

IN THE MATTER OF JOHN ROGER DAVIS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr A G Ground (in the chair)
Mr J C Chesterton
Ms A Arya

Date of Hearing: 9th November 2004

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was made on behalf of The Law Society by Jonathan Richard Goodwin Solicitor Advocate, 17E Telford Court, Dunkirk Lea, Chester Gates, Chester, CH1 6LT on 30th April 2004 that John Roger Davis of Hove, East Sussex, might be required to answer the allegations set out in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

The allegations were that the Respondent had been guilty of conduct unbefitting a solicitor in each of the following particulars namely:

- (i) that he is guilty of unreasonable delay in the conduct of client business, that is to say, the registration of Deed(s) of Variation;
- (ii) that he failed and/or delayed in the completion of work for which a bill had been rendered and paid;
- (iii) that he failed and/or delayed in complying with a direction made by the Hybrid Sub-Committee on 28th February 2001, and/or the Hybrid Appeals Sub-Committee dated 13th July 2001 to repay monies as directed in the resolution;

- (iv) that he failed and/or delayed in replying to correspondence from the OSS;
- (v) the conduct of the Respondent overall is such that gives rise to breaches of Rule 1 of the Solicitors Practice Rules 1990 in that his independence and/or integrity was compromised or likely to be compromised and/or the duty to act in the client's best interests was compromised or likely to be compromised and/or the good repute of the solicitor or of the solicitors' profession was compromised or likely to be compromised.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS when Jonathan Richard Goodwin appeared as the Applicant and the Respondent appeared in person.

Preliminary Application

The issue of delay on the part of The Law Society

1. At the opening of the hearing Mr Goodwin was invited by the Tribunal to address the issues of delay prior to the issue of proceedings. Mr Goodwin said that he was instructed at the end of October 2003. Proceedings were issued on 30th April 2004. Mr Goodwin was content that there had been no delay on his part or on the part of the Tribunal.
2. Mr Goodwin anticipated that the Tribunal would be concerned at the fact that The Law Society's decision to refer Mr Davis's conduct to the Tribunal had been made on 13th July 2001 and that there was a period of apparent inactivity from that date until the date when Mr Goodwin received instructions of over two years.
3. Mr Goodwin had taken the question of that delay up with The Law Society who said that there was no real explanation for this delay save for resourcing or operational issues. Those issues had by the time of the hearing before the Tribunal had been addressed by The Law Society. Problems that earlier had occurred had been resolved.
4. Mr Goodwin apologised both to the Respondent and to the Tribunal for this period of delay. He did not seek to excuse the delay. In the submission of Mr Goodwin it was still entirely possible for a fair hearing to take place. There were no compelling reasons why the substantive hearing should not proceed. Mr Goodwin recognised the irony of the situation in which the allegations made against the Respondent were themselves allegations that he had been guilty of delay.

The Submissions of Mr Davis

5. In connection with the question of delay on the part of The Law Society the Respondent considered that the period of more than two years was an intolerable length of time in which to delay. He had first been notified in May of 1999 that The Law Society was looking into the complaint. Mr Davis said that once The Law Society (then as the Office for the Supervision of Solicitors) became involved he responded and dealt with their queries. He forwarded papers to the new solicitors

instructed by the complaining client. He entered into correspondence with The Law Society.

6. It had been in January 2001 that The Law Society had said it would refer his conduct to the Disciplinary Tribunal and after that date he heard absolutely nothing further until he received a letter from The Law Society dated 8th June 2004. That letter notified the Respondent that disciplinary proceedings were to be taken against him.

The Tribunal's decision with regard to the delay in bringing the case before the Tribunal

7. Although Mr Davis did not make a formal submission in this respect, the Tribunal have accepted that his complaint about delay amounted to a submission that there had been a breach of Article 6(1) of the European Convention on Human Rights and Fundamental Freedoms of 1950. Article 6 of that convention provides, in so far as it is material:
 - “1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”
8. The Tribunal accepted that the Respondent was entitled to all the protections referred to in that part of Article 6. The Tribunal had to consider whether the hearing had taken place within a reasonable time.
9. The Tribunal gave consideration to a number of authorities in order to determine when the relevant period of delay started to run. The Tribunal considered Konig v Federal Republic of Germany (1982) 5 EHRR 1 and Deweert v Belgium (1980) 2 EHRR 439, H v France (1990) 12 EHRR 74 and Buchholz v Germany (1980) 3 EHRR 597.
10. The Tribunal noted that the original complaint was made to the OSS on 15th July 1998. It had come from a member of the Respondent's client Resident's Association and concerned the Respondent's alleged failures in relation to completion of registration of Deeds of Variations of leases for of the Association's members. A second complaint relating to the same alleged conduct was made to the OSS on 15th September 1998 by the new solicitors acting for the Association in place of the Respondent's firm.
11. The OSS had first informed the Respondent about the initial complaint by telephone on 27th May 1999. By letter dated 14th October 1999 concerning both complaints the OSS informed the Respondent that they were seeking comments before deciding whether to invoke against him his possible breaches of the Solicitors' Rules of Conduct. The Respondent explained in the subsequent correspondence that he had completed two thirds of the registrations; that a dispute between one of the residents and his client Association had been instrumental in delaying the remainder; and in a letter to the OSS in August 2000 the Respondent stated that he had sold his practice in January 2000 and in February 2000 had sent to the second complainant the relevant files from which they would be able to complete the outstanding registrations.

12. On 28th February 2001 The Hybrid Sub-Committee of the OSS reached two decisions concerning the Respondent's conduct of the lease variations work. In one (the "Direction"), focussing on the professional service aspects, they found the services performed to be inadequate and they directed a reduction and repayment of part of the costs charged. In another (the "Referral Decision"), considering the professional conduct aspects, the committee resolved to refer the respondent's conduct to the Tribunal.
13. The Respondent was informed of the Referral Decision by letter from the OSS dated 5th March 2001. By letter dated 9th March 2001 the respondent appealed both decisions. The Respondent was informed by the OSS by letter dated 8th August 2001 that both appeals had been rejected by the Hybrid Appeals subcommittee on 13th July 2001. The Respondent informed the Tribunal that he heard nothing further about this referral for almost three years until he received a letter from the Law Society dated 8th June 2004 notifying him that disciplinary proceedings were being taken against him.
14. The Applicant informed the Tribunal that he had received instructions from the Law Society concerning the referral at the end of October 2003. He had issued the Rule 4 Statement six months later on 30th April 2004, having dealt with the matter as quickly as possible in the interim. He stated that there was no excuse or explanation other than resourcing issues why there had been no activity by the Law Society in relation to the matter in the two years and three months between notifying the respondent of the rejection of the appeal on 8th August 2001 and the receipt of his instructions to proceed at the end of October 2003.
15. The Tribunal recognises that in determining whether a hearing is taking place within a reasonable time the circumstances of each case differ, and circumstances can differ as to the point at which Respondent could be said to be "substantially affected" for the purpose of establishing when time might be said to run. There may be cases where a Respondent as a professional man could be said to be "substantially affected" from the moment that it is known that his professional body is actively investigating alleged misconduct. In this case the respondent was informed by the Law Society in May 1999 that it was looking into the complaint. This gave the Respondent a clear indication that the complaint was being taken seriously by his professional body and that there would be a decision in due course as to whether or not he would be subject to disciplinary proceedings. From that point on the Respondent was entitled at least to expect that the investigation would be carried out properly and with due expedition. Failure to conduct such an investigation with due expedition is capable of compounding an ultimate breach of the convention rights concerning the reasonable time requirement, and the further the hearing date is removed from the conduct alleged the greater may be the adverse impact, evidentially or otherwise, on the fairness of hearing the case. In this case the Tribunal noted that the hearing was taking place five and a half years from the date when the Law Society first notified the respondent that it was looking into the complaint, six years and four months from the original complaint, and longer from the alleged conduct complained of.
16. Having regard to the particular facts of this case the Tribunal is prepared to accept that the Respondent could be considered to have been "substantially affected" not earlier than 8th August 2001 when The Law Society notified the Respondent, after the rejection of appeals, that it was to refer the matter to the Tribunal. Between that date

and the end of October 2003 when The Law Society instructed the Applicant there was a delay of some two years and two months for which there was no explanation or justification and in respect of which the Respondent played no part. The delay from 8th August 2001 to the substantive hearing in November 2004 was some three and a quarter years.

17. The Tribunal took into account the fact that the matters alleged against the Respondent were not matters of any great complexity.
18. The European Court of Human Rights has consistently held that in cases where the subject matter of proceedings is of great significance to the person concerned, particular diligence on the part of the authorities is required. Disciplinary proceedings are recognised to have been of great importance to the Respondent. The Respondent's reputation and ability to earn his living in his chosen profession was at stake.
19. The Tribunal recognises that the right of the Respondent to have his case heard within a reasonable time is not dependent upon his being able to show that he was prejudiced by the delay in the preparation of his defence.
20. It is inevitable that such a period of delay causes prejudice to a Respondent as a solicitor might not be able to further his career, or his current career might be curtailed when disciplinary proceedings were hanging over his head unresolved.
21. Again, although Mr Davis had not made a formal submission that the delay amounted to either unreasonableness and/or an abuse of process, the Tribunal has considered this aspect.
22. The Tribunal is aware that where excessive delay in decision making by a public body results in prejudice to an individual then such delay may prove sufficiently serious so as to constitute unreasonable conduct on the part of the public body concerned. (R v The Home Secretary ex parte Rofathullah (1989) 1 QB 219 at 233 A-C).
23. The Tribunal accepted that the proceedings and the delay in bringing them to a conclusion had had a detrimental effect on the Respondent and an outcome adverse to the Respondent would have a disastrous effect on his professional career.
24. There was no particular impediment to progressing this matter by the Office for the Supervision of Solicitors. The only explanation offered had been an insufficiency of resources.
25. The Tribunal had considered whether to continue with the proceedings after such a lengthy delay would amount to an abuse of process. In reaching such conclusion the Tribunal would have to be satisfied that the Respondent would otherwise be prejudiced or that a fair trial would no longer be possible (Arbuthnot Latham Bank Ltd v Trafalgar Holdings (1998) 1WLR 1426).
26. The Tribunal accepted that The Law Society had an inherent jurisdiction to prevent its processes from being abused. To allow the matter to proceed to a hearing after a

period of great delay, might constitute a breach of natural justice which in itself would constitute an abuse of process.

27. The Tribunal is aware that Section 6(1) of the 1998 Human Rights Act provides that it is unlawful for a public authority to act in a way which is incompatible with a convention right.
28. If the Tribunal concluded that The Law Society's acts, or failures to act, resulted in unlawful failure to provide the Respondent with a hearing before the Tribunal within a reasonable time then the Tribunal was obliged to have regard to that unlawfulness and in so doing consider whether a fair hearing was still possible, or whether there were compelling reasons why it would be unfair to try the case or any part of it.
29. The Tribunal also took into account the Attorney General's Reference (1 of 1990) and Attorney General's reference (2 of 2001) and recognised that if it were possible for a fair trial to take place, then any delay could be reflected in the sanction which the Tribunal imposes upon the Respondent at the conclusion of the substantive hearing or in any order for costs.
30. The Tribunal recognises that there was a period of over two years when The Law Society was not dealing with the matter in any way. Although The Law Society has to deal with matters balancing proper care and thoroughness with proper expedition, there is no suggestion in this case that the delay was in any way attributable to achieving such proper balance. The Law Society simply did nothing.
31. The allegations made against the Respondent did not involve any allegation of dishonesty and did not involve allegations at the most serious end of the scale. The Tribunal appreciates that it could be more difficult to make a finding of delay that was either unacceptable under Article 6 or amounted to a breach of natural justice or an abuse of process if the allegations dealt with weighty matters and misconduct at the most serious end of the scale.
32. In this case the Tribunal concludes that the delay in bringing this matter to the Tribunal from the moment the Respondent was substantially affected was excessive and incompatible with the Respondent's 1950 Convention rights and the Respondent has suffered prejudices as a result of that delay.
33. The Tribunal recognises that a stay of proceedings on the grounds of delay must be exceptional even where the delay might be said to be unjustifiable.
34. In relation to the consequences of breach of the reasonable time requirement the Tribunal concede that allegation (iii) may be considered to be in a different category from the other allegations to the extent that whilst the latter also relate to the original conduct complained of, allegation (iii) also relates to the Respondent's alleged conduct after 28th February 2001 in not complying with the Direction. In the absence of a challenge to such Direction before the Tribunal the Tribunal considered that a fair hearing of allegation (iii) might be possible.

35. The Tribunal considered however that not only had there been a violation of the reasonable time requirement in relation to allegations (i) (ii) and (iv), but that there were compelling reasons why it would be unfair to try the case against the Respondent concerning those allegations. In reaching this conclusion the Tribunal had the following factors in mind. One factor was that the allegations related to alleged conduct over six years ago concerning matters of no great complexity, no allegation of dishonesty, nor any allegation at the most serious end of the scale. Another factor was that the Respondent's correspondence in 2001 in opposition to the referral decision referred to a number of matters in his defence which, as a result of the unreasonable delay and the resultant cooling of the trail of evidence, could not now be fairly or satisfactorily dealt with before the Tribunal. These included assertions that he had discontinued the process of completing the lease variation registrations as a result of a dispute between a resident and his client Association and on advice from the Ethics and Guidance section of the Law Society and his indemnity insurers; that as a result of restrictions placed on his practising certificate he had been compelled to dispose of his practice; that the deeds and file of papers had been passed to the second complainant firm almost two years previously and in that period the successor firm had not been able to carry out further lease variation registrations; that such inability indicated that the Respondent's inability to complete the registrations might have had a justification. A further factor was that having regard to the above factors and the fact that the alleged conduct had also given rise to the Direction which was the subject of allegation (iii), it would be disproportionate and excessive to proceed now to a trial of the other allegations. For these reasons the Tribunal considered that it would be unfair to try the Respondent on these allegations and ordered that allegations (i), (ii) and (iv) be struck out.
36. The Tribunal also considered that allegation (v) added nothing and that it should not be proceeded with.
37. The Tribunal required that the substantive hearing proceed in relation only to allegation (iii) as the Hybrid Appeals Sub Committee of The Law Society made its decision on 13th July 2001 and that decision was notified to the Respondent shortly thereafter. Although there had been delay in bringing that matter before the Tribunal the subject matter was entirely clear; it is important that a solicitor complies with a direction made by his own professional body and if this allegation were found to be established against the Respondent, he would have been fully aware of the direction made and the fact that he had not complied.

The substantive hearing in relation to allegation (iii)

38. The evidence before the Tribunal included the admission of the Respondent.
39. At the conclusion of the hearing the Tribunal made the following Order:

The Tribunal Orders that the Respondent, John Roger Davis of Hove, East Sussex, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 9th day of November 2004 and they further Order that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,000.00 inclusive.

The facts are set out in paragraphs 40 to 49 hereunder:

40. The Respondent born in 1951 was admitted as a solicitor in 1977 and his name remained on the Roll of Solicitors.
41. At all material times the Respondent carried on practice on his own account under the style of Davis & Co from offices at 34-36 High Street, Barkingside, Ilford, Essex.
42. A matter concerning the affairs of a group of residents at Ilford, Essex (who were members of a limited company) by whom the Respondent had been instructed was considered by the Hybrid Sub-Committee of the Law Society on 28th February 2001 which resolved to refer the Respondent's conduct to the Tribunal. Further, the Committee also found that the services provided by the Respondent were inadequate for the reasons set out in the body of the resolution.
43. The Hybrid Sub-Committee determined and directed as follows:
- “Determination and Direction
- The Committee therefore determines and directs as follows:
- 3.1 That Davis & Co's costs shall be reduced by £2,500 plus VAT and that the sum of £2,500 plus VAT such of the following disbursements which Mr Davis has not previously paid out, e.g. Land Registry fees, Deed production fees and sealing fees, by paid to Stenberg Reed Taylor & Gill for the credit of the Resident's Company.
- 3.2 Payment shall not be made before 28 days have elapsed from notification of this decision to allow any appeal. If there is no appeal, payment of the refund of profit costs plus VAT is to be made within the next 7 working days. Payment of the disbursements is to be made within 28 days of Mr Davis being notified of the figure for these by Stenberg Reed Taylor & Gill.”
44. The Respondent was notified of the Sub-Committee's decision by letter dated 5th March 2001 and of the Sub-Committee's decision in relation to professional service by letter dated 13th March 2001.
45. By letter dated 9th March 2001 the Respondent requested a review of that decision.
46. By letter dated 16th March 2001 the Respondent provided further representations.
47. On 13th July 2001 the Hybrid Appeals Sub-Committee resolved to dismiss the Respondent's Appeal in respect of the first instance decision of inadequate professional service. In dismissing the Appeal in relation to the inadequate professional service the Committee said:

“... Payment be made by Mr J R Davis for the credit of the Residents’ Company at Kenneth Elliott & Rowe Solicitors within 7 days of the date of the letter notifying Mr J R Davis of the decision.”

48. By letter 8th August 2001 The Law Society wrote to the Respondent notifying him of the Appeal Committee’s decision in respect of the professional service Direction. The Respondent was asked to provide confirmation to The Law Society in writing that payments had been made in compliance with the terms of the decision and that payments should be made by 15th August 2001. By letter dated 20th August 2001 Messrs Kenneth Elliott & Rowe Solicitors wrote to The Law Society confirming that they had received no communication from the Respondent as at the date of that letter.
49. By letter dated 11th September 2001 the Respondent wrote to the OSS and, inter alia, indicated that he was not in a position to make a payment to the Association until such time as he was in suitable employment. The Respondent has not made payment in accordance with the direction made.

The Submissions of the Applicant

50. The Respondent was directed by his professional body to make payments but he had not made any such payment. The Respondent admitted the allegation.
51. Allegation (v), which related to a breach of Practice Rule 1, related chiefly to the allegations which had been struck out by the Tribunal. However a solicitor has a professional duty to comply with directions made by The Law Society, his professional regulatory body and the Respondent had not so complied.

The Submissions of the Respondent

52. The Respondent admitted that he had not made the payment. As a result he was bound to admit the allegation.
53. He had been treated very harshly by The Law Society. Restrictions had been placed on his Practising Certificate that he might practise in employment only with the approval of The Law Society. The issue of the Respondent’s Practising Certificate had been delayed in each year.
54. The Respondent had disposed of his practice in January 2000. He had applied for a Practising Certificate for the years 1999/2000 and his Practising Certificate had been dated 6th June 2000 and issued on 31st August 2000. For the year 2001/2002 the Respondent made application for a Practising Certificate and none was issued to him at all. No reason was given. He said he applied before 1st November. The Respondent applied for a Practising Certificate for the year 2002/2003 and it was issued on 14th August 2003.
55. The Respondent was aware of the provisions of Section 1 of the Solicitors Act 1974 that a solicitor can deliver legal services only if he has a Practising Certificate in force. For the greater part of the practice year 1999/2000 the Respondent was without a Practising Certificate. For the practice year 2003/2004 the Respondent’s Practising Certificate had been dated 17th December 2003 and was issued on 21st January 2004.

The Respondent said he had written letters to the Law Society which by and large had been ignored.

56. The Respondent's financial position was very precarious.
57. The Respondent said he had not paid as directed because he had not been able to do so.
58. The Respondent was aged 53 and had a restricted Practising Certificate. For some of the relevant period of time he did not hold a Practising Certificate at all because of delays by The Law Society. It was the action of The Law Society in not issuing him with a Practising Certificate and placing conditions upon any Certificate issued that led to the Respondent's inability to obtain useful employment. Not being able to gain employment had led to the Respondent's impecuniosity.

The Findings of the Tribunal

59. The Tribunal found the allegation to have been substantiated, indeed it was not contested.
60. On 17th December 1996 the Tribunal found an allegation that the Respondent had been guilty of conduct unbecoming a solicitor in that he failed to comply with a decision of the Conduct Appeals Committee of the Adjudication Appeals Committee of the Solicitors Complaints Bureau to have been substantiated.
61. On that occasion the Tribunal considered it a serious matter for a solicitor not to comply expeditiously with a requirement of his own professional body. The complaint related to the matter of the estate of the late Mrs H to which the Investigation Accountant made reference in his Report of 13th January 1997. The Tribunal went on to say that the steps open to him were absolutely clear. If he had been dissatisfied with a remuneration certificate it was open to him to have his bill taxed. He did not do so. It was proper of him to seek advice from the Ethics and Guidance Department of The Law Society. That advice had not been conclusive and that being the case he really should have sought a declaration from the court. What had happened had been that the Respondent had entered upon a course of prevarication and obduracy which had kept the beneficiaries out of their proper entitlement for a very long period of time. That was wholly unacceptable and reflected very badly upon the solicitors profession as a whole. The members of the Tribunal were not impressed by the evidence given by the Respondent in the witness box. The Tribunal Ordered that the Respondent be suspended from practice until he paid the monies due to Mr T and further ordered that the Respondent should pay a substantial fine to mark the seriousness with which the Tribunal viewed the situation and it further ordered him to pay the costs of and incidental to the application and enquiry. The fine was £3,500.
62. At a hearing on 5th May 1998 the following allegations were found to have been substantiated against the Respondent:
 - 1) guilty of conduct unbecoming a solicitor in that he failed to reply to correspondence from the Office for the Supervision of Solicitors;

- 2) failed to discharge the agency fees of another firm of solicitors, Miller & Co., contrary to Principle 21.01 of the Guide to the Professional Conduct of Solicitors (7th Edition);
 - 3) had been guilty of conduct unbecoming a solicitor in that having been invited by the Compliance and Conduct Committee to give an explanation in respect of a matter relating to his conduct the Respondent failed to give an explanation in respect of a matter which the Committee regarded as sufficient or satisfactory;
 - 4) committed breaches of the Solicitors Accounts Rules.
63. In May 1998 the Tribunal noted that the Respondent had told it that he had immediately returned to his office and paid the monies due to Mr T so that he had not in fact been suspended from practice for more than a few hours following the Order of the Tribunal made in 1996. The Tribunal considered that the Respondent had treated his professional body with disdain and arrogance. The Tribunal sought to emphasise how seriously it considered the attitude of the Respondent in ignoring letters addressed to him from that body. The Tribunal wished to stress that it was extremely important that all solicitors correspond with their professional body promptly and fully when required to do so and that they might not seek to leave such important matters to other people. The Tribunal had to take account of the fact that the Respondent had appeared before another division on an earlier occasion and had been ordered to pay a substantial fine. It had to give careful consideration to the appropriate sanction to be imposed upon the Respondent on that occasion. The Tribunal wished to make it very plain indeed that it had considered imposing a period of suspension upon the Respondent. The members of the Tribunal had persuaded themselves that the Respondent's shortcomings could be met by a substantial fine but they wished to make it very plain that should the Respondent ever have allegations of professional misconduct or breaches of the rules substantiated against him in the future the Tribunal would be very unlikely to be as lenient.
64. In May 1998 The Tribunal imposed a fine of £1,000 in respect of the first allegation and £2,000 in respect of each of the remaining three allegations making a total of £7,000 in all. The Tribunal further ordered the Respondent to pay the applicant's costs in a fixed sum.
65. At the hearing on 9th November 2004 the Tribunal was in 2004 deeply concerned to find that the appearance of the Respondent before it was his third appearance before the Tribunal at which allegations had been substantiated against him. As the Tribunal had stated earlier allegation (v) added nothing in particular to the matters alleged against the Respondent. The Tribunal has found allegation (iii) to have been substantiated.
66. The Tribunal concludes that the Respondent has misdirected himself in failing to comply with the Direction made by The Law Society in July of 2001. The Tribunal does not place great weight on the mitigation offered by the Respondent, namely that conditions attached to his Practising Certificate had prevented him from obtaining employment either within or outside the solicitors' profession. The Tribunal do not

accept that the conditions attached to the Respondent's right to practise need have prevented him from securing employment within or outside the profession nor prevented him from being able to comply with the Directions. The Tribunal notes that the Respondent had made no attempt to comply with the Direction, a failure which the Tribunal finds to be wholly unsatisfactory.

67. The Tribunal has noted the comments made by earlier divisions of the Tribunal, in particular that he treated his professional body with disdain and arrogance. The Tribunal concluded that the Respondent had continued in that attitude in the current matter. The Tribunal concluded that the appropriate sanction to be imposed upon the Respondent was that of an indefinite suspension. In view of the fact that a number of allegations made against the Respondent had been struck out, the Tribunal considered that it would be both appropriate and proportionate to order the Respondent to pay about one quarter of the costs of the application and enquiry and that such costs should be fixed in the sum of £1,000 inclusive.

DATED this 4th day of February 2005

on behalf of the Tribunal

A G Ground
Chairman