

**ADVOCATES DISCIPLINARY TRIBUNAL**  
**PUBLIC RECORD OF COMPLAINTS UPHELD & DECISIONS**

| Case No. | Name of Advocate              | Decision  | Date of Decision                   |
|----------|-------------------------------|---|------------------------------------|
| 247(3)   | <b>Mr Kenneth A Quilleash</b> | <b>Referred to His Excellency and subsequently Advocates commission cancelled</b><br>1. Failed to answer correspondence;<br>2. Failed to return telephone calls;<br>3. Failed to forward papers on request;<br>4. Ignored correspondence;<br>5. Failed to co-operate with client  | June 1987                          |
| 247(4)   | <b>Mr Kenneth A Quilleash</b> | <b>Referred to His Excellency and subsequently Advocates commission cancelled</b><br>Failed to deliver to IOM Law Society his Accountants Report  | June 1987                          |
| 247(6)   | <b>Mrs Sharon Maddrell</b>    | <b>Reprimanded</b><br>1. Breach of principles 9(3) and 11(1) of Professional Conduct of Solicitors<br>2. Not keeping client properly informed   | November 1987                      |
| 247(8)   | <b>Mr Paul D Morris</b>       | <b>Reprimanded</b> <i>(Alternative Tribunal)</i><br>Breach of Principle 7.18 of Professional Conduct of Solicitors – must not terminate retainer with client except for good reasons/ upon reasonable notice  | December 1987                      |
| 247(9)   | <b>Mr Geoffrey F Karran</b>   | <b>Reprimanded</b> <i>(Alternative Tribunal)</i><br>Breach of Principle 14.01(3)  | February 1988                      |
| 247(29)  | <b>Mr Philip E Garrett</b>    | <b>Fined £100 and costs of £80 – 26.05.89</b><br>1. Failed to carry out terms of retainer with due care and skill, proper diligence and promptness<br>2. Failed to keep client properly informed<br><b>Fined £300 and costs of £264 – 09.02.90</b><br>1. Failed to carry out terms of retainer with due care and skill, proper diligence and promptness<br>2. Failed to keep client properly informed<br>3. Failed to deal promptly with correspondence on behalf of client<br>4. Failed to deal promptly with correspondence from Tribunal | February 1989<br><br>February 1990 |

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| 247(31) | <b>Mrs Clare Faulds</b>        | <b>Reprimanded</b><br>Failed to carry out terms of retainer with due care and skill, proper diligence and promptness   | June 1989                 |
| 247(32) | <b>Mr Philip E Garrett</b>     | <b>Fined £1000</b><br>(Failed to submit accounts to Law Society)   | May 1989                  |
| 247(34) | <b>Mr Philip E Garrett</b>     | <b>Fined £500 and £125 + VAT costs</b><br>1. Failed to carry out terms of retainer with due care and diligence and promptness<br>2. Failed to keep his client properly informed<br>3. Failed to deal promptly with correspondence with Tribunal  | September 1989            |
| 247(43) | <b>Mr Philip E Garrett</b>     | <b>Fined £750</b><br>Failed to deal with correspondence on behalf of a client  | March 1990                |
| 247(49) | <b>Mr Jeremy P B Carter</b>    | <b>Fined £350</b><br>1. Failed to carry out clients instructions with due care and skill, proper diligence and promptness<br>2. Failed to keep client properly informed<br>3. Failed to deal promptly with correspondence on behalf of client  | December 1990             |
| 247(50) | <b>Mr Philip E Garrett</b>     | <b>Fined £500</b><br>1. Failed on termination to deliver to his client all papers to which his client was entitled<br>2. Failed to carry out terms of retainer with due care and skill, proper diligence and promptness and to keep his client properly informed   | November 1990             |
| 247(52) | <b>Mr W Robert Hyde</b>        | <b>Reprimanded</b> ( <i>Alternative Tribunal</i> )<br>Inadequate supervision by Mr Hyde of Mr Powell in respect of a client's affairs  | December 1991             |
| 247(60) | <b>Mr Eamonn B M Dougherty</b> | <b>Referred to His Excellency</b> (Section 18(3)(c) of the Act)<br><br><b>Subsequently ordered not to practise as a sole practitioner</b>  | July 1991<br><br>1991     |
| 247(61) | <b>Mr Eamonn B M Dougherty</b> | <b>Referred to His Excellency</b> (Section 18(3)(c) of the Act)<br>1. Failed to honour cheque drawn by him re payment of Professional Indemnity Insurance<br>2. Failed to honour cheque drawn by him re payment of annual subscription to IOM Law Society<br>3. Failed to carry out terms of retainer with due skill and proper diligence and promptness and failed to adequately communicate with clients<br><br><b>Subsequently - ordered not to practise as a sole practitioner</b> | November 1991<br><br>1991 |
| 247(67) | <b>Mr Philip E Garrett</b>     | <b>Referred to His Excellency</b> (Section 18(3)(c) of the Act)<br>1. Continued to act in circumstances where he could not do so with competence   | October 1991              |

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|          |                               | <p>and diligence</p> <ol style="list-style-type: none"> <li>Failed to keep client properly informed and to comply with reasonable requests from client</li> <li>Failed to carry out terms of retainer with due care and skill, proper diligence and promptness and to keep client properly informed</li> <li>Failed to deal promptly with correspondence from Tribunal</li> </ol> <p><b>Subsequently Fined £2000</b></p>  | 1991                      |
| 247(68)  | <b>Mr Philip E Garrett</b>    | <p><b>Referred to His Excellency</b> (Section 18(3)(c) of the Act)</p> <ol style="list-style-type: none"> <li>Continued to act in circumstances where he could not do so with competence and diligence</li> <li>Failed to carry out client's instructions with diligence and to exercise reasonable care and skill</li> <li>Failed to keep client properly informed and to comply with reasonable requests from client for information</li> <li>Failed to carry out terms of retainer with due care and skill, proper diligence and promptness and to keep client properly informed</li> </ol> <p><b>Subsequently Fined £2000</b></p> | February 1992<br><br>1992 |
| 247(73)  | <b>Mr W Robert Hyde</b>       | <p><b>Reprimanded and to pay costs of £150</b></p> <ol style="list-style-type: none"> <li>Failed to carry out instructions with due care and skill, proper diligence and promptness</li> <li>Failed to keep client properly informed</li> </ol>   | June 1992                 |
| 247(78)  | <b>Mr Alan L Gough</b>        | <p><b>Fined £2000</b><br/>Unprofessional conduct</p>  | February 1995             |
| 247(88)  | <b>Mr John Wright</b>         | <p><b>Fined £500</b><br/>Acting in an unprofessional manner.</p>  | October 1994              |
| 247(90)  | <b>Mr Peter B Clucas</b>      | <p><b>Reprimanded and ordered to pay Law Society's costs by way of contribution in sum of £250</b><br/>Conduct such as would tend to bring the profession into disrepute.</p>   | February 1995             |
| 247(92)  | <b>Mr Philip E Garrett</b>    | <p><b>Referred to His Excellency.....</b><br/>(details unknown)<br/><b>Subsequently.....</b><br/>(details unknown)</p>  | November 1994<br><br>1994 |
| 247(100) | <b>Mr Kenneth E Quilleash</b> | <p><b>Referred to His Excellency</b> (Section 18(3)(c) of the Act)<br/>(Mr Quilleash had been licensed to practice with the proviso that he should work under supervision for 3 years – which was completed on 17 January 1995)</p> <p><b>Subsequently .....</b><br/>(details unknown)</p>  | May 1996<br><br>1996      |

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| 247(106) | <b>Mr Philip E Garrett</b>  | <b>Fined £250 for</b><br>1. Failure to comply with an undertaking within a reasonable time and<br>2. failure to deal with or acknowledge a number of letters in the matter  | January 1996            |
| 247(112) | <b>Mr John P Conti</b>      | <b>Reprimanded and Fined £150 on each head of complaint proved (two)</b><br>1. Breach of confidentiality<br>2. Failure to have bill taxed or remuneration certificate obtained.   | November 1996           |
| 247(115) | <b>Mr Philip E Garrett</b>  | <b>Reprimanded</b><br>Professional misconduct (Failing to communicate with client ?)  | August 1996             |
| 247(116) | <b>Mr Philip E Garrett</b>  | <b>Referred to His Excellency.....</b><br>(details unknown)<br><b>Subsequently.....</b><br>(details unknown)  | August 1996<br><br>1996 |
| 247(120) | <b>Mr Philip E Garrett</b>  | <b>Reprimanded</b><br>Fail to register a charge and report back to Bank   | February 1997           |
| 247(122) | <b>Mr Jeremy P B Carter</b> | <b>Reprimanded and Fined £500 (on item 1 of complaint)</b><br>Failed to communicate with client   | February 1997           |
| 247(123) | <b>Mr W John H Corlett</b>  | <b>Proved on one of four heads, no action taken.</b><br>Failure to expeditiously attend to and comply with instruction to liquidate   | July 1997               |
| 247(124) | <b>Mr Jeremy P B Carter</b> | <b>Reprimanded and Fined £200</b><br>Professional misconduct  | May/June 1998           |
| 247(127) | <b>Mr Ian C Corbridge</b>   | <b>Fined £2000</b><br>Breach of Rule 1 of Advocates Practice Rules 1989   | February 1998           |
| 247(129) | <b>Mr Ian C Corbridge</b>   | <b>Reprimanded and Fined £200</b><br>Failing to have his bill of costs taxed<br><b>and Fined £200</b><br>Issued proceedings when request for taxation was still outstanding   | June 1998               |
| 247(140) | <b>Mrs J Marie Ashworth</b> | <b>Fined £3500 in totality for seven complaints and £881.25 towards costs of complainant</b><br>Fail to comply with paras 11(1) and 11(2) of The Advocates' (Accounts) Rules 1993   | September 1999          |
| 247(151) | <b>Mr Paul O'Neill</b>      | <b>Fined £1000 and £500 costs</b><br>Failed to have proper regard for the interests of the complainant in that he disposed to another part of the proceeds of a house sale (such proceeds having been held by him jointly on behalf of the complainant and that other) without notice to the complainant and without having first obtained the agreement of the | July 2001               |

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|          |                                      | complainant to such disposal.   |                                |
| 247(169) | <b>Mr Paul O'Neill</b>               | <b>Fined £1500 and Costs of £250</b><br>Failing to submit an Accounts Report as defined in Section 6(1) of the Advocates Act 1976 as amended after informing Society that he held client money from 03 May 2001.  | November 2003                  |
| 247(174) | <b>Ms Gillian Chapman</b>            | <b>Fined £2000 and Costs of £250</b><br>Breach of Advocates Accounts Rules 2001 in that :<br>1. Breached Rule 15(2) of the Rules<br>2. Failed to comply with Rule 32(3) of the Rules<br>3. Failed to maintain accounting entries for the Firm's client account for the period from 01/04/03 to 10/06/03<br>4. Failed to comply fully with the provisions of Rules 32(7) of the Rules<br>5. Failed to maintain a central register of client accounts pursuant to Rule 11.                | April 2004                     |
| 247(175) | <b>Mrs Elizabeth Parkes</b>          | <b>Fined £2000 and Costs of £250</b><br>Breach of Advocates Accounts Rules 2001 in that :<br>1. Breached Rule 15(2) of the Rules<br>2. Failed to comply with Rule 32(3) of the Rules<br>3. Failed to maintain accounting entries for the Firm's client account for the period from 01/04/03 to 10/06/03<br>4. Failed to comply fully with the provisions of Rules 32(7) of the Rules<br>5. Failed to maintain a central register of client accounts pursuant to Rule 11.                | April 2004                     |
| 247(182) | <b>Mrs Pamela Pringle</b>            | <b>Fined £1000 and Costs of £250</b><br>(Breaches of the accountants rules – very lower end)  | July 2005                      |
| 247(184) | <b>Mr Charles Coleman</b>            | <b>Reprimand</b><br>(for sending a letter directly to a party whom he knew was legally represented)<br><b>Fined £2500</b><br>(for sending an inappropriate letter regarding the conduct of proceedings)   | June 2006                      |
| 247(185) | <b>Mr John Wright</b>                | <b>Referred to His Excellency</b> (Section 18(3)(c) of the Act)<br>Serious professional misconduct – sent an email on instructions of his client to advocates on opposite side of a litigation matter containing an unwarranted and serious threat to make public certain matters in respect of their client if the case was not settled<br><br><b>Subsequently (by His Excellency and Deemsters Doyle and Williamson) - Reprimanded and Fined £20,000</b> (to be paid within 3 months) | May 2006<br><br>September 2006 |
| 247(193) | <b>Mr John Wright</b>                | <b>Reprimanded and warned as to his future conduct</b><br>Conduct inconsistent with the high standards expected of members of the bar – more foolish than malicious.  | April 2007                     |
| 247(196) | <b>Directors of Simcocks Limited</b> | <b>Fined £2000 and Costs of £1822.50 + VAT</b><br>(to be paid by 31 May 2008)<br>Failed to comply with the Advocates Accounts Rules 2001 by<br>1. Failing to prepare reconciliation statements relating to client money held in a new clients' account opened   | April 2008                     |

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|          |  | during the said period within the time limits set out in and as required by rule 32(7) of Part D of the Rules; and<br>2. Failing to ensure compliance with the Rules by the principals themselves and by everyone else working in the practice contrary to rule 6 of the Rules.<br><b>Note:</b> A technical offence and the finding is not to be regarded as in any way casting any slur or doubt on the Directors' integrity. |                                    |
| 247(205) | <b>Mr Paul O'Neill</b>                     | <b>Reprimanded</b><br>Did not respond to certain correspondence in 2006 either timely, adequately or at all  | May 2009                           |
| 247(206) | <b>Mr Laurence Vaughan-Williams</b>        | <b>Fined £2000 (to be paid within 28 days)</b><br>He was unaware of a relevant protocol and spoke to a child witness in inappropriate circumstances. Also Tribunal far from satisfied with his course of conduct thereafter, namely the filing of an affidavit etc.  | April 2009                         |
| 247(211) | <b>Miss Aalish Hannan</b>                  | <b>Reprimanded</b><br>Service of documents in present of Police Officer and incorrect/misleading info on website   | April 2010                         |
| 247(214) | <b>Mr Stephen Harding</b>                  | <b>Reprimanded</b><br>1. Failed to inform High Court that a company was legally represented and<br>2. Failed to notify High Court that the company was in negotiations to reach a settlement   | September 2010                     |
| 247(215) | <b>Mr Nigel Cordwell</b>                   | <b>Reprimanded</b><br>Inadvertently failed to comply with his client's instructions and a formal reprimand was issued  | October 2010                       |
| 2011/04  | <b>Miss Hirelle Pimbley</b>                | <b>Fined £500 (to be paid within 56 days) and Costs of £495 (to be paid within 28 days)</b><br>Did not reply to communications from her client and allowed a Consent Court Order to be made either when her client did not consent to it or no longer consented to it  | April 2012                         |
| 2012/01  | <b>Mr Roger Kane</b>                       | <b>Fined £2500.00 (to be paid within 3 months)</b><br>Breached the advocate's duty of confidentiality by discussing a case in which he was involved with a third party   | July 2012                          |
| 2013/02  | <b>Mr Robert Long and Mr Mark Humphrey</b> | <b>Reprimanded (each Advocate)</b><br>1. Their ledgers showing negative balances on their office account (breach of Rule 19)<br>2. The balance per ledger card not agreeing with the balance per the matter list (breach of Rule 32(5))<br><b>Note:</b> This is a technical offence and the finding is not to be regarded as in any way casting any slur or doubt on the advocates' integrity.                                 | January 2014                       |
| 2013/08  | <b>Robert David Macdonald Lindley</b>      | <b>Fined £2000 (to be paid within 28 days)</b><br><b>Costs £800 (to be paid within 28 days)</b><br>Recorded a Deed Poll to change a child's name without the consent of all persons with parental responsibility.<br><br><b>QUASHED FOLLOWING RE-HEARING BEFORE DEEMSTERS</b>  | September 2014<br><br>January 2015 |

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| 2011/10 | <b>Jenny Dee Holt</b>             | <p><b>Reprimanded</b><br/>Breach of Rules 1 and 15 of the Advocates Practice Rules 2001.</p> <p>The Tribunal considered it most unfortunate that an Advocate with Miss Holt's lack of experience had been placed in the position she was in the complex case to which the Complaint referred.</p>  | January 2015  |
| 2014/10 | <b>Jeremy Paul Bradley Carter</b> | <p><b>Fined £4000 (to be paid forthwith)</b><br/><b>Costs £16,250 (to be paid within 12 months)</b></p> <p>Failing to comply with certain provisions of the Advocates Accounts Rules 2008 and the Advocates Practice Rules 2001, and in particular paid clients' money into an account which was not a regulated client account in his own name or in the name of his practice.</p> <p>Mr Carter gave an undertaking to the Tribunal "I undertake to the Advocates Disciplinary Tribunal and to the Isle of Man Law Society ("the Society") that I will not operate a client account until such time as the Society shall declare itself satisfied that sufficient and proportionate governance procedures are in place for the operation by me of a client account (such approval not to be unreasonably withheld)".</p>  | December 2015 |
| 2015/04 | <b>Robert Haddow</b>              | <p><b>Reprimanded</b><br/>The Rules of the High Court of Justice 2009, Rule 11.38, provide that where in detailed assessment proceedings of an advocate's bill the costs Officer allows less than half of the total amount of the charges the advocate was claiming in the bill, the matter must be referred to the Tribunal. As a result of such a referral from the Costs Officer, the Tribunal imposed a reprimand on Mr Haddow.</p>  | April 2017    |
| 2017/06 | <b>Aalish Hannan</b>              | <p><b>Fined £2,500 (to be paid with 28 days)</b></p> <p>Failure to comply with certain provisions of the Advocates Accounts Rules 2008 ("the Rules") in that:</p> <ul style="list-style-type: none"> <li>• office money was held in the Client Account in contravention of Rule 19(3) of the Rules;</li> <li>• following the closure of the Client Account by Lloyd's Bank International Limited no replacement Client Account was established in breach of Rule 14(1) of the Rules;</li> <li>• the balance from the closed Client Account, in the form of a banker's cheque, was held in the practice pending the opening of a new Client Account in breach of Rule 15(1) of the Rules; and</li> <li>• there was a failure to carry out a reconciliation of client money for September 2016 within the prescribed time period in breach of Rule 32(7) of the Rules.</li> </ul> <p>Whilst the Tribunal noted that there was no suggestion of any dishonesty on the part of Ms Hannan and that no client had suffered any loss, the Tribunal considered that it is vital that the Rules are adhered to by all advocates at all times</p> <p>In addition to the fine imposed Ms Hannan was required within 28 days to give a written undertaking to the Tribunal that she will not hold client money or operate a client account without prior permission from the Tribunal.</p> | March 2018    |
| 2020/01 | <b>James Charles Travers</b>      | <p><b>Referred to His Excellency at Request of Complainant – Reprimanded with £50 costs:</b></p> <p><b>IN THE MATTER</b> of a reference dated 3rd August 2020 ("the Reference") by the Advocates Disciplinary Tribunal (the "ADT") in respect of a complaint dated 14th February 2020 and re-issued on 30th April 2020 ("the Complaint") made by X ("the Complainant") against <b>James Charles Travers</b>, ("the Advocate") and in</p>   | June 2021     |

respect of that part of the Complaint found proved to the satisfaction of the Governor pursuant to section 21(4) of the Advocates Act 1976

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### Summary of the Facts and Order

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#### Background

1. The advocate-client relationship from which the various parts of the Complaint in this case arose stemmed from the representation of the Complainant by the Advocate before the criminal courts on serious charges culminating in a jury trial in 2019. The only part of the Complaint proved as behaviour amounting to professional misconduct was the Advocate's failure to provide an estimate contrary to rule 1(b) of the Advocates' Practice Rules 2001 ("the Practice Rules").

#### Facts of the Breach

2. The Advocate was instructed by the Complainant in late 2017 to attend the final interview at Police Headquarters following the Complainant dispensing with the services of another advocate. The timing of this first involvement and the then unknown course that the matter would take meant that no overall estimate of costs was given at the outset.
3. The written documents defining the contractual relationship between the advocate and the Complainant comprised:
  - (i) a letter of 27th October 2017 sent to the Complainant (which was signed by the Complainant on 29th October 2017) ("the Retainer Letter");
  - (ii) the General Terms of Business of the advocates' firm ("the General Terms") which accompanied the Retainer Letter; and
  - (iii) the Appendix to the said General Terms titled: "*Instructions, Estimate of Fees, Scope of Work, Assumptions and Additional Work*" ("the Appendix") which specified the "*Scope of Work*" as "*Any Representation required at the police station, and... Any representation required at any Court, and... Any related advice, representation and research*". The Appendix specified "*Fees*" as "*Deposit of £1000 paid, thank you... [the advocate's] –fees £250ph + VAT... [the advocate's clerk] – fees of £140ph + VAT*". The Appendix also stated: "*7.(b) Our charging rates are reviewed every twelve months and we will notify you when we change our rates...*".
4. The figures in the Appendix in terms of the hourly charging rates were incorrect. The Advocate's hourly rate being £360 and that of the clerk was £190. The Advocate also stated that it was their belief that the retainer of £1,000 referred to in the Appendix was an estimate of how much the work, in terms of representation at the police station, would cost and thereafter the normal hourly rates would apply as the case progressed post-charge. The Advocate referred to the monthly invoices issued from March 2018 as incorporating the correct hourly rates. The Advocate accepted that there was no written notification given to the Complainant rectifying the original hourly rates given in the Appendix or clarifying that an increased hourly rate would be applied from March 2018.
5. The Complainant and his mother (who was paying the fees) respectively were unaware of being charged on hourly rates significantly above those quoted in the contract. The significance of the hourly rate only became important to the Complainant and his parents following conviction because up to that point they were confident of an acquittal and significant reimbursement of their costs from the Prosecution.



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|  |  | <p>6. The suggestion that there had been any waiver of the right to an estimate pursuant to rule 1(b) (i) the 2001 Rules was rejected as the contractual terms were not clear enough to evidence that the client had expressly waived his right.</p> <p>7. The Appendix did not provide an adequate estimate in light of the ongoing duty of the advocate to provide a relatively comprehensive estimate when it became practicable to do so. The Practice Rules themselves were overshadowed by section 19(3) of the Advocates Act 1995 that made clear that the duty to provide a written estimate included a duty to provide further estimates where for any reason the original or any previous estimate needs material revision.</p> <p>8. On 30<sup>th</sup> April 2018 by an email the Complainant was warned by the Advocate's clerk that: "<i>any private fees payable are likely to rise considerably before and during your Trial</i>". However, such could not stand in as a replacement for a proper estimate.</p> <p>9. Although estimating the fees for open-ended work is difficult it is a fundamental task of every advocate. In the case in hand, at the time that a multi-day jury trial was listed, the Advocate had sufficient information to give an estimate in writing. Things may change but such is why it is an "estimate".</p> <p>10. A breach of such rule is automatically a matter of misconduct. The lack of specific notification of the correct hourly rate after the initial error compounded matters but in light of the objective transparency provided by the monthly breakdowns that accompanied each invoice there was nothing intentional or underhand about that.</p> <p><u>Penalty</u></p> <p>11. By Order of 10<sup>th</sup> June 2021 the Advocate was reprimanded for the breach with £50 costs.</p> <p style="text-align: right;">This 10<sup>th</sup> day of June 2021</p> <p style="text-align: right;">Sir Richard Gozney KCMG, CVO</p> |  |
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