

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

**TRIBUNAL**

Mr. A. H. Isaacs (President)

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(Solicitor Vice President)

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

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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  
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Mr. A. H. B. Holmes  
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Mr. G. Fisher  
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Mr. S. Howe  
Mr. S. Marquez  
Mr. P. Wyatt  
Mrs N. Chavda

**CLERK**

Mrs S. C. Elson, MBE  
Solicitor

**Deputy Clerk**

Mrs S. Whitfield  
Solicitor  
Mrs R James Solicitor  
Ms L Shuja Solicitor  
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## **President's Introduction**

This report covers the Tribunal's year to 30 April 2008.

During the year the Legal Services Act 2007 passed into law and for the future the annual report will be delivered to the new Legal Services Board. In almost all other respects however the Tribunal will remain the independent judge of professional misconduct and its constitution as a statutory Tribunal, with Solicitor and Lay members appointed by the Master of the Rolls, will remain unaltered.

Two changes brought about by the LSA are that in future the Tribunal will be in control of its own budget and administration and solicitor members of the Tribunal will be entitled to some remuneration expected to be on the same basis as remuneration for Recorders. A Commencement Order dealing with both these matters takes effect on 30<sup>th</sup> June 2008 and I am grateful to the Law Society for agreeing to facilitate this under the terms of the Commencement Order. Under the terms of the Legal Services Act, the Tribunal budget, once approved, is to be paid over to the Tribunal and the Tribunal will run its administration through a company limited by guarantee which has been incorporated under the name Solicitors Disciplinary Tribunal Administration Limited. The new Section 46A of the Solicitors Act 1974 also took effect on an interim basis from the 30<sup>th</sup> June 2008.

At the beginning of this year the Tribunal adopted new procedural Rules which had been approved by the Master of the Rolls and are now embodied in a Statutory Instrument No 3588 of 2007. It is hoped these will prove to be more user-friendly than the 1994 Rules.

The Tribunal has had a busy year and as will be noted from the statistics on page 7 there have been a number of very long cases which places a particular strain on solicitor members who are at present acting without any remuneration. I am therefore grateful to more senior members of the Tribunal who have a less demanding work schedule for volunteering to sit on these cases.

The number of applications has shown an increase of about 5 per cent over the previous year and the length and complexity of a substantial number of cases often involving a large amount of documentary evidence, places a considerable burden on the Tribunal, particularly the Clerks. The number of cases which were the subject of appeal to the High Court or the subject of judicial review was 9. In 4 of these cases the appeal was unsuccessful and in the 4 other cases was successful only in relation to the level of sanction or in relation to the award of costs. In one such case it is understood the Law Society is appealing to the Court of Appeal with a view to seeking reinstatement of the sanction imposed by the Tribunal.

The statistical evidence set out in the Report and comparison with earlier years provides some indication of the extent to which the Profession has complied with the high ethical and regulatory standards expected of it. The Solicitors Regulation Authority has introduced a new Code of Conduct the fundamental requirement of which is that solicitors are to be expected to comply with the highest standards of honesty, integrity and trustworthiness. Financial advantage for the solicitor or the client can never override standards of ethical behaviour which protect the reputation of the profession and the public interest. The Tribunal is committed to upholding these principles.

Last year I wrote that the Tribunal was operating efficiently and at low cost to the profession and I believe this to be the case in relation to the year under review. It has however become apparent that our court room and offices are not adequate for the current workload. We are appreciative of the Law Society's agreement to increase the Tribunal's office space. An additional floor has become available at Gate House which has been taken on lease. This will enable some reconfiguration of the present court rooms with better meeting rooms for the applicant and for respondents and their advisers and witnesses and proper retiring rooms for members of the Tribunal. The workload has also necessitated an increase in the number of Clerks. Three additional deputy Clerks have been appointed to serve on a part-time basis.

The Tribunal relies greatly on the work of the Clerks and the administrative staff. They have yet again worked hard and conscientiously and I am grateful to all of them

for their loyalty and enthusiasm. This of course would not be achieved without the exceptional leadership provided by our Clerk Sue Elson. I should also pay tribute to my solicitor and lay colleagues whose consideration of cases, some of which are of complexity and difficulty has, almost without exception, been respected by those appearing before the Tribunal and by their representatives as being just, careful and fair

**Anthony Isaacs**  
**President**

**August 2008**

## **A Lay View**

The solicitors profession prides itself, and justly so, on its high standards of honesty, integrity and complete trustworthiness; as a senior judge once remarked in a case, a solicitor has 'to be trusted to the ends of the earth'.

Those members of this profession who err in a serious way from this extremely high standard may find themselves before the Tribunal which, among its numerous powers, has the ultimate sanction of potentially ending a solicitor's career by striking him or her off the Roll.

Each Tribunal is comprised of two solicitors and one lay member who undertake this task in a conscientious and fair manner; their objective is to reach a decision which is not only fair and proportionate but also achieves the key objectives of protecting members of the public and maintaining the good name of the solicitors' profession.

The Tribunal works as a cohesive whole; the solicitors bring the professional legal perspective to bear on cases and the lay member adds an independent and wider public view to the proceedings. The decisions which are made reflect this approach in that each member makes an equal contribution and the view of the lay member is actively sought during the deliberations.

Whilst we are referred to as lay members in the rules and proceedings in order to differentiate us from the solicitors' profession, a better description of our role might be that of professional independent members, albeit that the word 'professional' is in respect of our experience in other areas of work like industry, commerce, finance, public service etc. This wider experience enables us to be fair, impartial and independent in our judgment.

**Dr. Ged Fisher**  
**Lay Member**

## **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 procedures are governed by the Solicitors (Disciplinary Proceedings) Rules 2007 (S. I. No. 3588) which came into force on 14<sup>th</sup> January 2008.

## **Applications**

As can be seen from the table on page 11 the number of applications to the Tribunal increased by some 5 per cent substantially in the year to 30 April 2008 though about half of this increase related to cases involving non solicitor employees. Longer and more complex cases have continued to occupy the Tribunal. Members' sitting days also showed a slight reduction on the previous year caused mainly by the disruptive effect on listing of long cases. Despite Members' willingness to respond and preside for long hours and the use of two court rooms the Tribunal has some continuing 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, again showed a significant increase at 30<sup>th</sup> April 2008. The burden particularly on the Clerk and her staff remains substantial but it is hoped that the appointment of additional Deputy Clerks will enable the Tribunal to increase its 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 30<sup>th</sup> 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 Statement now made under Rule 5 of the 2007 Rules delivered by the Applicant to the Tribunal. The matter is then considered to determine whether a case to answer 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 54 per cent were concluded between six months and one year. The Tribunal's written Order is handed down at the conclusion of the hearing.

56 cases were outstanding for more than one year (27 cases at the end of the previous 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 or, for example, a further disclosure of documents is necessary.

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. 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, but with the appointment of an additional Deputy Clerks, it should be possible to speed up the throughput of cases.
5. 49 cases took one day or more to reach the conclusion of the substantive hearing. Of these, 37 cases took one day, 9 cases took two days, 2 cases took three days, and 1 case took 15 days. In addition 4 interlocutory hearings took one day each. These more lengthy cases took up 80 (47%) sitting days compared to 93 (52%) 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**

61 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 enjoyed an unblemished career as a solicitor was found to have been guilty of dishonesty where he had misled a client, made misleading representations to a client; made an unjustified claim for costs for attending the funeral of a deceased client, and misappropriated clients' funds. He was struck off the Roll.

## **Suspension from practice**

20 Solicitors were suspended indefinitely

15 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. In the case of an indefinite suspension, the solicitor may apply, in appropriate circumstances, for the period of suspension to be brought to an end.

A solicitor had appeared before the Tribunal, together with a clerk, who was a trainee solicitor. She had not kept books of account properly written up, arranged for the trainee to be a signatory on client account and did not adequately train and supervise him. The Tribunal learned of problems with the solicitor's health and her dependency on alcohol and imposed an indefinite suspension on her.

A six month suspension was imposed on a solicitor who did not respond promptly to letters the Law Society wrote to him and who gave an explanation to an investigation officer of the Law Society that was misleading because the solicitor had not been open and frank.

### **Fines**

Fines are payable to H.M. Treasury and totalled in the year under review £585,500 (£441,800 in the previous year)

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

Fines can be imposed in a wide variety of cases. Under the Legal Services Act 2007, the limit on the amount of fine which may be imposed by the Tribunal has been lifted.

A solicitor handling relatively small amounts of clients' money who had been in breach of the Solicitors Accounts Rules, but who had rectified the breaches, was fined £2,000.

A solicitor who had transferred costs from client account to office account without delivering a bill to the client, who failed to make an immediate refund of costs to a client when she obtained a Remuneration Assessment Order, overcharged a client for some work and had failed properly to supervise an unadmitted member of staff was fined a total of £12,000.

### **Reprimand**

37 solicitors were reprimanded.

A solicitor had written a letter that was misleading because of its clumsy wording. He suffered from mental ill-health at the material time and had been under pressure to ensure that all of his files were up to date as he was leaving the firm where he was employed. In all the particular circumstances the Tribunal reprimanded the solicitor.

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

**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.**

There were 5 cases involving a breach of s.41.

### **Restoration to the Roll**

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

It is unusual 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.

The successful application involved a solicitor who had rehabilitated himself and whose conduct since being struck off satisfied the Tribunal that the risk of re-offending or causing damage to the reputation of the profession was sufficiently low to justify re-admission to the Roll.

## Hearings

During the year under review the Tribunal sat on 169 days (178 in the previous year) for the hearing of applications.

During the period under review the following applications were received.

APPLICATIONS RECEIVED	To 30/4/08	To 30/4/07
Number of applications* involving practising solicitors - relating to 356 (313) solicitors, 6 (2) registered foreign lawyers and 0 (0) recognised bodies	234	221
Number of applications* in respect of solicitors' clerks - Relating to 16 (10) clerks 3 clerks were included in applications against solicitors – a total of 19 clerks)	16	10
Number of applications for restoration to the Roll	6	7
Number of applications to revoke, quash, review or vary an Order under s.43	0	5
Number of applications seeking determination of an indefinite period of suspension	3	1
Number of applications made in respect of former solicitors (i.e. no longer on the Roll)	3	5
<b>TOTAL</b>	<b>262</b>	<b>249</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)

Section 43 (as amended by the Legal Services Act 2007) applies to those who are not admitted solicitors and who are employed or remunerated by solicitors

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 someone 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
2004	215	131
2005	235	131
2006	212	136
2007	249	178
2008	262	169

Of the applications made in the year ending 30<sup>th</sup> April 2008, 5 were made directly by members of the public. No prima facie case was established in respect of 3 of them, in 1 case a prima facie case was found and in one case the Tribunal deferred making a decision until further enquiries had been made of The Law Society. Applications for Restoration to the Roll, for determination of an indefinite suspension or the revocation of a s.43 Order accounted for 9 matters. The balance was made up of applications by The Law Society. 5 Law Society applications were withdrawn.

The number of cases concluded in the year under review in respect of which a supplementary statement was filed was 55 and in 13 cases 2 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
2003	78	39	83	14	8
2004	52	38	70	12	5
2005	54	42	79	17	12
2006	63	39	64	16	10
2007	67	33	86	20	6
2008	61	47	110	37	15

### **OTHER ORDERS**

Figures in brackets relate to the year 2006/07.

- A. There were 11 cases in which an Order for costs only was made (4).
- B. There was 1 case in which the Tribunal found none of the allegations to have been substantiated (0).

- C. The Tribunal considered 7 applications for restoration to the Roll (7). 1 application was granted and 6 were refused.
- D. Orders were made pursuant to Section 43 of the Solicitors Act 1974 in respect of 16 clerks (16).
- E. There was 1 application for revocation or review of a Section 43 Order (3), which was refused.
- F. Orders prohibiting restoration to the Roll without the consent of the Tribunal were made in respect of 1 former solicitor (4).
- G. 3 applications were made to determine a period of indefinite suspension (2). 1 was granted and 2 were refused.
- H. In 11 cases a Direction made by the then Office for the Supervision of Solicitors was ordered to be treated as an Order of the High Court for the purposes of enforcement (18).
- 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 30<sup>th</sup> April 2008 there are 186 current cases, (181 at the same time last year). Of these 64 have been listed for hearing before the summer vacation (80 in the previous year), 12 have been listed for hearing after the summer vacation (24 in the previous year), 72 are to be dealt with on a "pre-listing day" before the summer vacation (45 in the previous year), 38 await a hearing date or stand adjourned pending the outcome of further enquiry, or related criminal or civil proceedings or on health grounds (32 in the previous year). Adjourned cases are reviewed on a regular basis.

### **Appeals**

During the year there were 9 appeals against findings of the Tribunal. In 4 cases the Tribunal's findings were upheld though in one of these cases out of 36 allegations found proved, the Court on appeal held that the findings in relation to 5 of these allegations be varied. In 4 cases where the Tribunal had ordered that the Respondent be struck off the Roll, the Court, on appeal, ordered a lesser penalty. In 2 of these cases the solicitors were suspended for two years in another case for three years and, in one case the Court considered the findings much too harsh and stated that it did not consider the Respondent to be a risk to the public notwithstanding what was stated to be a "deplorable disciplinary history". In relation to one of the cases where a period of suspension was substituted for the Tribunal's order that the Respondent be struck off the Roll it is understood that the Law Society is to appeal. The remaining appeal resulted in the dismissal of the appeal against the sanction imposed by the Tribunal (a 12 month suspension) but quashed the costs order made against the Respondent and in favour of the Law Society.

## **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 17% of cases (24% 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  
failure to respond 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 & 2001

**F DELAYS**

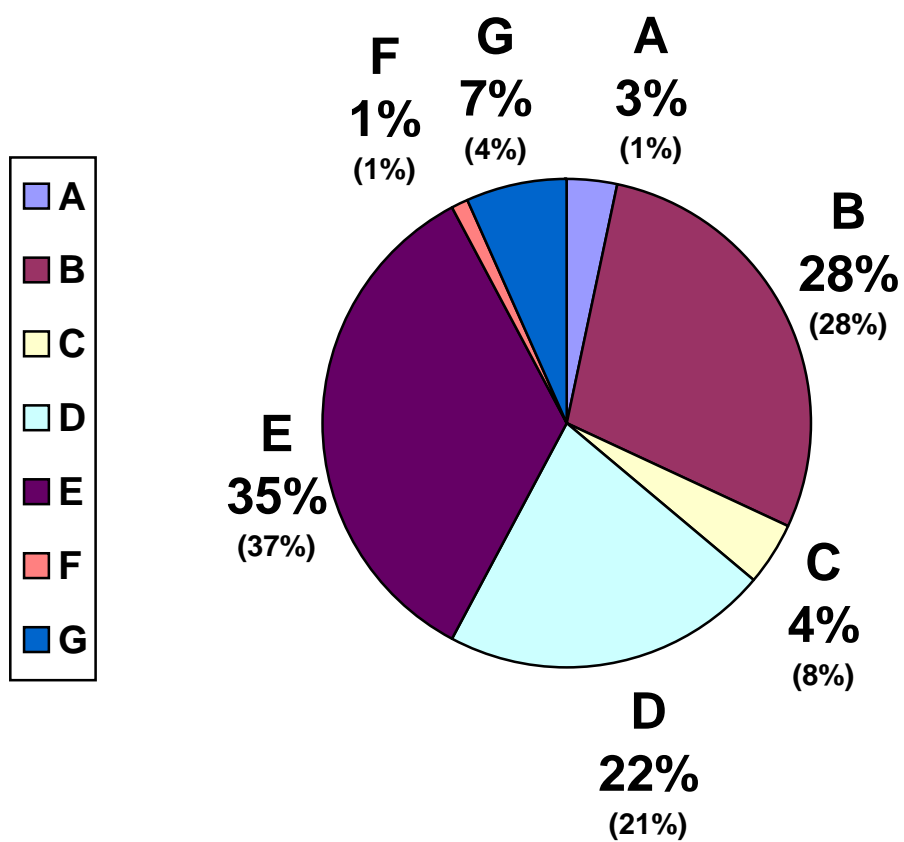
delay in delivery of papers  
delay in professional business

**G OTHER**

**Includes:**

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

(2006/07 figures in brackets)



## **SOLICITORS' EMPLOYEES**

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

2003	5
2004	6
2005	15
2006	8
2007	19
2008	17

\* S.43 relates to those employed or remunerated in a practice who are not qualified as solicitors. The Order which may be made under Section 43 of the Solicitors Act is that no solicitor may employ or remunerate an employee against whom serious misconduct is established without the consent of The Law Society. The Law Society acquired its own jurisdiction in 2002 and since then those cases usually only come before the Tribunal if they are contested, or are applications for revocation or review 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:-

	<b>Total £'000</b>	<b>Annual cost per practising solicitor £</b>
2003	745	7.45
2004	800	8.00
2005	863	8.63
2006*	1.009	8.77
2007*	1.049	9.12

For 2002 - 2005 the charge is based on an average of 100,000 practising solicitors. \*The number of Practising Certificates issued by The Law Society for the year to November 2006 was approximately 115,000 and the annual cost per practising solicitor is based on this figure for the years 2006 and 2007.

The Lay members are remunerated by the Ministry of Justice (formerly the Department of Constitutional Affairs) which also is responsible for their expenses (approx £55,000 for the calendar year ended 31<sup>st</sup> December 2007 (£55,000 for calendar year ended 31<sup>st</sup> December 2006).

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 £805,000 (2006 - £747,000). The balance is a notional overhead charge assessed by The Law Society and is not an actual cost. It equates to 64% of salary and salary related costs of Tribunal staff (2006 – 81%).

Under the Legal Services Act 2007 the Tribunal will have its budget approved by the Legal Services Board and the Tribunal will have full control of its funds and its administration. The Tribunal has estimated that after allowing for remuneration for solicitor members the total annual cost of running the Tribunal should be around £12 per practising solicitor. The Tribunal has estimated that the additional cost of running the Tribunal wholly independently of The Law Society (making its own provision for, for example, audit, financial control, human resources and IT costs) will be less than the notional overhead charge currently attributed by The Law Society to the Tribunal .

## **PART IV**

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

The following solicitor and lay members were re-appointed by the Master of the Rolls during the year under review: Mr. Richard Bamford, Mr. Adrian Gaynor-Smith, Mr. Andrew Spooner, Mr. A. H. Boyd Holmes, Mr. William Hartley, Mr. Laurence Gilford, Miss Teresa Cullen, Mr. Michael Baughan, Mr. Gerald Fisher, Mr. David Gilbertson and Ms Anjali Arya

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 to 24 of this report.

### **STAFF CHANGES**

Two members of staff, Chris French and Estelle Fitzgibbon left during the year under review. Susan Bromley, a full time audio secretary joined the Tribunal in September 2007. Three new Deputy Clerks were appointed, Rose James, Muz Khan and Lubna Shuja.

Brief biographical details of members of staff appear on pages 27 and 28 of this report.

## **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.

**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.

**Ken Duncan**

Member of Tribunal since 2006.

Admitted in 1971. Partner in a City firm from 1977 to date. Specialises in Property litigation.

Deputy District Judge since August 2000.

**Miss Alison Banks**

Member of Tribunal since 2006. Admitted in 1993.

Previously partner in High Street practice specialising in personal injury and general litigation now concentrating exclusively on criminal defence litigation. Duty Solicitor.

**Richard Nicholas**

Member of Tribunal since 2006.

Admitted in 1979. Partner in Merseyside firm. Senior Partner since 1989. Specialises in mental health and human rights work. LSC Pier Reviewer and part time President of the Mental Health Review Tribunal.

**Miss Jacqueline Devonish**

Member of the Tribunal since 2006.

Admitted in 1991. Private practice in London since qualification. Two partnerships since 1994 as a “High Street” practitioner in general civil litigation, family, wills, education and conveyancing. Chair of Governors to a primary school, Governing Body Clerk for London Borough of Brent, and Independent Appeal Panel Clerk for the London Borough of Barking & Dagenham. More recently prosecuting for the government agency VOSA. Also a member of the CIPFA quality assurance panel'.

**Dominic Green**

Member of Tribunal since 2006.

Admitted in 1993. Head of Media and Entertainment in a West End firm, previously partner for 5 years in music and media practice in Covent Garden, WC2. Deals with media related litigation, commercial disputes and employment law.

**Miss Nicola Lucking**

Member of Tribunal since 2006.

Admitted in 1974. Partner since 1981 with country practice based in the Norfolk Broads. Specialises in commercial and residential property work. Special interest in social housing. Director of St. Matthew Housing and Circle Anglia and Chair of Wherry Housing Association. Member of the Corporation of Paston College.

**David Glass**

Member of Tribunal since 2006.

Admitted in 1969. Partner in Cheltenham firm 1973 – 2006, now consultant with same firm. Specialised in litigation and family work. Deputy District Judge since 1999. Member Legal Services Consultative Panel. Treasurer Gloucestershire and Wiltshire Law Society.

**Edward Richards**

Member of Tribunal since 2006.

Admitted 1993. Litigation partner in west country firm since 1996. Undertakes a range of civil litigation work. Member of the Personal Injury Panel. DELS Mediator. Notary Public.

**Mrs Jane Martineau**

Member of Tribunal since 2006.

Admitted in 1974. Expertise in the fields of insurance, professional indemnity and shipping disputes. A trained mediator and member of ADR Chambers UK.

**Nicholas Pearson**

Member of Tribunal since 2006.

Admitted in 1976. After training and working for 3 years with a leading City litigation practice, worked for over 25 years with a large firm of international lawyers firstly in Hong Kong for 9 years before returning to London in 1988, from where he managed his firm's global dispute resolution practice. Main areas of contentious work include commercial, company, fraud, trusts and insolvency. Chaired his firm's global professional responsibility and practice committee. Retired from the firm at the end of 2006 and remains a consultant.

**David Potts**

Member of Tribunal since 2006.

Admitted in 1977. A consultant Solicitor in active legal practice, specialising in Real Property Litigation, in a regional commercial firm with offices in Nottingham, Birmingham and London. Previously a partner in two practices and for a number of years an in-house solicitor. Broad overall experience of civil and criminal litigation and also non-contentious work. Experience as a partner of practice management. Since 1999 a County Court Deputy District Judge. In 2006 appointed Solicitor Advocate (Higher Courts Civil Proceedings).

## **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: Governor of Westminster School, Governor of Haberdashers' Aske's Federation. Consultant to Penfida LLP.

### **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 Finance and Accountancy. Member of the Disciplinary Committee of the Royal Pharmaceutical Society.

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 DL**

Member of Tribunal since 2001.

Formerly Managing Director of his own consultancy company. Earlier 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 Deputy Lieutenant of Dorset.

**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.

**John Jackson**

Member of Tribunal since 2002.

Formerly Company Secretary of British Gas and Clerk to Dulwich College in South London, now a member of the Parole Board. Has been a non-executive director in the NHS and a prison visitor and lay assessor and until recently a member of the Council of the Institute of Chartered Secretaries and Administrators. A member of the disciplinary committee of CIPFA.

**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.

**Stephen Howe**

Member of Tribunal since 2006.

Retired Manager for Waitrose Ltd. Non-Executive Director for HMCS Regional Risk and Audit Committee South West Region. Member of Hampshire and Isle of Wight Courts Boards. JP since 1981.

**Stephen Marquez**

Member of Tribunal since 2006.

To 1987 senior manager with Systems Designers International plc.

1987 to 2003 senior manager with CACI Limited. Director of CACI Limited. Executive Vice-President of CACI International Inc.

Formerly a volunteer with The Terrence Higgins Trust.

JP since 2002 - 2008.

**Paul Wyatt**

Member of Tribunal since 2006.

Managing Director of his own consultancy company in Cornwall dealing with employee relations, employment law and industrial relations. Employment Tribunal and Central Arbitration Committee panel member. Non-executive Director of Cornwall & Isles of Scilly Primary Care Trust.

Trustee and former Chairman of Speakability. Trustee for 15 years with Employment Opportunities for people with disabilities. Now ex officio member of HR and Remuneration Committees.

**Mrs Nalini Chavda**

Member of Tribunal since 2006.

1969 – arrived in UK from Kenya, East Africa.

1970-2005 – joined Civil Service. 35 years business experience gained from Department for Work and Pensions. Successful completion of two high profile secondments, BBC Coventry and Warwickshire Radio and Training Enterprise Council (TEC now LSC) Early retirement in 2005 as a Senior Executive Officer with extensive experience in diversity and disability, management, marketing and public relations. Fast tracked through a wide range of senior management positions.

1989 – nominated for and became a Justice of the Peace for the city of Coventry through extensive voluntary work.

1999 – appointed as DTI Employment Tribunal lay member. Wide experience in Tribunal and court work.

1999 – 2002 – served on Board of Governors at Hereward College. (National College for Disabled Students).

## **STAFF**

### **Susan Elson, MBE**

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. Member of CIPFA Practice Standards Committee. 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**

Senior Assistant Clerk. Joined Solicitors Disciplinary Tribunal in March 1994. 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**

Membership Services Manager. Joined the Solicitors Disciplinary Tribunal in August 1995. Duties include management of the production of written Findings, day to day administration of the Tribunal, maintenance of the database and computerised case management system, editor of the website and preparation of AGM and Training Days.

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

### **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**

Full time secretary to the Membership Services Manager (since March 2008) Joined the Solicitors Disciplinary Tribunal in 2001. Main responsibilities are secretarial assistance to the Membership Services Manager and typing the Tribunal's Findings.

Completed a legal secretarial course and obtained various OCR qualifications.

### **Paul Condon**

Full time Assistant Clerk. Joined the Solicitors Disciplinary Tribunal in 2004. Helps the Senior Assistant Clerk and deputises for her in her absence. Holds a degree in Music with Sound Recording.

### **Susan Bromley**

Full time audio secretary since September 2007 and is responsible for typing the Tribunal's Findings.

Previously worked for Kent Police and conveyancing office in firm of solicitors.

Since the end of the year to which this report relates the following have been appointed Deputy Clerks

**Rose James**

Part-time Deputy Clerk since May 2008.

Admitted as a solicitor in 1978. From 1983 - 1986 she was the Resident Magistrate in the Civil Courts in Nairobi. From 1986 - 2003 she worked in the administration of legal aid, first with The Law Society followed by the Legal Aid Board and finally the Legal Services Commission. She was the Deputy Legal Director of the Commission from 1998 - 2003.

**Lubna Shuja**

Part-time Deputy Clerk since May 2008.

Solicitor Admitted in 1992. Previously a partner and head of litigation in high street practice in Bradford. Specialising in personal injury, civil litigation and matrimonial. Also a mediator. A member of the Association of Midlands Mediators.

**Muz Khan**

Part-time Deputy Clerk since May 2008.

Barrister, called by Grays Inn 1993

Adjudicator - Asylum Support Tribunal