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THE DISCIPLINARY PROCESSES OF THE LEGAL PROFESSION

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TABLE OF CONTENTS

LIST OF TABLES AND FIGURES 4
Tables 4
Figures 4

INTRODUCTION 5

CONTEXT FOR RESEARCH 6

THE CURRENT DISCIPLINARY SYSTEM 8
Solicitors 8
Barristers 13

THE PROJECT 14
Focus and Objectives 14
Theory, Method and Discussion 15
Pilot Study of Disciplinary Transcripts 15
The Case Study 16
Interviews 17
Data Collection Methods and Analysis 17
Our Theoretical Framework 21

EMPIRICAL FINDINGS 23
Investigation 23
Sex, Race and Ethnicity 23
Age, Experience and Status 25
Profile of Organisation 29
Location of Organisation 30
Categories of Charges 30
Results of Hearings 32
Previous Appearances 34
Defences and Mitigation 35
Relationships between Variables 35

CONCLUSION 35

APPENDICES 37
APPENDIX ONE: Variable coding 37
APPENDIX TWO: Occupation of respondents 38
APPENDIX THREE: Context of how offender came to tribunal or disciplinary triggers 39
APPENDIX FOUR: Current Status of Firm via Law Society "Find a Firm" and “Google” Searches (June 2012) 40
APPENDIX FIVE: Current Status of Barristers via the Bar Directory and “Google” Searches (June 2012) 65

AUTHORS 71

ACKNOWLEDGEMENTS 71

LIST OF TABLES AND FIGURES

Tables

Table 1: Bar Disciplinary Tribunal Sanctions
Table 2: Solicitors Disciplinary Tribunal Classification of Offences
Table 3: Haller's Categories of Charge
Table 4: The Project's Category of Charge
Table 5: Number and Category of Charge Brought Against Barristers

Figures

Figure 1: Age of Respondents at date of SDT Hearing
Figure 2: Number of Years of Post Qualification Experience
Figure 3: Barristers' Employment Status
Figure 4: Barristers' Number of Years Call
Figure 5: Boxplot—Length of Time between Hearing and Written Findings in 2008
Figure 6: Sanctions against Solicitors
Figure 7: Pattern of Sanctions Against Solicitors 2000 to 2013

INTRODUCTION

The growth, over the last 30 to 40 years, in the size of legal professions and the upsurge of globalization has increased pressures on lawyers' ethical behaviours. Lawyers not only make bad choices but also are sometimes forced into situations over which they have little control because of issues of "double deontology."[1] Law firms hire general counsel and conflicts of interest managers to oversee internal compliance with ethics and regulation. The Solicitors Regulation Authority demands annual audits of compliance with its principles of outcomes focused regulation. This project concentrates on the *types of lawyers* that face disciplinary proceedings and *the factors likely to be associated with their transgression*.

There are several reasons why such a study is timely. From an *academic perspective*, there has been increasing interest in the subject of professional ethics in common law countries. In the US this was sparked by Nixon's Watergate affair in 1974 where after professional responsibility became a compulsory course in American law schools.[2] By comparison, the UK has come rather late to the party due perhaps to what Economides and Rodgers label as the UK's "ethical deficit".[3] They identify "[p]ositivism and pragmatism [as] the dominant values shaping modern legal education" resulting in the general neglect of ethical perspectives not only in the class room but also in legal thought.[4] Spurred by the desire not to be left behind in the global legal market the UK now has a greater sense of the importance of legal ethics to education and to practice.[5] This increased interest is marked by a rise in the number of texts around the world (including England[6]) and the launching of the journals such as *Legal Ethics*, the *Georgetown Journal of Legal Ethics*, the *International Journal of the Legal Profession*; and a number of blogs that concern themselves with ethics including *Legal Ethics Forum*,[7] *Legal Profession Blog*,[8] *Lawyer Watch*,[9] and *Random Academic Thoughts*.[10] Richard Abel's book, *Lawyers in the Dock*, reviewing disciplinary proceedings against six attorneys in the US,[11] fuelled considerable international interest and comment on the disciplinary component of professional regulation.[12] Moreover, a number of universities have established law and ethics centres.[13] The centre at University

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[1] See, for example, H-J. Hellwig 'At the Intersection of Legal Ethics and Globalization: International Conflicts of Law in Lawyer Regulation' (2008-2009) 27 Penn St. Int'l L. Rev. 395.

[2] See United States v. Nixon 418 U.S. 683 (1974), M. Curriden 'The Lawyers of Watergate: How a '3rd-Rate Burglary' Provoked New Standards for Lawyer Ethics' ABA Journal 1st June 2012 at http://www.abajournal.com/magazine/article/the_lawyers_of_watergate_how_a_3rd-rate_burglary_provoked_new_standards last visited 30th August 2013 and http://www.streetlaw.org/en/Page/728/The_Legacy_of_Watergate_Rethinking_Legal_Ethics last visited 30th August 2013.

[3] K. Economides and J. Rogers (2009) Preparatory Ethics Training for Future Solicitors The Law Society of England and Wales at p.11.

[4] Ibid.

[5] Ibid p.11-12 and see A. Boon (2010) Legal Ethics at the Initial Stage: A Modern Curriculum The Law Society of England and Wales.

[6] A. Boon and J. Levin (2008) The Ethics and Conduct of Lawyers in England and Wales Hart Publishing, R. O'Dair's (2001) Legal Ethics: Text and Materials Cambridge University Press and A. D Nicolson and J Webb Professional Legal Ethics: Critical Interrogations (1999) Oxford University Press. See also, L.C. Levin and L. Mather (eds) (2012) Lawyers in Practice: Ethical Decision Making in Context University of Chicago Press and R. Cranston (ed) (1995) Legal Ethics and Professional Responsibility Oxford University Press, which deal with ethics in the UK and the US.

[7] http://www.legalethicsforum.com last visited 30th August 2013.

[8] http://www.lawprofessors.typepad.com/legal_profession last visited 30th August 2013.

[9] http://lawyerwatch.wordpress.com last visited 30th August 2013.

[10] http://www.johnflood.blogspot.com last visited 30th August 2013.

[11] R. L Abel Lawyers in the Dock: Learning from Attorney Disciplinary Proceedings (2008) Oxford University Press: Oxford, New York.

[12] A recent edition of Legal Ethics carried several reviews of Abel's case studies from a panel at the 2007 meeting of the Working Group on Comparative Studies of the Legal Professions (L. De Groot-Van Leeuwen 'A Window on Lawyer Misconduct' (2008) 11 Legal Ethics 103, N. Doornbos 'Risk Factors of Malpractice' (2008) 11 Legal Ethics 107, A. Paterson 'Breach of Trust or Breach of Loyalty: How Best to characterise Lawyer Deviance?' (2008) 11 Legal Ethics 115 and L. Haller 'Questions of Loyalty' (2008) 11 Legal Ethics 122)

[13] See, for example, Centre for Law, Ethics and Society at Keele University (http://www.keele.ac.uk/risocsci/researchcentres/centreforlawethicsandsocietycles), Centre for Ethics and Law at UCL (http://www.ucl.ac.uk/laws/law-ethics), Cardiff Centre for Ethics, Law and Society at Cardiff University (http://www.ccels.cardiff.ac.uk), The Centre for Ethics, Law, and Public Affairs at Warwick University (http://www2.warwick.ac.uk/fac/soc/pais/research/celpa), Legal Ethics Forum at City University

College London recently produced a report, for Legal Services Board, suggesting means of benchmarking legal professional ethics.[14] And one of the key recommendations of the recent Legal Education and Training Review relates to legal ethics, values and professionalism.[15]

While Abel's study makes a very substantial contribution from the qualitative dimension, there is no quantitative analysis, even of the two jurisdictions he chooses. Indeed, the considerable complexity of the US jurisdictions in which attorneys operate would complicate such analysis. This means that it is not possible to say how *representative* are the cases that he presents, and infer from that the possible prevalence of specific types. Quantitative analysis will be easier in England and Wales, because there is a single jurisdiction for solicitors and barristers. There are, however, no empirical studies of lawyer disciplinary processes in the UK literature.

This project explored the factors associated with lawyers' ethical transgressions in the UK. We investigated the disciplinary procedures of both solicitors and barristers, producing a preliminary analysis of each using quantitative data generated by analysis of one year of cases before the Solicitors Regulation Authority and the Bar Standards Board published outlines of disciplinary proceedings and their outcomes. These were examined to identify the categories of data readily available and gaps in these data, for example, data of admission and gender, the firm, how the matter was referred to the tribunal, the facts, the finding and the sanction. The data was then allocated to categories for further analysis. Additionally, a small number of notable cases were selected as case studies for more detailed analysis. These concerned the coal health scandal, which though attracting notoriety had not been the subject of academic analysis. We also planned a small number of interviews with those in professional bodies concerned with or responsible for disciplinary processes.

A study of lawyer disciplinary processes is also timely from the point of view of *public policy*. The establishment of the Legal Services Board, with regulatory oversight for the legal professions, has focused attention on approaches to regulation. The Law Society has switched the emphasis of regulation from the individual to firms (or 'entities') and the Solicitors Regulation Authority has shifted to outcomes-focused regulation, which centres on the high-level principles and outcomes. Moreover, there have been changes in the structure of legal entities, such as Legal Disciplinary Practices and Alternative Business Structures. These developments carry profound implications for disciplinary mechanisms and processes. It is unclear what implications these changes have for the traditional methods of detecting and investigating legal disciplinary infractions.

CONTEXT FOR RESEARCH

The legal profession in England and Wales has a long established approach to the regulation of behaviour by solicitors. This is built on investigation and prosecution of disciplinary breaches by the professional bodies, with more serious cases being brought before disciplinary tribunals. These tribunals have wide disciplinary powers, including the ultimate sanction of striking off or disbarring offenders, thereby depriving them of their livelihoods as lawyers. They also have the power to re-admit offenders after a period of time.

The establishment of the Legal Services Board (LSB), with regulatory oversight for the legal professions, has focused attention on approaches to regulation. The arrival of Legal Disciplinary Practices (LDP) and Alternative Business Structures (ABS) has forced the Law Society to switch the emphasis of regulation from the individual to firms (or 'entities'). The Solicitors Regulation Authority (SRA) has adopted a system of 'outcomes focused regulation' (OFR)[16] based on a structure of auditing systems and processes. Advocates of this change anticipated that it would drive a number of modifications in professional regulation.[17]

(http://www.city.ac.uk/law/research/research-centres-and-groups/centre-for-the-study-of-legal-professional-practice/professional-ethics-forum), last visited 16th August 2013.

[14] See http://www.ucl.ac.uk/laws/law-ethics/research/Papers/Designing-Ethics-Indicators-for-Legal-Services-Provision last visited 16th August 2013.

[15] The report identifies professional ethics and legal values as central to legal practice, see Setting Standards: The Future of Legal Services, Education and Training in England and Wales (Legal Education and Training Review 2013) at http://letr.org.uk/wp-content/uploads/LETR-Report.pdf last visited 16th August 2013.

Changes in regulatory method inevitably carry implications for disciplinary mechanisms and processes. As part of the OFR the Solicitors Regulation Authority have abandoned the Solicitors Conduct Rules 2007 and adopted a new handbook.[18] This replaces the rules of professional conduct with high level principles, mandatory outcomes and 'indicative behaviours', ways in which, depending on context, the outcomes may be met. The high level principles require solicitors to:[19]

1. uphold the rule of law and the proper administration of justice;
2. act with integrity;
3. not allow your independence to be compromised;
4. act in the best interests of each *client*;
5. provide a proper standard of service to your *clients*;
6. behave in a way that maintains the trust the public places in you and in the provision of legal services;
7. comply with your legal and regulatory obligations and deal with your regulators and ombudsmen in an open, timely and co-operative manner;
8. run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial and risk management principles;
9. run your business or carry out your role in the business in a way that encourages equality of opportunity and respect for diversity; and
10. protect *client* money and *assets*.

Outcomes are also expressed at a high level of generality, for example, treating your clients fairly[20] or providing services to your clients in a manner which protects their interests in their matter, subject to the proper administration of justice.[21] Indicative behaviours are offered as suggestions for how the mandatory outcomes can be met. This formulation of regulatory text is somewhat different from the old system, where rules were more detailed and compulsory.

This new style of regulation reflects different priorities in the system. In particular, the ambition to be a regulator of ABS, managed and/or owned by non-lawyers, requires that regulation focuses more on organisations. The flexible rulebook will facilitate some shift in regulatory focus from individuals to the employing entity, from detailed forensic investigation of firms' accounts to a system of quality audit and from disciplinary charges to administrative fines. Forensic investigation of a firm's accounts will, on the face of it, be replaced by a kind of quality audit known as 'accreditation',[22] and breaches of rules discovered in the

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[16] Solicitors Regulation Authority Achieving the Right Outcomes (20th January, 2010) at http://www.sra.org.uk/consultations/achieving-right-outcomes last visited 4th July 2012.
[17] See, for example, Lord Hunt of Wirral (2009) The Hunt Review of the Regulation of Legal Services at http://governance.lawsociety.org.uk/secure/meeting/182044/Hunt_review_of_legal_services.pdf last visited 4th July 2012 and I. Smedley (2009) Review of the Regulation of Corporate Legal Work at http://www.cigroup.org.uk/images/file/report_smedley_final_310309.pdf last visited 4th July 2012.
[18] The seventh version of the SRA Handbook was published and came into effect on 1st April 2013 (The LSB approved the Handbook on 17th June 2011 and the key implementation date was 6th October 2011), see http://www.sra.org.uk/handbook last visited 11th July 2013.
[19] SRA Principles 2011 at http://www.sra.org.uk/solicitors/handbook/handbookprinciples/content.page last visited 16th August 2013.
[20] SRA Handbook, Outcome 1(1) ibid.
[21] SRA Handbook, Outcome 1(2) ibid.
[22] E. Scrivens (1995) Accreditation: Protecting the Professional or the Consumer? Open University Press.

process will be sanctioned by fines.[23] While for law firms these fines are modest, up to £2,000, the SRA may fine ABS £250 million and individuals in ABS up to £50 million. The SRA is concerned to harmonise these regimes.[24]

While the overall regulatory system of discipline may change, the traditional disciplinary mechanism will continue to exist. This means that, for solicitors, a system based on administrative fines, operated by the SRA, will co-exist with a more formal and individually focused disciplinary process operated by the Solicitors Disciplinary Tribunal (SDT). The SRA will still prepare cases for the SDT. How the systems will interact is currently being worked through, with some difficulties being discovered. In the longer term it may be, for example, that there will be fewer cases coming through to the SDT and that these will fall into the category of 'more serious' infractions, involving striking off or large fines. The Bar has yet to decide on regulating ABS and need not therefore confront this issue at present.

These changes to the current system do not invalidate this research. In addition to entity regulation, individual lawyers will still be culpable and responsible for their behaviour. It is very likely that the legal professions will need to retain disciplinary tribunals for the foreseeable future. The dispositions and practice of these tribunals will continue to be of contemporary interest as well as historical phenomena.

THE CURRENT DISCIPLINARY SYSTEM

The disciplinary tribunals for solicitors and barristers, the main legal professions, are well established. In the following section we examine firstly the work of the Solicitors Disciplinary Tribunal including its caseload, procedures and disposal of cases and then we examine the work of the Bar's Disciplinary Tribunals.

Solicitors

Solicitors are subject to a range of controls. Courts have a summary jurisdiction to punish breaches of the duty to the court.[25] This can cover a wide range of activity from advocacy, conduct of litigation, to claims for costs.[26] Solicitors prosecuted in criminal courts or who break the rules of court may be reported to their professional body by judges and then disciplined for bringing the profession into disrepute. In terms of investigation, disciplinary cases against solicitors arise from a variety of sources. Suspected infraction may be reported when members of the public or other solicitors have suspicions. Some transgressions are identified through random visits to check compliance and through the forensic investigation of files and accounts. Such visits can be triggered by complaints or reported suspicions.

There have been various organisations established by the Law Society to handle complaints against solicitors.[27] The complaints handling record of these bodies have attracted criticism. One critic was the Legal Services Ombudsman, who was charged with reviewing the decisions of professional bodies and who could re-investigate complaints.[28] Complaints against solicitors could result in a range of sanctions, including the making of compensation orders and, when complaints revealed inadequate professional service and professional misconduct, reference to the SDT.

A relatively small proportion of complaints become disciplinary cases. Raw data for complaints handling and disciplinary cases is available, making it possible to track both volumes over a period of time. Between 2000

[23] The Legal Services Act 2007 (Maximum Penalty for Licensing Authorities) Rules 2011, which came into force 1st August 2011 http://www.legislation.gov.uk/uksi/2011/1659/made last visited 3rd July 2012.
[24] J. Hyde (2012) 'SRA ponders £250m fine limit for firms' Law Society Gazette Friday 30th March at http://www.lawgazette.co.uk/news/sra-ponders-250m-fine-limit-firms last visited 2nd July 2012.
[25] Boon and Levin supra n.6, pp.133-135.
[26] The SRA informs us that it has twice applied, successfully, to High Court judges for a solicitor to be summarily struck off in the course of existing litigation before that judge, thus avoiding the need for SDT proceedings.
[27] Until 2010 they were investigated by the Legal Complaints Service, a body funded by but independent of the Law Society (the solicitors' professional body). From 6th October 2010 complaints about different kinds of legal services providers were made to the Legal Ombudsman for England and Wales, set up by the Office for Legal Complaints under the Legal Services Act 2007 (see Boon and Levin, supra n.6, Chapter 7).
[28] Supra n.6, p.135

and 2005 complaints against solicitors averaged nearly 17,000 per annum[29] a figure representing one complaint for every five solicitors. These disciplinary cases are heard by the SDT, which is established under the Solicitors Act 1974 s.46 as a statutory tribunal to "protect the public and to maintain the reputation of the solicitors' profession for honesty, probity, trustworthiness, independence and integrity."[30] It hears allegations of professional misconduct by solicitors, registered foreign lawyers and those who are employees of solicitors[31] and hears applications for restoration to the roll.

It has offices in Farringdon Street, London, where hearings are held. Since the enactment of the Legal Services Act 2007 (LSA 2007) the SDT's administration and financial arrangements have been managed wholly independently from the Law Society. On 29th January 2007, anticipating compulsion under the LSA, the Law Society hived off its disciplinary functions to the SRA. These included the forensic investigation of solicitors' firms, by review of accounts, files and interview of partners and employees. Such investigations could be routine or 'triggered' by complaints or whistle blowers. Suitable cases were presented to the SDT from which appeals are to the High Court.[32] Its administration is run by Solicitors Disciplinary Tribunal Administration Limited (SDTA Ltd), a company limited by guarantee controlled by the SDT. The LSA requires the Tribunal to formulate a budget for each forthcoming year for approval by the Legal Services Board and The Law Society is required to pay the specified amount to SDTA Ltd.

The Board of SDTA Ltd. is made up of the Tribunal's president, who is chairman of the Board, the lay and solicitor vice presidents, a non-executive director and, currently, the immediate past president. Board meetings are held regularly and are attended by the Clerk to the Tribunal (also Company Secretary), its operations manager and its finance officer. Members of the SDT are appointed by a senior judge and the Ministry of Justice and sit in panels of three. The Tribunal currently consists of 53 members, of whom 34 are solicitor members[33] and 19 are lay members drawn from a variety of backgrounds. The Tribunal is staffed by the Clerk, together with a team of deputy clerks. Although the Clerk is, indirectly, paid by the Law Society, the argument that this could lead to an appearance of bias or risk infringement of Article 6 of the European Convention on Human Rights (right to a fair trial), is no impediment to the clerk advising the tribunal or recording decisions.[34]

We turn now to consider the caseload of the SDT. Between the years 2000 and 2009, the SDT heard an average of around 200 cases a year.[35] These represent less than 0.25% of solicitors holding practising certificates,[36] much less than the volume of complaints. This appears to be because the SDT is reserved for more serious matters. The decisions in the cases suggest as much. On average around 64 solicitors are struck from the roll (disbarred), 38 suspended and 22 reprimanded annually by the SDT. In around ten cases annually no sanction is imposed, apart, possibly, from a costs order.

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[29] Annual Reports of the Legal Services Ombudsman 2000-01 to 2004-05 at http://www.legalombudsman.org.uk/aboutus/publications.html last visited 4th July 2012.

[30] http://www.solicitorstribunal.org.uk/about-us last visited 4th July 2012.

[31] Section 43 of the Solicitors Act 1974 allows the SRA (as the delegated body of the Law Society) to make an application to the SDT for an order controlling the employment of persons employed or remunerated by a solicitor. The SDT can make an order giving the SRA control of the future employment of such an individual in a solicitor's practice. Whilst the Order remains in force any solicitor wishing to employ the clerk must first obtain the written consent of the SRA. Only the SRA can bring an application in respect of such persons.

[32] Supra n.6, p.144-147.

[33] Solicitor members cannot be members of the Council of The Law Society, Solicitors Disciplinary Tribunal Appointment Protocol 2012, para.6, p.2 at http://www.solicitorstribunal.org.uk/Content/documents/SDT%20Appointments%20Protocol%202012.pdf last visited 11th July 2013.

[34] Virdi v. the Law Society of England and Wales & Anor [2010] EWCA Civ 100.

[35] Data from Solicitors Disciplinary Tribunal Annual Reports between 2000 and 2009 at http://www.solicitorstribunal.org.uk/about-us/annual-reports last visited 3rd July 2012. The lowest number was in 2004 (177) and the highest in 2009 (286).

[36] Based on data taken from The Law Society Annual Statistical Reports between 2001 and 2009 at http://www.lawsociety.org.uk/aboutlawsociety/whatwedo/researchandtrends/statisticalreport.law last visited 3rd July 2012. The numbers holding practising certificates rose from 82,769 in 2000 to 115,475 in 2009.

The SDT annual report of 2010 records that, in the year to 30th April 2010, the Tribunal sat on 232 hearing days, up from 226 in the previous year.[37] In that same year, 16 appeals against the findings of the SDT were heard by the High Court.[38] Of these nine were dismissed, four were allowed, one was partly upheld, one was withdrawn and one was resolved by agreement.[39] According to a survey of all cases heard substantively during the period 14% were concluded within six months of being filed with the Tribunal.[40] A further 61% were concluded between six months and one year.[41] Forty-five cases in all were outstanding for more than one year.[42]

Moving on to procedures, the Tribunal's procedures are governed by the Solicitors (Disciplinary Proceedings) Rules 2007 (S.I. No. 3588) which came into force on 14th January 2008. Prosecutions occur against a backdrop of a detailed disciplinary code, separate codes on specific areas and practice directions. Additional guidance is often provided alongside the rules. The SDT has wide powers including striking off, suspension and costs orders.

Currently, around 90% of the SDT's caseload is prosecuted by the SRA. Cases must satisfy criteria modelled on those of the Crown Prosecution Service.[43] It has been suggested that these comprise an evidential test and public interest test. As regards evidence, there must be sufficient to provide a "realistic prospect" that a solicitor will be found guilty of misconduct, i.e., that the SDT is more likely than not to make a finding of misconduct. As regards the public interest the SRA will consider whether a finding of misconduct is likely to lead to a fine, suspension or striking off and that there are no public interest factors militating against that course of action. Matters are likely to be referred to the SDT if, for example: there is evidence that the conduct was pre-meditated, repeated, systematic or otherwise dishonest, the solicitor abused a position of authority or trust, a client's or other person's interests have been seriously compromised, or any victim of the misconduct was vulnerable. Whilst it is less likely that the matter will be pursued if: the SDT is likely to impose a nominal penalty, the misconduct resulted from a genuine mistake, the solicitor is elderly and no longer practising, or the solicitor was suffering from significant mental or physical ill health at the time of the misconduct–unless the misconduct was serious or may be repeated.[44] Members of the public can bring a case on their own account.[45] Having the support of the SRA may be a preferred route for individuals because the SRA pays the costs, but it then takes control of the matter.

Next we consider disposal the standard of proof applied by the SDT and by the SRA on disposal of cases. The Solicitors (Disciplinary Proceedings) Rules do not specify the standard of proof applied in the SDT. In 1993 the divisional court held that in cases where the allegations amounted to a criminal offence the criminal standard of proof (beyond reasonable doubt) should apply.[46] In 2005 the Privy Council, hearing an appeal from Trinidad and Tobago, held that the criminal standard of proof was the correct standard for all disciplinary proceedings involving legal professionals.[47] While the Privy Council decision is not binding, it seems clear that the SDT has, in practice, used the criminal standard and that this approach is endorsed by higher courts. [48] In circumstances where it is not clear that the criminal standard of proof has been applied to findings of fact, and where relevant to findings of dishonesty, the court has remitted a case to a differently constituted SDT for re-hearing.[49] The SDT's use of the criminal standard of proof is a higher requirement than the SRA, which has adopted the civil standard of proof (the balance of probabilities). The implications of this are explored further below.

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[37] This information has been adapted from the Solicitors Disciplinary Tribunal Annual Report 2009/2010, p.7 at http://www.solicitorstribunal.org.uk/Content/documents/annual_report_2010.pdf last visited 3rd July 2012
[38] Ibid p.9.
[39] Ibid.
[40] Ibid p.14.
[41] Ibid.
[42] Ibid.
[43] CPS Policy Directorate 'Prosecution: the decision to prosecute' 2010, http://www.cps.gov.uk/victims_witnesses/resources/prosecution.html last visited 2nd July 2012.
[44] http://www.lawyersdefencegroup.org.uk/solicitors-disciplinary-tribunal-2 last visited 2nd July 2012.
[45] For the year ended 30th April 2011, of 227 applications made to the SDT, four were made by members of the public, ibid.
[46] In Re A Solicitor [1993] QB 69, p.81F.
[47] Campbell v. Hamlet [2005] UKPC 19.
[48] Afolabi v. SRA [2011] EWHC 2122 (Admin).
[49] Ibid paras.66-70.

Under the LSA 2007 the SRA was empowered to make findings of breach of regulatory obligations or professional misconduct and to impose sanctions (a written rebuke and penalty of up to £2,000), without reference of cases to the SDT.[50] Consequently, when investigating infractions and making decisions to impose fines, the SRA had to decide what standard of proof it ought to adopt. After a lengthy justification in a supporting paper put to the SRA Board it approved the adoption, in its Disciplinary Procedure Rules,[51] of the civil standard of proof[52] as is common in professional disciplinary tribunals outside the legal profession. In the paper the reasons for adopting the civil standard in applying the new powers to impose low-level fines were:[53]

A. Disciplinary proceedings are protective and regulatory—liberty is not at stake;

B. The criminal standard of proof is not appropriate to relatively minor findings of misconduct;

C. Very serious cases that have a major impact on individual's lives, businesses and livelihoods are taken every day in civil cases by application of the civil standard of proof;

D. The civil standard is well capable of dealing with serious allegations by what the case law refers to as a need for "heightened examination", to "look closely into the facts grounding an allegation of fraud before accepting that it has been established" and "appropriately careful consideration by the tribunal before it is satisfied of the matter which has to be established";

E. The SRA and its predecessor bodies have applied the civil standard of proof for many years;

F. While some may have views about the quality of internal decisions, overall the standard has been applied without significant difficulty or controversy;

G. Resolving cases by SRA internal decision is more timely and cost-effective for all concerned when compared to prosecuting at the SDT;

H. The SRA's increasing emphasis on regulation of firms and overall proportionality is likely to be facilitated by the new powers being exercisable;

I. Requiring the SRA to move from a "balance of probabilities" test to "beyond reasonable doubt" is likely to:

    - Reduce public protection and/or increase public frustration with the disciplinary system;

    - Result in many more referrals from the public and profession being rejected at an early stage because there is no prospect of proof to that standard or because it would be disproportionate to try to prove the allegation to that standard, which would impact on public perception of the ability of the SRA to regulate;

    - Alternatively, result in a need for much more detailed, lengthy and costly investigation to prove allegations for the purposes of an internal sanction.

[50] Sections 31, 44D, 79 and 80 of the Solicitors Act 1974, section 9 of and paragraph 14B of Schedule 2 to the Administration of Justice Act 1985 and section 83 and Schedule 11 of the Legal Services Act 2007.
[51] The SRA Disciplinary Procedure Rules 2011 (dated 17th June 2011 commencing 6th October 2011) were made by the Solicitors Regulation Authority Board, after consultation with the Solicitors Disciplinary Tribunal, with the approval of the Legal Services Board under paragraph 19 of Schedule 4 to the Legal Services Act 2007 at http://www.sra.org.uk/solicitors/handbook/discproc/content.page last visited 4th July 2012.
[52] SRA (Disciplinary Procedure) Rules 2011 rule 7(7).
[53] Legal Services Act 2007—SRA (Disciplinary Procedure) Rules. Executive Summary (SRA Board, 15th January 2010) pp.7-8 at http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/sra_disciplinary_procedure_application_annex_2.pdf last visited 16th August 2013.

J. Although the new powers enable the imposition of fines up to £2,000 and the publication of findings of misconduct resulting in a "rebuke", there is no inherent objection in principle to findings which lead to the exercise of such powers being reached by application of the civil standard of proof because:

   i. There is a statutory appeal as of right to the SDT against such findings or sanction;

   ii. The powers are relatively modest in that:

      1. They do not directly endanger a person's right to practise;

      2. The power to fine is low in itself – in comparison to the SDT's former power to fine £5,000 per allegation and its new power to levy unlimited fines;

      3. The power to fine is currently interpreted as being potentially a cumulative maximum rather than being exercised for each proved allegation.

Adoption of the civil standard meant that the SRA were applying a lower standard than the SDT. The SDT uses the criminal standard even in cases heard on appeal from an SRA decision.[54] The SRA Board considered this discrepancy. It was put to the Board that the ideal solution was for all parties (the LSB, SDT, SRA and Law Society) to agree a standard of proof to be applied by both the SDT and SRA. The considerations for using a single standard were said to include the fact that "[i]t resolves any inconsistency and…provides transparency both overall and where it is currently lacking in the SDT rules…"[55] Efforts to reach a compromise were unsuccessful. The position therefore remains that where the SRA makes its own disciplinary decision, without reference to the SDT, the civil standard is expressly applied. However, the Solicitors (Disciplinary Proceedings) Rules are silent as to the applicable standard in cases referred to the SDT.

The authority has undertaken not to use its new powers to sanction in cases involving dishonesty, which could result in striking off, thus reducing the chances of inconsistency between SRA and SDT decisions. However (as indicated above), retaining different burdens of proof between the bodies presents some problems. The discrepancy may encourage appeals and 'forum shopping' for organisations, like ABS, able to choose their regulators. Also, solicitors potentially subject to disciplinary sanctions may well feel that, where they are on trial for their reputations and livelihoods, it is unfair to apply the civil standard. Alternatively, fines imposed by regulators might be seen as administrative sanctions that are not particularly serious matters. The point about professional disciplinary proceedings is that the process is part of the punishment.[56]

Finally, before the introduction of the Disciplinary Procedure Rules 2011 a relatively new mechanism, a regulatory settlement agreement, was being used by the SRA. These are agreements made between the SRA and the individuals, covering acceptance of the charges and sanctions such as reprimand and payment of costs. The SRA was empowered by the LSA 2007 to impose fines on solicitors without referring the case to the SDT.[57] Under the Disciplinary Procedure Rules 2011, the scope of these agreements was extended to cover payments to clients and fines.[58]

[54] Solicitors sanctioned under the SRA's powers will have the right of appeal to the SDT.
[55] Supra n.53, p.8.
[56] R. L. Abel (2008) Lawyers in the Dock: Learning from Attorney Disciplinary Proceedings Oxford University Press, Chapter 8.
[57] "Where [it is] satisfied that a firm or individual has failed to comply with the SRA Principles, [the SRA] may direct a fine be paid, not exceeding £2,000. This power does not apply to misconduct occurring wholly before 1 June 2010" at http://www.sra.org.uk/consumers/solicitor-check/fines-and-rebukes.page last visited 3rd July 2012.
[58] http://www.sra.org.uk/consumers/solicitor-check/agreements.page last visited 15th June 2012. Note that May 2012 saw the SDT, for the first time, suspended a solicitor for breach of a SRA regulatory agreement, see case number 10849-2011 Anthony Thomas BRYSON at http://www.solicitorstribunal.org.uk/Content/documents/10849.2011.Bryson.pdf last visited 19th August 2013.

Barristers

The Bar uses different procedures from the SRA. The Bar Standards Board (BSB) formally refers cases to a disciplinary tribunal, i.e., it operates as the prosecuting body.[59] Bar disciplinary tribunals are arranged by an independent organisation called the Bar Tribunal and Adjudication Service (BTAS), which also appoints the members of disciplinary tribunals and arranges hearings.[60] There are two types of disciplinary tribunal panels (a three person and a five person), which are set up according to the gravity of the charges.[61] Tribunal panels are drawn from barristers and judges and all panels include at least one layperson. All panels follow the same process but the sentencing powers are slightly different. The panels apply the criminal standard of proof when adjudicating professional misconduct charges.[62]

A three-person tribunal panel is made up of a chair, usually Queen's Counsel but occasionally a judge, a barrister member and a layperson. A five-person tribunal panel is made up of a chair, who is a judge, two barristers and two lay people. Table 1 below compares the sanctions the tribunal panels can impose where they consider that there has been professional misconduct.

Table 1: Bar Disciplinary Tribunal Sanctions[63]

SANCTIONS AVAILABLE TO THE DISCIPLINARY TRIBUNALS (Listed in order of severity)	Three Person Tribunal Panel	Five Person Tribunal Panel
Take no further action (impose no sanction)	✓	✓
Give the barrister advice on his or her future conduct	✓	✓
Reprimand the barrister	✓	✓
Make the barrister complete further professional development training	✓	✓
Order the barrister to pay a fine of up to £15,000 to the BSB	✓	✓
Ban the barrister from carrying out public access work (i.e., accepting work directly from members of the public without the involvement of a solicitor)	✓	✓
Suspend the barrister for up to three months	✓	✓
Suspend the barrister for any period of time; or	✗	✓
Disbar (strike off) the barrister	✗	✓

[59] Barristers are served with charges specifying breaches of the Code of Conduct and any supporting documents and Complainants are kept informed of the progress of disciplinary proceedings arising from complaint, but are not required to attend, except to give evidence, see Bar Standards Board, About Disciplinary Tribunals at http://www.barstandardsboard.org.uk/media/31254/bsb_about_disc_tribunal.pdf last visited 19th August 2013.

[60] The BTAS took over these duties from the Council of the Inns of Court (COIC) on 29th July 2013, though operates on the behalf of the president of COIC (http://www.tbtas.org.uk). See also The Disciplinary Tribunals Regulations 2009 (Bar Standards Board), http://www.barstandardsboard.org.uk/assets/documents/Annexe%20K%20as%20at%2022%20Sept%202011.pdf last visited 5th December 2011, and About Disciplinary Tribunals (Bar Standards Board Professional Conduct Department), http://www.barstandardsboard.org.uk/assets/documents/BSB%20About%20disc%20tribunal.pdf last visited 5th December 2011.

[61] See http://www.barstandardsboard.rroom.net/complaintsofprofessionalmisconduct/Forthcomingdisciplinaryfindings/TYPESOFDISCIPLINARYHEARINGS last visited 27th June 2012.

[62] Annex K - The Disciplinary Tribunals Regulations 2009 (Amended February 2012), section 11(1) at http://www.barstandardsboard.org.uk/regulatory-requirements/the-code-of-conduct/annexes-to-the-code/annexe-k-the-disciplinary-tribunals-regulations#procedureatthehearing last visited 4th July 2012.

[63] For full details see, section 19(2) (a)-(k) of Annex K—The Disciplinary Tribunals Regulations 2009 (Amended February 2012) at http://www.barstandardsboard.org.uk/regulatory-requirements/the-code-of-conduct/annexes-to-the-code/annexe-k-the-disciplinary-tribunals-regulations last visited 4th July 2012. Note that the Bar Tribunal and Adjudication Service is currently consulting on the introduction of new sentencing guidelines, see BTAS (2013) Sentencing Guidance 2014 For Consultation at http://www.tbtas.org.uk/wp-content/uploads/2013/06/Sentencing-Guidance-Consultation-2013.pdf last visited 3rd September 2013. These would see, among other things, the maximum fine increase to £50,000 and the period of time a three personal panel could suspend an errant barrister increase to 12 months, ibid p.9. The consultation closes 6th September 2013.

If disciplinary tribunal panel charges are upheld, the barrister can appeal against the decision and/or sentence to the independent Visitors of the Inns of Court.[64] Also, the BSB can appeal to the Visitors against sentence and can appeal if the charges have been dismissed but, in both cases, only if the Chair of the BSB or the Chair of the Complaints Committee agrees. Moreover, where the tribunals consider that professional misconduct has not been proved but breach of provision(s) of the Barristers Code of Conduct[65] have been found, the barrister can again appeal.[66]

THE PROJECT

Focus and Objectives

The project investigated disciplinary proceedings against lawyers in order to identify factors associated with transgression. It was inspired by Richard Abel's book, *Lawyers in the Dock*, reviewing disciplinary proceedings against six attorneys in the US,[67] which sparked international interest and comment on the disciplinary component of professional regulation.[68] Abel's case studies point to situational factors associated with transgression, like sole practice, with the associated lack of financial and other material support.[69]

While Abel's study approaches disciplinary cases from a qualitative perspective, it is not possible to say how *representative* are the cases that he presents, and infer from that the possible prevalence of specific types. It is important therefore to combine quantitative and qualitative approaches in order to reach a better understanding of lawyer disciplinary processes.

Abel's work focuses on what could be described as underlying issues in lawyer transgression, such as the types of law practice that give rise to the most offences and the factors explaining infraction. He uses structured variables of firm clientele and subject matter and biography (history and character). This opens up the field of enquiry into *motives, pressures and support* of delinquent lawyers.

From the wider academic point of view, white-collar crime is under-studied and under-theorised. Shapiro calls for increased effort to understand the "… distribution of structural opportunities for trust abuse with an understanding of the conditions under which individual or organizational fiduciaries seize or ignore these illicit opportunities."[70] This gives our study a wider relevance; lawyers are an archetypal white-collar occupation, but also one that trades on its ethical commitment, individual and collective, in the market place.

Our principal aim was to develop and test methods for the analysis and understanding of how *professional transgression* occurs in the legal professions, the factors giving rise to it and how those professions respond to it. Our primary aim was not to generate useful data for analysis, but to investigate how this could be done using information already in the public sphere, namely, the transcripts of disciplinary proceedings against solicitors and barristers.

We therefore set ourselves a number of objectives, firstly to develop a research framework for the investigation of lawyer disciplinary proceedings. This considered the review of a sample of transcripts from disciplinary tribunals (in the form of a pilot study), the conduct of a case study and the conduct of a small number of interviews. Secondly we sought to develop methods to collect and analyse available *quantitative* data. Here we considered methods used by the SDT and by others conducting similar research and how

[64] For full details on appeal to the Visitors see, section 25(2) of Annex K, ibid.
[65] The Code can be found at http://www.barstandardsboard.org.uk/media/1408606/code_of_conduct_-web_version_13_june_2012.pdf last visited 4th July 2012. Note that the new BSB Handbook, which incorporates a revised code of conduct, is due for publication and becomes enforceable in January 2014, see http://www.barstandardsboard.org.uk/handbook last visited 3rd September 2013.
[66] The manner of the barrister's appeal is as explained in Annex J—The Disciplinary Tribunals Regulations 2009 at http://www.barstandardsboard.org.uk/regulatory-requirements/the-code-of-conduct/annexes-to-the-code/annexe-j-the-complaints-rules-2011 last visited 4th July 2012.
[67] Abel, supra n.56.
[68] Supra n.12.
[69] See also J. Carlin (1962) Lawyers on Their Own: A Study of Individual Practitioners in Chicago Rutgers University Press.
[70] S. Shapiro 'Collaring the crime, Not the Criminal: Reconsidering the Concept of White-Collar Crime' (2001) 55 American Sociological Review 346, p.353.

they could inform our method of analysis. Next we wanted to identify the influential factors in lawyers' transgression, which was done by considering a theoretical framework. And finally we sought to identify any patterns in tribunals' disposition of cases, which was done by analysing our empirical findings. The next section presents our findings and a discussion of these objectives.

Theory, Method and Discussion

Pilot Study of Disciplinary Transcripts

As indicated above, in terms of developing a research framework for investigating lawyer disciplinary proceedings we proposed a pilot study examining in detail a full year of disciplinary transcripts for the period prior to the commencement of the research; in the event we chose the calendar year 2008, because we had already obtained the transcripts for that period. Since the regulators already publish statistics relating to disciplinary processes, the purpose was to discover what additional information was available from transcripts to inform analysis of the inputs and outputs of disciplinary tribunal processes.

We reviewed a sample of the transcripts in order to discover what kind of information is consistently available. In transcripts from the SDT a number of useful details were consistently mentioned, for example, the respondent's gender, date of birth and date of admission to the Roll,[71] plus the firm to which they belonged. As regards process; charges, evidence, findings and sanctions were recorded in detail. Some potentially useful information in terms of analysing the circumstances of or potentially significant factors in transgression, were not recorded. Therefore, the ethnic origin of respondents (which is sensitive personal data), the size of firms to which respondents belonged (except where respondents were noted to be sole practitioners) and the number of partners in those firms, were not consistently recorded.

By comparison, transcripts published by the BDT are summary in nature. For more information on the details of the disciplinary hearing/full transcripts, one would have to contact the BSB's Investigation and Hearing Team[72] but it was not possible to obtain this detail within the time frame of the project. However, the summary transcripts consistently contain information on the barrister's name, employment status (i.e., self-employed, employed etc.), name and address of Chambers (assuming the barrister was self-employed), the findings and sentence, the date the decision was made and the status of the decision.[73] In contrast, information on date of birth, the context in which the charges were brought and any mitigation or defence put forward by barristers are not provided. And, similar to the SDT transcripts, the ethnic origin of barrister respondents and the size and type of chambers or organisation from which they worked, were not consistently recorded.

Other categories of information were more ambiguous. For example, we thought that it would be important to track the process by which the respondents came before the Tribunals, i.e., how did the infraction come to the knowledge of the regulator? This information is potentially important because it suggests the relative effectiveness or importance of different sources of referral. It proved difficult to identify the source of the reference from the transcripts because they often fail to provide the reason for the initial interest in the firm or barrister. So, for instance, details were given of investigations of solicitors' books of account by a Forensic Officer (FO) but not why the FO attended the firm in the first instance, i.e. what sparked the initial interest in the firm's practice.

In relation to some of the pieces of information not recorded in the disciplinary transcripts we were able to draw some very rough inferences from other sources. For example, we tried to check the status of firms in 2008 using *Chambers and Partners Guide to the UK Legal Profession*, but very few of the named firms were

[71] The SRA keeps a list of all solicitors of the Senior Courts of England and Wales, called 'the roll', see further, Solicitors Keeping of the Roll Regulations 2011, which forms part of version seven of the new SRA Handbook at http://www.sra.org.uk/solicitors/handbook/keepingoftheroll/content.page last visited 11th July 2013.

[72] See http://www.barstandardsboard.rroom.net/complaintsofprofessionalmisconduct/publisheddisciplinaryfindings last visited 28th June 2012.

[73] See http://www.barstandardsboard.rroom.net/complaintsofprofessionalmisconduct/publisheddisciplinaryfindings last visited 28th June 2012. Each set of findings is accorded a status: "Open to Appeal - The case is within the period that a barrister can appeal the finding but no appeal has been submitted; Appeal Pending (sentence stayed)—The barrister has submitted an appeal, which is yet to be heard and Final—The finding has been pronounced either after the appeal period has expired or following the result of an appeal." Ibid.

listed there. We then checked all the names on the Law Society website of contemporary law firms.[74] Similarly we checked the Bar Directory[75] for the current employment status of the barrister respondents. While this process is four years later than the date when the cases were heard, we thought that, in most cases, changes in structure would probably not be very significant. In any event, taking the data in the round, any unreliability in the data would be offset by the importance of getting a preliminary take on the relationship between organisation type and respondents before the Tribunals.

The Case Study

We also proposed to consider a small number of notable cases for more detailed analysis, as a means of developing a research framework for investigating lawyer disciplinary proceedings. The case study selected was the miners' costs scandal, which, despite considerable notoriety, has not been the subject of academic analysis.[76] The scandal led to one of the largest investigations of a single issue ever mounted by a legal regulator. By May 2009, 38 solicitors from 11 firms had been before the SDT and a further 68 cases involving solicitors from 14 firms were due to be heard. According to information provided by the SRA to the Ministry of Justice, 115 solicitors in 25 firms were eventually referred to the SDT in connection with the miners' costs scandal.[77] These cases were a key part of the SDT's caseload during our period of investigation (calendar year 2008) and we therefore decided to track them beyond this period. The individual case selected to feature in the case study, concerning two partners in Avalon Solicitors (Warrington, Cheshire), first came before the SDT in 2008, but was not finally heard until 2009.

SDT hearings of disciplinary cases against solicitors arising out of the miners' compensation cases began in 2006 and ended in 2010. As a result of these hearings three solicitors were struck off and three suspended for periods of between six months and four years. Forty-seven solicitors were fined[78] and six were reprimanded. A handful was either not pursued or the allegations were withdrawn.[79] Of the solicitors charged, regulatory settlement agreements were entered into with three firms covering 16 solicitors in these firms and in two of these cases the details were approved by the SDT. A regulatory settlement was also entered into with a fourth firm, Thompsons (the national personal injury specialists), on 30th September 2010, covering six partners, including the chief executive.[80]

The basis for discipline is also worth comment. In most of the cases before the SDT involving coal health firms the implication of the decision is that there was not merely a technical breach of the rules, but that such breaches constituted cheating of clients and therefore a betrayal of trust. Cheating is a broad category of white-collar crime,[81] not an offence in its own right, but describing something that is an offence, like insider trading. Cheating is the violation of rules in order to take advantage of someone with whom one is in a cooperative relationship.[82] While such a betrayal of trust is probably a useful rule of thumb for laying disciplinary charges, striking off requires more. As with findings of criminality, there is usually a requirement of moral wrongdoing,[83] such as dishonesty. A solicitor not disclosing to his partners that he has an interest in a claims management company[84] is an example of dishonesty worthy of striking off, as are all but trivial cases involving dishonesty.[85]

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[74] http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law last visited 28th June 2012.
[75] This is available electronically via Legal Hub at http://www.legalhub.co.uk last visited 3rd July 2012.
[76] Though see our recent article on this, A. Boon and A. Whyte 'Icarus Falls: The Coal Health Scandal' (2012) 15:2 Legal Ethics 277.
[77] House of Lords Hansard Written Answers for 19th May 2009, Column WA282 at http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90519w0001.htm last visited 4th July 2012.
[78] The largest fine was £25,000 with most fines being £10,000 or under, ibid.
[79] As mentioned in the parliamentary written answer, supra n.77.
[80] Cavalier, Stephen—134289 at http://www.sra.org.uk/consumers/solicitor-check/134289.article last visited 3rd July 2012.
[81] R.P. Appelbaum and W.J. Chambliss (1997) Sociology: A Brief Introduction Longman p.117.
[82] S. Green (2006) Lying, Cheating and Stealing: A Moral Theory of White-Collar Crime Oxford University Press p.57.
[83] Ibid pp.39-40.
[84] Solicitors Regulation Authority v. Anthony Lawrence Clarke Dennison [2012] EWCA Civ 421 at http://www.judiciary.gov.uk/Resources/JCO/Documents/Judgments/sra-v-dennison-judgment-03042012.pdf last visited 3rd July 2012.
[85] Ibid. For an early discussion on solicitors and dishonesty see M. Davies 'Solicitors, Dishonesty and the Solicitors Disciplinary Tribunal' (1999) 6:2 International Journal of the Legal Profession 141.

As a result of the investigation of the miners' costs scandal we contributed an article based on the case study involving Avalon solicitors to a collection edited by Richard Abel, which appears in *Legal Ethics* (Winter 2012).[86] More detailed investigation of the context of the miners' costs scandal is beyond the scope of this project. It is likely that further funding will be sought in order to extend this work.

Interviews

Finally, we proposed to conduct a small number of interviews with key players to consider the implications of our research and inform the development of a research framework for the investigating lawyer disciplinary proceedings. Despite requests to the SRA and the BSB it proved difficult to obtain co-operation on interviews. We were able to interview the chief clerk to the SDT and Chief Executive of SDT Administration Limited but were discouraged from interviewing tribunal chairs. We were also able to interview a lawyer in connection with the case study. Towards the deadline for submission of this research report, we had a late reply from a key official at one of the main regulators and managed to meet just before the deadline.

Data Collection Methods and Analysis

Our second objective was to consider methods of collecting, collating and analysing available quantitative data on lawyer infraction. One of our principle areas of concern here was to establish a method for reliably and usefully coding charges and outcomes. Using data collected from disciplinary tribunal transcripts we considered various approaches to coding charges and outcomes. For example that used by the SDT in its annual reports and that used by Haller in her analysis of the outcome of disciplinary hearings in Queensland, Australia, between 1930 and 2000.[87] We could have emulated the classification of offences, which the SDT uses in its annual reports and as set out in Table 2 below.

Table 2: Solicitors Disciplinary Tribunal Classification of Offences[88]

CATEGORY	OFFENCES	SUB-CATEGORIES
1	Criminal Convictions	—
2	Solicitors Accounts Rules Breaches	—
3	Clients' Money	• Improper utilisation • Misappropriation
4	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
5	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

[86] See Boon and Whyte supra n.76.

[87] L. Haller 'Solicitors' Disciplinary Hearings in Queensland 1930-2000: A Statistical Analysis' (2001) 13 Bond Law Review 1 at http://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1195&context=blr last visited 28th June 2012.

[88] See, for example, Solicitors Disciplinary Tribunal Annual Report 2011-2012, pp.15-16 at http://www.solicitorstribunal.org.uk/Content/documents/Annual%20Report%202011-2012%20final.pdf last visited 20th August 2013. The offences are framed in different ways, which are then broadly categorized in the seven groups and which appear to be listed in order of severity of offence.

		• Breach of Legal Aid Regulations • Breach of Solicitors Introduction & Referral Code 1990 • Breach of Solicitors Publicity Code 1990 & 2001
6	Delays	• Delay in delivery of papers • Delay in professional business
7	Other	Includes: • Making false documents • No Practising Certificate • Conflict of interest • Costs not justified (overcharging) • Abandonment of practice

However, we found these categories useful to give the big picture of the tribunal's work but potentially not sufficient data points for regression analysis. The categories are too broad to allow detailed exploration of relationships between variables, for instance, to establish a relationship between a particular type of failure, like failure to comply with an undertaking, and a particular outcome, like imposition of a fine as opposed to a suspension.

In contrast, Haller used a more complex model for analysing the outcomes of disciplinary hearings in Queensland. In her research 81 individual charge types were collated and collapsed into ten categories of charge as reproduced in Table 3 below:

Table 3: Haller's Categories of Charge[89]

CATEGORY	CHARGE
1	Trust fund violations
2	Misleading or dishonest conduct
3	Conflict of interest
4	Ethics
5	Compliance with Law Society rules, orders or requests
6	Quality of service
7	Documents
8	Costs agreement infractions
9	Costs / Bills
10	Communication

Haller's database then provided another column of the common charge types within each category and a further column for details about the particular offence.[90] We decided that this model was too detailed for the purpose of this research, particularly since we were working with one year of data only and our purpose was to determine what information was available, what could be usefully added by research and what broad patterns this would reveal. A variation of Haller's model could be used for research of patterns over a longer period.

For the project, using the disciplinary tribunal transcripts, we categorised the charge based on the rule, guide, code or statute under which it was brought. This gave us a total of eleven categories and a broad picture of the types of charges brought (like, but more detailed than, the SDT categorisation). Within each

[89] Adapted from Haller, supra n.87, Appendix 2, pp.43-45. Note Haller numbered the charges in the order that they were listed in the disciplinary tribunal decisions; see ibid pp.7-8 rather than in order of severity (as in Table 3 above).
[90] Haller, supra n.87, Appendix 2.

category we identified the main type of charges brought (like, but not as detailed as, Haller). The categories and their breakdown is a listed in Table 4.

Table 4: The Project's Category of Charge

CATEGORY	CHARGE	SUB-CATEGORIES
1	Solicitors Account Rules (SAR)	(The database made note of the number of times the SAR were breached rather than the nature of each breach)
2	Solicitors Practice Rules	• Breach of Rule 1—basic principles • Conveyancing breaches • Acting in suspicious transactions • Holding insufficient funds • Inadequate supervision person/office • Practising without being a recognised body
3	Solicitors Act 1974	• Failure/delay in delivering accounts/accountants reports • Non compliance conditions attached to employment of clerk
4	Solicitors Indemnity Insurance Rules	—
5	Solicitors Incorporated Practice Rules	—
6	Solicitors Overseas Practice Rules	
7	Applications	• For Restoration to the Roll • For determination of suspension • For a S.43 Order (empowers the Law Society to make an application to the SDT for an order controlling the employment of a person who is or was a clerk to a solicitor).
8	Solicitors Publicity Code	—
9	Guide to the Professional Conduct of Solicitors	—
10	Money Laundering Regulations	—
11	Other	(Where no specific Rule/Act/Guide etc. is mentioned and the allegation is of conduct which is unbefitting) • Dishonesty • Criminal conviction • Failure to respond to Law Society/SRA/the firm's correspondence • Failure to comply with decision/direction of Law Society/SRA Adjudicator • Failure to comply/delay in complying with a Law Society Order • Misleading the Law Society/its investigators

Despite this breakdown and the fact that in relation to most data items, classification was not problematic (for example, the date of birth of solicitor respondents and the date of a solicitor's admission to the Roll or a barrister's call,[91] plus the gender of respondents); the analysis and coding of cases was far more time consuming than anticipated.

[91] The Roll is the term given to the register of qualified solicitors practising in England and Wales. The date of call is the "date at which a barrister is formally recognised to have passed the vocational stage of training and has been admitted to the Bar (being, at the Bar is the term used to describe the profession of being a barrister" J. Sauboorah (2011) Trends in the Barristers' Profession: Pilot Statistical Report The Bar Standards Board and the General Council of the Bar, p.38 at http://www.legalservicesboard.org.uk/what_we_do/consultations/closed/pdf/annex_b.pdf last visited 30th June 2012.

The dataset we used for the statistical analysis of solicitors' infraction comprised all 189 cases brought before the Solicitors' Disciplinary Tribunal (SDT) in 2008.[92] The total number of cases analysed was 279, this figure differs because hearings counted as one by the Tribunal were entered onto the research database as separate cases where separate solicitors were involved. For example, the largest case in the sample involved 12 solicitors from one firm,[93] hence there were 12 entries made onto the database. None of the cases brought were excluded from the analysis save where cases were severed and action was brought against the severed party outside the year under analysis.[94]

The dataset we used for the statistical analysis of barristers' infraction comprised, in first instance, all 75 cases brought before the Bar's Disciplinary Tribunal (BDT) in 2008. The cases were brought against 73 barristers, with two barristers appearing twice.[95] Detailed analysis was only possible for 27 of these cases. This is because, in accordance with The Bar's policy on publication of findings, after a period of two years it removes note of all disciplinary hearings which resulted in findings other than disbarment or suspension.[96] So where the finding involves disbarment or a period of suspension, its posting to the BSBs website is permanent.[97] Moreover, the transcripts, which remain posted, are summary in nature when compared to those of the SDT.[98]

Having established the data set we then considered the structure of the database and the tools for analysing it. The Statistical Package for Social Scientists, IMB SPSS 19, was used to analyse the information on solicitor infraction. Each line of the database represented one SDT case against one respondent and contained variables as listed in Appendix 1. All the variable information was taken from the SDT reports of hearings save for the current status of the individual involved and the firm from which they practiced.[99] This information was obtained from the Law Society's 'Find a Solicitor / Law Firm' database[100] and supplemented by general search of the web.[101] The variables were categorised, coded and recoded to allow the information to be collapsed and combined for ease of interpretation. For instance, the data entered onto SPSS re the geographic location of the firm at which the respondent worked, was entered in its entirety but then recoded into a region, e.g., Gateshead, Liverpool became North West.[102] Likewise a solicitor respondent's status was initially entered as described in the SDT report and later recoded into fewer, broader categories such as "partner or equivalent" and "solicitor or equivalent" to encompass senior partners, equity partners directors etc., assistant solicitors, associate solicitors and so on (for full details of this coding see Appendix 2).

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[92] This figure includes charges against non-solicitors, e.g., solicitor's clerks and members of ILEX.

[93] See case number 9853-2007 David BLAKEBOROUGH, John Benjamin COOPER, Jane Elizabeth MAHAFFEY, Deborah Anne MELLUISH, Neil Simon Jerome MURPHY, Anne Elizabeth PENDLEBURY, Steven John POLLITT, John Michael ROYLE, Judith Mary SCHOFIELD, William Andrew SUGDEN, Malcolm Noel TRACEY and Michael Francis WEBB at http://www.sra.org.uk/documents/consumers/SDT/2009/Jan/blakeborough-et-al-9853.07.pdf last visited 4th July 2012.

[94] This happened in only one case, number 9421-2006 Mohammed Shoaib SAYEED and Shabana WAHAB available at at http://www.sra.org.uk/documents/consumers/SDT/2009/Mar/wahab-9421.06.pdf last visited 4th July 2012.

[95] Craig Martin Barlow (once before a five person Tribunal and once for a summary hearing) and Sheila Hamilton Macdonald (two summary hearings).

[96] See the BSB's Publication of Disciplinary Findings at http://www.barstandardsboard.org.uk/media/1397126/pe02_-_publication_of_disciplinary_findings_-_v2__updated_march_2012__-_final.pdf last visited 28th June 2012.

[97] Ibid

[98] Supra p.15 and n.72 and n.73.

[99] All SDT hearing reports, from January 2005 to present, are available on line at http://www.solicitorstribunal.org.uk last visited 4th July 2012.

[100] It hosts details of solicitors holding practising certificates and licensed to practice by the Solicitors Regulation Authority and of thousands of law firms (UK and worldwide), at http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law last visited 4th July 2012.

[101] A Google search was made in relation to those firms, which did not appear on the Law Society "Find a Law Firm" database to confirm whether, regardless of this, the firms still had a presence.

[102] We used the nine Government Office Regions (GOR): (1) North East (2) North West (3) Yorkshire and The Humber (4) East Midlands (5) West Midlands (6) East of England (7) London (8) South East (9) South West. GORs close on 31st March 2011 but for statistical purposes there is still a requirement to maintain a regional level geography and the Office of National Statistics retains the GOR coding. However, since April 2011 GORs are referred to as Regions, see: http://www.ons.gov.uk/ons/guide-method/geography/beginner-s-guide/administrative/england/government-office-regions/index.html last visited 4th July 2012.

Due to the limited number of BDT reports available to us it proved swifter to analyse the information on barrister infraction using Excel. The structure of the excel sheet accorded to the information provided by the Bar's published findings, i.e., the barrister's name, employment status and so on.[103]

As declared, our third objective was to identify the influential factors in lawyer's transgression. This we did by constructing a theoretical framework as explained in the following section.

Our Theoretical Framework

Abel discovered that the professional discipline issues are relatively under-researched, a fact he attributed to the aura of secrecy formally surrounding disciplinary processes.[104] His conclusions, based on review of the existing literature, suggest that sole practitioners and small firm lawyers are disproportionately represented in lawyer disciplinary cases.[105] This means that examples of cases brought before disciplinary tribunals often seem to be relatively small scale. When lawyers are disciplined for repeated infractions, these often result from ignorance, indifference or inattention.[106] This may also be why; in general, examples of disciplinary infractions are individual, 'unique and unrepeated'.[107]

In terms of theory, Abel drew extensively on the literature on 'white-collar crime'. This is a better fit than first appears, despite the fact that professional disciplinary infractions are rarely prosecuted as criminal acts. Criminology is relevant because it focuses on the conditions that encourage crime and the psychology of perpetrators. Sutherland coined the term 'white collar crime' in 1939 to challenge the myth that deviance was the preserve of the lower classes.[108] He argued that prosecutions may not be brought, or fail and that accurate statistics would be far more damning of elites.[109]

Following Sutherland, later theorists assert that deviance results from a coincidence of motivation and opportunity, the attractiveness of the latter being determined by prospective gains, potential risks, the compatibility with ideas, beliefs and rationalizations and any other available opportunities (the actor's opportunity structure).[110] This does not explain why some succumb to temptation, but one of the few commonplaces of criminology is that those involved in one type of illegitimate activity are more likely to be involved in others.[111]

Coleman suggests we need only acknowledge that wealth and success are the central goals of human endeavour to find motive for deviance.[112] The 'culture of competition' fuelled by capitalism causes blurry lines between entrepreneurship, commercial innovation and deviant activity. Social inequality causes crime at both ends of the social scale; poor people feel powerless and exploited and the wealthy feel that power and exploitation are legitimate.[113] For some, the outcome is its own justification; only 'the most capable and the hardest-working individuals emerge victorious'.[114]

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[103] Supra p.15 and n.72 and n.73.
[104] Abel, supra n.56, p.37.
[105] Abel, supra n.56, pp. 54-55.
[106] Abel, supra n.56.
[107] Abel, supra n.56, pp.32
[108] E. H. Sutherland (1983) White Collar Crime: The Uncut Version Yale University Press and see discussion in K. Schlegel and D. Weisburd (1992) Introduction to White Collar Crime Reconsidered Northeastern University Press.
[109] For these reasons, but also because some disciplinary infractions are not crimes, we use 'deviance' here as a more neutral term.
[110] J. W. Coleman (2001) 'Competition and Motivation to White-Collar Crime' in N. Shover and J. P. (eds) Wright Crimes of Privilege: Readings in White Collar Crime Oxford University Press p.341.
[111] Those convicted of white-collar crime often have previous arrests, Schlegel and Weisburd, supra n.108, p.362 and D. Weisburd, E. Chayet and E. Waring 'White Collar Crime and Criminal Careers: Some Preliminary Findings' (1990) 36:3 Crime and Delinquency 342. See also D. J. Newman 'White-Collar Crime: An Overview and Analysis' (1958) 23 Law and Contemporary Problems 737 and T. Hirschi and M. Gottfredson 'Causes of White Collar Crime' (1987) 25 Criminology 957.
[112] Coleman, supra n.110.
[113] J. Braithwaite (1979) Inequality, Crime and Public Policy Routledge & Kegan Paul Ltd, Chapter 10.
[114] Coleman, supra n.110, p.348.

One theory of financial motivation transcends need. Wheeler suggests that some people stop acquiring wealth at a certain level, whereas, for others, utility grows at higher levels of wealth acquisition.[115] Actors operating in high risk taking are more likely to see themselves "… as pitting their wits against those of the system in some very high stakes games."[116] Acquisition of wealth at these higher levels may 'take the form of a true pathology of personality—a person oblivious of the pattern though engaged in it'.[117] Often, such a person is totally unprepared for being caught and 'treated like a criminal'. There may be some resonance here with Abel's suggestion that a striking trait shared by the lawyers in *Lawyers in the Dock* is the belief they are above the law.[118] Some behaviour is consistent with 'neutralisation strategies' used to rationalize and therefore limit symbolic constraints on behaviour.[119] Coleman identifies six groups of strategy used by individuals charged with white-collar offences to justify their actions.[120]

Organisations are of interest in considering the field of lawyer discipline, not only because they can be a vehicle for deviance but because of the possibility that they can be used to motivate 'good people to do dirty work'.[121] This raises questions about the impact of the regulatory environment on firms' behaviour[122] and whether pressures towards deviance are counter-balanced, for example, by rewards and punishments. The role of organisations in studying professional deviance is somewhat underplayed, partly because examples of prosecution are seldom of people controlling significant operations. [123]

In the coal health cases the business practices which led to discipline were sometimes said to be widespread, open and broadly accepted as legitimate in the professional community and to some extent they were. The way they were operated were not, although consensus on where the line should be drawn emerged rather late in the day. The worst cases in the miners' costs scandal revolved around the abuse of conditional fee arrangements (CFA). In the Lopian Wagner case, the SDT noted that only 14 of the 44 firms investigated had entered into CFAs and/or contingency fee agreements with clients whereby the firm retained fees in addition to those paid by the Department of Trade and Industry (DTI).[124] The Tribunal was concerned to see that letters sent to clients clearly failed to inform clients of costs that would be paid by the DTI. Miners should have been told that other solicitors would have dealt with the claims without deducting success fees.[125]

As the final objective we sought to identify any patterns in the tribunal's dispositions of disciplinary cases. For this we adopted an empirical method based on the transcripts from the disciplinary tribunals and our findings are discussed below.

[115] S. Wheeler 'The problem of White–Collar Crime Motivation' in Schlegel and Weisburd, supra n.108, p.108.
[116] Ibid p.113.
[117] Ibid.
[118] Abel, supra n.56, p.495
[119] See Wheeler, supra n.115. This work is based on symbolic interactionism, which explores how reality is defined by patterns of communication, interpretation and adjustment between individuals.
[120] They may claim positive motives, for example, paying their employees, or deny harm to individuals, or suggest that everyone else was doing the same thing, or argue that rules are an unjust or unwarranted interference in a free market, Coleman, supra n.110.
[121] D. Vaughan 'The Macro/Micro Connection in 'White Collar Crime' Theory' in Schlegel and Weisburd, surpa n.108, p.124.
[122] That is the "the relationship between the corporation's environment (customers, competitors, suppliers and regulations, structure, operating policies, goals and objectives, and so on…)" Schlegel and Weisburd, supra n.108, p.9.
[123] Sutherland's deliberately vague definition of 'white collar crime' was "crime committed by a person of respectability and high social status in the course of his occupation", but his original text often describes the acts of relatively lowly employees (E. H. Sutherland (1983) White Collar Crime: The Uncut Version Yale University Press).
[124] See SDT case no.9668/2007 Anthony Warren Wagner, Michael Benjamin Lopian and Carin Bradley, http://www.solicitorstribunal.org.uk/Content/documents/9668-2007%20-%20Wagner,%20Lopian%20&%20Bradley.pdf last visited 4th July 2012.
[125] Ibid.

EMPIRICAL FINDINGS[126]

Our empirical findings sought to develop a picture of the reasons behind tribunal investigations, the type of respondents who find themselves before their tribunal (in terms of sex and ethnicity, age, experience and status), the type of organisation from which respondents practice and the location of that organisation, the most prevalent charges brought against respondents and the success or failure of the charges (i.e., the result of the disciplinary hearing), as well as the defences and mitigations put forward by respondents. Our analysis also took account of any previous appearances respondents had before their tribunal. The findings are presented below in this order. And go toward proving the theory, as suggested by Abel and others, that the typical transgressor is a sole practitioner, from a small firm ignorant, indifferent or inattentive of the rules and regulations governing professional behaviour.

Investigation

Though the transcripts were not always clear on what triggered the disciplinary action, we formulated some broad categories (which we called context) for the reasons why respondents found themselves in front of the SDT and these are as listed in Appendix 3. We learned that in many cases (40.5% ≅ n 113) this was the result of inspections by the Law Society, which were usually, it seems, triggered by information received.[127] In other cases (c 23% ≅ n 64) referral clearly originated in a complaint lodged with a complaints body, such as the Office for the Supervision of Solicitors by, for example, a member of the public or a fellow solicitor. [128] These findings are, in large part, confirmed by the SDT annual reports, which provide the big picture on the origin of referrals.[129] According to the reports, applications for inquiry into a solicitor's conduct are largely confined to the Law Society (through the SRA) and though it is also open to members of the public to make direct applications to the SDT without reporting to the Law Society, they rarely do.[130]

Due to the summary nature of the BDT reports, it was not possible to formulate categories for the reasons barristers found themselves before their Tribunal; the reports do not contain this information.

Sex, Race and Ethnicity

There was a gender distribution in favour of male respondents appearing before the SDT, that is 225 (80.6%) compared to 54 (19.4%) females. This imbalance is more notable given that, in 2008, women constituted 44.4% of solicitors holding practising certificates.[131] It is not possible to provide any statistical analysis on the race and ethnic origin of respondents before the tribunal as the SDT reports rarely contain this information. Indeed from the reports it was possible to glean information on the ethnic origin of only nine

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[126] All percentages cited in this section of the report are valid percentages, i.e., excluding missing information. For an early statistical investigation into the findings of the SDT see M. Davies 'The Regulation of Solicitors and the Role of the Solicitors Disciplinary Tribunal' (1998) 14:3 Professional Negligence 15.

[127] Note, it is now the SRA which has responsibility for most referrals/prosecutions brought before the SDT (http://www.sra.org.uk/SDT). The governing rules for SRA referral may be found at http://www.sra.org.uk/solicitors/enforcement/intervention-tribunal/sdt-referral-code.page and should be read in conjunction with rule 10 of the SRA Disciplinary Procedure Rules at (http://www.sra.org.uk/solicitors/handbook/discproc/content.page). All sites last visited 4th July 2012.

[128] Other reasons included referrals following: a criminal conviction (7.2% ≙ n.20), a targeted audit (6.8% ≙ n.47) and a 'tip-off' (3.9% ≙ n.22).

[129] See, the SDT annual reports at http://www.solicitorstribunal.org.uk/about-us/annual-reports last visited 19th July 2013 and The Chairman's Report of The Solicitors Disciplinary Tribunal 2013 p.5 at http://www.distrib.ie/documents/Solicitors_Disciplinary_Tribunal_CMS11.pdf last visited 19th July 2013.

[130] Of the applications made in the year ending 30th April 2011, four were made directly by members of the public (the SDT found no case to answer) and 16 concerned restoration to the roll, or the revocation of a s.43 Order (an application to control the employment of a person employed or remunerated by a solicitor). The balance of 207 comprised applications by the Law Society (through the SRA), see Solicitors Disciplinary Tribunal Annual Report 2010-2011 p.10 at http://www.solicitorstribunal.org.uk/Content/documents/Annual%20Report%202010-2011%20Final.pdf last visited 19th July 2013.

[131] B. Cole (2008) Trends in the Solicitors' Profession: Annual Statistical Report 2008 The Law Society p.5 at http://www.lawsociety.org.uk/secure/file/183427/e:/teamsite-deployed/documents/templatedata/Publications/Research%20Publications/Documents/asr2008report.pdf last visited 4th July 2012.

of the 279 respondents brought before the SDT in 2008.[132] Moreover, the Law Society's "Find a Solicitor" database does not record such details.

From the BDTs summary reports it is not always obvious whether the barrister brought before the Tribunal was male or female, as the reports do not use the titles Mr, Miss or the personal pronouns 'she or he'. Instead, respondents are referred to by their full name or as 'the barrister'. Where sex was not obvious from the barrister's name or the report, we checked the Bar's Directory.[133] Thus in 2008 of the 73 cases brought before the BDT, 72.6% (n 53) involved men and 37.7% (n 20) involved women; again a gender distribution in favour of male respondents. These figures should be viewed in context. The percentage of women at the bar is smaller than men. In 2009-10 women made up 34.4% (n 5,259) of the practising bar; that is 5,259 women to 10,011 men.[134] As with the SDT reports, neither the BDT reports nor the Bar Directory include information on the race and ethnicity of respondents.[135]

As the transcripts contain little to no information on the race or ethnicity of respondents it was not possible to use them to research the possibility of a link between racial diversity and transgression as determined by the SDT. External (and internal) research[136] has, however, been conducted into potential racial bias in the regulatory and disciplinary decisions of the SRA, including the decision to refer a case to the SDT. In the main it is the SRA that makes referrals to the SDT[137] and as a result of the Authority's decision a disproportion number of respondents of Black, Asian or Minority Ethnic (BAME) background may find themselves before the Tribunal. This issue of race, regulation and wrongdoing has recently been thrown into the spotlight of a wider audience due to the case of *Robinson v Solicitors Regulation Authority.*[138]

Robinson, a sole practitioner of African Caribbean origin argued that the SRA and SDT had discriminated against him on racial grounds. Thus he sought to appeal the SDT's reasoning, decision and 12 months suspension on the basis of racial bias; claiming that when viewed through the "prism of racial discrimination" the tribunal's decision was unfair.[139] The High court detected nothing

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[132] Three Ugandan's, two Nigerians and one Irish, one, Asian, one Malaysian and one Pakistani.

[133] http://www.legalhub.co.uk last visited 4th July 2012.

[134] J Sauboorah (2011) Trends in the Barristers' Profession: Pilot Statistical Report The Bar Standards Board and the General Council of the Bar, p.7 at http://www.legalservicesboard.org.uk/what_we_do/consultations/closed/pdf/annex_b.pdf last visited 30th June 2012.

[135] However, in addition to the annual monitoring of equality and diversity that the SRA conducts (http://www.sra.org.uk/sra/equality-diversity/reports.page) it has commissioned external research into the relationship between race and regulation see: Pearn Kandola (2010) Solicitors Regulation Authority Commissioned Research into Issues of Disproportionality at http://www.sra.org.uk/sra/equality-diversity/reports/research-disproportionality.page, Ouseley Report (2008) Independent Review into Disproportionate Regulatory Outcomes For Black and Minority Ethnic Solicitors at http://www.sra.org.uk/ouseley and The Law Society Report (2006)The Impact of Regulatory Decisions of the Investigations and Enforcement Unit on Black and Minority Ethnic Solicitors at http://www.sra.org.uk/documents/sra/equality-diversity/bme-impact06.pdf. Moreover, the SRA currently awaits a report from Professor Gus John, an equality and race relations expert, who has been tasked with an Independent Comparative Case Law Review to investigate potential racial bias in the disciplinary decisions the SRA makes (http://www.sra.org.uk/sra/equality-diversity/reports/independent-comparative-case-review.page last visited 17th July 2013). The BSB has not escaped questions over racial bias in its complaints and discipline processes. Biennially it publishes survey reports on the gender and ethnicity of barristers subject to complaints (http://www.barstandardsboard.org.uk/about-bar-standards-board/how-we-do-it/our-staff/professional-conduct-department/performance-reports/diversity-reports last visited 17th July 2013). The 2013 report contains detailed analysis of complaints data from 2007-2011, see Bar Standards Board (2012) Report on Diversity of Barristers Subject to Complaints 2013 at http://www.barstandardsboard.org.uk/media/151930/diversity_report__2012_report.pdf last visited 17th July 2013. The Board has also commissioned an independent external qualitative review of its complaints processes, the results of which are due in September 2103, see http://www.barstandardsboard.org.uk/media-centre/press-releases/diversity-review-of-complaints-processes last visited 17th July 2013.

[136] Supra n.135.

[137] As explained in n.127 the SRA took over the Law Society's responsibility for referral to the SDT.

[138] [2012] EWHC 2690 (Admin) and see L. Webley 'United Kingdom: What Robinson v Solicitors Regulation Authority Tells us about the Contested Terrain of Race and Disciplinary Processes' (2013) 16:1 Legal Ethics 236.

[139] [2012] EWHC 2690 (Admin) para.40. Robinson's counsel made reference to the commissioned reports into race and regulation in order to support the allegation of discrimination, ibid para.59 (and see The Law Society, Ouseley and Kandola reports n.135).

> …to suggest that any wider issues regarding alleged discrimination in the legal profession have somehow seeped into, or otherwise materially affected, the Tribunal's reasoning or decision in the instant case. No scintilla of discrimination of any kind is detectible, save against bad practice by a solicitor contrary to his professional code of conduct… [T]he Tribunal's reasons are a model of their kind and unimpeachable.[140]

Despite this, and as Webley points out, the case *"…raise[s] broader issues about the way in which apparent breaches of legal ethics and code compliance are brought to the attention of the regulator and are investigated and decided."*[141] She identifies, and we agree that there is, a "*complex matrix of intersecting factors*" which make-up the picture of racial disproportionality before the regulators; Webley goes on to suggest the need for further research.[142]

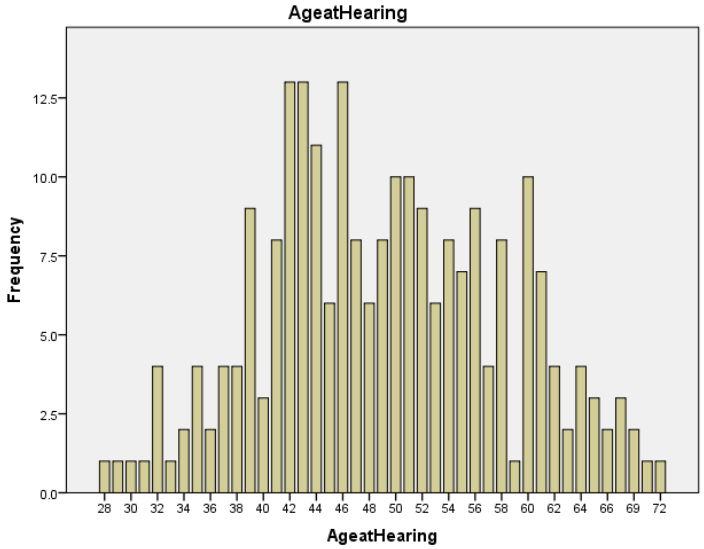
The BSB has not escaped questions over racial bias in its complaints and discipline processes and, like the SRA, has published reports and commissioned research into the diversity of barristers subject to complaints.[143] But current legal action[144] and media attention[145] spotlight the failures of its disciplinary tribunals as they pertain to "systematic failures" in administration, rather than discrimination.[146]

Age, Experience and Status

At the time of the SDT hearing the mean age of men was 50.16 years and women 44.98 years. This is considerably older than the comparative mean age of men and women holding practising certificates in 2008, with men at 44.3 years and women 37.1 years.[147] Across the sexes the minimum age at hearing was 28, the maximum 71 and the mean 49.16.[148] So every age and sex has its share of transgressors as can be seen in Figure 1, which reflects the age of respondents across the sexes.

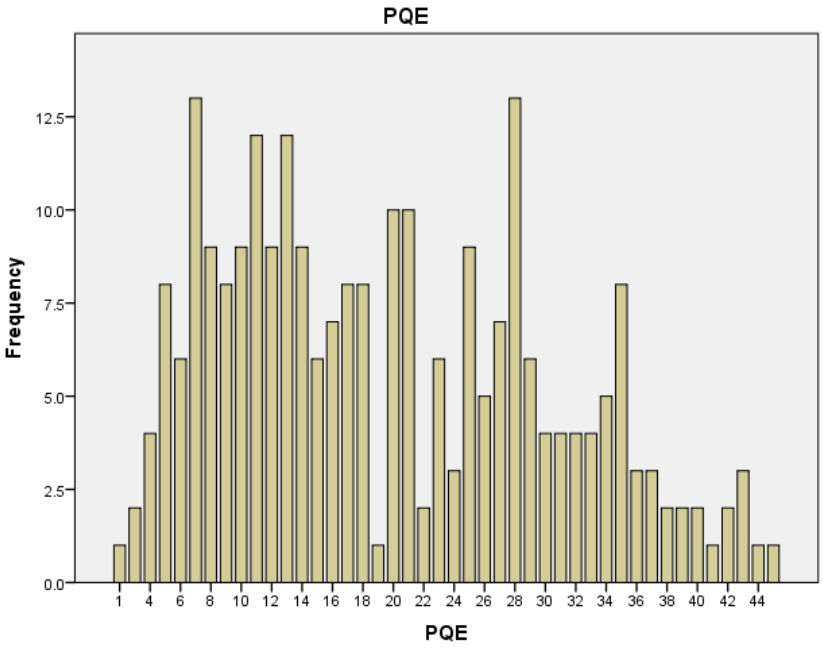
[140] Ibid para. 65.
[141] Supra n.138.
[142] Including: the fact that the SRA receives many of its complaints from external sources; that BAME respondents are more likely to work as sole practitioners or in small practices doing the type of work which is highly scrutinised by the regulators with limited resources in terms of management and administrative structure, and of supportive colleagues wrapped up in a lack of trust BAME may have in their regulator, see Webley supra n.138, p.241.
[143] Supra n.135.
[144] In July 2013 the High Court heard three claims for judicial review (CO/9851/2011 The Queen on the application of Mehey v Visitors of the Inns of Court, CO/12383/2011 The Queen on the application of Hayes v Visitors of The Inns of Court and CO/2985/2012 The Queen on the application of Leathley v Visitors to The Inns Of Court), which called into question the legality of the Bar's disciplinary system. At the time of writing judgment has yet to be given, see C. Baksi (2013) 'Bar's Disciplinary System on Trial in High Court' Law Society Gazette 18th July at http://www.lawgazette.co.uk/news/bar-s-disciplinary-system-trial-high-court last visited 19th July 2013.
[145] Not least the BBC's Today radio programme see S. Ring (2012) 'Damned if you do—the Bar Standards Board's unwelcome place in the spotlight' at http://www.legalweek.com/legal-week/analysis/2196136/damned-if-you-do-the-bar-standards-board-s-unwelcome-place-in-the-spotlight last visited 19th July 2013.
[146] Final Report from the Council of the Inns of Court (COIC) Disciplinary Tribunals and Hearings Review Group (2012) chaired by Desmond Browne QC at http://www.graysinn.info/index.php/disciplinary-tribunals-review-coic last visited 19th July 2013.
[147] Cole, supra n.131 at p.5.
[148] The minimum age of a male before the SDT was 29 years and a female 28 contrasted with the oldest male being 72 and the oldest female, 66. Of the 279 dataset information with regard to date of birth was missing in 45 cases, i.e., 16.1%.

Figure 1: Age of Respondents at date of SDT Hearing



Knowledge of age on its own means little unless we also know the number of years post qualification experience (PQE) a respondent has, because age does not necessarily mean experience. For example, a respondent could have obtained legal qualification at 48 and been practising for two years when brought before the tribunal at age 50. In our sample the mean number of years post qualification experience (PQE) was 19.63. The minimum number of years was one and the maximum 48. The mode was shared between seven years and 28 years PQE. These numbers are represented in Figure 2 below:

Figure 2: Number of Years of Post Qualification Experience



Bearing in mind age, and years of PQE, it is understandable that most solicitor respondents had achieved partner status or equivalent by the time of their hearing (n 155 ≅ 56.2%). The next largest group comprised

sole practitioners (n 67 ≅ 24.3%), followed by solicitors or equivalent (n 37 ≅ 13.4%).[149] So rather than young and inexperienced solicitors' being brought up before the SDT, our data suggests that it is middle-aged male solicitors, who have reached partnership and have almost 20 years post qualification experience, who make the most appearances.[150]

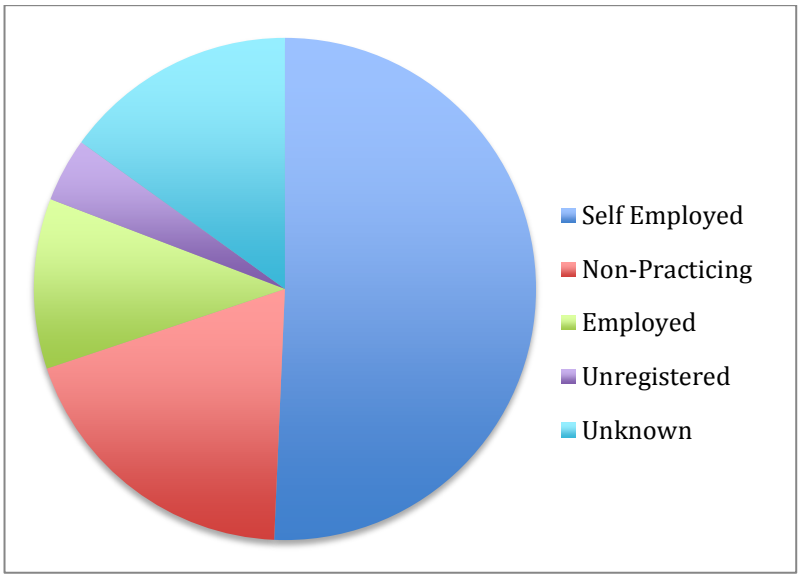
This preponderance of middle-aged solicitors before the SDT may be because solicitors are feeling pressure from a number of sources including partnership breakdown, ill health, over stretched financial resources and hectic family life. [151] These are ideal sets of circumstances in which errors, misjudgements, bad choices and risk taking may occur, accumulate and lead to disciplinary transgressions. It is noteworthy that the issue of risk taking is one that the SRA is currently focussing upon as it matures into its role as an outcome focussed risk-based regulator. [152] By contrast, assistant and associate solicitors[153] may be more up to date with the governing rules and available technology. They may also be less jaded by the profession and its pressures. Moreover, assistant and associate solicitors do not enjoy the same freedom from internal supervision that partners and sole practitioners do, the level of supervision they are subject to may lessen their opportunities for misconduct. Consequently, these are circumstances in which perhaps less disciplinary mistakes occur.

When the current status of respondents was examined using the Law Society's "Find a Solicitor" database, it was found that, four years on, only 40% still remained in legal practice.[154] This can part way be explained by the fact that 48 (≅ 17.2%) of the respondents were struck off and 39 (≅ 16.7%) were in their 60s and 70s and may therefore have retired from the profession.

As previously indicated, the BDT summary reports do not contain information on the age of respondents but do list the month and year of call.[155] This allowed us to ascertain that the majority of barristers were self-employed (n 37 ≅ 50.7%), a fair number were non-practising (n 14 ≅ 19.2%), and the remaining few were employed (n 8 ≅ 11%) or unregistered (n 3 ≅ 4.1%).[156] There was only one QC in the sample of 40 years call (12 of these years as Silk).[157] The pie chart, in Figure 3 below, shows these percentages visually for ease of comparing proportions.

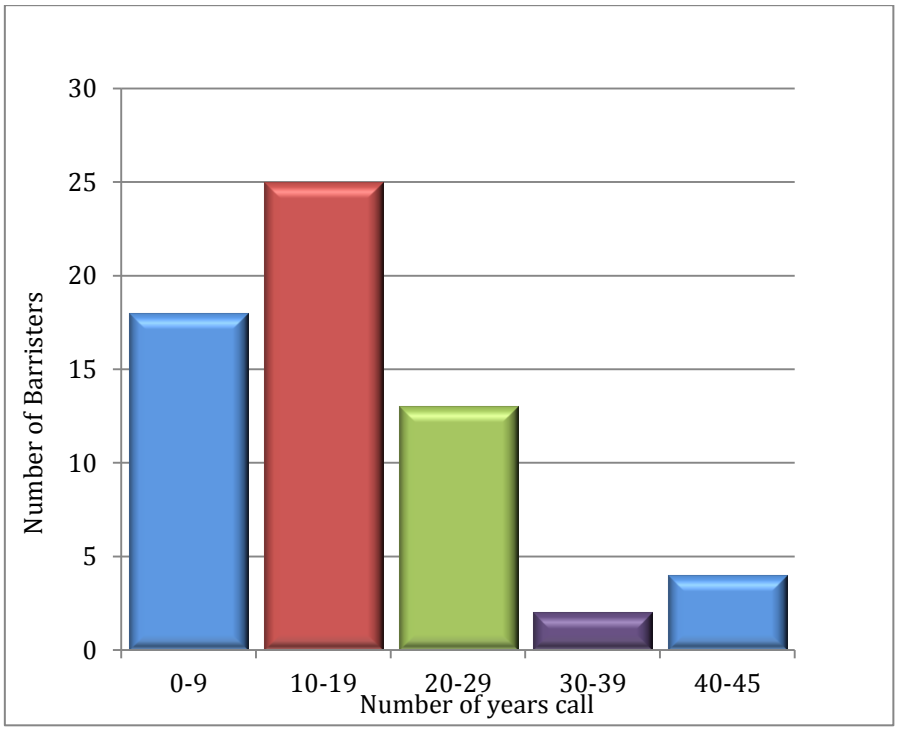
[149] There were 13 (4.7%) paralegals / equivalent, two trainees, one barrister and one legal executive. Paralegal and legal executive have not been used as synonymous categories. As a qualified member of the Institute of Legal Executives, legal executives were treated as separate entities. This totals 276 with missing information on three respondents.
[150] Similarly research by Davies found the sort of solicitor most likely to be declared dishonest by the SDT was a sole practitioner, over 40 years old with over 10 years PQE, supra n.85, p.168.
[151] See below re Defences / Mitigation.
[152] The SRA has recently published its first annual assessment of risk to the profession, which it categorises into three types, current (such as financial instability), emerging (such as poor standards or service and advice) and potential (such as lack of due diligence in outsourcing), see Solicitors Regulation Authority (2013) Risk Outlook 2013: The SRA's Assessment of Key Risks to the Regulatory Objectives at http://www.sra.org.uk/solicitors/freedom-in-practice/ofr/risk/risk-outlook.page last visited 19th July 2013.
[153] Assistants and associates were underrepresented in the SDT 2008 sample by comparison to the population of the Law Society's ASR for the same year. Solicitors or equivalent made up 13.4% of the SDT hearings in 2008. Whereas Associate and Assistant Solicitors (14,682 (17.6%) and 25,967 (31.2%) respectively) made up 48% of solicitors in private practice holding practising certificates as of July 2008, see Cole, supra n.131 at p.15.
[154] This database, http://www.lawsociety.org.uk/choosingandusing/findasolicitor/view=solsearch.law was consulted in November and December 2011.
[155] Where summary reports were unavailable, data on date of call and the status of the barrister in terms of employment, was found using the Bar Directory at http://www.legalhub.co.uk last visited 28th June 2012.
[156] Data was missing in 11 (15.5%) of the 73 cases.
[157] Both figures are as at 2008, the year under consideration.

Figure 3: Barristers' Employment Status



We also ascertained that at the time of the BDT hearing the mean number of years call for male barristers was 17.4 and women 14.9. Across the sexes the minimum number of years call was two, the maximum 45, the mean 16.72 and the mode 16 (Figure 4 illustrates the number of years across the sexes).[158] So again, as with solicitors, it is experienced barristers who are finding themselves before their regulator.

Figure 4: Barristers' Number of Years Call



[158] The minimum years of call for males were two and females six, contrasted with the maximum years call for males at 45 and females at 40. Of the full 73 case dataset, information with regard to years of call was missing in 11 cases, i.e., 15.5%.

We can make a rough educated guess as to the average age of barristers appearing before the Tribunal, by assuming they were called to the bar having completed their vocational legal training at around 22-23 years old.[159] If this is the case the minimum age would be approximately 25, the maximum 67 and the mean 39. This is around 10 years younger than solicitors who found themselves before the SDT.

Profile of Organisation

While the SDT transcripts make it perfectly clear when an action is being brought against a sole practitioner, for actions brought against a partner(s) it is not possible to state the size of the partnership with equal certainty. Generally, SDT reports do not carry full details of the firms in terms of size and specialism. Cautiously, we assumed that as partnerships usually engender joint and several liabilities, certain kinds of disciplinary action could be brought against all partners. Where multiple partners are charged therefore, partnership size might be ascertained on the basis of the number of partners brought before the Tribunal. This assumption is not reliable however, and, of course, making such an assumption does not assist with actions against assistant or associate solicitors, paralegals and so on.

Based on a rough analysis of the organisational background of respondents and the number of respondents against whom charges were brought in each firm; the largest firm examined consisted of 12 partners,[160] and there were 67 sole practitioner firms in our sample. At first it may appear that small partnerships and sole practitioners are over represented in the sample. For context, however, it should be noted that in the year under study, 85.9% of private practice firms in England and Wales were small practices with four or fewer partners,[161] with private practice partner status being over six times more likely than sole practitioner status (38.1% partners to 5.5% sole practitioners) but the bulk of solicitors in private practice were associate or assistant solicitors (48%).[162]

We used the Law Society's 'Find a Firm' database, supplemented by a basic Google search, to ascertain how many of the 181 firms with which the respondents were associated in 2008 are still in existence today. It appears that 73.4% (n 133) of the firms are now defunct in that they have no presence on the database and no, or very limited presence on the web.[163] We found that only 26.5% of the firms (n 48) still offer legal services, i.e., are on the database and or have a substantive web presence.[164] For full details of this search, see Appendix 4.

In terms of organisational information, generally the summary reports of the BDT consistently set out the name and location of the chambers at which the barrister is self-employed. However, when barristers are employed the reports do not give details of the employing organisation, nor do they state the occupation of those barristers who are non-practising or unregistered. We supplemented the BDT reports with searches in the Bar Directory and the web (see further Appendix 5). The largest set of chambers hosting a barrister respondent had nine Queens Counsel (QCs) and 237 junior counsels. There were four barristers in the sample operating as sole practitioners.[165] The average set of chambers in our sample hosted nine QCs and 53 junior counsels.

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[159] This supposes a basic pattern of starting the three years of academic legal training at 18 and completing it at 21; then beginning the vocational stage of legal training and completing that one year course at 22. Note: on successful completion of the vocational stage students are 'called to the bar'.

[160] The firm, was Eaton Smith Solicitors, are still currently in practice (http://www.eatonsmith.co.uk last visited 4th July 2012). Interestingly the SDT expressed some surprise that the case had come before them. The Tribunal was impressed by the high quality of work conducted by the firm and were of the opinion that this was not a firm, which should be held up to the profession as a bad example at http://www.sra.org.uk/documents/consumers/SDT/2009/Jan/blakeborough-et-al-9853.07.pdf last visited 4th July 2012.

[161] Cole, supra n.131 at p.5.

[162] Cole, supra n.131 at p.15. Note: associate solicitors totaled 17.6% of the population and Assistant Solicitors 31.2%.

[163] Firms were classed as having a limited web presence where reference to them could only be found on web directories such as The Law Directory at http://www.thelawpages.com last visited 4th July 2012 and The Independent Directory at http://directory.independent.co.uk last visited 4th July 2012. The directories are not reliable enough for it to be categorically stated that the firm is still in existence because the information they contain in generally limited to firms' contact details with no guarantees that this information is current.

[164] By this we mean that the firm has its own web site.

[165] See further http://www.barstandardsboard.org.uk/code-guidance/becoming-a-sole-practitioner last visited 3rd July 2012.

Location of Organisation[166]

Solicitor respondents in the sample were over twice as likely to be based in firms within the London region (n 54 ≅ 19.4%) than the next most popular regions of the North West and Yorkshire & The Humber (both at 20 each ≅ 7.2%).[167] An equal number of practices were based in the South East and the East of England (n 18 ≅ 6.5%), whereas 15 (≅ 5.4%) were based in the West Midlands.[168] London's predominance here is reflective of the Law Society's 2008 statistics, where private practices in the capital region made up a little over one quarter (27.8%) of the total number of private practice firms (10,267).[169] The number of solicitors practising in London has consistently outstripped the number practicing elsewhere in England and Wales, so London's predominance in the sample is to be expected.

We have extremely limited data in relation to the geographic location of the barristers' chambers or organisations at which employed barristers worked.[170] What we do have indicates that chambers and organisations were over thrice as likely to be based in London (n 18) than the next most popular regions of the East of England (n 5) and the South West (n 5).[171] Indeed, as of 2009-10 there were 734 chambers in England and Wales, 347 of which were located in London and 387 in the provinces.[172]

Categories of Charges

From our analysis, breaches of the Solicitors Accounts Rules (SAR) stood out as the most frequent charge brought against errant solicitors (13% of the total charges brought). This category was followed by charges involving failures surrounding information and advice giving, for example, failure to disclose information or providing false or misleading information (10.8%) and breaches of Rule 1 (the basic principles) of Solicitors Practice Rules (9.8%). The prevalence of this later issue was highlighted in the recent SRA research study of firms' attitudes towards compliance, which noted the main area of non-compliance concerns the provision of information to consumers.[173] Moreover, the SDT Annual Report for year ending April 2009 emphasised *"the continuing need for greater awareness by solicitors of the Rules of Conduct and in particular the Solicitors' Accounts Rules…"*[174]

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[166] The location of the organisation from which the transgressor operated was categorised in terms regions, see further n.102.

[167] Data on location was missing in 29 cases. Where charges were brought against more than one member of a firm, that firm's location was counted only once.

[168] The remaining respondents were located in: the South West (9 = 3.2%), Wales (6 = 2.2), East Midlands and, North East (both at 5 = 1.8%) and overseas (3 = 1.1%).

[169] The South East hosted 14.8% of private practice firms, the North West and Merseyside 12%, the Eastern region 10.3%, the West Midlands 7.9%, Yorks & Humber 6.9%, the South West 6.7%, the East Midlands 5.6% and Wales 5%, Cole, supra n.131 at p.6.

[170] Geographic data was available in 38 of the cases an unavailable in 35. This information was lacking because of a combination of reasons, e.g., where barristers were non practicing, unregistered, or the information was otherwise not listed in any of our available sources. The information was taken from the BDT report, supplemented by the Bar Directory. When the later was used then location data is current rather than where chambers/organisations were geographically based in 2008.

[171] The other locations were West Midlands (n.3), South East (n.2) and one chamber/organisation was based in Yorkshire & The Humber, North West and East Midlands. A final two were located in Wales (note: "Scotland, Wales and Northern Ireland are not subdivided into GORs but are listed with them as regions in UK-wide statistical comparisons" at http://www.ons.gov.uk/ons/guide-method/geography/beginner-s-guide/administrative/england/government-office-regions/index.html last visited 30th June 2012.

[172] See J Sauboorah (2011) Trends in the Barristers' Profession: Pilot Statistical Report The Bar Standards Board and the General Council of the Bar, p.37 at http://www.legalservicesboard.org.uk/what_we_do/consultations/closed/pdf/annex_b.pdf last visited 30th June 2012.

[173] For example, information on costs, services, regulation and complaints procedures, see Solicitors Regulation Authority (2011) Attitudes to Regulation and Compliance in Legal Services at pp.15 and 20 at http://www.sra.org.uk/documents/SRA/research/attitudes-regulation-compliance-2011-research-findings.pdf last visited 4th July 2012.

[174] The Solicitors Disciplinary Tribunal Annual Report 2008/09 (for year ending April 2009) p.12 at http://www.solicitorstribunal.org.uk/Content/documents/annual_report_2009.pdf last visited 4th July 2012.

The allegations as categorized in the SDT's annual report for 2008/09 yielded some similar results to our findings in terms of ranking but percentages differ. According to SDT figures the most frequent allegations involved, in equal measure, SAR breaches and general 'breaches' (at 34% each) followed by allegations grouped as 'failures' (17%).[175] The discrepancy in percentages is due to a number of factors including the period of time for which figures were collated (we used the calendar year 2008 and the SDT used March 2008 to April 2009) and the fact that we counted each charge separately, e.g., if a respondent breached ten accounts rules then ten was entered onto our SPSS database. It is not possible to tell whether the SDT statistics followed the same method of counting charges. Moreover, our categories were more detailed that the SDT's to allow use a more in depth and informed level of analysis.

With regard to the type of charges brought against barristers, bearing in mind the restrictions already noted on availability of data, we analyzed the 27 cases which resulted in disbarment or suspension. [176] The charges leading to these severe sanctions, all involved breaches of the barrister's Code of Conduct,[177] which we categorized, in Table 6, as follows:

Table 5: Number and Category of Charge Brought Against Barristers

CATEGORY	CHARGE	NUMBER
1	Failure to respond to a complaint[178]	14
2	Pupillage Regulations	13
3	Continuous Professional Development (CPD) Breaches[179]	12
4	Failure to pay an administrative fine[180]	11
5	Dishonesty	8
6	Discreditable/ Disreputable Conduct	7
7	Failure to respond to notification / Request for Information	6
8	Failure to report[181]	6
9	Practising without a Certificate / Holding out as being a Practising Barrister	3
10	Failure to Comply with Directions / Pay Costs	3
11	Incompetence (during conduct of a trial)	1

[175] Note, general 'Breaches' included, for example, breach of the Solicitors Practice Rules, breach of the Solicitors Publicity code and breach of the Solicitors Introduction and Referral Code. The remaining allegations were grouped as 'Other' at 7% (including, e.g., practicing without a certificate, improper utilisation and misappropriation of 'Clients Money' at 5%, 'Criminal Convictions' at 2% and 'Delays' at 1%: see The Solicitors Disciplinary Tribunal Annual Report 2008/09, ibid.

[176] We have a list of the 73 barristers (two barristers appeared twice) who faced disciplinary proceedings in 2008 (downloaded from the BSB website in March 2010). The list merely states the barrister's name, the type of hearing (e.g., 5 person tribunal) and the sentence (fine, suspension etc.). Only 27 barristers remain on the website as those whose sentence was disbarment or suspension and thus whose details will indefinitely remain on the records, supra p.22.

[177] Then it its 7th Edition and now its 8th, see http://www.barstandardsboard.org.uk/regulatory-requirements/the-code-of-conduct last visited 29th June 2012.

[178] Generally this related to failure to promptly respond to requests from the BSB / Bar Council for comments or information on a complaint.

[179] Generally this related to practising as a barrister having failed to complete the necessary CPD. All barristers are required to complete CPD hours (currently 12 hours after the first three years of practice) and return a record card to the BSB on an annual basis at http://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/continuing-professional-development last visited 29th June 2012.

[180] Generally this related to failure to pay the financial penalty imposed for non-compliance with CPD.

[181] This included failure to report: bankruptcy, being struck off the Solicitors Roll and a criminal conviction.

Based on this small sample size, a nascent observation would be, that breaches of the CPD rules, including failure to pay an administrative fine in light of the breach (n.23), in addition to dishonesty and other discreditable behaviour (n.15), are the main reasons barristers' find themselves before their disciplinary tribunal. Though there were 13 offences in connection with pupillage regulations, these pertained to only three barristers[182] who, in setting up a 'bogus' chambers in order to award pupillage to one of their number, were intentionally operating in such a way as to circumvent the pupillage regulations. [183]

Results of Hearings

According to the SDT Annual Reports for the period March 2008 to April 2009, over two thirds of cases were lengthy, i.e., taking up one or more days of sitting time.[184] At conclusion of the hearing the Tribunal's written order is immediately available to the respondent(s) and as soon as possible thereafter, the detailed written findings are issued along with the order made.[185] The aim is that such findings are produced within seven weeks of the hearing.[186] From our analysis, Figure 5 shows respondents had to wait, on average, three months (90.6 days) from the date of the SDT hearing to receiving the full written results of its findings.[187] The data suggests that where a case involved a female respondent the tribunal took a little longer to produce its judgment and order than a case against a male respondent. We chose a boxplot as the best way of illustrating this diagrammatically as it readily allows comparison between the length of time of hearings involving males and those involving females and shows the spread of data in terms of quartiles.[188] We can see the second quartile (the median) is higher for females, at an estimated 87 days, than for males at an estimated 75 days. The outlying cases do not appear to have skewed this data.[189] There are no immediately obvious reasons why the tribunal might take longer to deliver their findings when faced with women respondents, we would need to conduct further research to see if this is a trend.[190]

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[182] (1) Naeem Sajid Khan (http://www.barstandardsboard.org.uk/complaints-and-professional-conduct/disciplinary-tribunals-and-findings/disciplinary-findings/?DisciplineID=74827) (2) Khandakar Abdul Quddus (http://www.barstandardsboard.org.uk/complaints-and-professional-conduct/disciplinary-tribunals-and-findings/disciplinary-findings/?DisciplineID=74825) and (3) Khadim Thathall (http://www.barstandardsboard.org.uk/complaints-and-professional-conduct/disciplinary-tribunals-and-findings/disciplinary-findings/?DisciplineID=74826) last visited 30th June 2012.

[183] See further the BSB's new handbook on pupillage (September 2011) at http://www.barstandardsboard.org.uk/media/261792/pupillage_handbook20august202011lc.pdf last visited 29th June 2012.

[184] The Solicitors Disciplinary Tribunal Annual Report 2008/09 supra n.174, pp.4 and 12.

[185] http://www.solicitorstribunal.org.uk/search/JudgementSearch.aspx last visited 4th July 2012.

[186] Ibid.

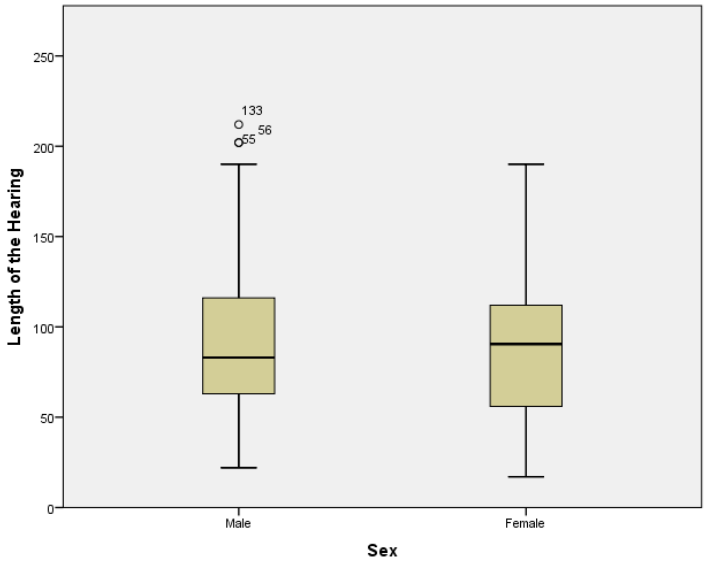
[187] The minimum number of days between hearing and issue of full judgment was 17 and the maximum was 212 days. In the former case (number 9810-2007 Priya Prashar at http://www.solicitorstribunal.org.uk/Content/documents/9810-2007%20-%20Prashar.pdf last visited 4th July 2012) the respondent was struck off for conduct unbefitting a solicitor whilst serving a prison sentence for systematically plundering client account and covering this up with false accounting. The crown court judge described her as "…a thief, a forger and a liar". The decision was swift as all allegations were admitted and no representations were made at tribunal. By contrast the decision in case 9862-2008 (Stephen Paul Kettlewell at http://www.sra.org.uk/documents/consumers/SDT/2009/feb/kettlewell-9862.08.pdf last visited 10th August 2011), which was heard on 8th July 2008 with the written judgment being handed down on 5th February 2009, took approximately 20 weeks / five months (bearing in mind that the SDT does not sit in August). There is no indication in the report of a reason for this delay considering the charges (misleading clients) were admitted and the judgment is but five pages long. According to the Tribunal the time it takes to produce its written findings reflects the length and complexity of the hearing at http://www.solicitorstribunal.org.uk/search/JudgementSearch.aspx last visited 4th July 2012.

[188] A boxplot (also known as a box and whisker plot) is a means of graphically depicting a group of numerical data through their quartiles, the lines (whiskers) extending vertically from the boxes indicate the variability outside the upper and lower quartile. Thus it displays information about the range, median and the quartiles. See, e.g., http://onlinestatbook.com/2/graphing_distributions/boxplots.html

[189] The outlying numbers, the end of the whisker (ibid) showing the highest value, represent cases (as numbered on the database) that were out of sync with the mean data. So there were 202 days between hearing and order in cases 55 and 56 (case no 9752 Olusola Morakinyo AYENI, Colin Chinedu IKOKU at http://www.sra.org.uk/documents/consumers/SDT/2009/feb/Ayeni-Ikoku-9752.07.pdf last visited 10th August 2011) and 212 days in case 133 (Kettlewell supra n.187).

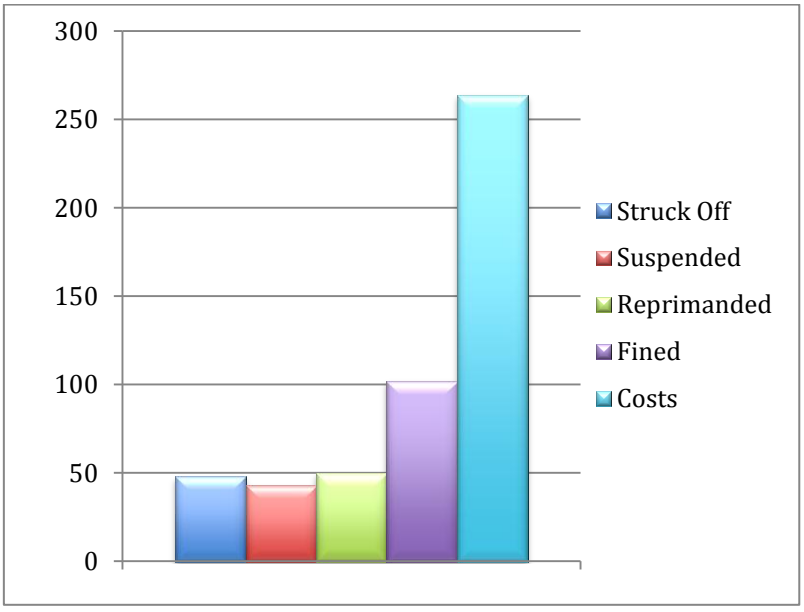
[190] See, for example, research conducted by P. W. Hatamyar and K. M. Simmons 'Are Women More Ethical Lawyers? An Empirical Study' [2004] 31 Florida State University Law Review 785 at http://www.law.fsu.edu/journals/lawreview/downloads/314/Hatamyar_Robichaud.pdf last visited 29th July 2013.

Figure 5: Boxplot—Length of Time between Hearing and Written Findings in 2008



In relation to all allegations brought against all respondents, the SDT in 77% of cases (n.214) were likely to find the allegations wholly substantiated and in 15% (n 43) were likely to find the allegations substantiated in part. The Tribunal found only 1.8% (n 5) of allegations to be wholly unsubstantiated.[191] Once a finding was made the most common sanction was for a fine and costs to be awarded. Of the sample 36.6% (n 102) were fined and 94.3% (n 263) were held liable for costs. With regard to the severest sanctions: 17.2% (n 48) respondents were struck off; 15.4% (n 43) were suspended and 17.9% (n 50) were reprimanded. Figure 6 shows, in diagrammatic form, how the sanctions were distributed.

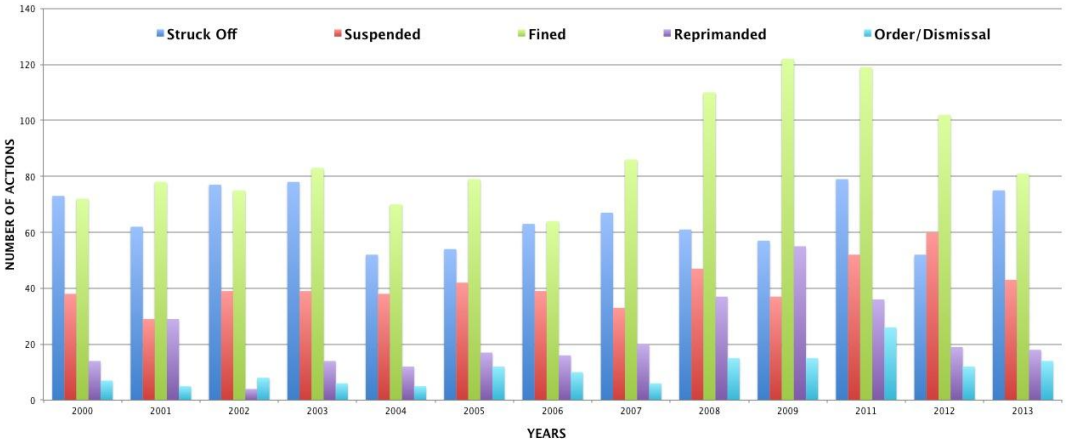
Figure 6: Sanctions Against Solicitors in 2008



[191] Of the remaining cases: six applications (e.g., for restoration to the Roll) were denied; no order was made or the case was dismissed in five instances; one SDT decision was set aside.

Figure 7 below, shows that our sample year, 2008, did not differ significantly in its pattern of sanctions from other years between 2000 and 2013. Thus the general rule is that fines are the most prevalent sanction.

Figure 7: Pattern of Sanctions Against Solicitors 2000 to 2013



The Bar's disciplinary proceedings have been published since 2002 and new findings are published on the BSB's website within seven days of a decision.[192] Of the 75 cases decided before the BDT in 2008 imposition of a fine (independent or in conjunction with another order) was the most popular finding at 40% (n 30), followed by reprimands at 22.6% (n 17). Suspensions at 18.6% (n 14)[193] and disbarments at 17.3% (n 13) were ordered in almost equal measure. Findings of note here were that three and a half times more male barristers were disbarred (n 21) or suspended that females (n 6) and more non-practising barristers were disbarred (n 15) than self-employed barristers (n 11), indeed self-employed barristers were unlikely to face such sanctions (n 1). Finally, there was also some parity in number between orders for no further action (n 5) and advice re future conduct (n 7).[194]

Previous Appearances

We analysed the number prior occasions on which the 279 respondents had appeared before the SDT. For 80.9% (n 225) of the sample, 2008 was their first time before the SDT, whereas 19% (n 53) had appeared before. Generally, for these repeat respondents, 2008 was their second time before the tribunal.[195] It might be suspected that there is an association between the number of previous occasions on which a respondent appeared before the SDT and the severity of the resulting sanction. This suspicion was borne out by our analysis of the 2008 data in relation to the most severe sanction, being struck off. The figures showed that if a respondent had never before been called to the Tribunal there was a 17.8% likelihood of that respondent being struck off. This possibility jumped to 35.5% where the respondent had appeared once before, 40% where the respondent had appeared twice before and 33.2% if this was the respondent's fourth appearance.

[192] See http://www.barstandardsboard.rroom.net/complaintsofprofessionalmisconduct/publisheddisciplinaryfindings last visited 28th June 2012.
[193] This excludes an order for future suspension should the Tribunal's finding not be complied with (the barrister concerned did not comply and was therefore suspended but in 2009, outside our year of consideration. However, the reprimand he was given in addition to possible disbarment was counted).
[194] There were 12 findings involving other orders: to attend on Head of Chambers and a Leader of the Circuit (n.2); to pay for or complete Continuing Professional Development (n.4); to pay outstanding fines (n.4) and two miscellaneous orders.
[195] 15.1% (n.42) had appeared once before, 2.5% (n.7) twice before and 1.4% (n.4) thrice before.

Because of the time limit on the publication of BDT findings other than disbarment and suspension, it was not possible to ascertain whether any of the respondents at the Tribunal were 'repeat players'. However, we do know that in the 75 cases brought in 2008, two barristers were listed twice.[196]

Defences and Mitigation

When faced with charges, over 61% (n 172) of solicitor respondents admitted the allegations brought against them in their entirety and a further 17.2% (n 48) admitted them in part. Only 9% totally denied all the allegations brought against them. In terms of defences and mitigation offered in light of this, firm circumstances, e.g., loss of key staff, IT breakdown financial and other work relate pressures, followed by personal circumstances, like the ill health of the claimant or a family member, were the most used (both around 20%). This was followed by lack of awareness of the rules (at 17.9%). The BDT summary reports contain no information in regard to defences or mitigation.

Relationships between Variables

Finally we sought to explore the relationship between a number of variables to see whether there were any statistically significant correlations worthy of note.[197] We found that the list of relationships where there was no significant correlation, to be great. For instance there was no significant correlation between a party's status and the severity of the SDT sanction. So a respondent was no more likely to be struck off if he were a partner rather than if he were a trainee. However, significant correlation did exist between the seriousness of the charge and the severity of the sanction. So, for example, a respondent found to have misused client money and / or to have been dishonest was more likely to be struck off than be subject to any other sanction. Whereas a respondent found to have breached the Solicitors Accounts Rules was more likely be fined than any other sanction.

We had to approach the running of statistical correlations with caution due to the small size of the data set, the level of coding and the time frame used for the analysis, as these issues may have skewed the data. Clearly the even smaller size of the barristers' dataset meant it was impossible to make any meaningful correlations. It is likely that a larger data set, broader coding and a longer time frame would produce less tentative data.

CONCLUSION

Our primary aim, as declared at the outset of this report, was to test methods for the analysis and understanding of how *professional transgression* occurs in the legal professions, the factors giving rise to transgression and how the professions react to wrongdoing. We hoped to provide a methodology for future work. Of the three methods of data collection used in this pilot the qualitative analysis (the coal health case study) proved the most promising in the short term. The large number of individual cases in the miners' costs scandal, and the public profile of the issue, makes the affair one of great interest. Indeed the coal health scandal remains the largest investigation of a single issue ever mounted by a legal regulator. Yet despite this notoriety only three solicitors were struck off as a result of the scandal and it is arguable that the investigation was clothed with an air of 'moral panic'.[198]

Since this report we have published an article, which focuses on one of these solicitors, the high profile lawyer Andrew Nulty.[199] We used his case as an exemplar of the relevance of theories of transgression to professional disciplinary matters. Theorists, such as Coleman, argue that deviance is a consequence of motivation combined with opportunity.[200] Abel summarises his explanation of the motivation behind financial deviance at the intersection of 'need or greed',[201] but it is more than this that motivated Nulty's behaviour. If we accept that wealth and success are common goals in human behaviour,[202] then in this game of acquiring

[196] Supra, n.176.
[197] This statistical assessment of predictability of relationship between variables is often known as the Pearson R correlation coefficient and where R is close to 1 there is a strong relationship between variables.
[198] See Boon and Whyte supra n.76.
[199] Ibid. Brought as a result of the coal health scandal Nulty's disciplinary action was heard during the time period sampled for this study.
[200] Supra n.110.
[201] Supra n.56 at p.492
[202] As suggested by Coleman, supra n.110.

wealth, and as Wheeler suggests, some participants will stop playing when a particular level of wealth is achieved while for others, like Nulty, the higher the level of wealth acquisition the keener they are to play the game; it becomes a battle of wits, the player against the system.[203] 'Pathology of personality'[204] makes these players quite dismissive of the rules that govern their professional behaviour, they perhaps see themselves as above the law.[205]

However, it occurs to us that disciplinary transcripts are an important resource and interesting in their own right. They are already in the public domain and can provide information on patterns or inconsistencies in the decision making of tribunals as well as the way lawyers work and the circumstances that can lead to transgression. Yet these transcripts are a relatively underused resource in the academic arena. They could be used, for example, in future legal ethics classes, in cases and materials books for undergraduates or in Continuing Professional Development of established practitioners. The least productive avenue was the interviews. It was difficult to get the required level of access in the time frame, in part perhaps because some issues are currently sensitive.

We believe that the use of the material in the study of disciplinary findings provides a new analytical insight into the ethics of the legal profession. Scholars since Llewellyn and Hoebel have shown that the study of trouble cases is a productive means of understanding the social order of groups.[206] We are encouraged that investigation of disciplinary processes is of academic interest and that significant data is publicly available. In any future study it would be useful to follow the same recording year used by the public institution presenting its own data, for example in an annual report. There is no reason to doubt the data and statistics presented by these public bodies, but it is extremely difficult to conduct independent and comprehensive analysis of variables on the basis of the regulators' *digested* data. There are also key pieces of data that are known to the regulator and tribunal that may not be presented routinely in the transcripts. These include the origins of the charge, the investigation process, the race and ethnicity of respondents and the make-up of the organisation to which they belong. Organisation details are particularly important because of the dominance of theory about the place of organisations in work on white-collar crime. Assumptions about the relationship between small-scale practice and deviance dominate the literature. It is important to understand more about this area to inform 'risk based' strategies of regulation. Finally post-LSA 2007 there is a new regulatory landscape being navigated in new legal vehicles such as LDPs, ABS and multi-disciplinary partnerships, which gives rise to new regulatory and disciplinary challenges.[207]

[203] Wheeler supra n.115, p.108 and see Boon and Whyte supra n.76, p.308.
[204] Wheeler supra n.115, p.113.
[205] See Able supra n.56, p.475 and Boon and Whyte supra n.76, p.308.
[206] K. N. Llewellyn and E. A. Hoebel (1941) The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence, Vol. 21. Wm. S. Hein Publishing.
[207] See, Lord Neuberger, 'Professional Discipline—Challenges for the Future' speech to the Disciplinary Conference 5th February 2010 at http://www.judiciary.gov.uk/Resources/JCO/Documents/Speeches/mor-discipl-conf-lecture-05022010.pdf last visited 19th July 2013 and see 'Context for Research' supra p.6.

APPENDICES

APPENDIX ONE: Variable coding

CODE	KEY
Case No/Year	The number and year assigned to the case by the Solicitor Disciplinary Tribunal, i.e., the case identifier.
Respondent	The full name of the respondent brought before the Tribunal.
Sex	Male / Female
DOB	Date of Birth
DOA	Date of Admission to the Solicitor's Roll (once qualified as a solicitor your name must be registered on the Roll of solicitors)
Lawyer current status. Law Society "Find a Sol" (Nov 2011)	This Law Society database contains a searchable record to help find a solicitor: http://www.lawsociety.org.uk/choosingandusing/findasolicitor/view=solsearch.law
Ethnicity	As stated in the SDT report.
Occupation	Job title as noted in the SDT reports.
Occupation Current (Nov 2011)	As stated on the Law Society "Find a Solicitor" database.
Firm: Name	Name of the firm as given in the SDT report.
Firm: Location	Location of the firm as given in the SDT report.
Firm: Practice Area	As stated in the SDT report.
Firm Current Status: Law Society "Find a Firm" & Google (Jun 2012)	This Law Society database contains a searchable record of thousands of law firms worldwide: http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law
Charge	A list of all the allegations brought against the respondent(s).
Context	Circumstances that initially brought the respondent(s) to the attention of the SDT.
Appear &/ Represented	Whether the respondent appeared before the SDT at the hearing and whether or not they were legally represented.
Defence	The defence and/or mitigation provided in light of the charge(s).
Previous Appearances	Occasions on which the respondent previously appeared before the SDT.
Finding	The findings and orders made by the SDT at conclusion of the hearing.
Hearing Date	The date(s) on which the SDT hearing took place.
Order Date	The date on which the written order was made.

APPENDIX TWO: Occupation of respondents

NB: Occupation variables were initially categorised, coded and recorded (code 1, key 1), recoded (code 2, key 2) and recoded further (code 3, key 3) to allow the information to be collapsed and combined for ease of interpretation.

Code 1	Key 1	Code 2	Key 2	Code 3	Key 3
AP	Assistant Partner	**P**	Partner or equivalent	**1**	Partner or equivalent
AS	Assistant / Associate Solicitor: Not a partner but an employee of a firm usually working under the supervision of a partner or senior assistant solicitor. Typical path: Assoc Sol **>** Senior Assoc **>** Partner **>** Equity Partner	**S**	Solicitor	**2**	Solicitor
C	Consultant	**P**	Partner or equivalent	**3**	Legal Exec
D	Director	**P**	Partner or equivalent	**4**	Barrister
EP	Equity Partner	**P**	Partner or equivalent	**5**	Paralegal
ES	Employed Solicitor	**S**	Solicitor	**6**	Sole practitioner
LEX	Legal Exec	**L**	Legal Executive	**7**	Trainee
M	Member	**S**	Solicitor	NB: If two or more occupations given, only the most senior position was counted	
NPB	Non Practising Barrister	**B**	Barrister		
NPS	Non Practising Solicitor	**S**	Solicitor		
NSERS	Not a solicitor but employed or remunerated by one (usually an unadmitted conveyancing clerk)	**Para**	Paralegal		
P	Partner / Salaried Partner	**P**	Partner or equivalent		
PP	Principal	**P**	Partner or equivalent		
PL	Paralegal	**Para**	Paralegal		
RFL	Registered Foreign Lawyer		Excluded as too few		
S	Sole Practitioner / Principal	**Sole**	Sole practitioner		
SC	Solicitor's Clerk	**Para**	Paralegal		
SCU	Solicitor's Clerk Unadmitted / Unqualified	**Para**	Paralegal		
SEP	Sole Equity Partner	**P**	Partner or equivalent		
SOL	Solicitor	**S**	Solicitor		
SOS	Struck off Solicitor Application for restoration to the roll	**S**	Solicitor		
SR	Solicitor Retired	**S**	Solicitor		
SS	Suspended Solicitor	**S**	Solicitor		
TLEX	Trainee Legal Exec	**T**	Trainee		
TSOL	Trainee Solicitor	**T**	Trainee		

APPENDIX THREE: Context of how offender came to tribunal or disciplinary triggers

CODE	CONTEXT
100	Following Criminal Conviction / Civil Court Proceedings
101	Referral by other agency (includes referrals by Law Soc / Law Soc adjudication officer)
102	Discovery by Random Audit/Inspection or Following a Forensic Investigation Officer's Inspection (If nothing was said to indicate otherwise it was assumed the audit is a routine random audit)
103	Discovery by Targeted Audit/Inspection/Intervention (e.g., targeted by a Forensic Officer inspection report to the Law Soc by the firm itself (e.g. due to rogue employee))
104	Tip off (e.g., by a suspicious solicitor)
105	Complaint, e.g., • to complaints body (Legal Complaints Service, OSS etc) by a solicitor / mortgagor • by a member of public /a solicitor's firm to Law Society/ Solicitors Regulation Authority / Bar Council
106	Application by "dfd/rspndt" solicitor e.g. restoration to roll, ending period of suspension
107	Dishonesty *Twinsectra v Yardley*
108	Others (e.g., unclear how the matter got before the SDT)

APPENDIX FOUR: Current Status of Firm via Law Society "Find a Firm" and “Google” Searches (June 2012)

JANUARY

Case No	Respondent	Firm: Name	Firm Current Status (*Yes / No relates to firm being on the Law Society database)
9826/2007	Mohammad Chaudhary Afzal	Charnley & Afzal Solicitors (1980-84) Afzal Solicitors (1984-93)	No:* neither firm on database/web
9751-2007	Stewart Paul Arnold	Stewart Arnold & Co	No / No web
9759-2007	Paul Norman Beesley	Beesley Burgess Williams Solicitors LLP	No. But web: may have become EBW Solicitors, London SE1 (Evans Beesley Williams http://www.ebw.co.uk the firm is now in liquidation. Directory type refs to Beesley BW still exist, e.g., http://www.thelawpages.com/legal-directory/Beesley-Burgess-Williams-LLP-60114-1.law
9759-2007	James Benedict Mcelhinney	As above	As above
9759-2007	Stephen Jac Williams	As above	As above
9768-2007	Ruth Elaine Butler	Ruth Butler & Co, Solicitors	No: No web save mention in directories, e.g., http://www.intersolicitors.co.uk/uk-directory/england/greater-london/brent/ruth-butler-co.html
9660-2007	Desmond James Corlis	CFB Partnership; CFB LLP	No: neither firm on database. Nor web save directories, e.g., http://www.solicitalawyer.co.uk/city-London/320929-lawyer-CFB-Partnership.html and CFB LLP at http://www.cdrex.com/cfb-legal-limited-liability-partnership-1293417.html
9660-2007	Laurence Andrew George Ferrigan	As above	As above
9769-2007	Alan Crutch	Elmhirst Solicitors LLP	Yes: 4 offices, 8 principals in the organisation, 2 principals in the head office (Barnsley), 5 lawyers in Barnsley office, including Crutch) see: http://www.elmhirstparker.com
9807-2007	Jeremy Arthur Davenport	Jeremy Davenport	No nor Web presence save directories, e.g., http://www.iessex.co.uk/profile/415246/Hockley/Jeremy-Davenport
9815-2007	Peter Stafford Eales	Stafford Eales Solicitors	No but firm has web presence at http://staffordeales.com/index-2.html. It contains limited information but includes the fact that Peter Stafford Eales is senior partner (in 2008 he was a sole practitioner)
9791-2007	David George Houldcroft	Houldcrofts Solicitors	No: Respondent now works at Hussain Solicitors Ltd (3 offices, 1 principal), in their Bham branch (as an assistant solicitor). 5 EEs in Bham. Firm has no web presence save directories, e.g., http://directory.independent.co.uk/company/houldcrofts-solicitors/11778920
9792-2007	Paul Joseph Housiaux	N/A (retired sole practioner)	N/A

9683-2007	Nigel Spencer Jackson	Jacksons Solicitors & Metro Law Solicitors. At the material time Jackson & Garcia practised in pshp as Metro Law Sols (Metro closed Dec 05)	Yes: Jackson is now practising on his own account (with 4 lawyers) as Jacksons Solicitors, Mayfair, London
9683-2007	Imran Patel	Jacksons Solicitors	Yes (as above)
9683-2007	Stuart Samuel Garcia	Metro Law Solicitors (later closed Dec 05)	No (firm closed Dec 05)
9748-2007	James Alun James	Alun James & Co Limited	No. No web presence save directories, e.g., http://www.ourproperty.co.uk/directory/51893.html
9748-2007	Jonathan Ure	Alun James & Co Limited	No (as above)
9779-2007	Ian Muir Jewell	N/A (no practising solicitor)	N/A
9799-2007	Anthony Clive Learmonth	Coyne Learmonth	Yes 1 office, 3 principals, 7 lawyers, Coyne and Learmonth are two of the three principals. See: http://www.coynelearmonth.co.uk
9799-2007	Kevin John Coyne	Coyne Learmonth	Yes (as above)
9770-2007	Wendy Joy Leighton	Leighton's Solicitors	No. Firm has a web presence, http://leightonsolicitors.com/1601.html but neither of the respondents are currently connected to the firm.
9770-2007	Michele Kennedy	Leighton's Solicitors	As above
9735-2007	Joseph Christopher McDermott	J C McDermott & Co	No. The Salford branch involved in the SDT hearing was closed down by the Law Society in December 2005, Fitzgerald, E. (2005) "Law Society Closes Down City Solicitor" *Salford Advertiser* at http://menmedia.co.uk/salfordadvertiser/news/s/506812_law_society_closes_down_city_solicitor. However reference to the firm still exits via directories, e.g., http://www.lawyer-solicitors-uk.co.uk/1581094-lawyer-J-C-McDermott-&-Co.html
9758-2007	Fatemabai Fazlehusein Patwa	Patwa Solicitors	No. Web presence only via directories, e.g., http://www.misterwhat.co.uk/company/443122-patwa-solicitors-smethwick
9758-2007	Hardeep Thandi Sodhi	Patwa Solicitors	As above
9745-2007	Darren Roy Peake	TMJ Law Solicitors	No and no web presence.
9810-2007	Priya Prashar	AP Law	No. AP law has a web presence http://www.lawyersunltd.com/lawyersunltd-html/AP_Law_London_H2725.html. The branch office at which the respondent worked is still, seemingly in existence. Though a search of firm personnel shows that the respondent is no longer associated with the firm. AP Law has 2 partners, 27 solicitors/legal execs and 35 lawyers worldwide.

9653-2007	John Charles Priest	Williams & Co	No and no web presence save reference in directories, e.g., http://www.thomsonlocal.com/Williams%20%26amp;%20Co/02022032126072460000/companyinfo.html
9834-2007	Guy Digby Seddon	Large city firm	N/A
9784-2007	Stephen Andrew Shore	Richards Solicitors	No and no web presence.
9803-2007	Bruce Robert Douglas Statham	N/A	N/A
9804-2007	Priyadharshini Nirmala Sudusinghe	Palis Solicitors	Yes: 1 principal (Upali Sudusinghe) and 4 other lawyers. Also has a web presence at http://www.palissolicitors.co.uk
9756-2007	Fiona Margaret Swainston	Fiona Swainston Solicitors	No and no web presence
9729-2007	Benedict Emeka Uzor	Benedict Charles & Co (when a sole practitioner). Name of pship firm not provided.	No. Web presence is only in the form of entry onto a listings database, such as http://www.takelegaladvice.com/find-a-law-firm/firms/Benedict-Charles--Co-SW16-1PR/?ret=%2Flaw-firm-ratings%2Fsearch%2F%3FnPageNum%3D560%26amp%3BfName%3Dn

FEBRUARY

Case No	Respondent	Firm: Name	Firm Current Status
9343-2005	John Charles Arnold	Arnolds Solicitors & Dukes Arnold & an unnamed Reading office	No. Arnolds have no we presence save directories, e.g., http://www.cylex-uk.co.uk/company/arnolds-solicitors-13596593.html and Dukes Arnold likewise e.g., http://solicitorsin.com/listing/1107554/dukes-arnold
9766-2007	Kojo Asare	Cuthberts & Co	No and no web presence save for directory listings, e.g., http://london.enquira.co.uk/legal-finance/solicitors/cuthberts-co-l137191.html
9752-2007	Olusola Morakinyo Ayeni	South Bank Solicitors	No and no web presence save directories, e.g., http://www.ourproperty.co.uk/directory/59130.html
9752-2007	Colin Chinedu Ikoku	Not given	N/A
9767-2007	Mohammed Ayub	Maher & Co	No and no web presence save for directory listings, e.g., http://www.misterwhat.co.uk/company/1527173-maher-co-solicitors-harrow
9767-2007	Liaqat Hussain	Maher & Co	As above
9788-2007	Sudesh Chamba	Chambra & Co	No and no web presence save directory references, e.g., http://www.lawandlegal.co.uk/solicitors/chamba-co-west-midlands which lists the firm as having one office and two lawyers.
9765-2007	Michael J E Clark	Messrs Attwater and Liell	No and no web presence unless the firm has become Attwaters Solicitors a 10 partner firm in Harlow, Essex. The SDT report did not include location details for Attwater & Liell, so it is not it is not possible to say if this is the same firm. Use of the web address http://www.attwaterliell.co.uk will lead to Attawaters.
9774-2007	Michael John Cornelius	Eckford Rands	No and no web presence save directory listings, e.g., http://northamptonshire1.co.uk/eckford-rands
9774-2007	Rodger Pleace	Eckford Rands	As above
9790-2007	Roy Philip Cowie	Nelsons	Yes The same as at time of the hearing, i.e., 2 partners. 1 assistant http://www.nelsonssolicitors.com
9790-2007	Gary Paul Josephs	As above	As above

9773-2007	Conway Philip Elwood	Minet Pering	No and no web presence save directory listings, e.g., http://www.intersolicitors.co.uk/uk-directory/england/greater-london/westminster/minet-pering.html
9773-2007	Andrew Donald Mayor	Minet Pering	As above
9794-2007	Ellen Jayne Godsell	Godsells Solicitors	No and no web presence save directory listings, e.g., http://llanelli.inuklocal.co.uk/Solicitors/Godsells-54-18296
9821-2007	Thomas Charles Vincent Grace	Tom Grace Solicitor	No and no web presence save directory listings, e.g., http://www.intersolicitors.co.uk/uk-directory/england/oxfordshire/chinnor/tom-grace-solicitor.html
9780-2007	Michael John Aidan Harris	Blakemores	Yes: 2 offices, 18 partners, 16 assistants, 2 associates. http://www.blakemores.co.uk
9870-2007	Kevin Michael Nicholas	Nicholas & Partners	Yes, still a sole practice (no assistants). http://www.nicholasandpartners.co.uk
9772-2007	Judith Ihekerenma Nwokoro	Silvertons & Co	No and no web presence save directory listings, e.g., http://www.bigreddirectory.com/silvertons-london
9793-2007	Michael Alexander Reid	Reid Sinclair & Co	No. The firm has a web presence at http://www.reidsinclair.co.uk, which lists two partners (including Michael Alexander Reid), five associate solicitors, two consultants and one legal clerk.
9511-2006	Catherine Charlene Samuel	C Samuels Solicitors	No and web presence save directory listings, e.g., http://www.ifindsolicitors.co.uk/Greenwich/C-Samuels-Solicitors-SE10-36555
9764-2007	Alexander Francis Speed	Fairclough Alexander	No. Alexander Francis Speed is no longer in partnership and now operates on his own account as Francis Alexander Solicitors with a web presence at http://www.fasclaim.com
9764-2007	John Kenneth Fairclough	As above	No. John Kenneth Fairclough now works as a consultant at Smithsons (a sole practitioner firm with 1 assistant and 1 consultant)
9793-2007	Sohrab Taheri	Ali & Co Sols (Oct 04 to Jan 05) Taheri & Co Sols (Feb 06)	No: Taheri & Co (there is an Ali & Co still in Huddersfield but unable to say if this is the same firm). There is a web presence via directories for Ali & Co., e.g., http://www.solicitalawyer.co.uk/city-Huddersfield/69711-lawyer-Ali-&-Co-Solicitors.html. Similarly for Taheri & Co, e.g., http://www.propertysolicitors.fancyamortgage.co.uk/LEEDS/Taheri__and__Co_Solicitors_69636.asp
9729-2007	Jaipaul Singh Thakur	Chiltons Solicitors	No and no web presence save directory listings, e.g., http://www.ourproperty.co.uk/directory/53347.html
9763-2007	Keith Leslie Webster	Webster & Co	No and no web presence save directory listings, e.g., http://www.lawyer-solicitors-uk.co.uk/1583176-lawyer-Webster-K.L.-&-Co.html

9566-2006 & 9775-2007	Antony David Willis	Dews Witcomb incorporating B&W Solicitors (Oct 04 to Mar 05). B&W Solicitors the successor practice to B&W Sols and CB Law (Apr 05 to Apr 06). B&W Law LLP (Apr 06 to Nov 06)	There is a Dews Witcomb in Leicestershire but the respondents are not associated with it and its website (http://www.dewswitcomb.com) doesn't otherwise reveal whether it is the same firm. Moreover the SDT report did not specify the firm's location.
9566-2006 & 9775-2007	Catherine Bong	B&W Law LLP	As above

MARCH

Case No	Respondent	Firm: Name	Firm Current Status
9805-2007	John David Anderson	Bailey Smailes Heap Marshall, Solicitors	No but there is a Bailey Smailes still located in Huddersfield with the same postcode. It has 2 offices with 3 principles and 7 lawyers, plus a web presence at http://www.baileysmailes.co.uk. NB: at the time of the SDT hearing John Anderson was a retired partner in the firm of Bailey Smailes Heap Marshall.
9818-2007	Colin Peter Caplan	Ashcroft & Co	No and no web presence save directory listings, e.g., http://www.intersolicitors.co.uk/uk-directory/england/merseyside/st-helens/ashcroft-co.html
9812-2007	Christopher Andrew Dudzinski	Zermansky & Partners	Yes: 3 prtnrs, 6 assitants, 2 associates, 4 consultants, 1 locum: http://www.zermansky-solicitors.com
9798-2007	Julie Grant	PR Solicitors	No and no web presence
9814-2007	Gillian Harwood	Beers Solicitors	The is a Beers LLP (http://www.beersllp.com) listed in Devon but as the SDT report gave no indication of the firm's location, it is not possible to say definitively that this is the same firm. However, the report does confirm that Gillian Harwood was based in Cornwall. Beers LLP has 2 offices, 5 principles and 6 solicitors / lawyers.
9813-2007	Clive Miller Hindle	Hindle Campbel	Yes: Now HC Law LLP (6 members (ptnrs), 3 assistants, 2 associates, 1 consultant): http://www.hindle-campbell.co.uk
9813-2007	Duncan Stuart Campbell	Hindle Campbel	As above
9831-2007	William Arnold Lambert	Arnold Lambert Sols	No and web presence save directory listings, e.g., http://arnoldlambertsolicitors.bttradespace.com/
9825-2007	Rudy Lim	DLA Piper Singapore Pte Limited (a branch of DLA Piper International LLP (London EC4))	DLA Piper is a global law firm with 4,200 lawyers located in 31 countries and 77 offices throughout the Americas, Asia Pacific, Europe and the Middle East: http://www.dlapiper.com/singapore
9811-2007	Amar-Ul Haq	A&H Solicitors	Yes: Now A S Solicitors, Walsall, 2 partners & 1 assistant

	Kamran Malik	A&H Solicitors	As above
9846-2007	Lorraine Anne Miers	Not given	N/A
9743-2007	William Charles Rosenburg	N/A (was Charles Rosenburg & Co)	N/A
9781-2007	Amjad Salfiti	Salfiti & Co	No and no web presence save directory listings, e.g., http://www.yelp.co.uk/biz/salfiti-and-co-london
9781-2007	Adnan Al-Sabah	Salfiti & Co	As above
9845-2007	Fiyaz Saeed	Legal Eagles	No and no web presence save directory listings, e.g., http://www.waterlowlegal.com/directories/legal-eagles-1657728.php
9845-2007	Masuma Saeed	Legal Eagles	As above
9783-2007	Richard Michael John Smith	Smith Bates	No and no web presence save directory listings, e.g., http://www.messagesolicitors.com/firm/smith_bates
9783-2007	Russell Arthur Bates	Smith Bates	As above
9704-2007	Byron James Snaith	Mathias & Co Solicitors	No the practice had closed in Dec 2001 before Byron James Snatih came before the SDT due to problems, primarily concerning client money, with his administration of the defunct firm
9678-2007	Denis Whalley	Anderson Eden Solicitors	No and no web presence save mention in directories, e.g., http://www.ourproperty.co.uk/directory/51915.html
9678-2007	Sarah Riley	Anderson Eden Solicitors	As above

APRIL

Case No	Respondent	Firm: Name	Firm Current Status
9850-2007	Martin David Clapham	Clapham & Co	No and no web presence
9859-2008	Maya Devani	Arani & Co	Yes as Arani Solicitors Limited, Southall, Middlesex, with 1 office, 2 principles and 1 consultant. There is an Arani & Co, Southall, Middlesex, with a web presence (http://www.aranisolicitors.com/front.html) and though the firm's location was not noted in SDT report we are reasonably certain this is the same firm for which Maya Devani worked. Newspaper reports confirm that the Arani & Co at which Devani work represented the cleric Abu Hamza (http://www.dailymail.co.uk/news/article-392039/Hamza-firm-solicitor-faces-jail.html, and the firm's website corroborates this fact.
9694-2007	Brian John Francis Dunleavy	Dunleavy & Co (renamed AMA Law)	No and no web presence save directory listings, e.g., http://www.intersolicitors.co.uk/uk-directory/wales/cardiff/ama-law-solicitors.html
9694-2007	Azeem Maqsud Amed	Dunleavy & Co	As above
9757-2007	John Brian Evans	Hewitt & Co	No and no web presence save directory listings, e.g., http://www.artfullodger.co.uk/favell-smith-and-lawson-copy-i18631.html
9757-2007	Paul Michael Hewitt	Hewitt & Co	As above
9873-2008	Neil John Harrison	N/A	N/A
9843-2007	Victor Ikechukw Jibuike	Powell and Co	No. The firm has a web presence at http://www.powell-solicitors.co.uk/contact.html it has 2 partners, 4 solicitors and 1 trainee.
9785-2007	Mary Georgina Keane	Keane & Co.	No and no web presence save directory listings, e.g., http://www.solicitalawyer.co.uk/city-London/913625-lawyer-Keane-&-Co.html
9808-2007	Shadab Ahmed Khan	Solicitors Direct	No and no web presence save directory listitings, e.g., http://www.ourproperty.co.uk/directory/59102.html
9836-2007	Mary Louise Curtis Knowlson	Ascot Lawyers	No. There is a Ascot Lawyers, in Berkshire, with a web presence (http://www.ascotlawyers.co.uk) and run by 2 partners. However, Mary Knowlson is not one of them and had been operating as a sole practitioner.

9485-2006	Philip Shaun Lowe	Lowe & co	No and no web presence save directory listings, e.g., http://www.scoot.co.uk/England/West-Yorkshire/Keighley/Lowe-%26-Co-Solicitors-14188028.html
9742-2007	Michael Adewale Olaseinde	(1) Ian Guyser & Co. Solicitors (during the time of allegation one) (2) Michaels & Co (during the time of allegations (2) & (3)	No: Neither firm is listed and neither has a web presence save Michaels & Co., which is listed in directories, e.g., http://www.misterwhat.co.uk/company/1193903-michaels-co-potters-bar
9742-2007	Anne Marie Hemming	Michaels & Co	As above
9681-2007	Abbot Uzoma Ozusu	Abbot & Co	No and no web presence save directory listings, e.g., http://www.infobel.com/en/uk/abbot_co_solicitors/london/businessdetails.aspx
9681-2007	Alex George Oringa	Abbot & Co	As above
9829-2007	Jane Elizabeth Philip	Philip & Co	No and no web presence
9567-2006	Peter James Sleep	Sleep & Co	No and no web presence save directory listings, e.g., http://www.mylocalservices.co.uk/Devon/Solicitors/256450/Sleep_and_Co.html

Case No	Respondent	Firm: Name	Firm Current Status
9801-2007	Stephen Ballantine	Galadari & Associates (advocates and legal consultants office, not solicitors)	No. Firm has a web presence at http://www.galadarilaw.com. Galadari is "one of the oldest and largest law firms in the Middle East with a team of over 70 lawyers and nearly an equal number of supporting professionals from around the world.
9806-2007	Neil Cloutman	Tudor Rose	No and no web presence save mention in directory listings, e.g., http://www.simplyfinance.co.uk/financial-advisers/tudor-rose-solicitors-2
9833-2007	Nicholas David Hart	Nicholas D Hart	No and no web presence save directory listings, e.g., http://www.bizwiki.co.uk/solicitors/1369802/nicholas-d-hart.htm
9902-2008	Janet Lefton (non practising solicitor)	N/A	N/A
9882-2008	Boon Low	Whitehead & Low	Yes. 1 office, 2 principles one assistant and 1 consultant. http://www.whiteheadandlow.com
9882-2008	John Albert Michael Whitehead	As above	As above
9889-2008	Alison Manning	Paul Norton & Co Sols	Yes see below
9890-2008	Earnest Paul Norton	As above	Earnest Paul Norton is still a sole practitioner with one office, specialising in Personal Injury work, but now has no assistants. The firm has a web presence at http://www.paulnorton.com (the site is currently (June 2012) being reconstructed)
9752-2007	Horace Okeroghene Onobrakpeya	South Bank Sols	No and no web presence save directory listings, e.g., http://www.ourproperty.co.uk/directory/59130.html
9895-2008	Hugh Granville Bowering Roberts	Hugh Robert & Co.	No and no web presence save directory listings, e.g., http://www.ikent.co.uk/profile/412990/Folkestone/Hugh-Roberts-and-Co
9802-2007	Clive Arthur Sharples	Partnership name not given	N/A
9755-2007	Christopher Elliot Cleaver Thomas	Christopher Thomas & Co	No the company ceased trading in 2005 but still has a web presence via directory listings, e.g., http://www.mylocalservices.co.uk/Merseyside/Solicitors/1364716/Christopher_Thomas_and_Co.html
9884-2008	Mark Laurence Urding	Myer Wolff	Yes: 12 lawyer firm with 4 partners and 1 office with a web presence at http://www.myer-wolff.co.uk

JUNE

Case No/Year	Respondent	Firm: Name	Firm Current Status
9842-2007	Mohsin Ahsan Afsar	Rais Solicitors	No: Not on database but references to the firm on the web though no personal site for the firm, e.g., http://www.yelp.co.uk/biz/rais-solicitors-birmingham and http://www.lawyer-solicitors-uk.co.uk/1579483-lawyer-Rais-Solicitors.html
9842-2007	Ravinder Bhardwaj	As above	As above
9940-2008	James Vernon Colhoun	Goodwin Cockerton & Colhoun Solicitors	No: Not on database but references to the firm on the web though no personal site for the firm, e.g.,www.solicitors-barristers.co.uk/derbyshire/buxton/goodwin-cockerton-colhoun.asp and http://www.lawyer-solicitors-uk.co.uk/1580242-lawyer-Goodwin-Cockerton-&-Colhoun.html
9828-2007	Phillip Vinobe Kamalchandra Debidin	N/A (no firm as respondent was a locum)	N/A
9901-2008	Robert Henry Foster	Walker Foster Solicitors	Yes: Walker Foster has 5 offices (Head office in N.Yorks), 9 partners and a web presence at http://www.walkerfoster.com
9816-2007	Kevin Harper	Josephs Solicitors LLP Josephs Solicitors	No: Companies House status = dissolved
9450-2006	Imran Karim (brother)	Karim Solicitors	No: Though no firm website, there is some web presence via directory listings, e.g., http://www.tijarapages.com/details.asp?bid=1130767246 "Karim Solicitors is a Muslim Solicitor in London (Clerkenwell).
9450-2006	Saira Karim (sister)	As above	As above
9450-2006	Shamim Akktar Karim (mother)	As above	As above
9832-2007	Judith Elizabeth Lloyd	Judith Lloyd Solicitors	No: No firm website put presence on the web via various directories (no reviews on them), e.g., http://www.touchnewcastle.com/business/list/bid/5613490 and http://www.192.com/atoz/business/hexham-ne46/solicitors/judith-lloyd-solicitors-solicitor/e6f35472a0576d43a35ee2b055f0888fc305fc94/ml

9229-2005	Thomas McGoldrick	McGoldricks	No: No firm website put presence on the web via various directories (not reviews on them), e.g., http://www.lawyer-solicitors-uk.co.uk/1576652-lawyer-McGoldricks.html and http://www.solicitalawyer.co.uk/city-Croydon/1061875-lawyer-McGoldricks.html "Solicitor Found Guilty of Fraud" (jailed for 10yrs): http://news.bbc.co.uk/1/hi/england/manchester/7334671.stm
9976-2008	Rashmi Panchal	N/A (application for restoration to roll)	N/A
9883-2008	Brian Christopher Rangeley	Rangeley & Co.	No: Rangeley & Co. merged with Messrs Osmond & Osmond in 2007 there is a web presence for an Osmond & Osmond (http://www.osmondandosmond.co.uk/index.htm) but it is not possible to say that this is the same firm and Brian Christopher Rangeley is no associated with it.
9724-2005	Roger John Richards	Roger Richards Solicitors	Yes: 2 offices (Head in Paignton), 3 partners and one assistant
9844-2007	James Christopher Robinson	Robinsons Solicitors	No: Two Robinsons are listed but neither in Surrey. There is web presence for the Surrey firm at: http://www.192.com/atoz/business/sutton-sm1/solicitors/robinson-solicitors/ffa619b186234bc11fdd2b763ff29f515d49bd74/com but no site for the firm itself

JULY

Case No	Respondent	Firm: Name	Firm Current Status
9878-2008	Charlotte Amelia Brettell	mfg solicitors LLP	Yes: 7 offices with 23 principals. Head Office, Kidderminster, Worcester and a web presence at http://www.mfgsolicitors.com
9894-2008	Derek Clyde Cornelius	Lee Davies & Co	No and no longer has a web presence (save directory listings) as the firm has now stopped trading: http://www.ldlaw.co.uk
9854-2007	Turner Peter Dokubo Briggs	Turner Briggs & Co	No and no web presence save directory listings, e.g., http://www.ilondon.co.uk/profile/643713/Peckham/Turner-Briggs-and-Co
9920-2008	Beatrice Mari-Luce Curtis	Lindsay Sait & Turner	Yes: Camberley, Surrey. Other Office, Woking, Surrey. 2 partners, 1 consultant. No web presence save directory listings, e.g., http://www.lindsaysaitturner2.co.uk
9946-2008	Andrew Ellis	Sawle & Co	No and no web presence save directory listings, e.g., http://www.lawyersfirms.co.uk/28845/Sawle-&-Co-Solicitors
9858-2007	Barbara Johanna Hecht	Hetch & Co (as sole practitioner. Then employed as an assistant solicitor by another firm and presently employed as a consultant by Lawrence & Co CDS LLP)	No Hetch on Law Society database but Lawrence & Co. CDS LLP is listed with 1 office, 5 principles, 10 assistants and 2 consultants. Hetch has no web presence save directory listings, e.g., http://www.solicitalawyer.co.uk/city-London/760414-lawyer-Hecht-&-Co.html but Lawrence & Co. CDS LLP, has its own site which lists Barbara's consultant solicitor role, at http://www.lawsol.co.uk
9891-2008	Janette Linda Hill	Janette Hill & Co.	Yes: Now Janette Hill Ltd, Hereford, Hertfordshire. 1 director, 2 assistants, with a web presence at http://www.janettehill.co.uk
9862-2008	Stephen Paul Kettlewell	Swinburne Solicitors	No though seems to have as web presence via directory listings, e.g., http://www.personal-injury-directory.co.uk/view/178.htm as Swinburne Maddison (located in the same place as Swinburne Solicitors)
9789-2007	Julian Roger Victor Kowalik	Seakens Solicitors	No: There is a Seakens Solicitors, Virginia Water, Surrey run by a sole practitioner Kenneth Seakens the Seakens at which Julian Kowalik worked was based in Watford, Hert. The later seakens only has a web presence via directory listings, e.g., http://www.gold3ds.org.uk/uk-company/Solicitors/Seakens.Solicitors/MjE2MTc2Mg
9915-2008	John Robert Peter Middleton	Middleton Solicitors	No: There are 8 firms with Middleton as/within their names but none seem to be this one. The firm has no web presence save directory listings, e.g., http://www.solicitor.info/solicitors/solicitor.php?id=928&name=Middleton%20Solicitors
9881-2008	Jude Chuks Mordi	Modsons Solicitors	No and no database presence save directory listings, e.g., http://www.lawyersfirms.co.uk/22829/Modsons-Solicitors
9881-2008	Amaratunga Arachchige Vivian Jayanthe Perera	As above	As above

9866-2008 9867-2008	Kim Andrew Orton	Harold G Walker, Solicitors	Yes, 5 offices, 6 principles, 4 associates and 1 consultant plus a web presence at http://www.hgwalker.co.uk. The Orton's are no longer connected with the firm.
9866-2008 9867-2008	Susanne Orton	As above	As above
9914-2008	Adetokunbo Adedayo Oyegoke	Howards Solicitors	No and no web presence save directory listings, e.g., http://www.bigreddirectory.com/howards-solicitors-london
9898-2008	Dinesh Parmar	Parmars	No. Note: "A warning was issued on 10 Feb 2012 concerning information that was received by the SRA indicating that an office that was operating at Carfax Chambers, 2 Woodgate, Loughborough, Leicestershire, LE11 2TY under the name Parmars appeared not to be a legitimate branch office of the solicitor's practice, Parmars. Parmars had a branch office at the Carfax Chambers address but it ceased to operate by Oct 2011 at the latest. Parmars of 120 London Road, Leicester, Leicestershire, LE1 0QS was a solicitor's practice regulated by the SRA and operated as a sole practitioner firm by principal Mr Dinesh Parmar. Parmars was intervened and effectively closed by the SRA by resolution dated 14 Mar 2012." http://www.sra.org.uk/sra/news/warning-parmars.page
9898-2008	Debashish Majumdar	As above	As above
9893-2008	Rajesh Singh Pathania	Newlands Solicitors	No and no web presence save directory listings, which note the firm as inactive, e.g., http://www.allinlondon.co.uk/directory/1845/109162.php
9893-2008	Sapna Singh Pathania	As above	As above
9840-2007	Antony Paul Raiwa	Angel & Co Solicitors	No. Now Angel Solicitors LLP and are still at the same address in Coventry, but their site (http://www.angels-solicitors.co.uk/index.htm) contains no information on the firm's makeup.
9857-2007	Nadarajah Ranjithakumaran	Ranjit & Co. Solicitors	No and no web presence save directory listings, e.g., http://www.ilondon.co.uk/profile/665317/Tooting/Ranjit-and-Co
9887-2008	David Christopher Robinson	Robinsons	Yes firm remains owned by the same sole practitioner with no other lawyers in the office. http://www.davidrobinsonsolicitor.co.uk specialist in family law and divorce practice.
9837-2007	Andrew William John Scott	Southcote Scott	Yes. Andrew Scott in partnership with Kevin David Southcote-Want (no other assistants) as Southcote Scott, now based in London W1 with a web presence at http://www.southcotescott.com
9851-2007	David John Shoesmith	Shoesmith Legal	No and no web presence save entry on directory listings, e.g., http://www.intersolicitors.co.uk/uk-directory/england/cheshire/stalybridge/shoesmith-legal.html
9875-2008	Matthew Kenneth Sproston	Sproston & Company	No and no web presence save directory listings, e.g., http://www.intersolicitors.co.uk/uk-directory/england/lancashire/bolton/sproston-and-company.html

9824-2007	Peter Gareth Stonelake	N/A (Practised as PG Stonelake, until 31 Mar 04 suspension) then as a legal clerk with Keppe Rofer	Yes. “Keppe Rofer is the largest and foremost provider of Legal Services in Mid-Wales”, originally founded in 1988 by Susan Keppe who is no longer involved in the firm. Keppe has 1 office, 3 partners, 2 assistants and one consultant: http://www.kepperofer.com
9824-2007	Kathleen Susan Keppe	Keppe & Partners (currently practising as consultant sol to firm, though with Keppe Rofer at the time of the allegation)	As above
9824-2007	Gavin Rofer	Keppe Rofer	As above
9863-2008	Andrew John Tilsiter	Harold Benjamin, Solicitors	Yes: 1 office, 14 partners, 9 assistants/associates and 1 consultant and a web presence at http://www.haroldbenjamin.com
9888-2008	Colin John Turner	Turner & Co	No and no web presence save directory listings, e.g., http://www.mylocalservices.co.uk/West_Midlands/Solicitors/993739/Turner_and_Co.html
9929-2008	John Gordon Underwood	John G Underwood	No and no web presence save directory listings, e.g., http://www.intersolicitors.co.uk/uk-directory/england/greater-london/westminster/john-g-underwood.html
9864-2008	Julian Aiden Vickers	Vickers Solicitors	No and no web presence save directory listings, e.g., http://businessnetwork.co.uk/business-directory/stansted/vickers-solicitors

SEPTEMBER

Case	Respondent	Firm: Name	Firm Current Status
9947/2008	Ammolack Singh Bains	Bains Solicitors	Yes: 1 office, 1 principal, 2 assistants but no web presence save directory listings, e.g., http://www.solicitor.info/solicitors/solicitor.php?id=804&name=Bains%20Solicitors
9853/2007	David Blakeborough and 11 others	Eaton Smith Solicitors	Yes: Now Eaton Smith LLP. 12 principles/mbrs, 13 assistants, 3 associates, 1 office and a web site at http://www.eatonsmith.co.uk
9853/2007	John Benjamin Cooper	As above	As above
9853/2007	Jane Elizabeth Mahaffey	As above	As above
9853/2007	Deborah Anne Melluish	As above	As above
9853/2007	Neil Simon Jerome Murphy	As above	As above
9853/2007	Anne Elizabeth Pendlebury	As above	As above
9853/2007	Steven John Pollitt	As above	As above
9853/2007	John Michael Royle	As above	As above
9853/2007	Judith Mary Schofield	As above	As above
9853/2007	William Andrew Sugden	As above	As above
9853/2007	Malcomlm Noel Tracey	As above	As above
9853/2007	Michael Francis Webb	As above	As above
9900/2008	Justin Mark Paul Michael Coningsby Culver	Bonnetts Solicitors	Yes: 3 offices, 2 principles and a web presence at http://www.bonnetts.co.uk but the respondent is no longer associated with the firm
9839/2007	Cheryl Maria Dewhurst	D Hampson & Son (merged with Widdows Mason 2006)	Yes: 6 offices, 6 principles, 1 consultant and a web presence at http://www.widdows.co.uk/page/home
9776-2007	Simon Paul HETT	Sole Practice	N/A firm not named in SDT report
9852-2007	Tamba KELLIE	Kellie & Co Solicitors	No and no web presence save directory listings, e.g., http://www.ourproperty.co.uk/directory/56249.html
9852-2007	Jacqueline Nora NEDD	As above	As above

9882-2008	Boon LOW	Whitehead & Low	Yes: Now Whitehead & Low Solicitors LLP, 1 office, 2 principals/mbrs, 1 assistant, 1 consultant http://www.whiteheadandlow.com
9882-2008	Michael Whitehead (case severed)	As above	As above
9892-2008	Simon Arthur Samuel McKay	McKay Law	Yes: Now McKay Law Solicitors & Advocates. 1 principal (Simon McKay), 1 associate, with a web presence at http://www.mckaylaw.co.uk/Solicitors/index.html
9892-2008	Robert Harold Sharpe	As above	As above
9958-2008	Hypolitus Ndubuisi Ogoli-Egbune	N/A	N/A (application for restoration to the Roll)
9736-2007	Goodwin Okri	(1) Winman Okri Sols (2) Soorii Ayoola & Okri	No and no web presence save directory listings, e.g., Winman Okri at http://www.ourproperty.co.uk/directory/60263.html and Soorii Ayooa & Okri at http://www.lawyer-guide.co.uk/4943
9736-2007	Emanuel Omuovwu	Soorii Ayoola & Okri	As above
10004-2008	Robert Napier Stober	Clarke & Son	Yes now Clark & Son LLP, 1 office, 7 principles and 5 assistants with a web presence at http://www.clarkeandson.co.uk
9897-2008	Richard John Swinburn	Swinburn Solicitors	No and no web presence
9905-2008	Michael Rowland Tiplady	N/A Tiplady not practising (last held P/C 2005, cert terminated Mar 07)	N/A (had been employed as a consultant by the construction industry)
9421-2006	Mohammed Shoaib Sayeed	N/A	N/A (cases severed, proceedings against Shabana Wahad only)
9421-2006	Shabana Wahab	East London Law Practice (ELLP) Principal: Feb 03-Oct 04) East London Solicitors (partner with Mr.B: Nov04 (one month). Then practiced on her own account till Mar 05 when practice sold as going concern to 1st respondent & solicitor)	No and no web presence save directory listings for East London Law Practice, e.g., http://www.118.com/biz/2351817.mvc/east-ham-solicitors-barristers-east-london-law-practice

OCTOBER

Case No	Respondent	Firm: Name	Firm Current Status
9919-2008	Peter John Blacklock	Blacklocks Solicitors	No and no web presence save directory listings, e.g., http://www.bigreddirectory.com/blacklocks-solicitors-brentwood
10008-2008	Helena Emma Blackwell	(1) Steptoe & Johnson (2) Ince & Co, at the time of her conviction	(1) No and no web presence (2) Yes an international law firm with a web presence at http://www.incelaw.com
9924-2008	Simon Blakeley	Fisch & Co	No and no web presence save directory listings, e.g., http://www.cylex-uk.co.uk/company/fisch---co-12895904.html
9928-2008	Peter Steven Bosher	Cornish & Co	Yes: now GH Cornish LLP with a web presence at http://www.ghcornish.com/site/home 2 offices, 5 principles and1 consultant
9928-2008	Sunny Kanwaldeep Sing Sandhu	As above	As above
9928-2008	Kamaljeet Kaur Tina Marwa	As above	As above
9820-2007 AND 9868-2008	Michael Casson	Lee Davies & Co (ceased to practice in May 04 and they became ptnrs in Lee Davies LLP of the same address. They remained ptnrs until Feb 05 when they were made bankrupt following insolvency & closure of Lee Davies LLP. They were discharged from bankruptcy in Feb 06 & currently practice as consultants in LD Law Ltd.)	No: LD Law Ltd, has now ceased trading http://www.ldlaw.co.uk
9820-2007	Melvin Wales	As above	As above
9819-2007	Kevin Bismark	Cobham Solicitors	No: Cobham closed the practice Aug 07

	Cobham		
9955-2008	Stephen Robert Crawford	Shakespeare Putsman LLP	Yes: seems to have become Shakespeares Legal LLP, 8 offices, 58 principles, 15 assistants/associates and 4 consultants with a web presence at http://www.shakespeares.co.uk
9860-2008	Paul Thomas Daniels	Garrards Solicitors	No and no web presence save directory listings, e.g., http://www.solicitalawyer.co.uk/city-Shrewsbury/670182-lawyer-Garrards-Solicitors.html
9869-2008	Philip Kofi King Glah	Philip Glah & Co.	No and no web presence save directory listings, e.g., http://www.yelp.co.uk/biz/philip-glah-and-co-london
9869-2008	Olutayo Olaniran Arowojolu	As above	As above
9912-2008	Christopher Paul Harrison	Chrisharrisonlaw	No. There is a ChrisHarrisLaw with a web presence via directory listings, e.g., http://www.icornwall.co.uk/profile/415930/Truro/ChrisHarrisonlaw but as the SDT report did not note location of the firm it is not possible to say if this is the same one.
9856-2007	Taskin Ahmet Izzet	Swift Property Solicitors	No: firm disposed of within a few months of the decision
9856-2007	Michael Cazaly	As above	As above
9956-2008	Roger Paul Jackson	Wood Street Chambers	No: firm ceased 01 May 2007
9944-2008	Aurangzeb Khan	Auangzeb Khan Solicitors	No. Firm has a web presence at http://www.aurangzebkhansolicitors.co.uk and specialise in UK immigration law but site contains no information on the firm's make-up
9944-2008	Malik Javad Ali Taj	As above	As above
9939-2008	Sajad Rehman Khan	Charles Khan Solicitors	No and no web presence save directory listings, e.g., http://www.iberkshire.co.uk/profile/415544/Slough/Charles-Khan
9925-2008	Barbara Joy Ledgister	Had worked at Lewisham Law Centre 1987-1999 and on her own account at Barbara J Ledgister Solicitors between 1999-2008.	No and no web presence save directory listings, e.g., http://www.yell.com/b/Barbara+Ledgister-Legal+Services-London-SW164AH-3105485/index.html
9977-2008	Anis Ahmed Luqmani	SAS (at the time of the original SDT case)	No and no web presence
9907-2008	Timothy Ian	Miller Kingsley	No and no web presence save directory listings, e.g., http://www.lawyer-solicitors-uk.co.uk/1576129-lawyer-

	Millar		Kingsley-Miller.html
9995-2008	Roger William Vaughn Pistorius	Vaughans Solicitors	No and no web presence save directory listings, e.g., http://www.mcadvo.co.uk/GB/en/solicitor/359_7001006da_Vaughan_Lloyd_Humphreys_GU1_3JG_Guildford.html
9916/2008	Nigel Rowley	Markwell Turner Garrett	Yes: Mackrell Turner Garrett, 4 offices, 8 principals (Nigel Rowley is the managing partner) and 8 assistants and a web presence at http://www.mackrell.com "Mackrell Turner Garrett are International Solicitors in London and Surrey".
9971/2008	John Dominic Ryan	Cutler Ryan & Co	No and no web presence save directory listings, e.g., http://www.lawyer-guide.co.uk/9194
9971/2008	Anthony W Birchill	A above	As above
9899/2008	Peter Fitzpatrick Savage	Harrison Clarke	Yes: Now Harrison Clark LLP, Worcester, 5 offices, 13 principals (including Peter Savage as a partner) and 32 with a web presence at http://www.harrison-clark.co.uk
9625/2008	Carrol Thompson	Thompson & Co (sole prop)	No and no web presence save directory listings, e.g., http://businessnetwork.co.uk/business-directory/stockton-on-tees/thomson-and-co
9880/2008	Andrew Michael Tilbury	Peter Dunn & Co	Yes: 2 offices, 4 principals (including Andrew Tilbury) and 2 associates, with a web presence at http://www.peterdunn.co.uk
9877/2008	Gerard Joseph Waddingham	Ward Dewhurst	No. Ward Dewhurst is a family operated firm specialising in domestic conveyancing, wills & probate with a web presence http://www.warddewhurst.co.uk which declares that " Mr Gerard Waddingham is now working with Birchall Blackburn" http://www.birchallblackburn.co.uk. The site contains no information on the firm's make-up
9877/2008	David Thomas Smith	(1) Ward Dewhurst (2) Another firm in Preston with Winston	As above
9877/2008	Michael Scott Winston	(1) Ward Dewhurst (2) Another firm in Preston with Smith	As above
9877/2008	Neil David Parsonage	(1) Ward Dewhurst (2) Another firm in Bolton	As above
9974/2008	Paul John Ward	P J Ward Solicitors	No. There is a static web page containing general information and contact details at http://www.pjward.co.uk "PJ Ward leads a team of practitioners at James & Co, Solicitors in Brighton" http://www.jamesandco-brighton.co.uk but this website contains no details of the firm's makeup

NOVEMBER

Case No	Respondent	Firm: Name	Firm Current Status
9941-2008	Dean Stuart Bartlett	Clarkson Penhale	No and no web presence save directory listings, e.g., http://www.ilancashire.co.uk/profile/414426/Morecambe/Clarkson-Penhale-Solicitors
9941-2008	Mathew Asghar	As above	As above
9666-2007	James Rhodes Beresford	Beresfords Solicitors LLP (from Oct 2002). Before that, practised in partnership.	No and no web presence save directory listings, e.g., http://www.lawfirmsontheweb.co.uk/law-firms/19894/beresfords-solicitors-llp#
9666-2007	Douglas Harold Smith	As above	As above
9963-2008	Eric Ian Holland	Ian Holland & Company Solicitors	No. Firm closed down by the regulatory arm of the Law Soc in Dec 07
9896-2008	Derek John Leonard	Leonard & Co (ceased 23May07)	No
9896-2008	Zaher Abduz Shaikh	As above	As above
9896-2008	Shabir Riaz	As above	As above
9931-2008	Ademuyiwa Olusesan Ogunnowo	Fairfields	No and no web presence save directory listings, e.g., http://cambridge.inuklocal.co.uk/Solicitors/Fairfields-Solicitors-54-3535
9931-2008	Ajike Ososanya	As above	As above
9650-2007 9654-2007	Anthony Nwabudike Omezie	Partner at Omezie & Co (ceased 8May05) and Anthony & Roberts (ceased 25Jan06)	No
9650-2007 9654-2007	Otu Ene Iban	Partner at Omezie & Co (ceased 8May05) from Dec01 until May05, Anthony & Roberts (ceased 25Jan06) from Aug02 until Jan06 and Ravenstone Law Practice (ceased 15Mar08)	No
9650-2007 9654-2007	Ayodele Olugbenga Akinmoyo	Partner at Omezie & Co (ceased 8May05) and Woodland Solicitors until Apr07	No. The SDT report carries no detail of the location of Woodland so it is not possible to say with certainty that the directory listings (e.g., http://www.ourproperty.co.uk/directory/60327.html) for Woodlands are for

			the same firm.
9650-2007 9654-2007	Adebayo Ogunbode	Anthony & Roberts (ceased 25Jan06) and Linbrook solicitors until 31Jan08	No and no web presence save directory listings, e.g., http://www.intersolicitors.co.uk/uk-directory/england/greater-london/southwark/linbrook-solicitors.html
9650-2007 9654-2007	Cecile Bramble	Anthony & Roberts (ceased 25Jan06) from Apr01 until 2003 and Omezie & Co (ceased 8May05) until Jul04	As above
9650-2007 9654-2007	Harry Enny Jasper	Anthony & Roberts (ceased 25Jan06) from 1998 until 30Jun04 - asked to leave	As above
9650-2007 9654-2007	Nnamdi Orji	Woodlands Solicitors (from 2Mar06)	As above
9903-2008	Ralph Edward Pulman	Hugh James	Yes: Now located in Cardiff, South Glamorgan with a branch in London E14. 36 partners, 72 other lawyers (assistants, associates, consultants)
	Gareth Martin Morgan	As above	As above
	Peter Evans	As above	As above
9722-2007	Roger Pitts-Tucker	Pitts-Tucker & Co	No and no web presence save directory listings, e.g., http://www.lawyer-solicitors-uk.co.uk/1575084-lawyer-Pitts-Tucker-&-Co.html
10048-2008	Timothy Paul Schools	Schools & Co (ceased 01Jul04). Also a member of Schools & Co LLP of Manchester from 01Jul04 until 01Nov07.	No and no web presence save directory listings, e.g., http://www.intersolicitors.co.uk/uk-directory/england/greater-manchester/schools-and-company-llp.html

DECEMBER

Case No	Respondent	Firm: Name	Firm Current Status
9886-2008	Olubode Olugbenga Akodu	Akodu and Co	No. The firm has a web presence at http://akodulaw.co.uk/ but it contains no details of the firm's makeup
9886-2008	Mobolaji Kuti	As above	As above
9918-2008	Fergus Jeremy Anstock	Haldanes Solicitors	No. The firm does have a web presence at http://www.haldanes-uk.com/ but the site is under construction.
9918-2008	Geoffrey Richard Miles	As above	As above
10065-2008	Ruth Karen Barnes	R S Law Limited (trading as Barnes Morley)	No: Neither RS Law or Barnes Morley as listed neither are they on the web save directory listings, e.g., http://www.yelp.co.uk/biz/rs-law-t-a-barnes-morley-solicitor-london
10065-2008	Trevor Edward Morley	As above	As above
9910-2008	Brian William Copley	Harrowell Shaftoe	Yes: Harrowell Shaftoe is not listed. There appears to have been a name change to Harrowells LLP, North Yorks. 6 offices, 7 principals, 9 assistants and the firm has a web presence at http://www.harrowells.co.uk
9910-2008	Jacqueline Mary Knights	As above	As above
9910-2008	James Cooper Scott	As above	As above
9910-2008	John Francis Yeomans	As above	As above
9910-2008	John Kevin Millar	As above	As above
9910-2008	Mark Tempest	As above	As above
9910-2008	Robert William Miers	As above	As above
9910-2008	Robert Gordon Charles Seaton	As above	As above
9910-2008	Robert Paul Onyett	As above	As above
9910-2008	Simon Rupert Kay Black	As above	As above
9923-2008	Choon Yit Susan Ding	W Solicitors	No and no web presence
9984-2008	Nicholas John Beresford Drukker	Bruce Curtis Turner & Co Ltd. (Also, practiced under Nicholas Drukker & Co, London)	Yes: The firm(s) seems to have been renamed as Curtis, Turner & Drukker Ltd, London. 1 office, 2 directors, 1 assistant & 1 consultant and a

			web presence at http://www.ctdlaw.co.uk
9984-2008	Nigel Bennett Schofield	As above	As above
9984-2008	Alfred Bruce Curtis Turner	As above	As above
10063-2008	Gerard Joseph Hyde	Evans Dodd (Partner) / Portner & Jaskell (Consultant)	Yes: Now Evans Dodd LLP, 1 office, 5 partners, 2 assistants and a web presence at http://www.evansdodd.co.uk. Now Portner and Jaskell LLP, 1 office, 6 principles, 3 assistants, 1 employee and a wen presence at http://www.portner.co.uk
9771-2007	Harvey Philip Ingram	Seddons Solicitors	Yes: Yes now just Seddons, 1 office, 17 principles, 19 assistants/associates, 5 consultants and a web presence at http://www.seddons.co.uk
9988-2008	Noel Pu-Shan Lee	Lee Tallamy Solicitors	No and no web presence save directory listings, e.g., http://www.lawyer-guide.co.uk/7692
	Hugh Durston Tallamy	As above	As above
9980-2008	Raj Rajan Mariaddan	Maxim Solicitors	No and no web presence save directory listings, e.g., http://www.lawyer-guide.co.uk/12862
9930-2008	Harvider Kaur McKibbin	McKibbin Armour and Co	No and no web presence
	Jonathan Armour Fleming	As above	As above
10006-2008	Susan Elizabeth Joyce Neville	Neville & Jones Partnership	No and no web presence save directory listings, e.g., http://www.iwestsussex.co.uk/profile/412441/Bognor-Regis/Neville-and-Jones-Partnership
	Thomas Edwin Jones	As above	As above
9950-2008	Viresh Patel	DKLL	No and no web presence save directory listings, e.g., http://www.ourproperty.co.uk/directory/54076.html
10053-2008	Christopher Michael Price	The Price Partnership	No and no web presence save directory listings, e.g., http://www.liverpoollawsociety.org.uk/public-information/solicitors/detail/the-price-partnership

APPENDIX FIVE: Current Status of Barristers via the Bar Directory and "Google" Searches (June 2012)

Name	Employment Status	Organisation Details
June Maureen Archer	Self employed	Chambers of June Archer, London. No web presence.
Ibukunolu Alao Olatokunbo Babajide	Employed	Partner in Babajide & Olaopa, Legal Practitioners & Notaries, Lagos Nigeria. Two partner, one consultant. http://babajideolaopa.com
Craig Martin Barlow	Self employed	Ely Place Chambers, London. Expertise: Commercial and Chancery, Costs, Employment and Discrimination, Local Government Law, Media and Defamation, Personal Injury Law, Prison and Police Law, Professional & Clinical Negligence and Healthcare, Property and Housing Litigation, Public Law & Local Government and Regulatory Law & Business Offences. Three QCs and 25 junior counsel (including Barlow) http://www.elyplace.com
Richard James Barton	Self employed	1 Kings Bench Walk, London and Lewes. Specialist teams dealing with both family and criminal law. 13 Qcs and 41 junior counsel (including Barton) http://www.1kbw.co.uk
Rupert Beloff	Self employed	No5 Chambers, London. General criminal and civil law set. 26 QCs and 209 junior counsel (including Beloff) http://www.no5.com
John Idowu Benedict	Disbarred (former non Practising)	Unknown. No reliable web presence.
John George Bernatt	Disbarred (former non Practising)	Unknown. No reliable web presence.
Gerard Desmond Dwyer Boyd	Self employed	St Albans Chambers, Hertfordshire. Six main practice groups: Person Injury, Employment, Mediation, Property, Family and Crime. 14 juniors no Qcs. http://www.stalbanschambers.co.uk/about_us. Dwyer Bond is no longer listed as a member of the firm and has no web presence.
Howard Sydney Bradshaw	Self employed	15 Winckley Square Chambers, London. Specialists in: criminal, family and civil. No QCs. 42 junior counsel. Listed in a directory (http://www.thelawpages.com/legal-directory/Howard-Sydney-Bradshaw-74608-3.law) as a barrister at 15 Winckley Square Chambers, Lancashire. However, the chambers website, (http://www.15winckleysq.co.uk) no longer, lists Bradshaw as a member.
Althea Sonia Brown	Self employed	Doughty Street Chambers: London, Bristol, Manchester. 24 QCs and 92 junior counsel (including Brown) http://www.doughtystreet.co.uk
Andrew Buck	Unregistered	Unknown. No reliable web presence.

Andrew John Bullock	Employed	Solicitors Regulation Authority, Worcestershire
David Campbell	Employed	Kitsons Solicitors, Devon. 16 partners, 11 solicitors and 1 barrister (Campbell). http://www.kitsons-solicitors.co.uk
Martin James Christie	Employed	Henry & Co. Solicitors, Stockport, Cheshire, Derbyshire and Blackpool. Areas of work: criminal law, family law, personal injury, serious fraud, road traffic, wills and probate and employment law. The higher court dept. is made up of 3 barristers and 4 door tenants (but Christie is not included in this list) and the firm seems to have approx. 15 solicitors. http://henrysolicitors.co.uk. Current position unknown as no reliable web presence.
Kevin Thomas Collins	Employed	Unknown. No reliable web presence.
Ann Courtney	Self employed	New Court Chambers, London. Specialist family law chambers. 25 junior counsel (including Courtney), no QCs. http://www.newcourtchambers.com
Isabel Anne Frances Dakyns	Non practising	Unknown. No reliable web presence.
Nigel Daniel	Self employed	4 Breams Buildings, London. Specialist criminal barristers. 5 QCs and 82 junior counsel. http://www.4bb.co.uk. Daniel is now a member at Nine Lincolns Inn http://www.9lif.co.uk/barristers.htm (cf: Timothy George Horgan below)
David de Jehan	Self employed	Park Lane Plowden, Leeds and Newcastle. Specialists in four key practice areas: Personal Injury & Clinical Negligence; Family; Employment and Chancery & Commercial. 4 QCs and 74 junior counsel (including de Jehan) http://www.parklaneplowden.co.uk
Alasdair James Donaldson	Unknown	Unknown. No reliable web presence.
Michael Duffy	Self employed	Cathedral Chambers, Cambridgeshire. Administrative Law, Family Law, Human Rights, Personal Injury. http://www.cathedralchambers.com (site currently being updated 30th June 2012)
Fiona Elder	Self employed	Albion Chambers, Bristol. Principal practice areas: Crime, Family, Employment and Disciplinary, Inquest, Regulatory, including Health and Safety, Personal Injury and Clinical Negligence, Probate and the Administration of Estates, Landlord and Tenant, and other land disputes, General Common Law, Commercial, Contract and Tort. Chambers is led by Michael Fitton QC, has five QCs and has 56 junior counsel (including Elder). There are also five door tenants, all of whom are QCs. http://www.albionchambers.co.uk
Paul Michael Emerson	Self employed	Lamb Chambers, London. Specialties: commercial, property, PI & Medical. One QC, one SC and 49 junior counsel (including Emerson) http://www.lambchambers.co.uk

Timothy Evans	Unknown	Unknown (there are 4 men named Timothy Evans in the directory and it is not possible to say if one of them appeared before the BDT in 2008.
Alison Jane Fawcett	Unknown	Unknown. No reliable web presence.
Eilidh Anne Mairi Gardner	Self employed	42 Beford Row, London. All areas of civil and family practice at all levels. Two QCs, and 69 junior counsel (including Gardner). http://www.42bedfordrow.com
David Vernon Garside	Self employed	St Johns Buildings, Manchester, Liverpool, Sheffield, Chester and Preston. Practice groups cover: personal injury, clinical & professional negligence, crime, commercial/chancery, employment, family, public/administrative law, regulatory and travel. The largest Chambers in the country.: 9 QCs and 237 junior (including Garside) counsel http://www.stjohnsbuildings.co.uk
Donald Eric Joseph George	Unknown	Unknown. No reliable web presence
Caterina Gionata	Self employed	Chambers of Miss C Gianota, Liverpool. No web presence save mention in directories, e.g., http://www.thelawpages.com/legal-directory/Caterina-Gianota-56648-3.law. However, she is reported to have represented a Liverpool Dr in a 'hit and run' case in March 2011 (http://www.liverpooldailypost.co.uk/liverpool-news/regional-news/2011/03/11/jailed-mossley-hill-doctor-fails-to-overturn-hit-and-run-conviction-92534-28316523)
Graham Goodwin	Self employed	Chambers of Mr G Goodwill, Cambridgeshire. No web presence save mention in directories, e.g., http://www.insidetime.org/info-barristers-results.asp?sID=166&c=mr_g_goodwill__chambers_of
Julie Grant	Unknown	Unknown. No reliable web presence
David Groome	Self employed	QEB Hollis Whiteman, London. Main practice areas: Fraud, Regulatory and Discipline, and Crime. 18 QCs, one SC and 41 junior counsel (including Groome) http://www.qebholliswhiteman.co.uk
Mohammed Kamrul Hasan	Non practising	Unknown. No reliable web presence.
Henry Joseph Christopher Hendron	Self Employed	Strand Chambers, London. Civil litigation. Public access barristers. Four members (including Hendron) http://strandchambers.com/Strand_Chambers/Home.html (3rd July 2012 web site being updated)
Timothy George Horgan	Self Employed	Nine Lincolns Inn Fields, London. Specialist criminal set. Eight Qcs and 33 junior counsel http://www.9lif.co.uk/barristers.htm. Currently suspended from practice for 9 months (running from 11 June 2012) for having practiced without a certificate http://www.barstandardsboard.org.uk/complaints-and-professional-conduct/disciplinary-tribunals-and-findings/disciplinary-findings/?DisciplineID=78066
James Steven Howard	Employed	Kaim Todner Solicitors, London. Specialists in criminal law, serious fraud; mainly legal aid based with a very strong human rights perspective. 8 Directors (including one Managing Director), 100 employees

		(including 30 qualified solicitors. None are named so it cannot be stated certainly Howard is still here). http://www.kaimtodner.com
Bruce Anthony Hyman	Disbarred (non practising)	Only reports of his initial disbarment can be found on the web, e.g., Steven Morris (2007) "Barrister becomes first to be jailed for perverting justice" *The Guardian*, 20th September http://www.guardian.co.uk/uk/2007/sep/20/ukcrime.stevenmorris
Yaser Iqbal	Unregistered	Currently with Bake & Co. Solicitors, Birmingham. Immigration and Asylum solicitors. The firm has four members http://www.bakesolicitors.co.uk/people.php
Naeem Sajid Khan	Disbarred (Self employed)	55 Halfway Avenue, Bedfordshire. Currently has five company director or secretary appointments http://company-director-check.co.uk/director/911281494
David Jonathan Leathley	Self employed	Cambria Chambers, Cardiff http://www.cambriachambers.co.uk (as at 30th June cite unavailable, no other web presence)
Audrey Llewellyn-Evans (Donaghue)	Disbarred (non practising)	Unknown. No reliable web presence
Shay Lotan	Disbarred (non practising)	Unknown. No reliable web presence.
Sheila Hamilton Macdonald	Self employed	Chambers of Sheila Hamilton Macdonald. No web presence save mention in directories, e.g., http://www.thelawpages.com/legal-directory/Sheila-Hamilton-Macdonald-55564-3.law
Julia Kathleen Mackworth	Self employed	1 Gray's Inn Square, London. Barristers undertake work at every level in Commercial & Civil, Criminal, Employment, Family Law, Immigration, Inquest & Public Inquiries and Regulatory Law. Two QCs and 64 junior counsel. http://www.1gis.co.uk. Currently at 4 Breams Buildings, London. Specialist criminal barristers. 5 QCs and 82 junior counsel. http://www.4bb.co.uk.
Salim Hussain Mahmood	Unknown	Unknown. No reliable web presence
Nicola Jane Marshall	Disbarred (non practising)	Unknown. No reliable web presence
Katrina McAteer	Employed	Barlow Lyde and Gilbert LLP, London has merged with Clyde & Co. Core sectors: aviation, energy, infrastructure, insurance, marine and trade. A global firm with over 1,300 lawyers (McAteer is in house counsel) operating from 27 offices and associated offices in five continents http://www.clydeco.com
Dominic Stuart McGinn	Self employed	4 Breams Buildings, London. Specialist criminal barristers. 5 QCs and 82 junior counsel. http://www.4bb.co.uk. Now at Three Temple Gardens, London. Specialise in criminal cases and related work One QC and 23 junior counsel. http://www.3templegardens.co.uk

Yash Paul Mehey	Self employed	BDT report does not say where Mehey was self employed. Directories, e.g., http://www.lawyersfirms.co.uk/32436/Yash-Paul-Mehey-Esq,-Barrister list him as being a 6 Kings Bench Walk but he is not listed as a member on the chambers web site http://www.6kbw.com
Philip Meredith	Self employed	Westgate Chambers, East Sussex and London. Principal areas of practice: crime, family and civil law. Five QCs and 45 juniors (including Meredith) http://www.westgate-chambers.co.uk
Brian Millo	Unknown	Unknown, No reliable web presence.
Tamara Atiah Muhammad	Unregistered	Jamaicans for Justice (Citizens Action Group), Jamaica WI. A non-profit, non-partisan, non-violent citizens' rights action organization advocating for good governance and state accountability and transparency.http://www.jamaicansforjustice.org/nmcms.php?content=about%20us Not possible to say with certainty that she is still with the organisation and there is no reliable web presence.
Anthony Louis O'Brien	Employed	Anglo-Norden Group, Suffolk. One of the largest privately owned timber importers / agents in the UK. Not possible to tell if O'Brien is still employed here: http://www.anglonorden.co.uk/index.cfm?content=home
Tony Opwa-Otto	Disbarred (non practising)	May now be a director in Tony Opwa Otto & Co Limited: http://company-director-check.co.uk/director/911660258
Samuel Osei Owusu-Afriyie	Disbarred (non practising)	Unknown. No reliable web presence
Laura Paonessa	Unknown	Unknown. No reliable web presence
Toby Pomeroy	Disbarred (Self employed)	Unknown. No reliable web presence
Jamie Robert Porter	Self employed	King's Bench Chambers, Bournemouth. Key areas of Practice: Crime, Serious Fraud and Prison Law, Magistrates Court Crime, Civil & Commercial, Shipping and Maritime Law, Employment, Family, Education Law and Mediation. One QC and 25 junior counsel (including Porter) http://www.kingsbench.co.uk
Khandakar Abdul Quddus	Self employed	19 Chestnut Drive, Middlesex. No web presence
Leo Ferhanur Rahman	Self employed	116-118 Chancery Lane, London. No chamber's name is given in the BDT report and there are number of organisations with this address, including Bell Yard Chambers and Cubism Law. None of the organisations list Rahman as a member.
Mian Habibur Rahman	Unknown	Unknown. No reliable web presence
Shuhaiza Shuib	Disbarred (non practising)	Possibly: Independent Legal Services Professional, Malaysia http://my.linkedin.com/pub/shuhaiza-shuib/29/576/992

Jason Smith	Unknown	Unknown. No reliable web presence
Peter/Petar Starcevi	Self employed	St Philips Chambers, Birmingham. Commercial, Crime, Personal Injury, Employment, Regulatory, Family, Intellectual Property, Property, Construction, Alternate Dispute Resolution (ADR), Public Law and Administrative Law. 14 QCs and 20 junior counsel (including Starcevic) http://www.st-philips.com/home-v2.aspx
Byran Stephen	Disbarred (non practising)	Unknown. No reliable web presence
Mark Jonathan Blane Stevenson	Disbarred (non practising)	May be a company director: http://company-director-check.co.uk/director/912083250
Nicholas John Storey	Disbarred (non practising)	May be a company director, with 7 company director or secretary appointments: http://company-director-check.co.uk/director/915599372
Christopher Glyn Surtees-Jones	Self employed	Nine Lincoln's Inn Fields, London. Specialist criminal set. Eight Qcs and 33 junior counsel (including Surtees-Jones) http://www.9lif.co.uk/clerks_room.htm
Bruce Tattersall	Unknown	Unknown. No reliable web presence
Khadim Thathall	Non practising	Unknown. No reliable web presence
Ian Malcolm James Wheaton	Self employed	Eighteen Carlton Crescent, Southampton. Barristers' cover all aspects of family, civil, employment and criminal law. Nine junior counsel (including Wheaton), no QCs http://www.18carltoncrescent.co.uk/home
Karl Williams	Self employed	9 Park Place, Cardiff. Members have extensive experience in all aspects of criminal, civil, family and employment matters. Five QCs and 57 junior counsel (including Williams). http://www.9parkplace.co.uk
Sonia Woodley QC	Self employed	Furnival Chambers, London. Comprehensive and specialist criminal law service. 14 QCs (including Woodley) and 75 junior counsel http://www.furnivalchambers.co.uk/home/home.asp

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