

IN THE MATTER OF ANTONY JAMES DOGGETT, former solicitor

- AND -

IN THE MATTER OF THE SOLICITORS' ACT 1974

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Mr L N Gilford (in the chair)  
Mr A G Gibson  
Mr G Fisher

Date of Hearing: 10th May 2007

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## **APPLICATION FOR RESTORATION TO THE ROLL**

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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By an application dated 5<sup>th</sup> January 2007 Antony James Doggett of 27 Sutton Road, Seaford, East Sussex, BN25 1SG, who had been struck off the Roll of Solicitors, applied to the Tribunal for restoration to the Roll of Solicitors.

The application was heard at the Court Room, 3<sup>rd</sup> Floor, Gate House, 1 Farringdon Street, London EC4M 7NS when the Applicant, Mr Doggett, was represented by Ronald Gulliver FCA, LLB who had qualified as a solicitor but did not hold a Practising Certificate.

Katrina Wingfield, solicitor and partner in the firm of Penningtons of Bucklersbury House, 83 Cannon Street, London, EC4N 8PE represented the Law Society, the Respondent to the application.

### **The History of the Application**

1. On 15<sup>th</sup> June 1999 the Tribunal found the following allegations to have been substantiated against Mr Doggett. The allegations were that Mr Doggett had been guilty of conduct unbecoming a solicitor in each of the following circumstances namely that:-

- (i) his books of account were not in compliance with the Solicitors Accounts Rules;
  - (ii) as a result thereof he was guilty of conduct unbecoming a solicitor.
2. In 1999 in its written Findings the Tribunal said “the members of the Tribunal gave the Respondent credit for the fact that he had tried to put matters right. He had been let down by a person upon whom he had relied to introduce an efficient computerised accounts system. There had, of course, been a very great need for matters to be dealt with absolutely properly at a time when the Respondent took over the practice of a bankrupt solicitor. The Respondent’s accounts appear to have been, for a period of time, in a complete mess. The Respondent had perhaps been rather cavalier in his attitude.
  3. The Tribunal gave the Respondent credit for having been in practice for thirty years without having been brought before the Tribunal on any earlier occasion. The Tribunal noted that the Respondent had dealt fully and punctually with letters addressed to him by the OSS in connection with the accounting deficiencies. In the circumstances the Tribunal considered it right to impose a financial penalty of £2,500 and further ordered the Respondent to pay the costs of and incidental to the application and enquiry to include the costs of the Investigation Accountant relating to the inspection of the Respondent’s own books of account, all such costs to be subject to a detailed assessment if not agreed between the parties”.
  4. On 2<sup>nd</sup> November 2000 the Tribunal found the following allegations to have been substantiated against Mr Doggett. The allegations were that Mr Doggett had been guilty of conduct unbecoming a solicitor in each of the following particulars namely:-
    - (a) his books of account were not in compliance with the Solicitors Accounts Rules; and
    - (b) as a consequence of the above, he was guilty of conduct unbecoming a solicitor and had brought the profession into disrepute.
  5. On that occasion the Tribunal’s Findings in relation to the allegations were as follows:-

“The Tribunal found the allegation to have been proved, and found the Respondent to have been dishonest. The Respondent had created a bill which was not a genuine bill, and had transferred 251 client balances to office account. The Respondent had been an experienced solicitor, who appeared to have found it easier to render a sham bill and take the money for himself, than to find the relevant files. The Respondent must have known that this was wrong. Whatever his previous career this had been a dishonest act. In reaching that decision, the Tribunal had regard to the case of Royal Brunei Airlines v Tan, and the words set out in that Judgement:-

“The subject characteristics of honesty do not mean that individuals are free to set their own standards of honesty in particular circumstances. The standard of what constitutes honest conduct is not subjective..... If a person

knowingly appropriates another's property, he will not escape a finding of dishonesty simply because he sees nothing wrong in such behaviour.

The Tribunal had seen and carefully considered testimonials which suggested the Respondent had had a long career in which he had been of considerable service to many clients who had found him a man of integrity, trustworthiness and honesty.

However in February 1998 the Respondent wrongfully and in breach of the Solicitors Accounts Rules removed from his firm's client account moneys totalling £7,843.77 which belonged to 251 clients of his firm.

The Tribunal had found that his actions were dishonest. The Respondent had no entitlement to that money and this was not the act of an honest solicitor. The Respondent purported to adopt what he referred to as an 'honesty limit' of £100. However it was dishonest to take those monies whether the Respondent took £5, £100 or £5,000.

The bill was a sham, a device to transfer money from client to office account. The bill was not delivered or addressed to anyone and purported to combine balances of 251 clients who never saw it. The bill did not relate to any work done and was not a legitimate solicitor's bill.

The Respondent by his actions had damaged the good reputation of the profession. It was essential that the public be protected from dishonest solicitors. The Tribunal therefore ordered that the Respondent Anthony [sic] James Doggett of 7 Freemantle Road, Bagshot, Surrey, GU19 5NF solicitor be Struck Off the Roll of Solicitors and they further ordered him to pay the costs of and incidental to the application and enquiry".

6. At a hearing on 19<sup>th</sup> February 2002 Mr Doggett made application for Restoration to the Roll. The Tribunal refused to restore Mr Doggett to the Roll. In its written Findings dated 7<sup>th</sup> May 2002 the Tribunal said:-

"The Tribunal was concerned that Mr Doggett in his application appeared not to accept the Findings of the Tribunal nor the Judgement of Mrs Justice Arden in the Chancery Proceedings relating to The Law Society's decision to intervene into his practice. Not only had Mr Doggett apparently steadfastly refused to accept that what he did was wrong and was dishonest but he had formulated an argument supporting his view that The Law Society's procedures and actions had in themselves supported his own belief. In the light of Mr Doggett's reasoning his lack of contrition was to be deprecated but was not surprising.

Mr Doggett's representative was at some pains to confirm to the Tribunal that the Tribunal's Finding and its Order were accepted by Mr Doggett. In view of Mr Doggett's written application and his written response to The Law Society's written submissions the Tribunal was compelled to conclude that these assurances had been made in an endeavour not be critical of the Tribunal

and to demonstrate that Mr Doggett's application was not in reality an appeal against the Tribunal's Findings and Order.

The Tribunal will not here deal with Mr Doggett's submission that the Tribunal were wrong to find that he had been dishonest and wrong to impose a striking off order. There were avenues open to Mr Doggett formally to appeal against the Tribunal's decision, it was no part of the Tribunal's function to give fresh consideration to a matter upon which it had already made a Findings and an Order.

It is very difficult to establish a case for restoration and applications are granted only rarely. The Tribunal has borne in mind the Judgement of the Master of the Rolls in the case of Bolton -v- The Law Society (1994) in the Court of Appeal which Judgement was quoted at some length by Mr Doggett in his own submissions. In that Judgement the Master of the Rolls said:-

“Because orders made by the Tribunal are not primarily punitive, it follows that the considerations which would ordinarily weigh in mitigation of punishment have less effect on the exercise of this jurisdiction than on the ordinary run of sentences imposed in criminal cases. It often happens that a solicitor appearing before the Tribunal can adduce a wealth of glowing tributes from his professional brethren. He can often show that for him and his family the consequences of striking off or suspension would be little short of tragic. Often he will say, convincingly, that he has learned his lesson and will not offend again. On applying for restoration after striking off, all these points may be made, and the former solicitor may also be able to point to real efforts made to re-establish himself and redeem his reputation. All these matters are relevant and should be considered. But none of them touches the essential issue, which is the need to maintain among the members of the public a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness... The reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is part of the price.

The application for restoration is not to be regarded as an appeal against the decision to strike off.

A successful Applicant must satisfy the Tribunal not only that he is publicly fit to be restored to the Roll but his “apparent fitness had to be given proper consideration and that meant that he was fit in the eyes of a member of the public to be re-admitted as a solicitor.

An Applicant for restoration must satisfy the Tribunal that the public would consider that any profession would be proud to have the Applicant as a member and that public confidence in the profession would not be damaged by the successful application.

Restoration to the Roll was an exceptional course and it was necessary for an Applicant to demonstrate that the original offences occurred in exceptional circumstances”.

As the Tribunal’s practice is to make orders for suspension for periods of up to five years, any application, however meritorious would be almost bound to be regarded as premature if it were made within six years of the striking off order. Most applications are not made until at least ten years had passed.

There had been a finding against Mr Doggett that he had been dishonest. The Tribunal accepts that Mr Doggett had not dishonestly stolen large sums of client’s money to fund high living on his part. It was however well known that it would be a very rare case indeed where any dishonesty on the part of a solicitor did not lead to his being struck off the Roll. The Tribunal did not consider that a member of the public would have a well founded confidence that any solicitor whom he instructed was a person of unquestionable integrity, probity and trustworthiness if that solicitor had had a finding of dishonesty made against him.

The Tribunal has already in its earlier remarks dealt with the apparent intention of Mr Doggett to appeal against the Tribunal’s decision to strike off and its finding of dishonesty.

Mr Doggett had not put forward any evidence or submissions to demonstrate that he had been personally rehabilitated. His chief reliance was on his own submission that he had never been wrong in the first place but if he had been wrong then he acted in a way that any other ordinary solicitor would have acted.

The Tribunal does not consider in the light of Mr Doggett’s history that the public would consider that any profession would be proud to have Mr Doggett as a member. It considers that public confidence in the solicitors profession might well be damaged by Mr Doggett’s restoration to the Roll.

The Tribunal did not consider that the original offences had occurred in exceptional circumstances. Mr Doggett, having served many years as a solicitor and having already been before the Disciplinary Tribunal to answer allegations relating to breaches of the Solicitors Accounts Rules, made a decision which was expedient and cost effective so far as he was concerned without giving any consideration to his duty as a solicitor, the Solicitors Accounts Rules by which he was bound and without seeking any formal advice. His decision had shown an arrogance and a lack of judgement but there were no circumstances sufficiently exceptional to excuse or even to mitigate his action.

The Tribunal was required to take account of any continuing loss to the profession. Although there had been claims on the Compensation Fund, this was an inevitable consequence of an intervention into practice by The Law Society. The Tribunal accepted that there was no evidence before it that any client had suffered any actual loss.

The Tribunal has noted that Mr Doggett's application had been made only one year after the Tribunal had ordered that he be struck off the Roll. The striking off order was dated 2<sup>nd</sup> November 2000 and the application for restoration was dated 20<sup>th</sup> November 2001. If the Tribunal had considered that Mr Doggett's falling from grace could be met by the imposition of a suspension from practice for a specified period then no doubt it would have imposed that sanction.

The effect of restoration to the Roll at this stage would in reality be that Mr Doggett had been suspended from practice for fifteen months. Bearing in mind that the Tribunal thought it was right to impose the ultimate sanction, clearly it would be wrong for the Tribunal to order a restoration to the Roll when Mr Doggett had been kept out of practice for such a short period of time.

Because the Tribunal would not be likely to suspend a solicitor from practice for a period in excess of five years, for a striking off to be seen to be more serious sanction than a suspension the Tribunal has made it plain that unless the circumstances were very exceptional it would consider that an application for restoration to the Roll would be premature if made earlier than six years after the Striking Off Order. The Tribunal was in no doubt that in this case the application was premature as well as being without credit.

For these reasons the Tribunal refused Mr Doggett's application for restoration. The Tribunal ordered that the costs of the Law Society in responding to his application should be paid by Mr Doggett in the fixed sum of £967.33."

### **The Submissions of Mr Doggett - the Applicant**

7. The proceedings leading to Mr Doggett's striking off related to a single entry in his books of account whereby he transferred £7,843.77 from office account to client account against an invoice headed 'Rationalisation of Ralph Carter's client accounts' dealing with 251 small client account balances inherited from an employee, Ralph Carter. That sum had been repaid by Mr Doggett to The Law Society in February 2000.
8. The Chairman of the Tribunal on 2<sup>nd</sup> November 2000, relying on the principles set out in the case of Royal Brunei Airlines -v- Tan decided that Mr Doggett had been dishonest. Mr Doggett had been presented with the problem by his employee who had brought substantial clients' moneys with him from his former practice, but had been unable to deal with the small client account balances, despite clear instructions either to bill the clients or return the moneys to them. The Law Society had pressed for a resolution of the problem. Mr Doggett had decided (mistakenly as it after appeared) to fix a figure of £100 as being a sensible figure above which it would be wrong to fail to account to the clients, but below which the work involved in tracing the clients was wholly disproportionate to the amount involved. For example some of the client ledger balances were very small indeed, such as "H - £1-50" or "D - 73 pence". Mr Doggett made a commercial decision to fix a figure of £100. Mr Doggett's independent accountants preparing his Annual Report for The Law Society

raised no point over the matter. The Tribunal, despite Mr Doggett's explanation and the transparency of what he did, decided that he was dishonest.

9. Mr Carter's records had been difficult to follow and when The Law Society's investigator produced a list of clients concerned it did not contain initials or addresses, only surnames and balances. Mr Doggett had been allowed to rescue the practice of Mr Carter as a favour. Mr Carter had been subject to disciplinary proceedings and the Tribunal made no criticism of Mr Carter for the fact that his books had not been available because they had been sent to the Official Receiver who had lost them. Mr Doggett had made an earlier application for Restoration but had come to learn that the Tribunal would not entertain such an application until at least six years after the Strike Off.
10. The principles enunciated by the Court of Appeal in the case of Bolton were:-
  - (1) 'Only infrequently, particularly in recent years, has the Tribunal been willing to order the restoration to the Roll of a solicitor against whom serious dishonesty had been established, even after a passage of years, and even where the solicitor has made every effort to re-establish himself and redeem his reputation.'

And also:-

- (2) 'The second purpose of the Tribunal's Order is the most fundamental of all: to maintain the reputation of the solicitors profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled but denied readmission...A profession's most valuable asset is its collective reputation and the confidence which it inspires'.
11. Additional principles emerged from decisions of the Tribunal and successive Masters of the Rolls:-
  - (a) An Application for Restoration is not to be regarded as an Appeal against the decision to strike off.
  - (b) The successful Applicant must satisfy the Tribunal not only that he or she is personally fit to be admitted (a matter demonstrated by rehabilitation, support from the profession, and, for example a willing solicitor employer) but much more importantly 'apparent fitness' that he or she is fit, in the eyes of a member of the public, to be re-admitted as a solicitor.
  - (c) The Applicant must satisfy the Tribunal that the public would consider that any profession would be proud to have the Applicant as a member, and that public confidence in the profession, as a whole, would not be damaged by the successful application. In the light of the comments made by the Court of Appeal in Bolton, it is extremely unlikely that any solicitor struck off for dishonesty would be able to satisfy this test.

- (d) As restoration to the Roll is an exceptional course, it is necessary to demonstrate that the original offences occurred in exceptional circumstances (this is not to be confused with exceptional rehabilitation).
- (e) Account will be taken of any continuing loss to the profession, either by the Compensation Fund or the Indemnity Fund, by reason of the Applicant's defaults, and the extent to which the Applicant has repaid those debts.
- (f) As the Tribunal makes orders for suspension from practice for up to five years, any application, however meritorious, will be almost bound to be regarded as premature if it is made within six years of the Order of Striking off. Most applications are not made until at least 10 years have passed.

12. Mr Doggett's circumstances in relation to the above criteria were as follows:-

Bolton (1)

13. The dishonesty in Mr Doggett's particular case was not of the most serious kind. Upon being required to restore the money he paid it to The Law Society. Somewhat after Mr Doggett's striking off, a letter to the editor appeared in The Law Society's Gazette of 4<sup>th</sup> January, 2002 as follows:-

"I have been informed that I am unable to write off a client account balance of 2p. I am told unofficially that to deal with the matter I should write to the client, send the stamp for the appropriate amount, and, if by chance the letter is returned, keep it safe so that it does not have to be re-entered on the client account balance.

I need to write off 22 balances on client accounts totalling £9. I have tried to calculate the amount that will be expended in doing this. I am told that I can use stamps or postal orders. Who benefits from this lunacy?

It is not time to introduce a de minimis rule for such balances so that we have authority to write them off?"

14. Mr Doggett had written to the author of that letter for any further information she might have in relation to the problem. She replied that she "had sought and received verbal advice from leading Chancery Counsel. His advice was that when holding such sums you are entitled to make an administration charge for so doing. Mr Doggett did not know of the sums involved but he was well aware that he received advice from many people unofficially that bills should be raised for the small sums so as to obviate the problem.
15. In 2001 Mr Doggett went for an interview with three partners at a large firm of solicitors in Camberley. It was their regular practice to transfer all small outstanding balances up to £20 from client to office account to enable them to close the ledger cards.
16. Since Mr Doggett was struck off, The Law Society had amended the Solicitors Accounts Rules to allow solicitors to retain interest on client account money up to

£20. Clearly that was in recognition of the problem and was led by commercial considerations.

17. Mr Doggett did not seek to trivialise what he did, nor to re-open decided matters, but to indicate solicitors problems with these small balances. It appeared that many solicitors recognised this problem and may apply their own unofficial solutions. Others were apparently happy to have large numbers of small balances more or less permanently shown in their client accounts on the basis that they earn interest. Mr Doggett did not think that was satisfactory.
18. It was Mr Doggett's position that there was no duty on solicitors to go to such lengths so that it actually cost more to send the money back than was in the client account. That was the principle on which he was working in 1999, but the Tribunal's decision showed that he had been wrong. It was Mr Doggett's submission that his transgression was at the lesser end of the scale of wrongdoing. The money was repaid so that no client suffered loss.

#### Bolton (2)

19. This dealt with the importance of public confidence in the collective reputation of solicitors. Since his striking off, a very large number of people, including solicitors, barristers and district judges, former clients and total strangers, had expressed the apparently unanimous opinion that Mr Doggett was not perceived as a dishonest person and that a problem with his accounts did not mean that he was a bad solicitor. All these people were unanimous in their view that the Tribunal had been extremely and overly harsh.
20. A Deputy District Judge in the previous year had expressed his opinion as "you do not have a dishonest bone in your body". Over the six years since the intervention, Mr Doggett had met many former and new potential clients who simply did not believe that Mr Doggett was dishonest and still sought Mr Doggett's advice and help in legal matters.
  - (a) "Application for Restoration is not an Appeal."
21. The Tribunal was entitled to reach its decision. Mr Doggett could not afford to appeal. Mr Doggett did not seek to appeal against the striking off order, nor did he seek to challenge the Tribunal's findings. The effect of the Tribunal's decision had been far-ranging to include matrimonial breakdown, bankruptcy, the resignation of his army commission and his need to undertake manual work for long hours in a distribution centre.
22. Mr Doggett too well understood that events followed decisions made by him for which he had to accept responsibility. Mr Doggett had been a solicitor in private practice for thirty years, about half of which was in his own firm, without complaint by any client as to his honesty and where he carefully distinguished client money from his own.

- (b) Personally fit to be admitted, (to be demonstrated by rehabilitation, support from the profession, and for example a willing employer) and apparent fitness in the eyes of a member of the public.
23. Before his being struck off, Mr Doggett had been a solicitor in private practice for approximately 30 years. From 1976 onwards he had practised in the Basingstoke area. He had come to the notice of The Law Society only twice before. He had received a Law Society caution and a Law Society reprimand on each of those occasions. In 1997 Mr Doggett employed a cashier who operated a manual system of accounting. Mr Doggett was fined by the Tribunal for breaches of the Solicitors Accounts Rules which were the result of an attempt to change to a computerised accounts system. After that Mr Doggett bought a new computer accounts package thus putting his accounts in full working order.
24. So far as the good of the profession was concerned, it was right to mention that Mr Doggett volunteered to serve and was appointed the secretary of the Basingstoke sub-committee of the Hampshire Incorporated Law Society for approximately twelve years, responsible for organising meetings and in particular the Annual Dinner.
25. Mr Doggett's rehabilitation could be demonstrated in several ways. He had worked outside the legal profession for six years, whilst at the same time keeping in touch in various ways. He undertook manual work for about a year in a distribution depot. He had sat in show houses for building companies, on and off, ever since. Throughout December 2005, he worked on a stall in Basingstoke Town Centre, selling cigarette cards and film cells. He handled cash, sometimes over £1,500 a day, all properly accounted for and without problem.
26. During the past six years Mr Doggett applied for permission from The Law Society on four occasions to be employed under section 41 of the Solicitors Act 1974. The first two applications were refused, but on third application permission was granted and he was employed by Collins Dryland and Thorowgood from June 2004 until 22<sup>nd</sup> May 2005. Mr Doggett's honesty was never in question. On his fourth application, in connection with employment by Talbot Walker, The Law Society's Adjudicator said:-

“The Adjudicator has carefully considered this application and has noted the finding of the Solicitors Disciplinary Tribunal during November 2000, particularly that allegations involving dishonesty were found to have been substantiated against Mr Doggett.

In considering this application, the Adjudicator has had regard to The Law Society's overriding concern and responsibility to ensure that the interests of clients are protected and public confidence in the provision of legal services is maintained.

The Adjudicator is mindful of the fact that, in order not to compromise these goals, The Law Society cannot normally grant approval for the employment of any solicitor against whom a finding of dishonesty has been made. To do otherwise would be to risk bringing the reputation on the profession into disrepute and to call into question The Law Society's ability to exercise effective regulation.

In an exceptional case, it is possible to grant approval in circumstances where the struck off solicitor can demonstrate evidence of successful rehabilitation, for instance having held a position of trust outside the profession for a number of years. The Adjudicator is satisfied that such evidence was produced to the Society during July 2004 in relation to Mr Doggett's earlier application under section 41.

The Adjudicator has also noted that it is proposed that Mr Doggett will work with and be supervised by Mr D.M. Walker, one of two members who has over 30 years standing as a solicitor. The local Law Society has raised no objection.

Accordingly, the application is granted subject to the conditions set out".

27. The local Law Society in that case was the Hampshire Law Society, whereas the local Law Society in the Collins Dryland case was the Berks, Bucks and Oxon Law Society. Thus two different local Law Societies had raised no objection.
28. The Law Society had already found evidence of rehabilitation on two occasions.
29. Mr Doggett cited his Territorial Army career for further evidence of his personal rehabilitation. He had joined the Honourable Artillery Company on leaving school in 1963. He was commissioned in 1969 and went to the Parachute Regiment. He was promoted to Captain and also served as the Solicitor to the Parachute Regimental Council for 16 years. He had a period of absence for 10 years when his wife complained that bringing up two young children with him away every weekend with the Army was not fair. He went back to X Para in 1988. Owing to government cuts his company was axed. After two years he was invited to lunch at the HAC and discovered that they had a Light Cavalry Troop. He joined in 1993, and was made Adjutant within a year. When he was struck off the Roll in 2000, Mr Doggett decided that he had to resign his commission in the Light Cavalry, although there was no pressure on him to do so. He re-enlisted as a Trooper. He took on the job of looking after the horse furniture, and became an expert in military saddles and bridles, and all the other accoutrements which go on the military horse. When he took on the job, the Light Cavalry had about twenty saddles, bridles, neck ropes and breast plates. Over the previous six years, he had sought out, obtained, repaired and sometimes had made, additional equipment, so that the Light Cavalry now had 50 saddles, bridles, neck ropes, breast plates, and sheepskins, together with all the other bits and pieces needed to mount a full scale parade. This equipment was valued at £60,000. In recognition of his efforts Mr Doggett had been promoted to Sergeant.
 

“The public would consider that any profession would be proud to have the Applicant as a member, public confidence in the profession would not be damaged by a successful application”.
30. The reaction of the public to Mr Doggett's striking off had universally been one of amazement. No-one who had been told the circumstances had accepted that the decision or the penalty was appropriate to what Mr Doggett actually did. A common reaction was “he may have been a bad accountant but that does not mean he was a bad solicitor”. Solicitors and barristers, and lay members of the public all expressed the

view that the penalty far exceeded the wrongdoing. In Mr Doggett's submission his restoration to the Roll would now redress the balance. The Law Society would retrospectively be seen to have been harsh initially but ultimately justice would have been done. It would not be thought that the Society had "gone soft" or had condoned Mr Doggett's wrongdoing. Restoration would be considered right and proper after six years of disability and inability to conduct his chosen profession.

"As restoration to the Roll is an exceptional course, it is necessary to demonstrate that the original offences occurred in exceptional circumstances (distinguished from exceptional rehabilitation.)"

31. Mr Doggett believed that the circumstances in his case were very unusual.
32. He employed a solicitor, down on his luck, who needed a helping hand. That solicitor brought with him client account moneys that even he had difficulty attributing to actual clients. That employee was asked either to bill the clients, who must have been known to him, or to send the money back to them. He had a mental block about accounts, or for some other reason, was unable to cure the problem. A Law Society investigation accountant had produced a list of clients' surnames, without initials, addresses, or any clue as to the type of matter. Plainly none of these clients, accumulated by that solicitor over a 12 year period, were known to Mr Doggett. He was pressed by The Law Society to deal with the problem. Locating these 251 clients was a difficult and time consuming task. Mr Doggett made a decision that was in breach of the Solicitors Accounts Rules. He suggested that those circumstances were almost unique. How often was a solicitor struck off for a single mistaken entry in his accounts? Mr Doggett had come to learn that the text book answer to the problem, was to apply to The Law Society's waivers executive for permission to donate the money to the Solicitors Benevolent Fund, or perhaps, following the experience of the author of the recent letter to the Law Society's Gazette, to send the clients stamps to the value of the credit balance. It might be that many solicitors simply leave small client balances in their client account collectively to earn interest for ever, but that did not seem to be the proper way to deal with them. Pressed by The Law Society's second investigation accountant to deal with the problem, Mr Doggett had made a mistake, which was not picked up by his external auditors in their Annual Report. Subsequently the money was repaid. The Law Society have it. It was Mr Doggett's submission that his case did occur in exceptional circumstances.

"Account will be taken of any continuing loss to the profession, either by the Compensation Fund or the Indemnity Fund, by reason of the Applicant's defaults and the extent to which the Applicant has repaid those debts".

33. When The Law Society intervened into Mr Doggett's firm on Friday 10<sup>th</sup> February, 2000, a number of conveyancing completions were interrupted by the removal of his client account from his bank, and it was possible that the delay in redeeming mortgages caused by the process might have cost money which might have had to be made up by The Law Society in rectification of the situation. Apart from that, Mr Doggett did not believe that any client suffered, because, apart from the money representing the 251 small balances wrongly transferred, his client account was perfectly in order. Two clients subsequently commenced negligence actions against

Mr Doggett perhaps hoping to gain some advantage from his disability, but both failed.

34. It might be right to say that there was loss to the profession in that the costs of the intervention and the disciplinary proceedings were not paid. The intervention prevented Mr Doggett from recovering any of his work in progress or accumulated invoiced work prior to intervention so that he lost about £50,000 in costs due to him. He would not have suffered that loss had things had been handled differently.
35. The Law Society had removed his office account money and his ability to earn a living and at the same time pay a costs order was difficult. To add to Mr Doggett's punishment, and difficulties, The Law Society then applied for an Order making him bankrupt. The Order was made on 2<sup>nd</sup> November, 2004. That Bankruptcy expired after one year. Mr Doggett believed that he was entitled to say that there was no continuing loss to the profession as all debts had been subsumed in the bankruptcy.
 

“As the Tribunal makes orders for suspension from practice for up to 5 years, any application, however meritorious, will almost be bound to be regarded as premature if it is made within 6 years of the order for striking off. Most applications are not made until at least 10 years have passed.
36. Mr Doggett had made an application for restoration one year after the striking off, in the hope that a different Tribunal might view things differently and although not an appeal, that might result in a decision that the earlier finding was unnecessarily harsh. However, the Chairman said that the application was premature. Mr Doggett had waited another five years before making his application. The real duration of his “sentence” had been much longer because the intervention had taken place in February 2000 and yet the Disciplinary Proceedings were not heard until November 2000, some 9 months later. Effectively he had been prevented from working in his chosen profession for almost seven years.
37. At the time of his application Mr Doggett was 61 and would be nearly 62 by the date of the hearing of the application. He hoped and urged the Tribunal not to require him to wait for a 10 year period as returning to the profession after retirement age would be difficult. He would like the chance of returning to work for a few more years if possible, particularly as he was always being asked for legal advice from former clients. At present helping them was quite difficult. A ‘Mackenzie friend’ was not allowed to address the District Judge, even in chambers. Despite that, Mr Doggett had been to Court, and had been able to help a number of clients over the intervening years.
38. Mr Doggett was aware that every day the law changes and that keeping up to date with recent changes in the law was vitally necessary. When he first began in 1970 he undertook every type of work in the belief that helping the public did not mean shying away from a challenge simply because one hadn't undertaken a case of that type before. Continuing Professional Education had been introduced. When Mr Doggett was with Collins Dryland he went every month to refresher lectures and was fully aware of the CPE requirements of a Practising Certificate application.

39. Mr Doggett throughout his working life always assumed that right and fairness would prevail in the end. He remembered Lord Denning saying in an after dinner speech that we as solicitors should always stick up for the little man. Mr Doggett had small firm in a country practice but he hoped he always lived up to those words. He would love to be able to do so again.
40. It was hoped that the Tribunal would be able to find that Mr Doggett's case could be described as deriving from a "momentary or single moment of aberration" and did come within the ambit of possible restoration to the Roll envisaged by the Master of the Rolls, Lord Donaldson, in the leading case of 'In the matter of a Solicitor No5 of 1990'.
41. The basic principle that the Tribunal would have to consider was whether the reputation of the profession would be damaged by the restoration of Mr Doggett to the Roll.
42. Mr Gulliver asked the Tribunal to take into account that, "Under pressure he thought that to finish off and produce a proper completion statement or whatever was required for each of these 251 client balances would probably take an hour. If he could charge for that time at his then current rate of £100 per hour there was no benefit to the client for doing that work and sending him a bill that reduced his client account to nil. Indeed with the average balance being some £30, if it took one hour of chargeable time to prepare whatever was required to send a proper account, the clients would have an excess over their client account balance to pay. Some might say that in these circumstances Mr Doggett's composite bill and then his attempted billing without checking the files at all had a strange attraction if not even some logic.
43. At the material time, Mr Doggett had his own new practice to establish and 251 hours was over 7 working weeks of 35 hours each. Some of the balances went back 12 years and it did seem that the estimate of 7 weeks full time work to sort them out with no benefit to the clients was a difficult issue to grapple with.
44. What Mr Doggett did was quite inexcusable but the pressure of two visits from the Investigation Accountants was quite obvious. From all Mr Gulliver's reading of the voluminous papers in this matter he had not seen any suggestion at any stage as to how indeed Mr Doggett could reasonably have "sorted out" Mr Carter's small client balances.
45. In his own practice Mr Doggett had always cleared every account down to nil more or less immediately after the work was finished. He had no experience or knowledge of the problem of small client balances. That was an issue that others had found not easily to be solved. Mr Doggett's was an extreme case with accounts going back a very long time for which no proper records existed.
46. The idea of a composite invoice came into Mr Doggett's head. He was open about it. It was openly put on his files. His accountant tragically either failed to spot this matter, which he certainly should have done, or he, a qualified Chartered Accountant, thought it was alright. The incorrectness and breach of the rules had not been brought to Mr Doggett's attention until the third visit by the Law Society's Investigating Accountant.

47. It was, of course, a very clear breach of the Solicitors Accounts Rules. No bill was delivered to anyone when the transfer was made. Any transfer made by a solicitor from clients' monies to himself, other than in accordance with the rules, is rightly dishonest. Mr Doggett accepted that. When Mr Doggett did at least find the addresses and sent out invoices equal to exactly the balance on each account that too was wrong. Mr Doggett's action took place almost 10 years ago now. It would not happen again.
48. There were thirty references and letters of support from as wide a group as a judge, other solicitors, clients, a barrister, the military and the Conservative Party. These were all written by persons who were willing to vouch for the character and honesty of Mr Doggett for the purposes of disciplinary proceedings against Mr Doggett. That was an extraordinary cross section of society that believed that Mr Doggett should be a solicitor. The latest seven letters were written in the full knowledge of the circumstances of Mr Doggett's original striking off and his life to date. It was extraordinary a member of The Law Society's staff chose to criticise the contents of two of the letters because of the way in which the writers perceived the events. They were the public and it was how they, the public saw, matters.
49. The Law Society sought to contrast and use as precedents the two Tribunal cases of Mr Black – who was not restored – and Mr Daultry who was. Mr Black was sentenced to eighteen months imprisonment. It was sad but clear that in the eyes of the public such a man who went to prison might never again be seen to be suitable for readmission. Whatever the rehabilitation he might achieve, the stigma would remain. Mr Doggett had no such criminal record.
50. Whatever the coercion, Mr Daultry took a very much larger sum of money than that with which Mr Doggett was involved. He took one client's money and sent it to another. Worse, perhaps, he fabricated a completely false story of two matters even down to sending them money pretending it was theirs. These were out and out lies told by a solicitor. The public was very sensitive to the truthfulness of their solicitor especially as to the progress of their work. On the precedents cited, Mr Doggett should be restored. Mr Doggett had met the high threshold required for restoration to the Roll.

### **The submissions of The Law Society**

51. The allegations leading to the Tribunal's striking off order were based on the fact that there were a number of old credit balances on Ralph Carter client ledgers. The Applicant considered he faced a daunting task in accounting for them. He did not think that the addresses held for the clients would be current and the sums involved were in many instances small and in some instances minimal. Realising that it would take many hours work to track down the client names and addresses, and mindful of the fact that his hourly rate was then £100 or more and, on the basis that the work involved in accounting to the client would be disproportionate to the sum involved, Mr Doggett decided to transfer from his client account to his office account balances under £100. He did so by raising a single bill headed 'Rationalisation in connection with client accounts' in the sum of £7,843.77. That figure being the total of the small balances on 251 Ralph Carter ledgers. On 27<sup>th</sup> February 1998 he transferred that sum

from his client account to his office account. The bill was not delivered to any of the clients concerned nor were those clients notified of the fact of the transfer.

52. Mr Doggett had unsuccessfully appealed against The Law Society's resolution to intervene into his practice. In her judgement Mrs Justice Arden said:-

“So the position is that if Mr Doggett had led the Office for the Supervision of Solicitors to understand that the matter was being dealt with, but there was no cash shortage on the client account and that he was rectifying the accounting of the client account so there would be individual entries for all the clients who had balances there. So while Mr Mason has submitted that there was transparency by Mr Doggett in terms of raising an invoice and putting it into his books and paying value added tax, there was certainly not transparency so far as the Office for the Supervision of Solicitors was concerned”.

53. Over the weekend of 12<sup>th</sup> February 2000 the Applicant wrote to certain of the clients whose ledger balances had been transferred. A specimen of such a letter was produced to the Court. The specimen included the following words:-

“In view of the time that has elapsed and in view of the fact that Mr Carter has undoubtedly carried out works on your behalf which may perhaps not have been billed up to now, I propose to transfer this sum from client account for settlement of the enclosed account, and this will produce a nil balance and thus clear the ledger card. If you have any objection to this procedure or wish to object to the enclosed account please contact me at the above address as quickly as possible”.

54. The Applicant's letter to clients was not frank. It had given an incorrect date and did not disclose the fact that the moneys had already been taken into office account. It did not disclose the fact that his enquiry had been required by The Law Society.
55. The invoice did not record work that was actually done.
56. By an application dated 20<sup>th</sup> November 2001 the Applicant applied for restoration to the Roll. Although at the hearing of that application his representative argued he did not seek to appeal the striking-off order, the Applicant's written application made it clear that he did not accept the findings which led to his striking-off – as the Tribunal hearing the case concluded in their Decision. Indeed at paragraph 11 of his application Mr Doggett himself frankly made the point that he could not argue for his own rehabilitation, since he did not accept his actions had been dishonest.
57. The Applicant further argued that because his repayment of the £7,843.77 had been credited to The Law Society's Compensation Fund Account, this meant The Law Society had concluded he had in fact been entitled to take the money and his sole fault consisted in “the way in which the moneys had been invoiced”. The Applicant's argument had been entirely misconceived. On the contrary the crediting of the monies to the Compensation Fund (which existed for the purpose of meeting claims made by the public) was indicative of the Society's view that third parties, and not the Applicant or the Society, were beneficially entitled to those monies.

58. The Tribunal rejected the Applicant's 2001 application, being satisfied that it was "...premature as well as being without credit".
59. The Applicant had correctly set out essential criteria for Restoration in his written application. In the submissions of The Law Society the tests of 'fitness' and 'apparent fitness' were two separate successive tests which the Tribunal must apply, and, dependent on the facts of the case, either test may be determinative. The 'apparent fitness' test was therefore not necessarily more important than the Tribunal's own assessment of an Applicant's actual fitness, and it was certainly not the case that concerns as to public perception could or should trump the Tribunal's own findings.
60. At paragraph 6 of his application Mr Doggett characterises "the proceedings leading to my striking off" as relating to "a single entry in my books of account whereby I transferred £7,843.77 from office account to client account [sic]..." Similarly at paragraph 11 (d) he asks "How often is a solicitor struck off for a single mistaken entry in his books of account?" In the Society's submission Mr Doggett here exhibited what was at best an extraordinary failure to understand the gravamen of the allegations against him. He had dishonestly misappropriated a substantial sum of money belonging to others, and applied it to his own use. Although considerable play was made both before the High Court and the 2000 Tribunal hearing of the Applicant's "transparency" in labelling the composite invoice with a heading which intimated it was a 'Rationalisation in connection with client accounts', the misappropriation was aggravated by his want of frankness in his dealings with The Law Society and his representations in 1999 to this Tribunal. It was further aggravated by the fact that at the time the money was so misappropriated Mr Doggett appeared to have had no intention of ever returning it. While the 2000 case against Mr Doggett was correctly pleaded by Miss Wingfield by reference to the Solicitors Accounts Rules, his actions were of themselves dishonest, and would have been dishonest had they been carried out by a person not subject to the Solicitors Accounts Rules. In the Law Society's submission, the acts, of Mr Doggett would indeed have been properly described as "dishonest" had they been carried out by a member of any trade or profession.
61. The applicant had consistently sought to understate both the allegations made and the factual findings against him. In his February 2000 Application to the High Court the Applicant described The Law Society's case against him as follows:-
- "16 – Subsequently it was brought to the Claimant's notice by the Defendants that it was their view that this was not a satisfactory accounting procedure, and that either separate bank accounts should have been opened in respect of each client and/or in order to close very small balances on old ledger accounts, a separate bill should have been sent to the individual clients at their last known address".
- It should have been obvious to Mr Doggett that the Society by this stage suspected him of more than accounting failure.
62. In his November 2001 Application Mr Doggett portrayed the finding of dishonesty as having been made against him because the Tribunal Chairman was of the view that

any transfer of monies in breach of the SAR was of itself dishonest – “To him [the Chairman] it was dishonest to transfer other than in accordance with the Rules”. It could be said that Mr Doggett still did not recognise the dishonest nature of his action.

63. In the Law Society’s submission, the process of rehabilitation could be said to commence when an individual comes to a full acceptance not only that his actions were wrong, but also how they were wrong. Mr Doggett’s application was more circumspect than his earlier application for restoration but it continued the attempt to portray the findings against him as consisting solely of a technical breach of the Accounts Rules. Mr Doggett was either deliberately attempting to mislead as to his past history, or else he suffered from an extraordinary lack of critical self-awareness. Either explanation gave rise to serious concerns (i) as to his fitness to be readmitted and (ii) as to whether he could be said to have genuinely commenced the rehabilitation process.
64. The Tribunal had been invited to take into account a number of references. Those dated prior to 2<sup>nd</sup> November 2000 were, in the Society’s submission, of little weight, as they were given before Mr Doggett was found to be dishonest and struck off. Of those seven references dated after the striking off, it was submitted that only that given by Mr Bradley of Wills Chandler, and to a lesser extent those from Messrs Forbes and Cripps, showed an awareness that serious misconduct had indeed been established against Mr Doggett. The references given by the gentleman living at West Kidland Farm – “It is my belief that at no time did Antony have any thoughts towards malpractice” simply demonstrated an unwillingness to agree the factual conclusion reached by the Tribunal concerning Mr Doggett’s motive.
65. Mr Doggett sought to persuade the Tribunal saying, “My point is that my transgression was, I hope it can be agreed, at the lesser end of the scale of wrongdoing and the money repaid so that no client suffered loss”. In the Society’s submission a proven finding of dishonesty, involving the appropriation by the solicitor of clients’ money, apparently intended as a permanent misappropriation, is axiomatically misconduct at the most serious end of the scale. That Mr Doggett did not accept this called into question his own rehabilitation.
66. It was accepted however that sums recovered from client account in the intervention into Mr Doggett’s practice (the £7,843.77 having been refunded and credited to the Compensation Fund) exceeded the claims made by clients, and there was therefore no evidence of ultimate client or Compensation Fund loss.
67. Mr Doggett made reference to two occasions when he had come to the attention of the Law Society. In fact in February 1998 he was rebuked by a Law Society Panel for having acted for parties in a conflict of interest, and in September of that year, in a separate matter, a Committee deprecated his conduct for delay in advising a client to consult a new solicitor (after a conflict of interest had arisen as a result of a merger of firms).
68. On 18<sup>th</sup> July 1989 a complaint was made to The Law Society by HH Judge McCreery QC that in divorce proceedings Mr Doggett, whilst acting for the Petitioner, had written to the Respondent, proposing that an agreement be reached on the facts alleged in the Petition. Judge McCreery considered the terms of the letter were such

as to indicate that "...the solicitor concerned, Mr AJ Doggett, was prepared to put forward on behalf of his client, a false case intended to deceive the Registrar". After investigation of that complaint the Society's 'Panel B' resolved to inform Mr Doggett that while they considered his letter to the Respondent's husband to be "unfortunately phrased" they accepted he had not intended to deceive or put forward a false case.

69. In August 1991 there was an inspection of Mr Doggett's books of account which raised the issue of a suspected shortfall of £24,999 on client account. Mr Doggett had acted for himself in the sale by auction of his former office premises. Those premises were subject to a first legal charge in favour of his bankers for a sum greater than the sale price. His bankers considered that Mr Doggett had given them an undertaking that the whole of the net sale proceeds would be remitted to the credit of his loan account. The auctioneers, apparently in error, remitted the deposit to the bankers to the credit of Mr Doggett's client account rather than his loan account. Mr Doggett then utilised the resulting sum standing to the credit of client account as a payment towards his VAT bill. Considering this a breach of what had been agreed with Mr Doggett his bankers then debited the client account and credited the loan account in the amount of £25,805, so causing a shortfall, which was rectified by Mr Doggett one month after it occurred. On 24<sup>th</sup> June 1992 The Law Society's Conduct Committee, given Mr Doggett's explanation of the circumstances, resolved to inform him that no further action would be taken in respect of this matter.
70. On 12<sup>th</sup> June 1992 Mr Doggett was adjudicated bankrupt on the petition of the Inland Revenue, automatically terminating his Practising Certificate. On 24<sup>th</sup> June 1992 his Practising Certificate was restored on condition that he practise only in approved employment. The same day his employment as an assistant solicitor with a Mr Wright, practising as Doggett Hawke Wright, was approved.
71. Mr Doggett continued in that approved employment until 1995 when he sought and obtained permission to take up employment with Wallis France solicitors of Basingstoke. He remained in their employment until 31<sup>st</sup> December 1996. Thereafter Mr Doggett (now discharged from bankruptcy and in possession of a clear Practising Certificate) again took up practice as a sole practitioner.
72. Mr Doggett commenced practice as Doggett & Co on 1<sup>st</sup> January 1997 at premises at 3 Winchester Street, Basingstoke. On 13<sup>th</sup> February 1997 he acquired the practice of Ralph Carter and took on Mr Carter as an Assistant Solicitor. A July 1997 inspection of the firm's books of account led to the 30<sup>th</sup> July 1997 report. This revealed that there were no proper books of account as such.
73. A subsequent inspection commencing on 21<sup>st</sup> October 1997 led to the 1998 report. This revealed that whilst books of account were now being kept the Ralph Carter ledger entries were not recorded individually. The report noted that "The first client account reconciliation to be correctly performed and maintained for the firm is that undertaken during the course of the current inspection". That reconciliation revealed a £5,303.84 shortfall on client account, which was replaced in the course of the inspection.

74. Mr Doggett's professional history was of concern to the Law Society and Mr Doggett's reference to "having come to the notice of the Law Society only twice" was misleading.
75. Mr Doggett recorded that he had been bankrupted at the Petition of The Law Society [in respect of the costs of the intervention and the Tribunal proceedings]. It would be an entirely fair point for Mr Doggett to state that he was under no continuing costs liability to the Society, but equally it was fair that The Law Society respond by stating that the amount of the costs (for which Mr Doggett was liable) that were written off was £30,128.28 (exclusive of interest). That did represent a loss, in the sense that it was actual expenditure by The Law Society in respect of him which would not be recovered.
76. Mr Doggett's criticism of the way in which the intervention was handled, was not accepted, but it was not a matter material to this application.
77. Mr Doggett had claimed that applications for permission to employ him were refused by The Law Society, that this rendered him unemployable as a solicitor (sic) or clerk. He implied this kept him out of employment and was the cause of his failure to meet costs orders. According to a letter from Chamlore Development Limited to the OSS dated 30<sup>th</sup> May 2002, given in support of his application for permission to work for Messrs Collins Dryland and Thorowgood, Mr Doggett had at that date been continuously employed by Chamlore as in-house legal adviser since "almost immediately after his intervention".
78. In the words of Lord Donaldson at 9F in No5 of 1990 it is only in a "very narrow category indeed" that restoration is justified. Every case depends on its own facts, but the Tribunal might not find it of assistance to refer to two applications made in recent years, one of which failed and one of which was successful.
79. In one case the Applicant for restoration had been struck off for misappropriation of client funds for his own use. Restitution had been made. He had subsequently been charged and served a term of 12 months imprisonment (in relation to the same misappropriation of client monies). Over twenty years had elapsed since the striking off order and the Tribunal found it would be hard to conceive "of a more complete and satisfactory rehabilitation than that achieved by Mr Black". The Tribunal did not consider he would pose a threat to the public if re-admitted. The Tribunal refused the application "despite giving Mr Black every credit for his rehabilitation".
80. In the second case the Applicant for restoration had been struck off for applying monies held for one client for the benefit of another and for making "untruthful and misleading statements to his clients" – representing to clients that cases were progressing successfully when in fact no steps had been taken. Over 22 years had elapsed since the striking off. The Tribunal concluded they were faced with a "remarkable degree of personal rehabilitation" and that the Applicant's circumstances were wholly exceptional and that the public would consider that the solicitors profession would be proud to have the Applicant as a member.
81. The Law Society opposed Mr Doggett's application. In the Society's submission Mr Doggett failed to meet the relevant high threshold because:-

- (a) He did not establish rehabilitation (or, alternatively, a significant degree of rehabilitation) given his failure to accept the full import of the original findings against him.
- (b) He did not establish fitness to be admitted – rather Mr Doggett’s apparent lack of self-awareness and/or his failure to distance himself from his past actions raised concerns over his fitness to practise.
- (c) Such references as were produced by Mr Doggett did not satisfactorily demonstrate that confidence in the solicitors’ profession would not be damaged by a successful application. No evidence had been produced of support of Mr Doggett’s application by an employer who had employed him since the striking off, although it was recognised that a letter from Collins, Dryland & Thorowgood LLP Solicitors of 25 April 2007 had been handed up at the hearing. It said:- “as far as I am concerned your honesty is not in doubt. I would be prepared to support your application to be restored to the Roll”.

- 82. Mr Doggett did not establish that the circumstances of the original striking off were exceptional.
- 83. A solicitor struck off in circumstances held to amount to dishonesty had a particularly high threshold to satisfy.
- 84. Therefore The Law Society respectfully submitted that Mr Doggett’s application should be refused.

### **The Tribunal’s Decision**

- 85. The Tribunal accepted that Mr Doggett’s application was no longer premature.
- 86. The Tribunal was deeply concerned by the tenor of Mr Doggett’s application. He described his dishonest act as “a single breach of the Solicitors Accounts Rules”. The reality was that he had drawn false bills enabling him to transfer small sums of money held on 251 client accounts as costs as a simple expedient to bring those client ledgers to a nil balance. There was no regard as to whether work had been undertaken or not and the bills had been drawn so that the proper costs and VAT equalled the total amount of the credit balances.
- 87. The Tribunal was also concerned that Mr Doggett had not been entirely frank and accurate in his description of his earlier dealings with The Law Society.
- 88. The Tribunal has concluded that Mr Doggett has not come to accept that what he did was wrong and he continues to place his own favourable interpretation on what occurred.
- 89. The Tribunal accepts The Law Society’s submission that there can be no rehabilitation on the part of a struck off solicitor who cannot accept that the action which led to his striking off was dishonest, as the Tribunal had found. The Law Society in its submission pointed to a number of occasions when the Respondent had been less than frank and open in his submissions and the Tribunal has taken these

matters into account. The Tribunal is not satisfied that Mr Doggett's considered course of action, which led to his striking off, was a single momentary aberration caused by extreme pressures. The Tribunal is not persuaded by Mr Doggett's submission that because other solicitors find themselves in the difficulty in which he found himself his actions could not be criticised.

90. The Tribunal does not consider that the solicitors profession would be proud to re-admit Mr Doggett as a member.
91. The Tribunal refused the application for restoration to the Roll and in all the circumstances considered it right that Mr Doggett should pay the costs of The Law Society in opposing his application, such costs to be subject to a detailed assessment unless agreed between the parties.

DATED this 26th day of June 2007  
on behalf of the Tribunal

L N Gilford  
Chairman