

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)

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Mr. J. R. C. Clitheroe
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Mr. P. Haworth
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Mr. G. Fisher
Mr. D. Gilbertson
Ms A. Arya
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Mrs C. Pickering
Lady Maxwell-Hyslop
Mrs V. Murray-Chandra
Mr. J. Jackson
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CLERK

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President's Introduction

Only two recommendations were made by the Clementi Report of December 2004 with respect to the SDT. One related to the jurisdiction of the Master of the Rolls in connection with appeals mainly from Law Society regulatory decisions; it was recommended that these should in future go to the High Court. The other was that the Tribunal's Annual Report should contain a review of its powers and procedures though no dissatisfaction with either was expressed in the Report or the subsequent White Paper published in 2005. The Tribunal has reviewed its powers. It is entitled to make such order as it considers may be just and proportionate to the offence and the sanctions it usually imposes may be summarised as follows:-

- (i) strike a solicitor off the Roll;
- (ii) suspend a solicitor from practice for a period or indefinitely;
- (iii) fine (this is subject to a limit of £5,000 per allegation);
- (iv) reprimand;
- (v) order that an award made by The Law Society in respect of inadequate professional services be treated as an order of the High Court;
- (vi) in relation to foreign lawyers registered by the Law Society strike the foreign lawyer off the Register, or suspend, fine or reprimand;
- (vii) orders controlling employees and others;
- (viii) the restoration of a solicitor to the Roll and determination of a period of indefinite suspension.

All of the Tribunal's powers must, of course, be exercised in accordance with due process so as to ensure the fairness of the proceedings.

The Tribunal regards these powers as appropriate and adequate but has suggested that the level of fine could be increased since it was last fixed some 15 years ago. The Tribunal has also proposed that the order made under section 43 of the Solicitors Act (which prohibits a solicitor from employing a person made subject to such an order without the consent of The Law Society) should also require the employee to obtain consent.

So far as procedures are concerned, the SDT has now received approval to new Rules which will shortly be introduced. The 1995 Rules have not been the subject of serious criticism but it is hoped that the new Rules will be seen as better organised and more user friendly.

Tribunal independence

This subject has been addressed in previous Annual Reports since 1999. So as to ensure that the SDT was fully compliant with the Human Rights Act and seen to be independent and impartial, the Law Society accepted in 2003 that the SDT should be wholly independent of The Law Society (i.e. that The Law Society should no longer be or be thought to be responsible for the SDT's finance and administration).

Recent discussion with The Law Society and the Master of the Rolls has given encouragement that it may now prove to be possible to make progress on this long outstanding issue. The Tribunal regards its proposals as overdue modernisation which could simply and easily be implemented for the benefit of the public and the profession.

Payment to Solicitor Members for service on the SDT

Solicitor members of the Tribunal have not been remunerated since the SDT was instituted as an independent Tribunal in 1974. It is now considered that this pro bono service is no longer appropriate and that the solicitor members should be paid as are the Lay members of the Tribunal. The Tribunal considers that a small part (around £1 per practising solicitor per annum)) could be included in the amount allocated to the Tribunal from the Practising Certificate fee and devoted to paying a reasonable sum to the solicitor members. This proposal is independent of the SDT's wish to have control of its other administrative costs. Payment could not come directly from The Law Society since this would threaten the SDT's independence. Indications are that it would not be accepted as a charge on public funds though at present the Lay members' fees and expenses are so paid. The only source of moneys from which the solicitor members could be paid would therefore be by a levy or by allocation from the PC fee (a payment not dissimilar to the contribution to the Compensation Fund). It is hoped to persuade The Law Society to facilitate this without the need for legislation.

The Tribunal's work in the year under review

Although the number of applications fell, the workload has increased. A broad measure of the Tribunal's workload is the number of sitting days and the Table on page 13 shows the trend over the last few years. Hearings which require a sitting lasting for one full day or more have continued to account for a significant proportion of total sitting days (64 out of 136 days). This has imposed a particular burden on the Clerk and her deputy and after prolonged negotiation with The Law Society it was decided that the SDT might advertise for another Deputy Clerk. An appointment has now been made and Christine Mogridge joined in April. Another Deputy Clerk will assist with the level of throughput of cases.

The ability of the Tribunal to deal with cases expeditiously is dependent on a number of factors apart from the availability of a Clerk to assist at the hearing. As noted in previous Annual Reports of the Tribunal delays are caused by a variety of reasons some of which are outside the control of the SDT.

Applications were made for one or more adjournments or for preliminary issues to be determined. The reasons were:-

- (a) ill health of the Respondent;
- (b) concurrent criminal proceedings;
- (c) applications for severance of cases involving more than one Respondent;
- (d) applications seeking to strike out or stay cases;
- (e) adjournment pending application for judicial review;

(f) applications for disclosure of documents.

Of the 2 cases where the Rule 4 statement had been issued more than 1 year before the case was heard, the reasons were in one case the prolonged ill health of the Respondent and in the other ongoing criminal proceedings.

Appeals and Judicial Reviews

Appeals

There were 15 Appeals against Tribunal Decisions heard in the year covered by this report. 14 were by Respondent Solicitors of which one was withdrawn. In one case the penalty imposed by the Tribunal was altered with respect to conditions imposed on the Respondent's practice following a period of suspension. In another, a finding of dishonesty was quashed on the ground that this had not been adequately pleaded and the Respondent had been given insufficient notice that this would be alleged against him. However the Tribunal regarded the Respondent's behaviour as so serious that a striking off was justified even in the absence of dishonesty and this was upheld. In all other cases the decisions of the Tribunal were upheld.

In one case The Law Society appealed against the decision of the Tribunal. The Court reversed a finding that one of three allegations did not amount to misconduct. It found all three allegations proved. The Tribunal ordered a fine of £2,000. The Court substituted a 28 day suspension against one Respondent and a fine of £500. The costs order was left undisturbed. The cross appeal by the Respondents was dismissed.

Judicial Reviews

The Tribunal was the subject of or an interested party in 3 applications for Judicial Review. In one of the cases which was dismissed the Respondent Solicitor had sought to argue that he was entitled to make further representations after the conclusion of the hearing and before the promulgation of detailed written reasons. The Court confirmed, consistent with High Court practice, that once the Tribunal had made its finding it was too late to make any further submissions. The Respondent currently is seeking to appeal to the Court of Appeal.

Survey of the views of Solicitors and Counsel

The Tribunal asked those who appear before it on behalf of Applicants and Respondents (some frequently and some less so) to answer a short questionnaire giving views as to the competence and efficiency of the administrative and judicial functions of the Tribunal. 24 questionnaires were sent out and the Tribunal is grateful that responses were received from over 70 per cent. of those canvassed. There was some criticism of the facilities and if resources can be obtained the Tribunal will seek to provide another meeting room and an improvement of access for disabled persons. There was also a request for more effective sound amplification. Response was invited as to the judicial competence of the SDT and replies indicated that there was an unanimous view apart from one person who declined to comment that it was high; a tribute as much to the Clerks as to members

of the SDT. A number of questions were directed to the administration of the Tribunal. Those responding were asked to rate the SDT's performance on a scale of 1 (often poor) to 5 (usually exemplary). The average scores on each of the following topics was:

Courtesy 4.9

Efficiency 4.2

Delay 4.1

On the basis of the same scale the Tribunal sought views as to conduct of hearings to see if it was thought the Tribunal was too interfering, overbearing or badly controlled. To each of the matters, those responding rated the Tribunal as scoring between 4.4 and 4.6 i.e. between "good with occasional lapses" and "usually exemplary".

The SDT had indicated that replies could be anonymous so as to be as sure as possible of getting a frank answer. A number of those who replied chose to be so.

None of those surveyed thought that the SDT showed any sign of bias either in favour of the Law Society or in favour of Respondents nor did anyone think there was any bias against any person appearing before the SDT on the ground of race, gender or colour.

The Questionnaire finally invited views as to whether the Tribunal needed modernisation or change in its procedures or practice. Most of those replying had no suggestions and there were no indications of any need for significant change.

The cost of running the SDT

The table on page 19 gives a summary of the cost of the Tribunal over the last 5 years. These are costs calculated by the Law Society but on a calendar year basis the figures are not consistent between one year and another as the basis of calculation of the overhead charge has changed.

In the most recent year the overhead charge was calculated as 78 per cent of salary and salary related costs. Some heads of expenditure are not directly charged to the Tribunal, for example financial oversight, Human Resources functions and Information Technology support.

The Tribunal is satisfied that the additional cost of operating wholly independently of the Law Society (Financial accounting and control functions together with audit and corporate compliance costs) would be less than the overhead charge.

As already noted, solicitor members are not remunerated but expenses are reimbursed.

Lay Members

Lay members are an important constituent part of each Tribunal hearing. The Tribunal is fortunate to have a diverse, dedicated and effective group of lay members and a contribution to this Report from one of the lay members is to be found on page

7. The public has every reason to be grateful for the dedication of the lay members and for meeting exacting standards of fairness, independence and judgment. Lay members are remunerated from public funds. In the year under review the aggregate costs and expenses of lay members was approximately £44,000 (£42,000). The current daily honorarium paid to Lay members is £242.

Fines

The aggregate of fines imposed was £257,500 (£433,200). These are paid to HM Treasury.

The Tribunal has suggested to the Department of Constitutional Affairs that if the Profession is to bear the whole of the costs of regulation and discipline, fines should be paid to the proposed Legal Services Board thereby indirectly reducing the cost falling upon members of the profession of this new regulatory body.

The biographical details of the Solicitor and Lay Members set out on pages 21 to 26 demonstrates the diverse experience which members bring to the Tribunal. The Clerk and her two deputies also bring substantial practical knowledge and great expertise. The Clerks are supported by a small administrative staff. To all of them it is right that I pay tribute in this Annual Report to their dedication and their efforts to ensure that the Tribunal meets all proper requirements of fairness and efficiency whilst seeking to uphold the highest standards of ethical and professional conduct.

Anthony Isaacs
President

A Lay View

Why Lay Members?

I have been asked this question on more than one occasion and not just by lawyers. It is usually followed by arguments along the lines of “but surely only a member of the profession who is aware of all the difficulties and pitfalls of that profession is fully able to adjudicate on those who stand accused of falling short of expected standards”.

And then patronisingly “Lay members can hardly be expected to be aware of the ins and outs and the little niceties that any given profession can throw up. It takes someone who knows what it is all about to be truly objective”. “Absolute piffle” is my usual reply and then I go on to extol the virtues of having lay members on the team.

It is sometimes the case that professionals are too close to see clearly what is the wood and what are trees. A Lay member whose position is on the outside can at times be better placed not only to see but to open up a wider perspective. Lay members can lend fresh eyes to a situation viewed from an angle with a different slant. We are collectively the man on the No. 88 bus – and yes it does go to Clapham. However a profession which recognises high standards of honesty integrity and trustworthiness is protecting the interest of all who have dealings with solicitors so what has a bad effect on the profession’s reputation directly impacts on the public interest. The Tribunal always seeks to take into account what is in the public interest and the views of Lay members is in my experience always treated with great respect. Coming from all walks of life we bring with us the lessons life taught us, expertise in many differing fields, experience and knowledge of varying cultures and most of all down to earth common sense.

Happily solicitor members of the SDT are not guilty of the blinkered thinking so clearly demonstrated in the question posed above. Lay members are made to feel welcome and make a full contribution to the Tribunal as a member of a team of three. We are given equal responsibilities and awareness that each has as much to contribute in the process as the others. There is respect and appreciation for the knowledge and life experience Lay members bring from outside the profession to the SDT.

If again I ask the question whether Lay members have a useful role I remain very confident that in this Tribunal we provide fair, impartial and independent judgement which is valued and respected by our solicitor colleagues as well as by those who appear before the Tribunal

**Valerie Murray-Chandra
Lay Member (2002)**

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 members of 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 following an open and transparent selection procedure. 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 reduced by about 10% in the year to 30 April 2006. The trend towards longer and more complex cases has continued. Members' sitting days continue at a high level and showed a further increase. Despite Members' willingness to respond and preside for long hours and the use of two court rooms the Tribunal has concern about the length of time taken to meet its workload. The number of cases outstanding at the year end, which had remained fairly constant over a number of years, showed an increase of some 5 per cent at 30th April 2005 and a further increase at 30th April 2006. The burden particularly on the Clerk and her staff remains substantial. However the Tribunal has recruited an additional Deputy Clerk and is in the process of recruiting additional members which will enable more hearing days to take place and speed up the throughput of cases.

The number of applications to the Tribunal is not directly related to the number of cases concluded. A number of applications received in the year under review will not be heard until the following year. The review at 30th April is a "snapshot" of the position on that particular day.

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 and dates to avoid. A hearing date is fixed at the pre listing day.

2. A survey of all cases heard substantively during the period under review shows that 26 per cent were concluded within six months of being placed before the Tribunal. A further 68 per cent were concluded between six months and one year. The Tribunal's written Order is handed down at the conclusion of the hearing.

13 cases were outstanding for more than one year. An earlier substantive hearing was not achieved for a number of reasons including preliminary procedural and human rights challenges, one or more supplementary statements adding to the allegations already made having been issued; the ill health of the Respondent or parallel proceedings either in the criminal or civil courts where it would be inappropriate to proceed with the disciplinary hearing until the conclusion of those parallel proceedings.

Some cases may be delayed because the applicant or respondent (or both) are not ready to proceed, most often in cases where the allegations are not admitted and, for example, a further disclosure of documents is necessary.

In none of these cases was delay attributable to the Tribunal.

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, advocates, 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. There have been a number of matters where preliminary issues have had to be resolved, for example issues of legal professional privilege, claims of unreasonable delay in bringing the matter to the Tribunal, and whether a hearing should take place in private. Taking these factors into account the Tribunal is satisfied that in none of these cases was there avoidable delay on the part of the Tribunal.
5. 51 cases took one day or more to reach the conclusion of the substantive hearing. Of these, 38 cases took one day and 12 cases took two days, and 1 case took 4 days. In addition 1 interlocutory hearing took up 2 days. These more lengthy cases took up 68 (50%) working days compared to 55 (41%) in the previous year. The Tribunal often sits from 9.30 a.m. to 5.00 p.m. or later to ensure the timely conclusion of matters.

Solicitors struck off the Roll

63 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 fail to discharge their professional duties honestly and reliably
- 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.

A solicitor, who had appeared before the Tribunal twenty years earlier in respect of Solicitors Accounts Rules breaches, had paid to a client a substantial sum of his own money on the pretext that it represented an agreed settlement with the defendants in the client's claim. The Respondent did not act upon his client's instructions in another matter. In both client matters he did not inform the client that her claims had become statute barred. In these respects he failed to act in his client's best interests. He dishonestly used his client account to conceal that the payment represented by him to be damages was made from his own moneys. The solicitor was struck off the Roll.

Suspension from practice

16 Solicitors were suspended indefinitely

11 Solicitors were suspended for one year or more

12 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 affecting his ability properly to serve his clients.

A solicitor had unreasonably delayed the conduct of clients' business and had misled clients. He improperly settled litigation without his client's instructions. He improperly failed to advise clients of his own negligence and did not advise them to take independent advice. He concealed his actions from his employers. The solicitor had mental health problems. He was suspended from practice for an indefinite period of time.

Fines

Fines are payable to H.M. Treasury and totalled in the year under review £257,500.

64 solicitors were subject to orders imposing fines upon them. Fines ranged from £500 to £15,000.

Fines can be imposed in a wide variety of cases.

In one case a solicitor was fined £1,000 for his failure to file an Annual Accountant's Report with the Law Society, a failure to comply with a Law Society Adjudicator's decision and a failure to reply to letters from the Law Society. The solicitor had had a long unblemished career as a sole practitioner. Ill health had affected his practice and rendered him impecunious.

In another case a solicitor who had not complied with the Solicitors Accounts Rules in a number of respects, including the maintenance of suspense accounts and a client account on its face demonstrating a substantial cash shortage in respect of 58 individual client ledger accounts. The Tribunal was satisfied that there was a serious accounts failure but no actual loss of clients' money and the Respondent was fined £10,000.

Reprimand

16 solicitors were reprimanded.

A solicitor who had ceased to practise had not filed with the Law Society an annual Accountant's Report. His accountants had not been able to reconcile his accounts because the original accounts had been lost by the solicitor's bookkeeper. There had been an inspection by the Law Society and no serious breaches or shortage of client money had been discovered. The solicitor had kept the Law Society fully informed of his difficulties.

Mandatory penalty for employment of struck off or suspended solicitors

Under s.41 of The Solicitors Act 1974 a solicitor may not knowingly employ a struck off or suspended solicitor without obtaining the Law Society's consent.

As noted in previous years, 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 2 applications for restoration to the Roll. 1 application was dismissed as it was not pursued and 1 was refused.

It is rare for an application for restoration to the Roll to be successful. Where the strike off Order was made in respect of dishonesty on the part of a solicitor, he faces an almost insurmountable obstacle to his restoration.

Hearings

During the year under review the Tribunal sat on 136 days (131 in the previous year) for the hearing of applications.

During the period under review the following applications were received.

APPLICATIONS RECEIVED	To 30/4/06	To 30/4/05
Number of applications* involving practising solicitors - relating to 242 (263) solicitors, 4 (2) registered foreign lawyers and 0 (2) recognised bodies	187	201
Number of applications* in respect of solicitors' clerks - Relating to 14 (15) clerks (7 clerks were included in applications against solicitors – a total of 21 clerks)	14	11
Number of applications for restoration to the Roll	5	7
Number of applications to revoke, quash, review or vary an order under s.43	2	3
Number of applications seeking determination of an indefinite period of suspension	3	5
Number of applications made in respect of former solicitors (i.e. no longer on the Roll)	1	4
TOTAL	212	235

*(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 (as amended by the Access to Justice Act 1999) 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 th April	No. of applications	No. of sitting days
2002	227	129
2003	205	126
2004	215	131
2005	235	131
2006	212	136

Of the applications made in the year ending 30th April 2006, 7 were made directly by members of the public. No prima facie case was established in respect of 6 of them and in one case a prima facie case was found. Applications for Restoration to the Roll, for determination of an indefinite suspension or the revocation of a s.43 Order accounted for 10 matters. The balance was of applications made by The Law Society. 5 Law Society applications were withdrawn and 1 lay application was withdrawn.

The number of cases concluded in the year under review in respect of which a supplementary statement was filed was 36 and in 6 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.

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

Year end 30 April	Number of Strike Offs	Suspensions	Fines	Reprimands	No order, costs only order or case dismissed
2001	62	29	78	29	5
2002	77	39	75	4	8
2003	78	39	83	14	6
2004	52	38	70	12	5
2005	54	42	79	17	12
2006	63	39	64	16	10

OTHER ORDERS

Figures in brackets relate to the year 2004/05.

- A. There were 4 cases in which an order for costs only was made (1).
- B. There were 3 cases in which the Tribunal found none of the allegations to have been substantiated (2).
- C. The Tribunal considered 2 applications for restoration to the Roll (4). 1 application was dismissed and 1 was refused.

- D. Orders were made pursuant to Section 43 of the Solicitors Act 1974 in respect of 7 clerks (13).
- E. There was 1 application for revocation of a Section 43 order (2) which was refused.
- F. Orders prohibiting restoration to the Roll without the consent of the Tribunal were made in respect of 5 former solicitors (3).
- G. 3 applications were made to determine a period of indefinite suspension (3). All were refused.
- H. In 17 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 (10).
- I. 5 applications were withdrawn (8). (An application may not be withdrawn without the consent of the Tribunal.)

Resumé of the current position

As at 30th April 2006 there are 166 current cases, (154 at the same time last year). Of these 90 have been listed for hearing before the summer vacation (63 in the previous year), 12 have been listed for hearing after the summer vacation (8 in the previous year), 44 are to be dealt with on a "pre-listing day" before the summer vacation (50 in the previous year), 20 stand adjourned pending the outcome of further enquiry, or related criminal or civil proceedings or on health grounds (33 in the previous year). Adjourned cases are reviewed on a regular basis.

ANALYSIS OF SUBSTANTIATED ALLEGATIONS AGAINST SOLICITORS DURING THE YEAR UNDER REVIEW

Allegations may be framed in different ways and the analysis has been based on the allegations as framed which have been categorised in seven groups. Spread across the categories below dishonesty and/or a failure to exercise probity, integrity and trustworthiness was found in 25% of cases (17% 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
misappropriation

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 Solicitors Act 1974 (Accountant's Reports)
breach of condition on Practising Certificate
breach of Solicitors 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
breach of Solicitors Publicity Code 1990

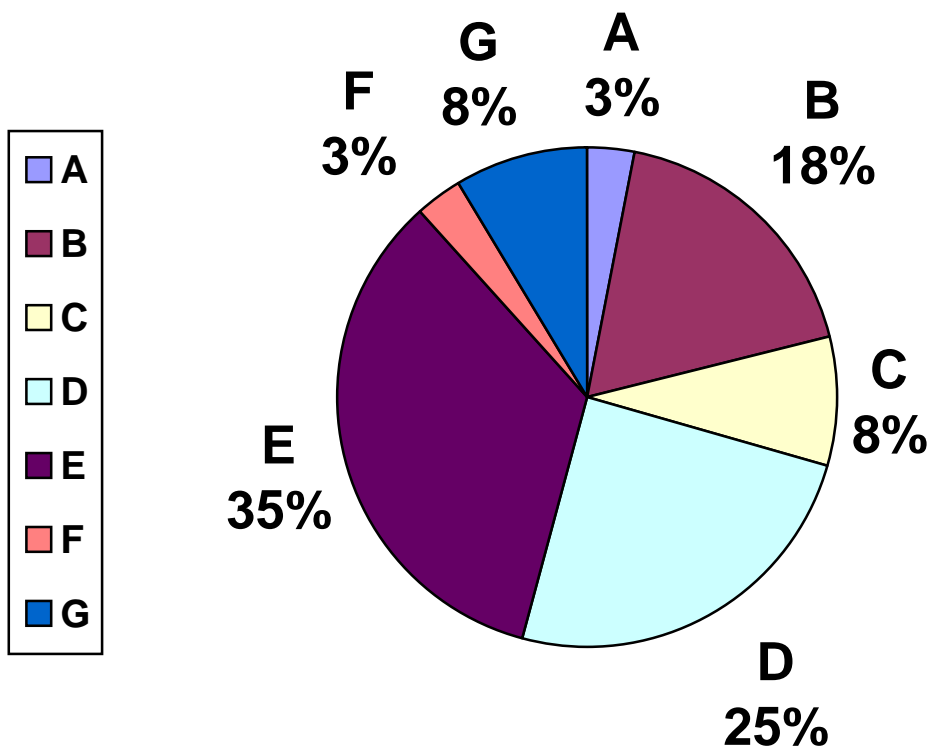
F DELAYS

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 six years.

2001	19
2002	20
2003	5
2004	6
2005	15
2006	8

* The order which may be made under Section 43 of the Solicitors Act is that no solicitor may employ or remunerate a clerk without the consent of The Law Society 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.

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:-

	Total £'000	Annual cost per practising solicitor £
2001*	605	7.56
2002**	622	6.22
2003**	745	7.45
2004**	800	8.00
2005**	863	8.63

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

** For 2002 - 2005 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 £44,000) for the calendar year ended 31st December 2005 (£42,000 for calendar year ended 31st December 2004).

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 £632,000. The balance is a notional overhead charge assessed by the Law Society calculated at the rate of 78% 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 2006: Peter Haworth, John Potter, Peter Kempster, Colin Chesterton, David Leverton, Elodie Stanley, Heather Baucher, Karen Todner, Jeremy Barnecutt, Anthony Isaacs, Roger Woolfe, Anna Maxwell-Hyslop, John Jackson, Valerie Murray-Chandra and Sarah Gordon.

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 21-26 of this report.

STAFF CHANGES

Three new staff members were appointed during the year under review. Christine Mogridge as an additional part time Deputy Clerk, Marina Tweed as an additional full-time audio typist and Aidan Connor as a full-time administrative assistant.

BIOGRAPHICAL DETAILS

Solicitor Members

Anthony H. Isaacs (President)

Member of the Tribunal since 1988. Admitted 1960. Partner in City firm 1964- Senior Partner 1987-1996. Specialised in Company and Commercial law. Member of Company Law Committee. DTI Inspector. Nominated (i.e. independent) Member of the Council of Lloyds 1993-1999. Chairman of Lloyds' Investigations Committee 1994-2000. Remains in practice as a consultant to his former firm.

Anthony G. Gibson

Member of Tribunal since 1980.

Admitted in 1965. Partner in a six 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. Member of STEP.

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 2005 now a consultant to this firm. 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 otherwise trust and property matters.

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. Has undertaken contentious and commercial work, commercial conveyancing and advocacy. Has also undertaken part time judicial appointments in Welfare Benefits Law, Coroners Courts, Disciplinary Appeals Tribunal (Certified Accountants) and Deputy District Judge. Currently acts as a local conciliation officer when called on.

John R. C. Clitheroe

Member of Tribunal since 1992.

Admitted in 1959 specialising in criminal and commercial litigation. A former senior partner, of 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. Now retired from previous firm but remains in practice for SDT.

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 five years ago. Wide experience of proceedings in Court and before tribunals: one of the

original members of the former 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 23 Partner firm in Devon, Somerset and Dubai

Work includes matrimonial, licensing, pollution, planning, CSA appeals 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.

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. Represents the local 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. Former Head of Commercial Litigation at a Birmingham firm and member of its Management Board. Specialises in major commercial disputes and now works as a specialist litigation consultant to a niche employment law practice. 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 - 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. Family mediator (Resolution), Civil and Commercial Law Mediator (ADR Group). 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. Higher Rights of Audience (Civil).

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. President of Mental Health Review Tribunals.

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. Past President of the Chartered Insitute of Taxation.

Peter Haworth

Member of Tribunal since 2002.

Admitted in 1975. Higher Rights of Audience (Civil) 1997. Consultant Solicitor: specialising in clinical and professional negligence work and commercial litigation. Deputy District Judge, Deputy Master and Costs Judge, Lieutenant Bailiff States of Guernsey.

Former member of the Civil Procedure Rules 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. Sits as a Recorder.

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.

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 in West London. Chair of Broadland Housing Association providing social and supported housing in Norfolk. Chair of FareShare, a new national charity redistributing surplus good quality food to those in need to combat food poverty across the spectrum of the young to older people. Formerly a Director at the Housing Corporation.

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 organisation and people development and diversity. Formerly Head of Personnel in local government. Currently a Non-Executive Director of the Crown Prosecution Service and a Trustee of the Royal National Theatre. Previously Chair of Hounslow Arts Trust (Watermans) in Brentford, Chair of a Black HIV/AIDS voluntary organisation, Committee Member of Hounslow Asian Women's Centre and Housing Advice Switchboard.

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 Non-legal Member of the Asylum & Immigration Tribunal and a Lay Panel Member of the Healthcare Commission. Fellow of the Institute of Directors.

Mrs Valerie Murray-Chandra

Member of Tribunal since 2002.

Born Jamaica West Indies, grew-up in UK. Actor, 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 in South London and a member of the Parole Board. Has been a non-executive director in the NHS and a prison visitor 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.

Mrs Sarah Gordon

Member of Tribunal since 2002.

A qualified veterinary surgeon and member of the Royal College of Veterinary Surgeons. 10 years experience of general veterinary practice. Employed by Defra since 1991. Veterinary Manager of the Leicester Foot and Mouth Disease Centre in 2001 then Deputy Head of the Defra FMD Claims Unit. Currently Divisional Veterinary Manager of Lincoln State Veterinary Service Animal Health Office.

STAFF

Susan Elson

Solicitor admitted in 1970. Clerk to the Tribunal.

Accredited Mediator, Sits as part time Immigration Judge; part time Parking & Traffic Adjudicator; a member of the panel of Legal Assessors to the Disciplinary Committee of the Royal College of Veterinary Surgeons; the Health Professions Council and the General Osteopathic Council, 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.

Christine Mogridge

Solicitor admitted in 1987. Appointed Deputy Clerk in 2006.

Background in employment law and professional regulation and currently sits as a part-time Chairman for The Appeals Service and as a lay member of the Disciplinary panels of various professional bodies.

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 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.

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.

Aidan Connor

Administrative Assistant since January 2006.

Provides day to day administrative support to the Clerk and Assistant Clerks. First Aider and Fire Marshall for the Tribunal. Graduated in July 2005 from City University. LLB (Hons) Law.

Marina Tweed

Full-time audio secretary since January 2006.

Main responsibility is typing the Tribunal's Findings. Currently studying a Humanities degree through the Open University.