

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

**F I N D I N G S**

**in Complaint**

**by**

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

**Complainers**

**against**

**DOUGLAS LAMOND, Windyridge, 21  
Brompton Terrace, Perth**

**Respondent**

1. A Complaint dated 9 June 2021 was lodged with the Scottish Solicitors' Discipline Tribunal by the Council of the Law Society of Scotland (hereinafter referred to as "the Complainers") averring that Douglas Lamond, Windyridge, 21 Brompton Terrace, Perth (hereinafter referred to as "the Respondent") was a practitioner who may have been guilty of professional misconduct.
2. There was no Secondary Complainer.
3. The Tribunal caused a copy of the Complaint as lodged to be served upon the Respondent. No Answers were lodged for the Respondent.
4. In terms of its Rules, the Tribunal set the matter down for a virtual procedural hearing on 20 September 2021 at 10am and notice thereof was duly served upon the Respondent.
5. At the virtual procedural hearing on 20 September 2021, the Complainers were represented by their Fiscal, James Campbell, Solicitor, Edinburgh. The Respondent was not present or represented. The Tribunal fixed a virtual hearing for 17 November 2021 at 10am and notice thereof was duly served upon the Respondent.

6. At the virtual hearing on 17 November 2021, the Complainers were represented by their Fiscal, James Campbell, Solicitor, Edinburgh. The Respondent was not present or represented. The Fiscal moved the Tribunal in terms of Rule 14 of the Scottish Solicitors' Discipline Tribunal Procedure Rules 2008 ("the Tribunal Rules 2008") to hear and determine the Complaint in the absence of the Respondent on the basis of the Affidavits lodged by the Complainers. The Tribunal heard evidence from the Clerk regarding service of the Complaint and the Notice of Hearing and decided it was fair to proceed in the absence of the Respondent. The Tribunal heard submissions from the Fiscal.
  
7. Having given careful consideration to the submissions and documents before it, the Tribunal found the following facts established:-
  - 7.1 The Respondent is Douglas Lamond. He was born on 25 March 1949. He was enrolled and admitted as a solicitor on 2 May 1974. He was a partner at Kippen Campbell, WS from 1 January 1976 until 30 April 2009, a partner at Kippen Campbell Property Services from 1 November 1991 until 30 April 2018, a director at Kippen Campbell (Trustees) Limited from 28 March 2008 until 30 April 2018 and a partner at Kippen Campbell LLP from 1 May 2009 until 30 April 2018. The Respondent does not currently hold a practising certificate.
  
  - 7.2 On 18 April 2019 the Law Society of Scotland wrote to the Respondent at Windyridge, 21 Brompton Terrace, Perth, notifying him of a complaint investigation, enclosing a copy of papers from the Scottish Legal Complaints Commission and directing the Respondent to the complaint contained therein. It was explained that the Council had a statutory duty to investigate the complaint and that the Respondent had a professional obligation to respond. The Respondent was requested to respond within 21 days with: his position in respect of the complaint; his business files and ledger cards relating to the matter; and any other relevant information. The correspondence stated that, should no response be received, Notices in terms of section 48 of the Legal Profession and Legal Aid (Scotland) Act 2007 and section 15 of the Solicitors (Scotland) Act 1980 would be issued. The correspondence stated that that the Council may intimate a further conduct complaint in respect of any failure or delay in the Respondent responding. No response was received from the Respondent.

- 7.3 On 26 June 2019 Sheriff Officers confirmed the Respondent resided at Windyridge, 21 Brompton Terrace, Perth, PH2 7DQ.
- 7.4 On 2 July 2019 the Law Society of Scotland wrote to the Respondent in the same terms as the letter of 18 April 2019 as hereinbefore averred. The letter was issued by recorded delivery post. The delivery was signed for by “*Lamond*” on 3 July 2019. No Response was received from the Respondent.
- 7.5 On 16 August 2019 a s48 Notice dated 15 August 2019 was served on the Respondent by recorded delivery post. The Notice stated that, were the Respondent to fail to respond to the Notice within 21 days, a further conduct complaint would be submitted to the Scottish Legal Complaints Commission in relation to the Respondent’s failure to provide relevant documentation/explanation and/or their failure to respond to the Law Society. The delivery was signed for by “*Lamond*” on 16 August 2019. No response was received from the Respondent.
- 7.6 On 13 September 2019 a s15 Notice was served on the Respondent by recorded delivery post. The delivery was signed for by “*Lamond*”. The Notice stated that the Respondent was now required to give six weeks’ notice to the Council of his intention to make an application to take out a Practising Certificate for the year commencing 1 November 2019. No response was received from the Respondent.
- 7.7 On 9 October 2019 the Law Society of Scotland attempted to intimate the complaint of failing to respond to the Law Society to the Respondent but recorded delivery service failed. This further complaint was re-intimated to the Respondent by letter dated 26 August 2020 by both recorded delivery and ordinary post. The items were delivered during a period where postal staff did not request a signature due to the Covid-19 pandemic but the recipient’s name was captured as being “*Lamond*” in respect of the correspondence sent by recorded delivery post and delivered on 29 August 2020. No response was received from the Respondent.
8. Having considered the foregoing circumstances, the Tribunal found the Respondent guilty of Professional Misconduct in respect that he failed to respond to correspondence or statutory notices received from the Council of the Law Society of Scotland in respect of its regulatory function and impeded the Council in its statutory obligation to investigate

complaints by requiring them to investigate without the benefit of a response from him or any relevant information he could have provided, in breach of Rules B1.9.1 and B1.16 of the Law Society of Scotland Practice Rules 2011.

9. The Tribunal pronounced an Interlocutor in the following terms:-

By Video Conference, 17 November 2021. The Tribunal having considered the Complaint dated 9 June 2021 at the instance of the Council of the Law Society of Scotland against Douglas Lamond, Windyridge, 21 Brompton Terrace, Perth; Find the Respondent guilty of professional misconduct in respect of his breach of Rules B1.9.1 and B1.16 of the Law Society of Scotland Practice Rules 2011; Censure the Respondent; Fine him in the sum of £750 to be forfeit to Her Majesty; Find the Respondent liable in the expenses of the Complainers and of the Tribunal including expenses of the Clerk, chargeable on a time and line basis as the same may be taxed by the Auditor of the Court of Session on an agent and client, client paying basis in terms of Chapter Three of the last published Law Society's Table of Fees for general business with a unit rate of £14.00; and Direct that publicity will be given to this decision and that this publicity should include the name of the Respondent but need not identify any other person.

**(signed)**

**Beverley Atkinson**

**Vice Chair**

10. A copy of the foregoing together with a copy of the Findings certified by the Clerk to the Tribunal as correct were duly sent to the Respondent by Sheriff Officers.

**IN THE NAME OF THE TRIBUNAL**



**Beverley Atkinson**  
**Vice Chair**

**NOTE**

At the virtual hearing on 17 November 2021, the Tribunal had before it the Complaint and two Inventories of Productions for the Complainers. The Second Inventory of Productions contained two Affidavits, one by Fiona Robb and one by Denise Robertson.

The Fiscal moved the Tribunal to proceed in the Respondent's absence and to take account of the Affidavits lodged. He asked the Tribunal to receive an amended Affidavit for Fiona Robb which he had lodged the day before the hearing in a Third Inventory of Productions for the Complainers. It had not been intimated to the Respondent. However, as the amendments dealt only with minor typographical errors, the Tribunal agreed to receive the amended Affidavit.

The Tribunal heard evidence on oath from the Tribunal Clerk with regard to service of the Complaint and Notice of Hearing. Both the Complaint and the notice of hearing for 17 November 2021 had been served personally on the Respondent by Sheriff Officer at his residential address in the Complaint. The Tribunal was satisfied that the Respondent had received proper notice of the hearing. It was also content that it was fair to proceed in his absence. The Tribunal bore in mind the principles set out in the case of R-v-Jones [2002] UKHL 5 and the need to exercise its discretion "*with great caution and close regard to the overall fairness of the proceedings.*" The Complaint and Notice of Hearing had been personally served and the Respondent had failed to engage with the Tribunal. The Respondent had therefore voluntarily absented himself from proceedings.

The Tribunal considered that if it heard the case in the Respondent's absence, there would be a disadvantage to the Respondent in being unable to give his account of events. However, there was no reason to be confident the Respondent would attend on another occasion if the hearing were adjourned. It is in the public interest that regulatory proceedings take place within a reasonable time. The fair, economical, expeditious and efficient disposal of allegations against solicitors was an important consideration. In these circumstances, the balance lay in favour of proceeding in the Respondent's absence. Therefore, the Tribunal granted the Fiscal's motion to proceed.

**EVIDENCE FOR THE COMPLAINERS**  
**AFFIDAVIT OF FIONA ROBB**

Fiona Robb is a solicitor employed by the Regulation Department of the Complainers. The Respondent's complaint was allocated to her for investigation. According to her Affidavit, dated 16 November 2021,

- “3. On 18 April 2019 I wrote to the Respondent notifying him of the complaint investigation. I enclosed a copy of papers received from the SLCC and directed the Respondent to the complaint detailed within those papers. I can confirm the Council's production number 1 is a true and accurate copy of this letter prior to signing.
4. I did not receive a response to my letter of 18 April 2019 so, on 11 June 2019, I sent an email to Stirling Park Sheriff Officers asking them to carry out a trace to confirm the address of Windyridge, 21 Brampton Terrace, Perth, PH2 7DW was correct and current. I can confirm the Council's production number 2 is a true and accurate copy of my email. By letter dated 26 June 2019 Stirling Park responded with a positive desktop trace report confirming the Respondent's address with "a very high residence score". I can confirm that the Council's production number 3 is a true and accurate copy of that letter.
5. On 2 July 2019 I wrote the Respondent in the same terms as my letter of 18 April 2019. This letter was sent by recorded delivery post. The Royal Mail's website recorded the letter as being delivered on 3 July 2019 and signed for by "LAMOND". I can confirm that the Council's production number 4 is a true and accurate copy of that letter prior to signing and that the Council's production number 5 is the Royal Mail's "Track and Trace" result in respect of delivery of that letter. No response to this letter was received from the Respondent or anybody acting on his behalf.
6. On 15 August 2019 I prepared a s48 Notice to be served on the Respondent. This was sent by recorded delivery post. The Royal Mail's website recorded the Notice as being served on 16 August 2019 and signed for by "LAMOND". I can confirm that the Council's production number 6 is a true and accurate copy of that s48 Notice prior to signing and that the Council's production number 7 is the Royal Mail's "Track and Trace" result in respect of delivery of that notice. No response to this notice was received from the Respondent or anybody acting on his behalf.
7. On 12 September I prepared s15 Notice to be served on the Respondent. The Notice was signed by my then colleague Philip Yelland as the practice at the time was for these to be signed by him or another senior colleague. The Royal Mail's website recorded the Notice as being served on 13 September 2019 and signed for by "LAMOND". I can confirm that the Council's Production

number 8 is a true and accurate copy of that s15 Notice and that the Council's production number 9 is the Royal Mail's "Track and Trace" result in respect of delivery of that notice. No response to this letter was received from the Respondent or anybody acting on his behalf.

8. On 9 October 2019 I sent a letter to the Respondent intimating the complaint of his failing to respond to the Society but recorded delivery service failed. This further complaint was intimated to the Respondent by letters dated 26 August 2020 which were sent by ordinary post and recorded delivery. The Royal Mail's website recorded the letter sent by recorded delivery as being served on 29 August 2020. At this time the Royal Mail postal staff did not request a signature but the recipient is recorded as being "LAMOND". I can confirm that the Council's Production number 11 is a true and accurate copy of that the letter of 26 August 2020 and that the Council's production number 12 is the Royal Mail's "Track and Trace" result in respect of delivery of that letter. No response to this letter was received from the Respondent or anybody acting on his behalf.
  
9. Thereafter I completed my report and supplementary report for the Professional Conduct Sub Committee. I can confirm that the Council's productions numbered 14 and 15 are, respectively, true and accurate copies of those reports. I considered it serious to fail to respond to the Law Society. The Respondent's failure to respond to any of the correspondence or notices sent to him meant there was potentially a gap in the evidence available to me. His failure to respond created additional work for the Society and caused delay in the matter coming to a conclusion. That failure became part of the complaint. Even a courtesy response from him advising that he had nothing to say or provide would have assisted me in investigating and would have sped up the process."

## **AFFIDAVIT OF DENISE ROBERTSON**

Denise Robertson is a manager in the Complainers' Registrars Department. In her Affidavit dated 29 October 2021, she confirmed that the Society's records showed the Respondent was enrolled and admitted as a solicitor on 2 May 1974. He retired from practice on 30 April 2018. He does not currently hold a practising certificate.



## SUBMISSIONS FOR THE COMPLAINERS

With reference to the Complaint and Affidavits, the Fiscal described the Respondent's conduct. Various pieces of correspondence and statutory notices were sent to the Respondent. No response was received. According to the Fiscal, the Respondent had breached Rules B1.2, B1.9.1 and B1.16 of the Practice Rules. In his submission, these breaches were a serious and reprehensible departure from the standards of competent and reputable solicitors.

The Tribunal asked to be addressed further on lack of integrity. The Fiscal submitted that to repeatedly fail to respond to the regulator demonstrated a lack of integrity by a professional. The Tribunal asked how a no comment letter from the Respondent might have assisted. The Fiscal explained that it would reduce the time in dealing with the Complaint in giving him opportunities to respond at each stage of the investigation.

## DECISION

The Tribunal was satisfied beyond reasonable doubt, on the basis of the Affidavits and the Productions referred to therein, that the Respondent had acted in the manner set out in the Complaint. It had regard to the duties incumbent on solicitors to cooperate with their regulator. The Respondent ought to have responded to the correspondence and statutory notices sent to him by the Complainers. The Tribunal was satisfied the Respondent had breached Rules B1.9 and B1.16. However, having regard to the guidance contained in Wingate and Evans-v-SRA; SRA-v-Malins [2018] EWCA Civ 366, it was not convinced that the conduct demonstrated a lack of integrity. There was therefore no breach of Rule B1.2.

According to the definition of professional misconduct contained in Sharp v Council of the Law Society of Scotland 1984 SLT 313,

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

The Tribunal was satisfied that the Respondent's conduct in breaching Rules BI.9 and BI.16 represented a serious and reprehensible departure from the standards of competent and reputable solicitors. The Respondent's behaviour amounted to a course of conduct of failing to cooperate with his regulator. It is essential in the public interest that solicitors cooperate with the Law Society exercising its role as a regulatory body. The Law Society cannot properly exercise its function to protect the public without the cooperation of solicitors. Accordingly, the Tribunal found the Respondent guilty of professional misconduct.

The Fiscal moved for expenses and made no comment on publicity. He indicated there was no previous conduct findings against the Respondent.

The Tribunal considered the Respondent's conduct to be at the lower end of the scale of misconduct. There were no previous findings against the Respondent. He was 72 and had already retired from practice. However, the Tribunal also noted the Respondent's lack of engagement with the Tribunal, the lack of insight and remorse, and the impact of the case on the reputation of the profession.

In all the circumstances, the Tribunal was of the view that a fine in addition to a censure was required to mark the Tribunal's disapproval with regard to the Respondent's conduct. It therefore censured the Respondent and fined him £750.

The Tribunal found the Respondent liable in the expenses of the Complainers and of the Tribunal. It directed that publicity would be given to the decision, and that publicity should include the name of the Respondent but need not identify anyone else, other than those witnesses who gave evidence by Affidavit.



**Beverley Atkinson**  
**Vice Chair**