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

JOHN HARRIS MUIR, c/o his agent William C Macreath, Levy & McRae Solicitors LLP, Pacific House, 70 Wellington Street, Glasgow

Respondent

1. A Complaint dated 11 August 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 John Harris Muir, c/o his agent William C Macreath, Levy & McRae Solicitors LLP, Pacific House, 70 Wellington Street, Glasgow (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 appointed the Complaint to be set down for a virtual procedural hearing on 12 October 2021 and notice thereof was duly served on the Respondent.

5. At the virtual procedural hearing on 12 October 2021, the Complainers were represented by their Fiscal, Breck Stewart, Solicitor Advocate, Edinburgh. The Respondent was present and represented by William Macreath, Solicitor, Glasgow. A Joint Minute had

been lodged agreeing all of the averments of fact and duties within the Complaint together with agreement of specified averments of misconduct. The Tribunal heard submissions from both parties.

6. The Tribunal found the following facts established:-

6.1 The Respondent is John Harris Muir. The Council has communicated with his agent William Macreath of Levy & McRae Solicitors, Pacific House 70 Wellington Street Glasgow for months on his behalf. The Respondent has retired from practice but has not released his home address to the Council. William C Macreath has been instructed to accept service on the Respondent's behalf. The Respondent retired from Practice on the 31 October 2020 and no longer holds a practising certificate. He had been a consultant with Campbell Riddell Breeze Paterson LLP (CRBP), 229 Fenwick Road, Giffnock, Scotland, for six months. Prior to that he had been a partner with CRBP since its formation on 1 February 1996. Prior to that he had been a partner with Breeze Paterson Chapman between August 1976 and 31 January 1996. He was the cashroom partner at CRBP from the 1 July 1998 until 30 June 2020, and the Money Laundering Reporting Officer since the 1 July 2006 until 30 June 2020.

6.2 The Council's Financial Compliance department inspected CRBP in October 2012. A written report was produced detailing a number of issues. The Inspection found the Respondent had inter alia breached the following rules:-

a) Rule B6.23.1 Money Laundering Regulations 2007 in respect of

- Policies and Procedures (Regulation 20)
- Record Keeping Requirements
- Application of Customer Due Diligence on a risk-sensitive basis
- Originating Source of Funds/ Wealth (Proceeds of Crime Implications)
- Training (Regulation 21) ,

b) Rule B6.11 client balances held after the conclusion of a matter,

c) Rule B6. 7.1 record keeping relating to outstanding cheques on the client bank account.

6.3 No Disciplinary action was taken in respect of the breaches, the Respondent having undertaken to rectify these failings.

6.4 The firm was further inspected in March 2017. The Inspection made 6 key findings. These were expanded upon in 12 Schedules contained in the written report of the inspection, each addressing breaches rule B6 of the Law Society of Scotland Practice Rules 2011.

6.5 Between the two inspections the Respondent was at all times the Cashroom Partner.

6.6 In March 2017 the inspectors observed that the Respondent had failed to act on his obligation under B6.4.1 to remedy any breach upon discovery. Specifically, he had failed to rectify the rule breaches narrated in the para 6.2 above. All of the rule breaches narrated in para 6.2 above were also observed during the 2017 inspection.

6.7 The inspector observed that the firm's outstanding cheques on the client bank account did not include the date or details of the payee. The inspector noted that such a record is being maintained for the firm bank account, but not for the client bank account. The Respondent accepted this was the case. The Respondent's cashier did not carry out a computerised reconciliation. The Respondent had not trained the cashier to carry out this task. The Respondent was required to keep details of the date of the cheques and payee. He failed to maintain and keep at all times properly written up accounting records necessary to show the practice unit's dealings with clients' money.

6.8 A practice unit has a duty to return money held on behalf of a client promptly as soon as there is no longer any reason to retain money. On inspection the following client accounts were observed

6.8.1 CLIE2/l Client General Account - £838.19. (£726.72 at 2012 Inspection).

6.8.2 CLIE 2/2 Client Miscellaneous Credit- £4,754.68 (£4,701.86 at 2012 Inspection

6.8.3 CLIE2/3 Company Credit Balances- £1.338.32 (£4,389.86 a 2012 Inspection)

6.9 The Inspectors observed that attempts had been made to send some funds to the Queen's and Lord Treasurer's Remembrancer (QLTR). Some were retained by the QLTR but some were returned and not fully dealt with. Some funds had not been addressed at all. Thus £6500 of client's money was being held under the control of the Respondent without reason. Following the inspection, the Respondent set about making full enquires and settling the sums.

6.10 Rule B6.23 obligates solicitors and in particular the cashroom managers to comply with the Money Laundering Regulations 2007 The inspector found breaches of several of the obligations generally, headed in 5 sections.

6.11 Section (i) Policies and Procedures (Regulation 20). The practice unit's policies and procedures should assist compliance with the legislation and demonstrate to the Law society of Scotland the practice unit's compliance. Any policy should be tailored to the individual circumstances of the practice unit but should make a statement on the following

a.) Customer due diligence and on-going monitoring
b.) Reporting
c.) Record keeping
d.) Internal Control
e.) Risk Assessment and Management .
f.) Monitoring and Communication of such Policies

At the inspection the Society was not provided with any documentation demonstrating that the Practice had designed and implemented risk-sensitive policies and procedures in line with Regulation 20 of the 2007 Regulations. The Respondent had not established and maintained risk-sensitive policies and procedures relating to customer due diligence measures for the practice unit and ongoing monitoring, reporting, record-keeping, internal control, risk assessment and management.

6.12 The Respondent advised the practice unit did not have a Money Laundering Document of Policy and Procedures. He advised the staff had been emailed on an ad hoc basis. The Respondent sent the Society a draft policy on the 6 July 2017, this was deficient as it did not include, for example, who is responsible for taking ID, how often random sample of files will be carried out, how often training will be given and the form the training would take as examples.

6.13 The Respondent had previously, in 2012, advised the Society that an Anti money Laundering Regulations Procedures Manual was now in place and of his intention to monitor money laundering procedures on a more regular basis. A revised Money Laundering Procedures Instruction will be issued to all staff and fee earners. The Respondent has failed to act on his 2012 undertaking.

6.14 <u>Section (ii)</u> Record Keeping Requirements. The 2007 Regulations require that solicitors undertake client due diligence on a risk-sensitive basis. Depending on the nature of the transaction, this may entail asking the client for proof even those known to you prior to 1994, you are required to apply client due diligence at appropriate times and to keep records of personal information up to date. There are various records required to be kept including

Evidence of Risk Assessment of client transactions
Client identity checklists to include client due diligence
Record of random sample file checks by MLRO
Record of regular reviews re AML procedures by MLRO
Staff training records

It is recommended that an Anti money laundering folder containing this information is kept by the practice. No such folder was kept by the Respondent

6.15 The Society was not provided with evidence of compliance with

Evidence of Risk Assessment of client transactions
Record of random sample file checks by MLRO
Record of regular reviews re AML procedures by MLRO
Staff training records

This had previously been mentioned in 2012. The Respondent has failed to meet this obligations to keep any records which he is obliged to do.

6.16 Section (iii) Application of Customer Due Diligence on a risk-sensitive basis (Regulation7). The 2007 Regulations require customer due diligence when:-

a.) establishing a business relationship
b.) carrying out an occasional transaction
c.) suspects money laundering
d.) has reasoning for doubting documents previously received from client.

The assessment is not a one off, when the file is opened but should be applied as an ongoing process and revisited throughout a transaction. The application should be done on a risk sensitive basis depending upon the customer, funding and nature of the transaction. A practice unit must be able to demonstrate the continual risk assessment and that appropriate customer due diligence had been carried out.

6.17 The Society examined 11 files. On 9 of the 11 files no evidence of risk assessment was seen to be carried out.

6.18 On the two remaining files an initial risk assessment was seen but no ongoing monitoring was evidenced.

6.19 The Respondent advised at the conclusion of the inspection that Risk Assessments had initially been carried out and evidenced post the 2012 inspection, but that the task had proved too time consuming. The Respondent has failed to ensure the practice unit has met its obligation in terms of Regulation 7 of the 2007 Regulations.

6.20 <u>Section (iv)</u> A factor of client due diligence is the clients' identification. This is required to be obtained and retained. Identification is needed for anyone introducing funds to a client's transaction. The identification documentation requires to be kept up to date and valid. Original documentation requires to be seen and copies kept by the practice be clear and legible. It is not necessary to

keep a copy on each of a client's matters but each matter should identify where the identification is kept.

6.21 The Inspectors observed the following failures to meet the practice's obligations

- FILE 1. Identification was seen on file for the client. However, this was scanned and emailed to the practice unit at the request of Mr Stewart, a partner of the firm. This was a non-face to-face transaction and the client was a new client. The original was required to be seen or a certified copy produced to the practice.

- FILE 2. No identification seen.

- FILE 3. Identification was seen on file for the client, however this was scanned and emailed to the practice unit at the request of Mr Stewart. This was a new client. An original was required to be seen or certified copy produce to the practice.

- FILE 4. No identification seen for the client or those who introduced funds to the transaction

- FILE 5. Identification was seen on file for the client, however this was scanned and emailed to the practice unit. The original required to be seen or certified copy produced to the practice.

- FILE 6. Passports were seen on file for both clients. However, they had been scanned and emailed to the practice unit from Belfast. There was no address verification seen for one of the clients and the address verification for the other client was a scanned copy of car insurance reminder. These documents did not meet the requirements of the 2007 Regulations.

6.22 Section (v) Originating Source of Funds/Wealth. A practice unit should establish and understand where funds provided by the client (or on their behalf) derive from to comply with the 2007 Regulations. The explanation obtained should be documented and consistent with the client profile obtained under customer due diligence.

6.23 On inspection the Society observed that on each of the following files there was a failure to address the source of funds.

- FILE 1 - no source of wealth seen regarding £45,000.00 received on 30/01/15.
- FILE 2 - no source of wealth seen regarding £88,265.00 received on 05/12/16.
- FILE 3 - no source of wealth seen regarding £171,610.00 received on 20/02/17.

6.24 The absence of originating wealth verification had been raised in 2012 the Respondent had provided an undertaking in the following terms

"We confirm that verification of the originating source of funding received from clients will be obtained in future in order to be fully compliant with the regulation requirements. .... In future for all transactions the source of wealth where relevant will be established and evidenced.

The action taken in regard to demonstrating compliance with this rule is basically that we discussed it at partner level and have advised all fee earners that the source of wealth is an important consideration and must be investigated".

6.25 Finally in terms of Regulation 21 of the 2007 Regulations the Respondent was obliged to ensure that all employees were aware of the law relating to Money Laundering and Terrorist Financing and were regularly given training on how to recognise and deal with transactions involving the same and to keep records of the same.

6.26 No evidence was presented to the Society that staff members were given any training in respect of law relating to Money laundering and Terrorist Financing. No training had indeed been given. The Respondent has failed in his obligations under Regulation 21 of the 2007 Regulations.

6.27 The averments in the proceeding paragraphs evidence the Respondent has failed to use reasonable endeavours to acquire and maintain the skills necessary to discharge his responsibilities as the practice unit's Cash Room Manager.

7. Having given careful consideration to the Complaint, Joint Minute and submissions, the Tribunal found the Respondent guilty of Professional Misconduct, *in cumulo*, in respect that:-

a) The Respondent failed to ensure that the date of issue and payee details of cheques were retained on the client bank ledger in terms of paragraph 6.7 and in breach of rule B6.7.1 of the Law Society of Scotland Practice Rules 2011 (the 2011 Rules)

b) That the Respondent failed to comply with the Money Laundering Regulations 2007 in breach of B6.23 of the 2011 Rules on the following basis:-

i. he had no written policies in place though the Respondent had emailed partners and staff on an ad hoc basis;
ii. he failed to keep records as narrated in paragraph 6.14 & 6.15;
iii. there was a lack of client due diligence as narrated in paragraphs 6.16 & 6.17;
iv. there was lack of ongoing risk assessment as narrated in paragraph 6.15;
v. he failed to ensure retention of client identification as narrated in paragraphs 6.20 and 6.21, while there may have been knowledge of the client this was not recorded;
vi. he failed to secure written documentation to identify the source of funds as narrated in paragraph 6.23;
vii. he failed to train on a regular basis his staff and to produce evidence of training of his staff as narrated in paragraphs 6.25- 6.26;
viii. he has failed to retain training records of his staff.

c) He failed to rectify breaches as required by Rule B6.4.1 of the 2011 Rules

d) He failed to return money held on behalf of clients promptly as narrated in paragraphs 6.8 & 6.9 in breach of Rule B6.8.1 and Rule 6.11.1 of the 2011 Rules

e) He failed to use reasonable endeavours to acquire and maintain the skills necessary to discharge his responsibilities as the practice unit's Cash Room Manager in breach of Rule B6.13 of the 2011 Rules.

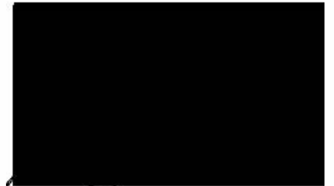
8. Having heard further submissions from both parties in relation to mitigation, expenses and publicity, the Tribunal pronounced an Interlocutor in the following terms:-

By Video Conference, 12 October 2021. The Tribunal having considered the Complaint dated 11 August 2021 at the instance of the Council of the Law Society of Scotland against John Harris Muir, c/o his agent William C Macreath, Levy & McRae Solicitors LLP, Pacific House, 70 Wellington Street, Glasgow; Find the Respondent guilty of professional misconduct *in cumulo* in respect of his breaches of Rules B6.4.1, B6.7.1, B6.8.1, B6.11.1, B6.13 and B6.23 of the Law Society of Scotland Practice Rules 2011; Censure the Respondent; Fine him in the sum of £1,500 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)
Kenneth Paterson
Vice Chair

9. 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 recorded delivery service on 2 NOVEMBER 2021.

IN THE NAME OF THE TRIBUNAL



Kenneth Paterson

Vice Chair

NOTE

Following service of this Complaint, the Respondent's agent intimated that the Respondent would not be lodging Answers and that matters were likely to be agreed. Accordingly, a virtual procedural hearing was set down for 12 October 2021. Prior to the hearing, parties lodged a Joint Minute which agreed all of the averments of fact and duties within the Complaint and agreed specified averments of professional misconduct. On joint motion, the Tribunal converted the virtual procedural hearing to a virtual full hearing and proceeded to hear detailed submissions.

SUBMISSIONS FOR THE COMPLAINERS

The Fiscal explained that whilst the Respondent admitted he was guilty of professional misconduct, the parties appreciated that the question of misconduct was one for the Tribunal. He referred the Tribunal to the test for professional misconduct set out within Sharp v Council of the Law Society of Scotland 1984 SLT 313.

The Fiscal proceeded to take the Tribunal through the averments of fact within the Complaint. He confirmed that the Respondent was now retired and not the holder of a practising certificate. He referred the Tribunal to two inspections reports that had been lodged and confirmed that he was not intending to go through these in detail but was able to answer any queries the Tribunal might have on them.

He emphasised that the problems with the firm's cheques meant that the Law Society inspectors could not properly assess the firm's handling of client money.

Whilst attempts had been made to deal with historic balances, £6,500 of client money was being held inappropriately.

There were wide ranging failures with regard to compliance with the Money Laundering Regulations. These failures had persisted since 2012. He drew the Tribunal's attention to the undertaking of the Respondent to obtain verification of the originating source of funding, as required by the Money Laundering Regulations, in 2012 which the Respondent had not obtempered by the inspection in 2017. He likewise drew the Tribunal's attention to the Respondent's comments to the inspection team in 2017 that risk assessments had initially been carried out and evidenced post the 2012 inspection "but that the task had proved too time consuming". He submitted that this demonstrated that the Respondent had identified what required to be done and had chosen not to do it.

He accepted that the Tribunal required to take into account all of the circumstances surrounding the conduct. He invited the Tribunal to consider the length of time that had passed between the two inspections. Problems were identified in the inspection in 2012, an opportunity was given to solve these problems, and by 2017 these issues were still ongoing. The series of breaches became more pressing for the Law Society having regard to the protection of the public and issues of money laundering. He referred the Tribunal to the case of The Council of the Law Society of Scotland-v-John Christopher Bartlett [19 February 2020]. He invited the Tribunal to hold that these were significant rule breaches and together with the failure to rectify amounted to professional misconduct.

SUBMISSIONS FOR THE RESPONDENT

Mr Macreath submitted that it was relevant for the Tribunal to consider the context of the conduct here. The Respondent is 70 years old. He was a partner of Breeze Paterson Chapman for 20 years before it amalgamated and became Campbell Riddell Breeze Paterson. Both firms were highly reputable with a host of highly established and reputable clients. The Respondent had taken on the responsibility of cashroom partner and money laundering reporting officer. By 2012, the firm was reduced to three senior partners. It later amalgamated with Holmes McKillop. The Respondent retired in 2019 but agreed to stay on with the firm until October 2020 to help out during the pandemic.

The firm had been attempting to deal with aged balances long before the announcement by the Law Society of the requirement for that to be done. Many of the files were no longer in existence and the Respondent worked tirelessly to clear these balances before the 2012 inspection. There had been a significant payment and interaction with the QLTR in 2008. There remained a total of £6,500 of aged balances set against these deep-rooted problems of having no files or ledger cards. Some related to companies which were no longer in existence and individuals who by then were deceased. These matters were all addressed by 2018 when the firm was reinspected.

Mr Macreath emphasised that there was no suggestion within the Complaint of any breach of Rule B1.2 relating to integrity or dishonesty.

Whilst the Respondent accepted that he had not produced a manual of procedures and styles, Mr Macreath invited the Tribunal to take into account that the Respondent had provided the firm's staff and partners with emails.

Mr Macreath drew the Tribunal's attention to the averments relating to problems of risk assessments in relation to 11 files. He explained that the majority of these cases were dealt with by the Respondent's partner, Mr Stewart. The clients involved were known to Mr Stewart. If the information he had in his possession had been documented then the Respondent would have seen it. Following the inspection, Mr Stewart had produced a detailed memo which was produced to the Law Society. The failure here was really in failing to document information.

The Respondent accepted that he was advised in 2012 that things had to improve. He had continued to work on the aged balances after the 2012 inspection. These balances were dealt with by the date of reinspection in 2018. The 2012 inspection had been detailed. He accepted that the Respondent had given an undertaking and five years later the same problems existed. He emphasised that all matters were addressed by the 2018 inspection.

Mr Macreath drew the Tribunal's attention to the cases of The Council of the Law Society of Scotland-v-John Henry Adam [23 August 2017] and The Council of the Law Society of Scotland-v-Michael Alastair Inkster [18 June 2018]. He submitted that it was part of the Tribunal's function to vindicate the reputation of the profession and prevent repetition of misconduct. He explained that there was no risk of repetition in this case given that the Respondent has retired and that, since the last inspection, the firm has amalgamated.

Mr Macreath emphasised that the definition for misconduct in the Sharp case was a conjunctive test which required the conduct to be both serious and reprehensible. He submitted that this required a mental element on the part of the Respondent. He emphasised that there was no impact upon any client or secondary complainer. There was no suggestion that any client had been prejudiced.

He submitted that the main issues arising from both inspections were failures with the anti-money laundering procedures. He argued that this related to a failure in documentation. He argued that many cases of allegations of misconduct involved behaviour which lies on the "equator". He submitted here that the question was whether the conduct crossed the equator to the extent that it was serious and reprehensible. He had taken the view that the conduct did cross the equator to that extent and that it did amount to professional misconduct, hence the reason for the Joint Minute.

DECISION

Both parties had entered into a Joint Minute agreeing that the Respondent, *in cumulo*, was guilty of professional misconduct in relation to a list of specified acts and omissions. Nonetheless, Section 53(1)(a) of the Solicitors (Scotland) Act 1980 requires the Tribunal to be satisfied that the conduct amounts to professional misconduct. The test for professional misconduct is set out within Sharp v Council of the Law Society of Scotland 1984 SLT 313 where it is said:-

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

The conduct agreed here covers a number of significant breaches of the Accounts Rules, in particular in relation to the Money Laundering Regulations 2007. The Tribunal has emphasised on a number of occasions the importance of compliance with money laundering prevention provisions. It is extremely important that the public can have confidence in the profession and that its reputation is maintained. Problems were drawn to the attention of the Respondent in 2012. These problems continued to exist in 2017. The Respondent agreed that he had provided an undertaking to the Law Society in 2012 to rectify matters (see para 6.3 above). He agreed that he had stated to the inspectors that the task of carrying out risk assessments had proved too time consuming (see para 6.24 above). The Tribunal had no hesitation in concluding that the Respondent's conduct fell below the standard of conduct to be expected of a competent and reputable solicitor to such a degree that it could only be considered as serious and reprehensible.

DISPOSAL

The Tribunal invited further submissions from the parties with regard to the appropriate disposal of the matter.

The Fiscal confirmed that there were no previous disciplinary findings against the Respondent.

Mr Macreath invited the Tribunal to consider this as a sad chapter in an otherwise unblemished career. He submitted that the Respondent had taken his responsibilities seriously and had worked diligently to resolve issues. The firm was inspected in 2018 to the satisfaction of the Law Society. The Respondent had worked hard with regard to the amalgamation of the firm and despite his retiral had continued to work with the firm during the pandemic. Whilst not attempting to minimise the importance of the failures here, Mr Macreath submitted that it was important to emphasise that there was no suggestion of a lack of integrity on the part of the Respondent.

With regard to the aged balances, the firm's cashier had been cashier for over 30 years. She carried out the bank reconciliations manually. If they had been carried out by a modern computer system then the cheque issues would have been picked up.

Mr Macreath emphasised that the Respondent had cooperated fully following the inspection in 2017. Mr Macreath had entered into very detailed correspondence with the Law Society going back to 2018 setting out detailed explanations of the matter that arose here. The Respondent had taken this matter seriously and during the delay in the Complaint procedure progressing had naturally feared the worse.

He invited the Tribunal to have regard to the following: that the Respondent was now retired; that publicity will significantly damage his reputation; that the Respondent has shown insight and contrition at all stages in particular in the steps he took after the 2017 inspection; and the Respondent faces an award of expenses. Whilst the firm did not have a manual of procedures, the Respondent had emailed the other two partners with regard to money laundering requirements. The firm's clients were long established and sophisticated. If the Respondent's partner had documented the details he was aware of in a risk assessment form, any reasonable investigation would have established that. He invited the Tribunal to take into account the significant mitigating factors for the Respondent and consider imposing a censure only.

DECISION ON DISPOSAL

Foremost in the Tribunal's mind was consideration of protection of the public and the reputation of the profession. The Tribunal accepted that there was no ongoing risk to the public given the age and retirement of the Respondent.

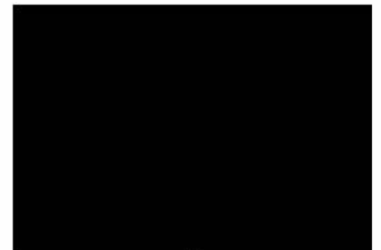
However, the Tribunal did consider there were a number of aggravating features to the conduct. These included the number and extent of the breaches, the fact that they had been drawn to the Respondent's

attention in 2012 and still not resolved by 2017, the undertaking given by the Respondent to resolve certain matters in 2012, and the comment made by the Respondent to the inspection team in 2017. Having regard to all of these factors, the Tribunal concluded that the conduct was not at the low end of the scale and any disposal required to reflect that.

There were mitigating factors for the Respondent. He had a 46 year otherwise unblemished career. He had cooperated fully with the Tribunal procedure. The Complaint was posted to Mr Macreath on 24 August 2021 and the Joint Minute between the parties had allowed matters to be concluded at the first calling of the Complaint today.

Taking into account all of these factors, the Tribunal concluded that the appropriate disposal was one of Censure together with a Fine of £1,500.

The Fiscal moved for an award of expenses on the usual scale and had no comment regarding publicity. Mr Macreath confirmed that the Respondent had no issue with regard to publicity and no objection to an award of expenses on the usual scale used by the Tribunal. Accordingly, the Tribunal made the usual award of expenses against the Respondent. With regard to publicity, the Tribunal noted that some of the averments of fact within the Complaint contained sensitive personal information for clients of the firm and determined that the appropriate order was for publicity to include the name of the Respondent but that it need not identify any other person.



Kenneth Paterson

Vice Chair