

**THE SOLICITORS DISCIPLINARY TRIBUNAL**  
**constituted under the Solicitors Act 1974**

**TRIBUNAL**

Mr. A. H. Isaacs (President)

Mr. J. N. Barnecutt  
(Solicitor Vice President)

Mr. M. C. Baughan  
(Lay Vice President)

**Solicitor Members**

Mr. A. G. Gibson  
Mr. R. B. Bamford  
Mr. A. Gaynor-Smith  
Mr. J. R. C. Clitheroe  
Mr. D. J. Leverton  
Mrs E. Stanley  
Mr. J. C. Chesterton  
Mr. A. G. Ground  
Mr. R. J. C. Potter  
Mr. A. N. Spooner  
Mr. A. H. B. Holmes  
Mr. W. M. Hartley  
Mr. L. N. Gilford  
Ms T Cullen  
Mr. J. P. Davies  
Mr. S. N. Jones  
Mrs K. Todner  
Mr. I. R. Woolfe  
Mr. P. Kempster  
Mr. P. Haworth  
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**Lay Members**

Lady Bonham Carter  
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Mr. G. Fisher  
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Ms A. Arya  
Mr. M. G. Taylor  
Mrs C. Pickering  
Lady Maxwell-Hyslop  
Mrs V. Murray-Chandra  
Mr. J. Jackson  
Mrs S. Gordon

**CLERK**

Mrs S.C. Elson  
Solicitor

**DEPUTY CLERK**

Mrs. S. Whitfield  
Solicitor

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## **President's Introduction**

The Tribunal has had a busy year and the number of sitting days is at an all time high. This was partly the result of one very long case which absorbed 19 sitting days including a hearing of a preliminary point. Very long cases do of course put a special strain on the Tribunal.

The number of applications to the Tribunal is below the five yearly average and is at a similar level to last year in respect of practising solicitors although the number of solicitors involved in such applications has risen by almost 20%.

The number of solicitors subject to a striking off order is lower than it has been at any time over the last six years. Although 52 strike off's from a profession of about 100,000 is historically low I have no reason to believe it is not a genuine measure of improvement and a recognition by the Profession that the maintenance of high standards is essential if the Profession is to function effectively and in the best interests of those it seeks to serve. The number of solicitors suspended has remained at the same level as in recent years.

### **APPEALS AND JUDICIAL REVIEWS**

During the year there were appeal decisions in 12 cases and 3 Judicial Reviews.

Two applications for Judicial Review were refused. Of the 12 cases appealed, 5 were dismissed. In 5 cases penalties were reduced. One case was remitted for a rehearing and in one case the Tribunal's decision was quashed though a costs order was partially upheld. Further details of appeals from and Judicial Reviews of decisions by the Tribunal appear on page 11.

### **JUDICIAL COMMENT**

The Tribunal was criticised for not having required express evidence from the Applicant as to non-payment of a sum ordered to be paid for inadequate professional service. The Respondent later accepted that payment had not been made but the Applicant acknowledged on behalf of the Law Society that it should have been established one way or another whether payment had been made

An Appeal Judge noted "we should pay due respect to the Tribunal's expertise and give its decision such weight as we think appropriate without being unduly deferential to the Tribunal. On the facts of this case, I can see no good reason for not giving very considerable weight to the Tribunal's conclusions. It heard the applicant give evidence. It heard his explanation of what had occurred. It was in a particularly good position to balance the need for the protection of the public against the interests of this solicitor"

In a case where it was suggested that in making an adverse comment regarding the conduct of the Respondent the Tribunal had shown bias, this was rejected and it was noted that the Tribunal had "behaved with commendable restraint and fairness". Also in this case it was held that the Tribunal was entitled to refuse to accept "expert" evidence sought to be adduced by the Respondent. The Judge held that "The Tribunal is an expert body in matters going to the propriety of solicitors' conduct of their various professional duties not least in matters of straightforward conveyancing practice".

In a Judicial Review of decisions made by a Law Society Adjudicator the following comments are worthy of note.

“It is not in dispute that the procedures adopted by the SDT (and the SDT itself) fully comply with Article 6 (ii) of the convention” (ECHR).”

“It is important to note that this application is not concerned with a person charged with a criminal offence.... Decisions in criminal cases are not in my opinion of any real assistance”.

“A finding by a Law Society Adjudicator that a solicitor is guilty of inadequate professional service is itself not a finding of the Tribunal and not a determination of a solicitor’s civil rights or obligations”.

The Court however said that the correct view was that disciplinary proceedings will not normally involve a determination of civil rights and obligations unless the decision is to suspend from practice or (more obviously) strike off.

### **THE CLEMENTI REVIEW**

The Tribunal has commented on the consultation paper issued by Sir David Clementi in his review of the regulatory framework for legal services in England and Wales. The position of the Tribunal as a statutory Tribunal independent of the Law Society (or indeed of anyone else) should, in the Tribunal’s view, be maintained whatever regulatory framework is thought appropriate for the legal profession as a whole. The Tribunal remains committed to the maintenance of high standards of competence, integrity and honesty within the profession and looks forward to the day when even fewer members of the profession find themselves in need of justifying their professional conduct.

### **THE TRIBUNAL’S INDEPENDENCE**

Discussions with the Master of the Rolls and the Law Society led to the entering into, in August 2003, of a Memorandum of Understanding which is intended on an interim basis, to govern the relationship between the Tribunal and the Law Society. It reaffirmed the Tribunal’s functional independence.

### **NEW RULES**

The Tribunal decided that it was an appropriate moment to review the Statutory Instrument which constitutes the Rules of procedure before the Tribunal and a small working party consisting of solicitor and lay members has recommended new rules – a draft of which has been the subject of consultation amongst interested parties. These rules are being submitted to the Master of the Rolls for his consideration and promulgation in due course.

The Clerk has worked tirelessly over the last year with able support from her team. It is my belief that the Tribunal discharges its functions in the interest both of the public and of the profession efficiently and economically. That is certainly what all the members of the Tribunal seek to do and I should take this opportunity publicly to thank all the solicitor and lay members, the Clerk and her staff for their support and the care with which they approach their task.

**Anthony Isaacs**  
**President**

## **Constitution**

The Solicitors' Disciplinary Tribunal ("the SDT") was created by the Solicitors Act 1974 as a statutory Tribunal. Previously the conduct of members of the solicitors' profession had been controlled by the Disciplinary Committee of the Law Society. The SDT is constituted with Solicitor members none of whom are connected with the Council of the Law Society and lay members drawn from a wide variety of backgrounds. All Tribunal members are appointed by the Master of the Rolls. The Tribunal's procedure is governed by the Solicitors (Disciplinary Proceedings) Rules 1994 (S. I. No. 288).

## **Applications**

The number of applications to the Tribunal increased by about 5% in the year to 30 April 2004. The trend towards longer and more complex cases has continued. Members' sitting days continue at a high level. Members' willingness to respond and preside for long hours and the use of two court rooms has enabled the Tribunal to keep pace with its workload though the number of cases outstanding at the year end, which had remained fairly constant over a number of years, showed an increase of some 10 per cent. The burden particularly on the Clerk and her staff remains substantial.

The number of applications to the Tribunal is not directly related to the number of cases concluded. Numbers do not distinguish between those cases which will be concluded quickly and those requiring a lengthy hearing.

## **Explanation and Details of some aspects of the Tribunal's work**

### **Speed of Process and Duration of cases**

- 1 So far as the Tribunal is concerned, a case starts with the lodgement of an application and a Rule 4 Statement delivered by the applicant to the Tribunal. The matter is then considered to determine whether a prima facie case is made out. Thereafter the statement is served on the respondent by the Tribunal when the respondent is given under the Rules at least six weeks' notice of a pre listing day when the parties are requested to indicate whether or not the allegations are admitted and the anticipated length of hearing. A hearing date is fixed at the pre listing day.
2. A survey of cases heard substantively during the period under review shows that in 52 per cent of those cases the average length of time was about six months from the inception of the case before the Tribunal until the conclusion of the substantive hearing. A further 43 per cent were concluded between six

months and one year and 5 per cent were outstanding for more than a year from the date of issue of the Rule 4 Statement.

Cases may be delayed because the applicant or respondent (or both) are not ready to proceed especially where the allegations are not admitted.

Of the 8 cases that were outstanding for more than 1 year from the date of issue of the Rule 4 statement, 1 was the subject of a procedural challenge, 4 involved the issue of supplementary statements and 3 were delayed because of the Respondent's ill health.

3. Time limits apply for the service of notices under the Civil Evidence Act and in connection with other procedural matters. The Tribunal expedites cases if the parties seek an early hearing.
4. The hearing date for a case estimated by the parties to be lengthy (extending over more than one day) will depend on the availability of the parties, counsel, witnesses and Tribunal members and whether or not other cases have been listed requiring courtroom accommodation and the services of a Clerk. Over the last two years the Tribunal has seen an increase in the length and complexity of cases to which the Human Rights legislation has given some impetus.
5. 35 cases took one day or more to reach the conclusion of the substantive hearing. Of these, 22 cases took one day, 7 cases took two days, 1 case took fifteen days. In addition 4 interlocutory hearings took up a whole day and 1 interlocutory hearing took four days. These more lengthy cases took up 59 (45%) working days compared to 55 (43%) in the previous year.

## **Solicitors struck off the Roll**

52 Solicitors were struck off the Roll in the year under review. Examples of conduct leading to a striking off were where:-

- Solicitors were found dishonestly to have misappropriated clients money
- Solicitors had a criminal conviction
- Solicitors grossly misled clients
- Solicitors knowingly employed a struck off or suspended solicitor without the consent of the Law Society (s.41 Solicitors Act 1974). This offence carries a mandatory penalty of suspension or strike off.

The solicitor was struck off the Roll because he did not keep his books of account properly written up and did not account to the Legal Services Commission as required and otherwise failed to comply with the Legal Aid Rules. He wrongly accepted payments on account of costs from his legally aided clients. Other allegations included a failure to follow directions given by the Public Trust Office and the dishonest use of clients' money. The Tribunal found that the accounting and other issues were grave and pointed out that a solicitor who acts for legally aided clients, is being paid from public funds and is in a particular position of trust.

**A solicitor may be struck off in where his behaviour is disgraceful. This is not limited to cases of financial malpractice.**

## **Suspension from practice**

17 Solicitors were suspended indefinitely

12 Solicitors were suspended for one year or more

9 Solicitors were suspended for less than one year

These are cases where the solicitor's offences were serious but not considered sufficient to justify permanent removal of a right to practise. Included in such cases are those where the respondent suffers from a serious illness.

In the absence of medical evidence confirming that the solicitor had regained his mental health and having found substantiated allegations that the solicitor had abandoned his practice, had tried to prevent an intervention by the Law Society into his practice, had not replied to correspondence addressed to him by the Law Society or clients, had not kept proper accounts records, had not paid counsel and had not complied with the decision of a Law Society Adjudicator, the Tribunal suspended the solicitor from practice for an indefinite period of time.

The solicitor had not complied with the Solicitors Accounts Rules mainly because she had not maintained a proper accounting system, she had not maintained proper internal controls or supervision of accounts staff but had not been dishonest. The solicitor was suspended from practice for five years.

### **Fines and Costs Orders**

Fines are payable to H.M. Treasury and totalled in the year under review £340,000.

Costs orders are sometimes subject to a detailed assessment. In cases where fixed costs were ordered, the aggregate of fixed costs awarded to the applicant (including in some cases the costs of the Law Society's investigation accountant) and the respondent amounted to £683,015.16.

70 solicitors were subject to orders imposing fines upon them. Fines ranged from £500 to £20,000.

The solicitor admitted that he had not acted diligently, promptly or in the best interests of his client and had not dealt promptly with communications from a former client or the Law Society. There had been considerable delay in one client matter but it was noted that the solicitor had paid compensation awarded to the client and to another client promptly. The solicitor was fined £1,500.

A solicitor who had been in breach of the Solicitors Accounts Rules and had failed to exercise supervision over his staff and had failed to notify the Legal Services Commission promptly that he had received third party costs was fined a total of £15,000.

**Fines are imposed in a wide variety of cases of which the above are examples.**

### **Reprimand**

12 solicitors were reprimanded.

The solicitor had acted in the sale of a property where he was selling as a developer. His firm also acted for the purchaser and continued to act for a short period for the purchaser when a dispute arose where the solicitor's own interests were likely to conflict with those of his purchaser client. The solicitor had not deliberately set out to be in breach of Practice Rule 6. His involvement was not as a conventional developer and the circumstances in which he found himself in breach of the rules was unusual. He was reprimanded.

## **Mandatory penalty for employment of struck off or suspended solicitors**

Under s41 of The Solicitors Act 1974 a solicitor may not knowingly employ a struck off or suspended solicitor without obtaining the Law Society's consent.

In one such case the solicitor was suspended from practice for a period of 12 months – later reduced on appeal to a period of 8 months.

**As noted last year, many solicitors appear to be unaware of the fact that knowingly employing a struck off or suspended solicitor without the consent of the Law Society is an offence under s.41 of the Solicitors Act for which there is a mandatory penalty of suspension or strike off.**

## **Restoration to the Roll**

The Tribunal considered 7 applications for restoration to the Roll. 1 was granted and 6 were refused.

The former solicitor had been struck off the Roll in 1999 for failure to comply with the Solicitors Accounts Rules, utilisation of clients' money for his own purposes and not paying the fees of professional agents. The former solicitor had not attended the disciplinary hearing. He had suffered partnership difficulties and had become depressed. Since the striking off order had been made the former solicitor had overcome his illness and had developed counselling and mediation skills. He wished to return to practice as an advocate in criminal matters. The Tribunal decided that although the former solicitor had shown a degree of rehabilitation he had not been working within the legal profession so as to keep abreast of changes within the law. The application was refused.

The former solicitor had been struck off the Roll in 1994 because of a number of matters which appeared to be mainly attributable to a dishonest employee who had taken funds from his firm. The firm's books of account had been maintained by the dishonest employee's wife. There had been no suggestion that the former solicitor had been dishonest. Since the striking off order had been made the former solicitor had been employed within the law and had kept abreast of changes in the law. The former solicitor wished only to be an employed solicitor. The Law Society did not oppose the application for restoration to the Roll, which was granted.

**Solicitors involved in dishonest behaviour will only exceptionally be restored to the Roll. The Tribunal needs to be satisfied that restoration will not damage the confidence of the public in the profession's reputation for integrity and honesty.**

## Hearings

During the year under review the Tribunal sat on 131 Days (126 in the previous year) for the hearing of applications.

During the period under review the following applications were received.

APPLICATIONS RECEIVED	To 30/4/04	To 30/4/03
Number of applications involving practising solicitors - Relating to 262 (220) solicitors, 4 (0) registered foreign lawyers* and 1 (0) recognised body.	189	190
Number of applications in respect of solicitors' clerks - Relating to 11 (2) clerks*	11	2
Number of applications for restoration to the Roll	8	4
Number of applications to revoke an order under s.43	1	5
Number of applications seeking determination of an indefinite period of suspension	2	3
Number of applications made in respect of former solicitors	4	1
<b>TOTAL</b>	<b>215</b>	<b>205</b>

\*(It should be noted that one application may be in respect of two or more solicitors or clerks – previous year's figures appear in brackets)

An order made pursuant to s.43 of the Solicitors Act 1974 prevents a solicitor from employing the clerk to whom the order relates without the consent of the Law Society.

The total number of applications received during the year under review (compared with those received in previous years) and the number of sitting days were as follows:

Year ending 30 <sup>th</sup> April	No. of applications	No. of sitting days
2000	276	101
2001	207	114
2002	227	129
2003	205	126
2004	215	131

If two divisions of the Tribunal sit at the same time on the same day this is counted in the above table as two sitting days.

Of the applications made in the year ending 30<sup>th</sup> April 2004, 11 were made by members of the public. No prima facie case was established in respect of 9 of them

and 2 were listed for a hearing and subsequently withdrawn by the Applicant. Applications for Restoration to the Roll, for determination of an indefinite suspension or the revocation of a s.43 Order accounted for 11 matters. The balance was of applications made by the OSS. 4 applications were withdrawn.

The number of cases concluded in the year under review in respect of which a supplementary statement was filed was 30 and in 8 cases two or more such statements were filed.

### **SUMMARY OF ORDERS**

Orders made by the Tribunal during the period under review are listed below. It should be noted that a distinction must be made between applications received and Orders made. A number of Orders made relate to applications made prior to the year under review. Figures in brackets relate to the year 2002/03.

An overview of Orders made in respect of solicitors in the last five years is shown in the table below.

<b>Year end 30 April</b>	<b>Number of Strike Offs</b>	<b>Suspensions</b>	<b>Fines</b>	<b>Reprimands</b>	<b>No order, costs only order or case dismissed</b>
1999	81	37	105	11	4
2000	73	38	72	14	7
2001	62	29	78	29	5
2002	77	39	75	4	8
2003	78	39	83	14	6
2004	52	38	70	12	5

- A. There were no cases in which an order for costs only was made (2).
- B. There were 2 cases in which the Tribunal found none of the allegations to have been substantiated (3).
- C. The Tribunal considered 7 applications for restoration to the Roll (2). 1 was granted and 6 were refused.
- D. Orders were made pursuant to Section 43 of the Solicitors Act 1974 in respect of 4 clerks (1).
- E. There were 2 applications for revocation of a Section 43 order (4). 1 was granted and 1 was refused.
- F. Orders prohibiting restoration to the Roll without the consent of the Tribunal

were made in respect of 5 former solicitors (6).

- G. 3 applications were made to determine a period of indefinite suspension (3). 3 were granted and none were refused.
- H. In 9 cases a Direction made by the Office for the Supervision of Solicitors was ordered to be treated as an Order of the High Court for the purposes of enforcement (6).
- I. 4 applications were withdrawn (3 in the previous year). (An application may not be withdrawn without the consent of the Tribunal.)
- J. Appeals from decisions of the Tribunal lie to the Divisional Court or to the Master of the Rolls

There were, at the year end, 7 pending hearings of appeals.

There were 12 appeals from decisions of the Tribunal and 3 decisions of the Tribunal were subject to Judicial Review.

Five appeals by Respondents were dismissed.

In three cases the period of suspension from practice imposed by the Tribunal was varied. In one case a fine was substituted for a period of suspension. In one case the level of fine reduced. One case was remitted to the Tribunal for a rehearing (by consent). In one case the appeal was allowed.

Of the three applications by Respondents for Judicial Review, two were dismissed. In the third case the Tribunal's refusal to direct disclosure of documents was held not to have been correct.

### **Resumé of the current position**

As at 30<sup>th</sup> April 2004 there are 147 current cases, (133 at the same time last year). Of these 70 have been listed for hearing before the summer vacation (70 in the previous year), 15 have been listed for hearing after the summer vacation (4 in the previous year), 35 are to be dealt with on a "pre-listing day" before the summer vacation (37 in the previous year), 27 stand adjourned pending the outcome of further enquiry, or related criminal or civil proceedings or on health grounds (22 in the previous year). Adjourned cases are reviewed on a regular basis.

## **ANALYSIS OF SUBSTANTIATED ALLEGATIONS AGAINST SOLICITORS DURING THE YEAR UNDER REVIEW**

The allegations have been put into seven groups. There is no uniformity in the formulation of allegations. The analysis has been based on the allegations as framed categorising matters as follows. Spread across the categories below dishonesty and/or a failure to exercise proper probity, integrity and trustworthiness was found in 16% of cases (27% last year).

### **SOLICITORS**

The allegations were broken down into the following groups:

- A CRIMINAL CONVICTIONS**
- B SOLICITORS ACCOUNTS RULES BREACHES**
- C CLIENTS MONEY**           improper utilisation  
misappropriating
- D FAILURES**                   failure to pay counsel's/agent's fees  
failure to comply with undertaking  
failure to comply with OSS direction/resolution  
failure to account  
failure to provide costs information  
failure to supervise  
failure to comply with Solicitors Separate Business Code  
non response to OSS/others  
failure to comply with Solicitors Indemnity Rules
- E BREACHES**                   breach of duty to the court/misleading the court  
breach of S.34 (Accountant's Reports)  
breach of condition on Practising Certificate  
breach of Practice Rules  
breach of duty of good faith to others/OSS  
breach of professional duty (failure to disclose)  
breach of restriction on employment of struck off/suspended solicitor  
breach of Legal Aid Regulations  
breach of Solicitors Introduction & Referral Code 1990

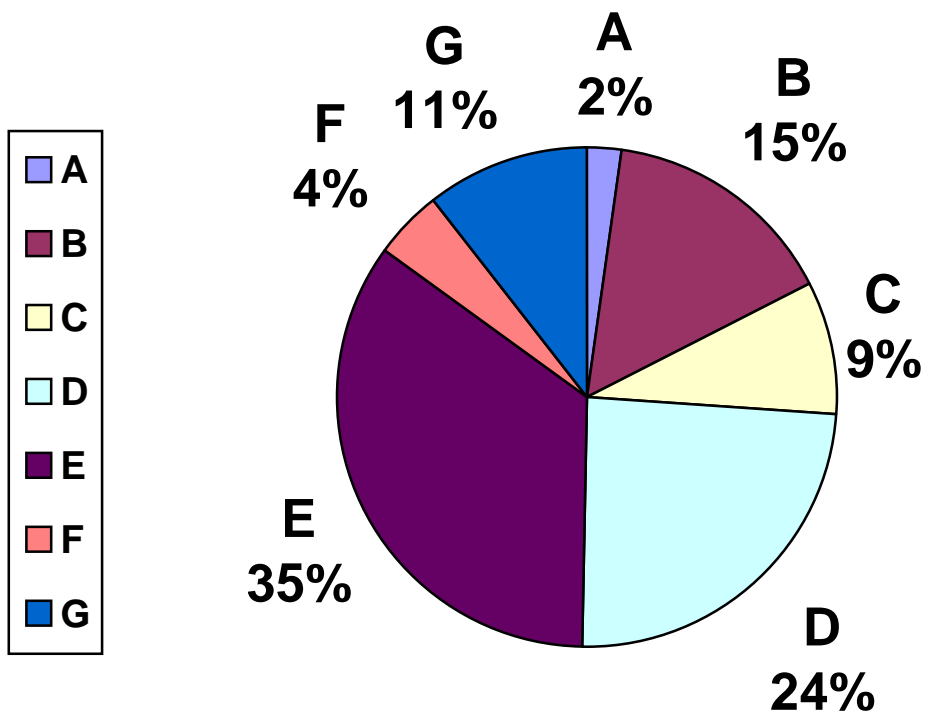
**F DELAYS**

delay in delivery of papers  
delay in professional business

**G OTHER**

**Includes:**

false documents  
no Practising Certificate  
conflict of interest  
costs not justified (overcharging)  
abandonment of practice



## **SOLICITORS CLERKS**

The table below shows an overview of the Orders made by the Tribunal in respect of solicitors' clerks (including applications for revocation of Section 43 Order) for the last five years.

1999	38
2000	28
2001	19
2002	20
2003	5
2004	6
<p>* The order which may be made under Section 43 of the Solicitors Act is that no solicitor may employ or remunerate a clerk against whom serious misconduct is established. Most cases involving clerks have been dealt with by the Law Society since it acquired jurisdiction in 2002. Solicitor's clerks' cases only come before the Tribunal if they are contested, or are applications for revocation of a Section 43 Order.</p>	

## **THE COST OF RUNNING THE TRIBUNAL**

The costs of the Tribunal according to figures supplied by the Law Society for the calendar year have over the recent past been as follows:-

	<b>Total £'000</b>	<b>Annual cost per practising solicitor £</b>
1999*	419	5.23
2000*	526	6.57
2001*	605	7.56
2002**	622	6.22
2003**	745	7.45

\* For 1999-2001, the charge per practising solicitor is an approximate indication based on there being an average of 80,000 practising solicitors.

\*\* For 2002 and 2003 the charge is based on an average of 100,000 practising solicitors.

The lay members are remunerated by the Department of Constitutional Affairs which also is responsible for their expenses (approx £42,000 for the calendar year ended 31<sup>st</sup> December 2003 (£40,000 for calendar year ended 31<sup>st</sup> December 2002).

The cost of running the Tribunal is ascertained from figures supplied by the Law Society. Salaries, staff costs and administration expenses and costs of the Tribunal's Court Room and offices account for about £543,000. The balance is an over-head charge calculated at the rate of 85% of salary and salary related costs of Tribunal staff.

## **PART IV**

### **THE MEMBERS OF THE TRIBUNAL**

The following members were re-appointed by the Master of the Rolls at the end of April 2004: J. Peter Davies, John Clitheroe, Stephen Jones, Alan Ground, Anthony Gibson, Lady Bonham Carter, Caroline Pickering, Michael Taylor and David Marlow.

During the year under review members of the Tribunal attended two judicial training sessions.

Brief biographical details of the members of the Tribunal appear on pages 17-22 of this report.

### **STAFF CHANGES**

Two staff members left during the period under review. One new full time staff member has been recruited during the year under review.

## **BIOGRAPHICAL DETAILS**

### **Solicitor Members**

#### **Anthony H. Isaacs (President)**

Member of Tribunal since 1988. After University, was articled at a City firm, qualifying in 1960. Specialised in company and commercial law and retired as Senior Partner in 1996. Appointed in 1993 as a Nominated (i.e. independent) member of the Council of Lloyds whose Investigations Committee he chaired from 1996 to 2000. He also carried out a DTI inspection. Remains in active practice as a consultant to his former firm.

#### **Anthony G. Gibson**

Member of Tribunal since 1980.

Admitted in 1965. Partner in a three partner family practice in Newcastle established in 1720. President of Newcastle Incorporated Law Society 1989-90. Practises mainly in family law, commercial conveyancing and trusts.

#### **Richard B. Bamford**

Member of Tribunal since 1984.

Admitted in 1964. Joined present Cambridgeshire private client practice in 1965; partner 1966; senior partner 1989 (to present). 50% of time since 1987 spent on administration and legal aspects of (inter alia) navigation on the River Cam and flood defence and land drainage for the Fens area around Ely.

#### **Adrian Gaynor-Smith**

Member of Tribunal since 1984.

Admitted in 1963. Private practice in Malvern from 1965 in partnership with his wife and others. Now semi-retired working as consultant to their former practice. Undertakes contentious and commercial work, commercial conveyancing and advocacy. Has undertaken part time judicial appointments in Welfare Benefits Law, Coroners Courts, Disciplinary Appeals Tribunal (Certified Accountants) and Deputy District Judge.

#### **John R. C. Clitheroe**

Member of Tribunal since 1992.

Admitted in 1959 specialising in criminal and commercial litigation. A former senior partner, now a consultant in a London firm.

Advised solicitors, accountants and medical professions in ethical regulatory and disciplinary matters since 1962.

Past member of Law Society Criminal Law Committee.

Member General Professional Programme Committee of the International Bar Association.

#### **David J. Leverton**

Member of Tribunal since 1992.

Admitted in 1958.

Former Managing Partner of a Lincoln's Inn firm. Senior litigation lawyer in the practice: wide cross-section of litigation experience before becoming a family law specialist twenty years ago. Wide experience of proceedings in Court and before tribunals: one of the original members of the standing committee set up by the Law Society and the Court of Protection to advise on changes in procedure and the conduct of business in that Court.

**Mrs Elodie Stanley**

Member of the Tribunal since 1994.

Admitted in 1980. In partnership in three central London firms since 1983. Deals with all aspects of property law residential and commercial and specialises in leasehold reform and enfranchisement.

**J. Colin Chesterton**

Member of Tribunal since 1994.

Admitted in 1980.

Partner in a firm in Devon.

Work includes matrimonial, crime, licensing, pollution and welfare benefits. Member of Solicitors Family Law Association.

**Jeremy N. Barnecutt (Solicitor Vice President)**

Member of Tribunal since 1994.

Admitted in 1976. Partner in a London firm specialising in Chancery litigation, contentious and non-contentious probate work.

Former member of the Supreme Court Procedure Committee.

**Alan G. Ground**

Member of Tribunal since 1996.

Admitted in 1962. Partner in a City firm from 1969, Leader, commercial, competition, and EU Law Groups 1983 -1994. Law Society International Committee 1983-1992, Human Rights Working Party 1988-1992. Director, Eurostar 1994-1997.

**R. John C. Potter**

Member of Tribunal since 1997. Admitted in July 1987.

Higher Rights of Audience July 1999.

A partner in a Legal Aid franchised Manchester firm. Exclusively undertakes defence criminal litigation. Duty solicitor. Past President of the Manchester Law Society and continues to be a Council Member of the Manchester Law Society, chairing the Crown and Magistrates' Court Committee. Member of the Greater Manchester Criminal Justice Strategy Committee and represents the Law Society on the local user committees of the Magistrates' Court and the Crown Court.

**Andrew N. Spooner**

Member of Tribunal since 1999.

Admitted in 1978. Head of Commercial Disputes Management Department at a Birmingham firm. Specialises in major commercial disputes and arbitrations. Member of the Association of Midlands Mediators. Deputy District Judge.

**A. H. Boyd Holmes**

Member of Tribunal since 1999.

Admitted in 1976.

Managing partner of a Carlisle firm, since 1989: undertakes property & trusts work. Member of STEP; member of CLARITY; interest in management.

**William M. Hartley**

Member of Tribunal since 1999.

Admitted in 1970. Partner in a Manchester firm for 27 years prior to reducing commitments last year - specialising in non-contentious work. Member of STEP.

Author of the first six editions of "Matrimonial Conveyancing", first edition of "Declarations of Trust" and contributor to Readers' Digest "Know Your Rights". Chairman of the High Peak Division (Buxton) of the General Commissioners for Income Tax

**Laurence N. Gilford**

Member of Tribunal since 1999.

Admitted in 1973. Specialising in civil/commercial Litigation. In partnership in total of four central London/City firms since 1976.

Appointed Deputy District Judge in December 1991.

**Miss Teresa Cullen**

Member of Tribunal since 1999.

Admitted in 1983. A partner in a West End firm. Specialises in Matrimonial/litigation.

SFLA mediator; Assessor on Family Law Panel. In practice for over 20 years. Member of the Law Society Family Law Panel (Advanced).

**J. Peter Davies**

Member of Tribunal since 2001.

Admitted as a Solicitor 1981. A partner in firms in London and Cardiff until 1998 when he set up niche litigation practice in Cardiff specialising in professional negligence and personal injury work: Deputy District Judge since 1992. President Adjudication Panel for Wales.

**Stephen N. Jones**

Member of Tribunal since 2001.

Admitted in December 1979. Partner in a Birmingham firm. Specialises in litigation, acting principally for financial institutions and banks.

Deputy District Judge since August 1992.

**Mrs Karen Todner**

Member of Tribunal since 2002.

Admitted in 1987. Senior Partner in Criminal and Mental Health Practice, established in 1990. Duty Solicitor. Member of Serious Fraud Panel. Member of London Criminal Court Solicitors Association and Criminal Law Society Solicitors Association.

**Roger Woolfe**

Member of Tribunal since 2002.

Admitted in 1970. Partner in Holborn firm since 1971. Senior Partner since 1994. Specialises in commercial property work. Particular interest in rules and ethics of the solicitors' profession as Committee Member of City of Westminster and Holborn Law Society.

**Peter Kempster**

Member of Tribunal since 2002.

Admitted in 1987. Practises in corporate tax with a large London firm. Fellow of the Institute of Chartered Accountants in England & Wales. Vice-President of the Chartered Institute of Taxation.

**Peter Haworth**

Member of Tribunal since 2002.

Admitted in 1975. Higher Rights of Audience (Civil) 1997. Senior Partner of North East Lancashire 10 Partner General Practice. Specialises in clinical and professional negligence work together with some commercial litigation.

Deputy District Judge, Deputy Master and Costs Judge.

Former member of the Civil Procedure Rules Committee and the Law Society's Professional Indemnity Committee.

**Mrs Heather Baucher**

Member of Tribunal since 2002.

Trained with present firm from 1984 – 1986. Admitted 1986. Partner in the Practice since 1989. Practised in Liverpool until 1999 when transferred to London office to head Litigation section. Specialises in Defendant based personal injury, disease, professional negligence and Tribunal work.

## **Lay Members**

### **Lady Bonham Carter**

Member of Tribunal since 1980.

Born and raised in USA until came to the UK as a teenager.

Served as a JP in Greenwich and Woolwich from 1966 -1990.

A member of the Immigration Appeals Tribunal 1970 - 2002.

### **David E. Marlow**

Member of Tribunal since 1983. Chartered Accountant. Formerly Chief Executive of 3i. Currently a Non-Executive Director of Trinity Mirror Plc.

### **Michael C. Baughan (Lay Vice President)**

Member of Tribunal since 1990.

Retired from Lazards where he was a Managing Director from 1986 to 1999: Non-Executive Director of Scapa Group plc.

### **Mrs Caroline Pickering**

Member of Tribunal since 1992. Chair of the Stonebridge Housing Action Trust, set up as a Government initiative to regenerate a deprived and run-down council housing estate. Chair of the Camelot Foundation, a charity set up and funded by the Camelot Group to assist disabled and disadvantaged people. Trustee of Crisis. Formerly a Director at the Housing Corporation for many years.

### **Lady Maxwell-Hyslop**

Member of Tribunal since 1997.

On the staff of the Sergeant-at-Arms, House of Commons, 1966-68

Extensive experience as school governor (with responsibility for special needs) of an 11-18 comprehensive school; three years as Chairman.

Served on board of governors (Vice Chairman) of special school attached to psychiatric clinic.

### **Gerald Fisher**

Member of Tribunal since 1999

35 years experience in personnel work in industry, finally as Group Personnel Director of a FTSE 100 Company.

Currently a member of Employment Tribunals, the Central Arbitration Committee and Vice Chairman of the Council of Aston University. Also a member of the Regulatory Decisions Committee of the Financial Services Authority and the Disciplinary Committee of the Chartered Institute of Public Finances and Accountancy.

Wide experience in employment and disciplinary matters in industry and commerce.

### **David Gilbertson QPM**

Member of the Tribunal since 1999. Retired as a Deputy Assistant

Commissioner in the Metropolitan Police in 2001 after 30 years service, the last three of which were served as HM Assistant Inspector of Constabulary at the Home Office with

responsibility for a wide range of national policy matters. He is now a partner in an international consultancy which specialises in change management for large organisations. Awarded the Queens Police Medal in 1999, he was previously responsible for all police operations in north and west London. During a varied career, he has been a visiting lecturer at the City University, New York, and was seconded to the New York City Police and the National Peace Secretariat in South Africa.

He is a member of the Tom Paine Society which is committed to the principles of democracy and freedom.

**Ms Anjali Arya**

Member of Tribunal since 1999.

An independent management consultant specialising in organisational development and people management. Formerly Head of Personnel in local government. Chair of an Arts Centre and Non Executive Director of the Crown Prosecution Service. Formerly board member of a housing advice organisation, an HIV/Aids charity and an Asian Women's organisation.

**Michael Taylor CBE**

Member of Tribunal since 2001.

Managing Director of his own consultancy company in Dorset. Formerly employed by the Ministry of Defence, mainly in telecommunications, and a graduate of the Royal College of Defence Studies, London. Awarded an MBE in the 1982 Falklands Campaign and a CBE in the 1998 New Year Honours List. Chairman of the Dorset Police Authority, a Lay Member of the Immigration Appeal Tribunal and a Regional Chairman of the NHS Complaints Review Panel. Fellow of the Institute of Directors and Fellow of the Chartered Management Institute.

**Mrs Valerie Murray-Chandra**

Member of Tribunal since 2002.

Born Jamaica West Indies, grew-up in UK. Acter, writer, broadcaster, JP at Highbury Corner Magistrates Court, panel member at Inner London and City Family Proceedings Court, Lay Advocate, recent (2001) degree in Law and History, former Probation Committee Member involved with grievance and disciplinary hearings as well as employment selection, former proprietor of property enterprise and currently involved in market research.

**Mr John Jackson**

Member of Tribunal since 2002.

Formerly Company secretary of British Gas and now Clerk to Dulwich College and Alleyn's School in South London. Has been a non-executive director in the NHS and is currently a lay assessor for the NHS, and until recently a member of the Council of the Institute of Chartered Secretaries and Administrators. He is a prison visitor.

**Mrs Sarah Gordon**

Member of Tribunal since 2002.

After qualifying as a veterinary surgeon in 1980 worked in mixed general practice for ten years. Employed by the State Veterinary Service, Department for Environment, Food and Rural Affairs, since 1991. Acting Divisional Veterinary Manager at Reading Animal Health Office 1999-2000. Veterinary Manager of the Leicester Foot and Mouth Disease Centre in 2001 then Deputy Head of the Defra FMD Claims Unit. Member of the Royal College of Veterinary Surgeons.

## **STAFF**

### **Susan Elson**

Solicitor admitted in 1970. Clerk to the Tribunal.

Accredited Mediator, Sits as part time Immigration Adjudicator; part time Parking & Traffic Adjudicator; a member of the panel of Legal Assessors to the Disciplinary Committee of the Royal College of Veterinary Surgeons; member of Disciplinary Board of Royal Institution of Chartered Surveyors. Experience of legal work in private practice and in industry.

### **Sheila Whitfield**

Solicitor admitted in 1982. Joined the Solicitors Disciplinary Tribunal in 1998 as part time Deputy Clerk to provide cover for the full time Clerk and to enable the use of double courts. MA Cantab (Modern Languages).

Worked in private practice in a City firm and subsequently in local government, specialising in the law relating to Mental Health and Incapacity.

Sits as a part time President of the Mental Health Review Tribunal.

### **Valerie Ralph**

Assistant Clerk since March 1994 (part time since April 2004). Main responsibilities include listing of cases, members rota and answering general correspondence.

Previously worked for South West Essex Magistrates Services, originally as a Court Assistant and then as a Trainee Court Clerk.

Diploma in Magisterial Law: Fellow of the Institute of Legal Executives (October 2002)

### **Elizabeth Aldred**

PA to the Clerk and Tribunal Secretary since August 1995. Duties include day to day administration of the Tribunal, maintenance of the database and computerised case management system as well as preparation for AGM and Training Days.

BA (Hons) in Law and Business Studies and MSc in Criminal Justice Studies.

### **Christine Bannister**

Part time Audio Secretary since July 1994. Main responsibility is typing the Tribunal's Findings.

### **Christine Donnelly**

Full time Audio Secretary since March 2001. Main responsibility is typing the Tribunal's Findings.

Previously worked for a number of City legal practices in varied areas of law over the past twenty years.

### **Samantha Pinto**

Part time audio secretary since November 2001. Main responsibility is typing the Tribunal's Findings.

Completed a legal secretarial course and obtained various OCR qualifications.

### **Senel Enver**

Administrative Assistant since September 2002. Duties include responsibility for archives and general office administration.

Previously worked in a county court as a clerk to the Circuit Judges.

**Paul Condon**

Part time Assistant Clerk and part time Audio Secretary/Receptionist since March 2004. Helps the Assistant Clerk and deputises for her in her absence. Audio types Tribunal findings and mans the reception desk. Holds a degree in Music with Sound Recording.