotland to advise that the practice unit was in breach of AML regulations as he was acting beyond what the anti-money laundering exemption permitted.
 - 8.5 From an examination of the firm's files it appears that payments made to the Registers of Scotland which were funded by TB, a non solicitor business offering executry, trust and conveyancing work, appeared to relate to property sale proceeds.
 - 8.6 Registering deeds on behalf of non solicitor firms began in January 2023. In total approximately 60 deeds were registered between then and 11 May 2023. This work fell within the scope of the anti-money laundering regulations. No AML regulated transactional activity was discovered prior to January 2023.

- 8.7 During the inspection, the financial compliance inspectors observed that customer due diligence and enhanced due diligence was not conducted or recorded to the standard required by the 2017 regulations in respect of the transactions listed in Appendix A to the Complaint.
- 8.8 From documentation provided, it appeared that apart from sending out terms of business correspondence and obtaining some identification for executors, the practice unit did not deal with the sale of property in the manner that would be expected from a legal firm in that the involvement extended only to facilitating the transfer of funds from TB. The Respondent also made declarations to the Registers of Scotland on registration application forms regarding the terms of property titles, these declarations provided information that the Respondent would have been unable to provide given the limited information he held in his file in relation to the deeds and transactions.
- 8.9 The Respondent had advised in a pre-inspection questionnaire on 28 March 2023 that he had policy, control and procedures (PCP) in place and had a practice wide risk assessment (PWRA) in place. It was accepted by the Respondent at the Anti-Money Laundering Sub-Committee interview on 21 December 2023 that he had not had procedures in place when he had completed the pre-inspection questionnaire on 28 March 2023. Multiple requests were made by the Law Society of Scotland for a PWRA and PCP documentation between September 2023 and November 2023, neither was ever received by the Law Society of Scotland from the Respondent. The PCP was delivered by the Respondent for the scrutiny of the Anti-Money Laundering Committee to the Law Society offices on 15 December 2023, these were dated July 2023. The Respondent advanced reasons for this delay at the Anti-Money-Laundering Sub-Committee interview on 21 December 2023.
- 8.10 The inspection report was emailed to the Respondent on 12 June 2023, a response was requested by 18 September 2023. At the request of the Respondent more time was allowed to respond with a deadline of 22 September 2023. No response was received.
- 8.11 A chaser email was sent to the Respondent from the Law Society of Scotland on 27 September 2023 requesting a response by 4 October 2023.
- 8.12 A response was received on 5 October 2023 but more detail was required. A further extension was granted until 20 October 2023.

- 8.13 Matters were considered by the Anti-money Laundering Sub-Committee on 2 November 2023. The recommendation was to invite the Respondent for an interview which took place virtually on 2 November 2023.
- 8.14 During the interview the Respondent was asked to provide the sale file relating to the sale of a property in Hamilton. The sale of this property concerned a £200,000 transaction. The balance of these funds, after deducting fees and outlays, were paid out the same day to another legal practice.
- 8.15 No documentation was provided prior to the Anti-Money Laundering Sub-Committee meeting which convened on 7 December 2023.
- 8.16 The Anti-Money Laundering Sub-Committee decided at their meeting on 7 December 2023 to invite the Respondent for interview in terms of Section 40 of the Solicitors (Scotland) Act 1980 on 21 December 2023 which he attended virtually. At the interview the Respondent explained that he had attempted to transmit the file relating to the Hamilton property transaction electronically beforehand but had encountered technical difficulties whilst attempting to do so. The Respondent attended at the Law Society's offices on 22 December 2023 and delivered the physical file.
- 8.17 The interview panel recommended to the Anti-Money-Laundering Sub-Committee that the Respondent's practising certificate was withdrawn and that a referral be made to the SLCC.
- 8.18 On 11 January 2024 the Sub-Committee decided to withdraw the Respondent's practising certificate and refer the matter to the SLCC.
9. Having considered the foregoing circumstances, the Tribunal found the Respondent guilty of professional misconduct as follows:-
- 9.1 Between 1 August 2022 and 11 January 2024, the Respondent failed to comply with Regulations 18, 19, 21, 26(1), 26(5), 27, 28, 30, 33 and 40 of The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ("the 2017 Regulations"), in particular that he:-

- (i) Failed to apply for or obtain approval from the Law Society of Scotland to act in matters which were within the scope of the Regulations despite having stated that he did not carry out such work in an AML Exemption Disclosure form dated 1 August 2022.
- (ii) Failed to carry out a PWRA or put appropriate policies, controls and procedures in place in line with the Regulations, including a system of internal monitoring.
- (iii) Failed to undertake timeous and appropriate risk assessments, client due diligence, enhanced due diligence or ongoing monitoring in relation to the transactions listed in Appendix A to the Complaint.
- (iv) Failed to maintain, retain or exhibit records of compliance steps taken in relation to the in scope work which was carried out.

All in breach of Rules B9.2(b), B9.3(a) and (b) and B9.4 of the Law Society of Scotland Practice Rules 2011.

9.2 In or around March 2023, the Respondent failed to comply with Regulations 18, 28, 33 and 40 of the 2017 Regulations in relation to the sale (and intromission of sale proceeds) of subjects in Hamilton, in particular that he:-

- (i) Failed to undertake a risk assessment in respect of the transaction.
- (ii) Failed to undertake client due diligence or enhanced due diligence as necessary.
- (iii) Failed to undertake ongoing monitoring of the transaction, and
- (iv) Failed to maintain, retain or exhibit records of the steps taken to comply with the Regulations.

All in breach of Rules B9.2(b), B9.3(a) and (b) and B9.4 of the Law Society of Scotland Practice Rules 2011.

10. Having heard submissions from the Respondent in mitigation, and from both parties in relation to both publicity and expenses, the Tribunal pronounced an Interlocutor in the following terms:-

Stirling, 9 February 2026. The Tribunal having considered the amended Complaint dated 5 February 2026 at the instance of the Council of the Law Society of Scotland, Atria One, 144 Morrison Street, Edinburgh against Gordon Scot Watson, 2/1, 1 Briarwood Gardens, Glasgow; Finds the Respondent guilty of professional misconduct singly and *in cumulo* in respect of his breaches of Rules B9.2(b), B9.3(a) and (b) and B9.4 of the Law Society of Scotland Practice Rules

2011; Censures the Respondent; Directs that the Respondent's practising certificate be restricted for an aggregate period of 5 years to the extent that (1) he is only to be permitted to practise as a qualified assistant employed by another solicitor(s) as approved by the Complainers, and (2) he is limited to carrying out legal services which are not within the scope of any applicable AML legislation or regulations; Finds the Respondent liable in the expenses of the Complainers and of the Tribunal including expenses of the Clerk, chargeable as the 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 and that this publicity should include the name of the Respondent but need not identify any other person.

(signed)

Colin Bell

Chair

11. 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 tracked delivery service on **21 April 2026**.

IN THE NAME OF THE TRIBUNAL



Colin Bell

Chair

NOTE

At the Hearing on 9 February 2026, the Complainers were represented by their Fiscal, Gavin Stewart, Solicitor, Edinburgh. The Respondent was present and represented himself. The Respondent was accompanied by a family member as support but who took no part in proceedings. The Tribunal had before it a Complaint, Answers, Joint Minute of Agreement between the parties and a First Inventory of Productions lodged by the Respondent.

At 18:54 hours on Sunday 8 February 2026, the Respondent sent a Minute of Amendment and Second Inventory of Productions by email to the Tribunal office. The Minute of Amendment proposed that, in issue 1 of the Complaint, the words “between 1 August 2022 and 11 January 2024” be deleted and replaced by the words “between January 2023 to May 2023”; *esto* to replace with the words “between January 2023 and 28 July 2023”, the latter reflecting the latest date on which the Respondent implemented the necessary policies and procedures as required by the Complainers.

At the Hearing on 9 February 2026, the Respondent asked the Tribunal to allow the Minute of Amendment. He submitted that the proposed amendments covered the period when the breaches actually occurred and that there was no conduct complained of in the longer time frame. The Respondent explained that 1 August 2022 referred to the date of the AML Exemption Certificate which he had completed and submitted to the Complainers and 11 January 2023 was the date of the AML Sub-Committee meeting. However, the conduct, which the Respondent admitted, actually took place between January and May 2023. The Complainers became aware of the conduct in January 2023. The Fiscal adopted a neutral position and said it was a matter for the Tribunal to determine. He cited the case of Law Society of Scotland v Scottish Legal Complaints Commission (2010) SCLR 781 (“LSS v SLCC”) which requires a regulator to prosecute the Complaint before it and not go beyond that. Alternatively, the Fiscal invited the Tribunal to make a finding-in-fact in relation to the dates of conduct if this would address the matter.

The Respondent also asked the Tribunal to accept a Second Inventory of Productions. He explained that this contained a number of documents produced in mitigation and which explained his circumstances. The Fiscal had no objection to the Second Inventory.

The Tribunal considered these matters very carefully. It noted that the Respondent had previously and very recently agreed the dates in the Complaint by signing the Joint Minute of Agreement. The Respondent acknowledged that and reiterated that the dates, did not, however, reflect the actual period of conduct. The Tribunal focused on fairness to all parties who had already agreed an extensive Joint Minute. It did not want

to inadvertently exclude any information which may inform and assist its full consideration of the case. It was not clear why the Respondent wished to restrict the range of dates at this late stage and following his agreed position in the Joint Minute. On balance, the Tribunal decided that it would be fair to consider information occurring in the date range previously agreed by the parties and refused the Minute of Amendment.

The Tribunal was concerned that the Second Inventory of Productions (the contents of which were outlined orally by the Respondent) was not relevant to its decision on professional misconduct. The productions in the Second Inventory were voluminous and the Tribunal was concerned that consideration of irrelevant information at this stage in proceedings would be inefficient and serve no purpose. It did not accept the Respondent's Second Inventory of Productions at this stage but stated that it was open to the Respondent to ask for this to be lodged at a later stage, if appropriate.

The Fiscal moved to amend the Complaint by deleting the words "21 January 2026" in paragraphs 1, 2 and 3 of the Joint Minute and replace those with the words "5 February 2026", being the correct date of the updated Complaint. The Fiscal explained that this was a typographical error. There was no objection from the Respondent and the Tribunal allowed this amendment.

The Joint Minute agreed the statements of allegations, statements of facts and alleged practice rule breaches contained in the Complaint. In addition, the Respondent expressly stated that he was guilty of professional misconduct. Regardless of that, the question of whether or not the admitted conduct amounted to professional misconduct was for the Tribunal to determine. No evidence was led. Parties made submissions.

SUBMISSIONS FOR THE COMPLAINERS

The Fiscal stated that there were two primary allegations of professional misconduct remaining in the Complaint against the Respondent. Both allegations related to the Financial Compliance Inspection conducted by the Complainers in May 2023.

The Respondent set up his own firm as a sole practitioner and signed an AML Exempt Disclosure Form dated 1 August 2022 in relation to his practice. However, the Fiscal submitted that work being carried out was not exempt; in particular, the Respondent had registered deeds for non-solicitor businesses (mainly TB) who were not registered with the Complainers. TB provided "conveyancing and executry services" but did not have any solicitors working with them.

The Fiscal submitted that, in total, the Respondent was involved in 60 transactions with non-solicitor businesses. However, his practice unit did not have a client account for receiving funds. On 12 June 2023, the Complainers advised the Respondent that the work he was carrying out was within scope of the AML regulations and, therefore, he was not exempt in terms of the form he had provided.

Referring to paragraph 1(b) of the Complaint, the Fiscal said that the Respondent had failed to put a PWRA in place, despite saying he had done so. In addition, the Respondent had not conducted any due diligence in relation to the transactions as required in terms of the 2017 Regulations.

The Fiscal highlighted the terms of Annex B to the Joint Minute of Agreement, namely a note of interview of the Respondent by the anti-money laundering sub-committee dated 21 December 2023. In particular, the transaction involving the property in Hamilton was covered. The sub-committee was not satisfied with the Respondent's position in relation to that matter so suspended his practising certificate in January 2024.

The Fiscal also referred to Annex A to the Joint Minute of Agreement, namely an inspection report of the Law Society of Scotland's financial compliance department dated 10 May 2023. That document contained three schedules which outlined the inspection and its conclusions. The Fiscal said it was critical to note that the financial compliance team had applied weightings of 3 and 4 to the issues identified in the report. The definitions of those weightings stated that it may be appropriate to refer such matters to the AML Sub-Committee. The definitions were detailed in the report as follows:-

“Definitions – Weightings

4 – Critical Observation. It is essential that this Observation is addressed as an urgent priority. (Any report containing a Critical Observation may be submitted to the AML Sub Committee).

3 – Serious Observation. It is essential that this Observation is address as an urgent priority. (Any report containing a Serious Observation may be submitted to the AML Sub Committee).”

The inspection report was emailed to the Respondent on 12 June 2023. The Fiscal said that it was fairly common for the financial compliance department and a solicitor to communicate in this way.

The Fiscal highlighted the Respondent's responses to the issues raised in the inspection report. The Respondent accepted schedule 1 and had corresponded with the financial compliance department regarding schedule 2. The financial compliance department required the Respondent to provide further documents in relation to that matter. However, the Respondent did not provide that information. Turning to schedule 3, the Fiscal said the comments of the financial compliance manager in the “observation” section were “of some

import". The Respondent had not carried out customer due diligence in relation to funds received by TB in relation to a £200,000 conveyancing transaction. The Respondent's response was that due diligence had been carried out but that was rebuffed by the financial compliance manager in the report.

A Tribunal member asked whether that was the only transaction involving transfer of funds. The Fiscal said that funds were transferred in relation to other transactions and these matters were detailed in the Schedule attached to the Joint Minute.

The Fiscal submitted that, apart from issuing Letters of Engagement, the Respondent did not actually deal with the conveyancing for the listed transactions; he effectively acted as a bank.

The Fiscal referred to the Respondent's "Section 40 interview" and submitted that it "fleshed out" the detail of what had occurred. The Fiscal argued that it was clear from the interview note that the Respondent was very inexperienced in relation to conveyancing matters. He had not checked the requirements of the 2017 Regulations but had exempted himself from their application. The Respondent later produced a PCP document and it appeared that he initially had wanted to continue with the conveyancing work. However, the Respondent has since stated that is no longer the case and he does not want to deal with conveyancing work anymore.

The Fiscal noted that, during his interview, the Respondent was asked about the transaction for the Hamilton property in the sum of £200,000. The Fiscal submitted that the Respondent displayed a "total disregard" for the 2017 Regulations and also poor conduct. The Fiscal cited the Tribunal decision in the case of Stephen Maguire, 28 October 2021. He submitted that there were similarities between that case and the proceedings against the Respondent in that both related to concerns highlighted in a financial compliance report and neither case alleged lack of integrity or dishonesty in terms of Rule B1.2. Parties had also agreed a Joint Minute in the Maguire case. However, there were also some differences between the two cases. The conduct in Maguire was not referred to the AML Sub-Committee and Mr Maguire's practising certificate was not suspended following the financial inspection. Therefore, the Fiscal argued that the Respondent's conduct was far more egregious than Mr Maguire's; in particular, Mr Maguire had been involved in 6 transactions whereas the Respondent was involved in 60 transactions in total. The Tribunal found Mr Maguire guilty of professional misconduct. The Fiscal invited cited the case of Sharp v Council of the Law Society of Scotland 1984 S.C. 129 ("Sharp") and submitted that a competent and reputable solicitor would regard the Respondent's conduct as serious and reprehensible. The Fiscal invited the Tribunal to find the Respondent guilty of professional misconduct.

SUBMISSIONS FOR THE RESPONDENT

The Respondent expressly agreed that he was guilty of professional misconduct as a result of his conduct as detailed in the Complaint before the Tribunal. He highlighted that he had admitted his guilt in relation to issues 1 and 2 in the financial compliance report since at least December 2023. He had wanted this case to be dealt with as quickly as possible.

However, the Respondent added that he did not agree to the “more evaluative language” in the AML Report, particularly use of the word “dishonesty”. The Respondent highlighted that a breach of Rule B1.2 had not been averred in the Complaint and was explicitly excluded in the Joint Minute.

The Respondent said that he was not seeking to excuse his conduct but wanted to address some of the issues raised by the Fiscal as that was not what had been agreed between them. Although he agreed the “factual narrative”, he did not agree with any language which goes beyond that.

A Tribunal member pointed out the Respondent had agreed the terms of the interview (annex B to the Joint Minute was a note of the meeting between the Respondent and the AML sub-committee dated 21 December 2023) and the facts in the Complaint in paragraph 6 of the Joint Minute. The Respondent accepted that his conduct was below the professional standard required of him as a solicitor but emphasised that he had not acted dishonestly. He added that he had acted in a careless manner and exercised poor judgement but there had been no intent to deceive.

The Respondent stated that he had given a spreadsheet detailing the relevant transactions to the financial compliance team in advance of meeting with them. The spreadsheet was attached to the financial compliance report and lodged as annex A to the Joint Minute. The Respondent said that he had provided this information to the Complainers to be transparent. The Respondent added that he did not act for multiple non-solicitor entities. When asked, he confirmed that he principally dealt with TB but also 1 or 2 other businesses. The Respondent said that 1 or 2 of the transactions were intended to be “estate planning” registrations. Some of the information on the spreadsheet related to instructions for agency work and did not relate to these proceedings.

Page 43 of Annex A to the Joint Minute listed fees rendered for a number of other transactions. The Tribunal asked the Respondent what these transactions related to as it was unclear. The Respondent said that those matters were agency instructions from criminal defence firms and he was unsure why that information was included on the spreadsheet he had provided. The Fiscal checked the position and confirmed that the

transactions on page 43 of Annex C were legitimate and did not relate to the subject of the Complaint. As a result, the Fiscal moved to delete page 43 from the record. There was no objection to that and the Tribunal allowed the deletion accordingly.

A Tribunal member asked the Respondent to clarify his role in these transactions. The Respondent said he had understood that TB (as the agent for individuals) was his client. He did not think that the individuals who had instructed TB were his client. The Respondent accepted that this was unsatisfactory and said he now knows that his understanding of the situation was incorrect. The Respondent explained that a fee was paid to him by TB. The Respondent said that he did not deal with the full conveyancing transactions and added that, in around half of the cases, he had registered standard securities and dispositions. He added that the remainder of the cases involved transfers of property in and out of trusts.

A Tribunal member asked the Respondent if he had identified any red flags regarding the trusts and whether he knew the background to the conveyancing transactions (in particular the dispositions). The Respondent said that he did not have identification for most of the cases and repeated that he did not think that the individuals involved in the transactions were his client. When asked if he had registered deeds online via Registers of Scotland, the Respondent said that he had done so.

The Respondent said that he did not agree that his conduct was far more egregious than Stephen Maguire's, although he accepted that he had not yet read the decision fully as it had just been provided by the Fiscal. The Tribunal allowed an adjournment to give the Respondent an opportunity to read and consider that decision.

After the adjournment, the Respondent said he was reluctant to make direct comparisons between the Maguire case and the proceedings against him. He said that he struggled to see that his conduct was "more egregious". The Respondent acknowledged that the alleged breaches in both cases appeared to be broadly similar and accepted that he had carried out more transactions than Mr Maguire had been involved in. He agreed that there were some parallels between the two cases; for example, no customer due diligence had been carried out or proper records kept.

However, the Respondent submitted that there were also key distinctions to be drawn. Mr Maguire had been the Cashroom Manager of his practice unit for over 13 years at the time of his conduct whereas the Respondent's practice was in its early stages. The Respondent noted that paragraph 6.9 of the Maguire decision referred to previous errors which occurred over a length of time. In contrast, the Respondent stopped doing the work immediately when a problem was identified by the complainers. The Respondent said that he had

been “pulled up” by the Complainers on only one occasion and the remainder of correspondence between the parties related to that alone.

The Respondent stated that he had passed a Scottish Legal Aid Board inspection and was approved as a legal aid practitioner at the same time as the financial compliance inspection was taking place. He added that, in the Maguire case, funds were paid to the wrong client. The Respondent said that funds had not been wrongly paid out in the conveyancing transaction for the property in Hamilton. Although he now understood that he should not have become involved in the transactions, the Respondent argued that no client or third party had suffered any prejudice or direct loss as a result of his actions. The Respondent did acknowledge that there could have been a loss caused but said that, “thankfully”, there had not been.

A Tribunal member observed that the Respondent had failed to recognise to whom he owed a duty of care in around 60 transactions and that, by his own admission, the Respondent had wrongly identified his client to be TB and not the individuals who required the legal work to be done. In response, the Respondent agreed “absolutely” with this. When asked if, in those circumstances, it would be possible to conclude that the Respondent’s conduct was more egregious than that of Mr Maguire, the Respondent disagreed. He argued that it was less serious due to the balance of other distinctions between the two cases which he had outlined.

The Fiscal directed the Tribunal to Annex C of the Joint Minute and, in particular, the conclusions of the AML sub committee. He submitted that, fundamentally, the Respondent could not correctly identify his role in the transactions. As a result, and based on the responses of the Respondent to their questions, the sub committee took the decision to suspend the Respondent’s practising certificate. The Fiscal noted the comments of the sub committee at paragraph 4 of Annex C which stated that,

“The panel considered that they should not withdraw a practising certificate from a solicitor unless there was a suitable alternative, and if they could achieve compliance or protection by another means, then they should explore that.”

The sub committee also referred to a *“litany of clear-cut breaches of the Money Laundering Regulations and the Practice Rules by [the Respondent], and [the sub committee considered that the Respondent] had not been complying with his duties as a solicitor in any way.”*

On that basis, the Fiscal submitted that the Respondent’s conduct was more egregious than that of Stephen Maguire. The Respondent submitted that the Tribunal should not rely on the conclusions of the sub committee alone and should make up their own minds in relation to these proceedings and an applicable sanction. The

Respondent had urged the sub committee to consider alternative sanctions. For example, he had offered to give an undertaking that he would never act in conveyancing matters again as an alternative to the suspension of his practising certificate.

DECISION

Both parties had entered into a Joint Minute agreeing the statements of allegations, facts and practice rule breaches set out in the Complaint. During submissions, the Respondent had also expressly accepted that he was guilty of professional misconduct in relation to matters detailed in the Complaint. The Joint Minute also agreed that the documents attached to it were true and accurate copies. Those documents were the Complainers' financial compliance department report dated 10 May 2023, a copy of the note of interview of the Respondent by the AML sub committee dated 21 December 2023 and the panel report of the AML sub committee dated 21 December 2023.

Nonetheless, Section 53(1)(a) of the Solicitors (Scotland) Act 1980 requires the Tribunal to be satisfied that the conduct amounts to professional misconduct. The test for misconduct is that set out in the case of Sharp where it is said:-

“There are certain standards of conduct to be expected of competent and reputable solicitors. A departure from these standards which would be regarded by competent and reputable solicitors as serious and reprehensible may properly be categorised as professional misconduct. Whether or not the conduct complained of is a breach of rules or some other actings or omissions, the same question falls to be asked and answered and in every case it will be essential to consider the whole circumstances and the degree of culpability which ought properly to be attached to the individual against whom the complaint is to be made.”

It was clear to the Tribunal that the Respondent had significantly exceeded his responsibilities. It was of great concern to the Tribunal that the Respondent had failed to identify who his clients were. These were serious matters. Although the Respondent had engaged with the financial compliance investigation process and had conceded his failures at an early stage, his lack of insight about the potential consequences of his conduct and the seriousness of it was also of great concern to the Tribunal.

Not only had the Respondent undertaken work which was beyond the scope of his practice (due to his earlier formal undertakings to the regulator), he was not insured to do that work. The lack of insurance increased the financial risk and the risk to clients significantly.

In addition, the Respondent had handled client funds and had done so with a complete lack of understanding of his actions. This created a real risk to the public as money was going through the practice unit without the proper protection or oversight. Although no damage to individuals was actually crystallised, there could have been significant loss caused by the Respondent's actions.

By making formal declarations about deeds being registered without the knowledge or authority to do so, the Respondent had misled the Keeper and this was also a serious matter. The Tribunal noted that the Respondent was relatively inexperienced but this did not assist him.

In all the circumstances, the Tribunal unanimously concluded that the Respondent's conduct fell below the standards expected by competent and reputable solicitors who would consider it to be serious and reprehensible. The Tribunal had no hesitation in finding the Respondent guilty of professional misconduct.

SUBMISSIONS FOR THE RESPONDENT ON MITIGATION AND SANCTION

In mitigation, the Respondent referred to his Second Inventory of Productions and asked for those to be accepted by the Tribunal. There was no objection from the Fiscal. The Tribunal allowed the Second Inventory of Productions to be lodged.

The Respondent said he accepted that his conduct was serious and that he had exercised poor judgement. He maintained that the date range of the conduct was very important and reiterated that the breaches occurred between January and May 2023. The Respondent said he had been "in over my head" and commented that the "worst part" was that he thought he had the competence to do the work provided by the non-solicitor firms. He commented that he had "spent the last two years making up for [his conduct]". As mentioned during his main submissions, the Respondent considered it to be of importance that the Complainers had not averred a breach of Rule B1.2 but he acknowledged that the Tribunal still had the power to impose a serious sanction.

The Respondent said that the most important documents in the Second Inventory of Productions were the copy slides from Glasgow Caledonian University headed "Legal Services and Money Laundering". He argued that the slides showed that he had made an active effort to understand where he had "gone wrong". When asked, the Respondent said that formal training was offered to him and he has made efforts to learn more informally since then.

The other documents in the Second Inventory of Productions were described as "brief". He emphasised that the charity he had set up was not a "work around" to reserve his practice given that this practising certificate

had been suspended. The Respondent was keen to say that he could have given up his legal career following this matter. However, he decided to set up a legal advice charity instead as he wanted to help people. The Respondent explained that he acts as a lay representative in his charity and pointed to the Second Inventory of Productions which contained a sample of character references from people he had assisted in that capacity. One of the references came from a former client who knew of the disciplinary proceedings against the Respondent but still wanted his help regardless of that.

In relation to handling of funds in relation to the transactions, the Respondent submitted that, apart from the Hamilton property, no client proceeds went through his practice unit; he only handled outlays which were reimbursed by TB. In relation to the Hamilton property, the Respondent stated that he fully co-operated with the AML sub committee by providing his full file well in advance. The Respondent said he thought it was legitimate to receive funds into an account as long as the outlays were paid out the same day. He described the process of dealing with incoming legal aid funds and said he thought that the position was the same upon receipt of client funds. However, he now realises that this is incorrect.

The Respondent emphasised that he had tried to correct his errors. He immediately stopped all work as soon as a problem was identified by the Complainers which, he submitted, was in contrast to the circumstances of Maguire. The Respondent explained his traineeship had mainly covered civil litigation (in particular family law). He also described dealing with Power of Attorney and Guardianship work. Upon qualifying, the Respondent said he started his own practice as soon as he was able to. He signed the AML exemption as he genuinely had no intention of carrying out work in scope of those provisions.

The Respondent described himself as being “born to do criminal agency work”. A Tribunal member asked the Respondent why he had taken on this other work given those comments. In reply, the Respondent said that he had done “Power of Attorney registration work” in which estate planners prepare a Power of Attorney and, thereafter, a solicitor meets with the granter to assess their capacity and check that they are not under undue influence. The Respondent explained that this is legitimate work for non-solicitors. He said that he had built up a number of contacts from that work and then “fell into the conveyancing work” as a result. The Respondent said that TB heard about him by word-of-mouth and gave him some Power of Attorney work. They then tried to “sell” the idea of conveyancing work to him. The Respondent said he was aware that he was not a conveyancing solicitor and had very limited experience in that area. However, he believed that TB employed very experienced conveyancing paralegals whom he could “borrow”, although he knew that he would have ultimate responsibility and oversight of the transaction. The Respondent believed that he could carry out some conveyancing work (such as the Hamilton property) effectively with overall oversight.

The Respondent went on to explain that he dealt with registration of deeds by himself. However, he thought that he could manage that with appropriate support from TB in place. The property in Hamilton was held in trust and the “whole point” of the transaction was to dispose it out of trust. The Respondent referred to the two beneficiaries as “my clients”. The Respondent accepted the criticisms in the various papers before the Tribunal and said that, with hindsight, he could not see his place in the transaction. He described his conduct as “totally careless”.

The Respondent described himself as a “legal aid lawyer” and said that the conveyancing work was “incidental” to his practice. He described court work as his “true calling” or “vocation” and said he should “never, ever have got into conveyancing work”.

The Respondent implored the Tribunal not to strike him off and asked it consider an alternative sanction. The Respondent said he had not breached any rules prior to, or after, the conduct in the Complaint and had never received a complaint from a client. The Respondent argued that there had been no prejudice or loss to any clients and said that he would “jump through any hoops” to retain his practising certificate as the suspension had “devastated” him. The Respondent said that the ordinary meeting AML sub committee initially suggested that he be given a warning followed by a re-inspection together with further AML training. However, this course of action was ultimately rejected as the Respondent missed a deadline as a result of various personal difficulties. This information was not contained in the papers before the Tribunal and a member of the Tribunal noted that it had not been addressed in the Joint Minute. The Respondent said he mentioned it to illustrate that the sub committee did consider a sanction other than strike off. If he had been able to respond timeously, the Respondent submitted that his practising certificate may not have been suspended by the sub committee.

The Fiscal was asked for further information on this. He said he was not aware of suggested alternative sanctions and did not know why this was not detailed in the documents produced by the sub committee. The Tribunal allowed a brief adjournment so that the Fiscal could check the position with financial compliance colleagues. Thereafter, he confirmed that an Ordinary Interview was convened on 16 November 2023. The Respondent attended virtually but did produce a PWRA or policies at interview. The Fiscal confirmed that the following recommendations were thereafter made to the AML sub committee:- (i) re-inspection after 12 months, at the expense of the practice unit; (ii) to continue consideration of the complaint submitted to the SLCC until after the re-inspection.

As an alternative, the Respondent said he would be happy to undertake any training required of him by the Tribunal. He acknowledged that the Tribunal has a wide discretion and can apply various restrictions to a practising certificate. The Respondent proposed that an alternative sanction to strike off would protect the

public but also allow him to serve the public by continuing his practice as a solicitor. He said that the events culminating in these proceedings had a significant detrimental effect on his life and asked the Tribunal to give him “a chance”.

The Respondent had also lodged medical evidence which showed that he was diagnosed with autism at the age of 15. He described himself as “high functioning” and said that his condition mainly impacted his executive functioning and social cues. A Tribunal member asked the Respondent whether he attributed the impact of his condition on executive function to the conduct in the Complaint. The Respondent said that he did, to some extent. However, he did not offer that as an excuse; his understanding is that his autism affects aspects of management of day-to-day life but he added that his practice did well for the first 5 months. The Respondent had initially encountered some service issues which were passed to the Law Society of Scotland. On one occasion, a client alleged that the Respondent had not appeared at court on their behalf. The Respondent had tried to explain to the client that he could instruct a local agent to appear in his place but said that he struggled to remember the details.

A Tribunal member asked the Respondent if he had realised that he was out of his depth with the work from TB. In addition, the Respondent had not been insured for that work. The Respondent replied and acknowledged that his answer may not be satisfactory. However, he said that he first understood the problem when he spoke to a solicitor at the Legal Defence Union who explained the practice rules and AML regulations.

In terms of his financial circumstances, the Respondent said that he was living on savings until May 2024. He has been in receipt of state benefits thereafter.

SUBMISSIONS FOR THE COMPLAINERS ON SANCTION, PUBLICITY AND EXPENSES

The Fiscal said there had been one previous finding of unsatisfactory professional conduct against the Respondent which related to withdrawing from acting in a Simple Procedure court action. A breach of Rule B1.12 was established in relation to that matter. The Respondent was censured and compensation of £350 was applied and paid.

The Fiscal moved for an award of expenses against the Respondent and an order to publicise the decision in line with Paragraph 14, Schedule 4 of the Solicitors (Scotland) Act 1980.

SUBMISSIONS FOR THE RESPONDENT ON PUBLICITY AND EXPENSES

The Respondent stated that he was in the hands of the Tribunal in relation to expenses. He reiterated that he had admitted that he was guilty of professional misconduct since December 2023.

The Respondent made no submissions in relation to publicity.

DECISION ON SANCTION, PUBLICITY & EXPENSES

The serious nature of the Respondent's conduct was of grave concern to the Tribunal. Although the Respondent had co-operated with the Complainers during their initial investigation and, latterly, the prosecution of this matter (ultimately resulting in a Joint Minute which was lodged with the Tribunal and reduced the matters in dispute), he had displayed a worrying lack of insight about his actions. This lack of insight was evident in the productions before the Tribunal and was consistent throughout the Complainers' investigations. It was also a dominating feature of the Respondent's submissions to the Tribunal. Although there had been no actual loss to any individuals, that was in no way due to the Respondent. It is fundamental that a solicitor knows who their client is. The Respondent was unable to correctly identify his client and that was a significant factor for consideration by the Tribunal when applying an appropriate sanction.

Although the Respondent's actions were serious and reprehensible, he had shown remorse and acknowledged his mistakes very openly. The Respondent had represented himself and had engaged in correspondence leading up to the substantive Hearing. He had requested an in person Hearing so that he may directly address the Tribunal and had done so in a respectful manner.

The Tribunal did not accept the Respondent's view on the Maguire case. It considered the Respondent's conduct to be far more serious than that of Mr Maguire.

Strike off is the most serious sanction available to the Tribunal. It should only be applied where there is no other appropriate way of dealing with a Respondent in cases of professional misconduct. The Tribunal carefully considered whether there was another sanction which could adequately protect the public. On balance, the Tribunal was not convinced that it was necessary to strike the Respondent off the roll in this case. The Tribunal has the power to restrict a solicitor's practising certificate to protect the public. It referred to its decision in Law Society of Scotland-v- James Mcrae (2008) in which very specific restrictions were applied in light of the particular circumstances of that case. The Tribunal concluded that the public would be protected if the Respondent's practising certificate were restricted in an appropriate way.

The Tribunal censured the Respondent and restricted his practising certificate for an aggregate period of 5 years to the extent that (1) he is only to be permitted to practise as a qualified assistant employed by another solicitor(s) as approved by the Complainers, and (2) he is limited to carrying out legal services which are not within the scope of any applicable AML legislation or regulations.

The Tribunal made an order of expenses against the Respondent and ordered that publicity should be given to the decision to include the name of the Respondent only.



Colin Bell
Chair