

alcd

The Association of Law Costs Draftsmen Limited
Church Cottage Church Lane
Stuston Diss
Norfolk IP21 4AG

DX: 42520 Diss

Tel: 01379 741404 Fax: 01379 742702
email: enquiries@alcd.org.uk
www.alcd.org.uk

12 November 2008

Mr Spenser Poultney
Endersley
Welton Road
Radstock
BA3 3UD

Dear Sir

ALCD DISCIPLINARY TRIBUNAL - IN THE MATTER OF NIGEL LONG
FALCD
HEARING 23 OCTOBER 2008

I write to notify you of the decision of the ALCD Council in relation to the above Disciplinary Tribunal.

There were 5 heads of complaint levelled against Mr Long by Mr Poultney. These complaints were translated into breaches variously of the ALCD Code of Conduct paragraphs 5.3, 30, 35, 36 and 41.

The Tribunal's Findings were as follows:

Complaint 1 – made out – The tribunal heard no evidence to contradict the finding of District Judge James as set out in paragraph 43 of his judgment of 15 April 2008 which constituted a breach of paragraph 5.3 of the ALCD Code of Conduct.

Complaint 2 – not made out – paragraph 83 of the judgment of DJ James found that there had been no breach of the indemnity principle and that DJ Brookes had not been misled.

Complaint 3 – not made out – the panel concluded that this complaint was not made out on the basis of the evidence before it.

Complaint 4 – not made out – the panel concluded that this complaint was not made out on the basis of the evidence before it.

Complaint 5 – made out under paragraph 30 of the ALCD Code of Conduct.

The Tribunal's recommendation was as follows:

That Mr Long pays a fine of £5,000 with a contribution towards the costs of the Tribunal of £500 in accordance with paragraph 8.6.3 of the ALCD Code of Conduct.

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In accordance with the ALCD's Code of Conduct Rule 8.7, the Council, at the first available meeting after receipt of the Tribunal's report, considered and deliberated upon the recommendations of the Tribunal. At a Council meeting held on 7 November 2008 The Council decided to implement the Tribunal's recommendation and to publish the decision. In accordance with the ALCD's Code of Conduct Rule 9.0 the Member may appeal against the decision of the Council based upon the result of a Disciplinary Tribunal within 21 days of receiving notice thereof. The Council's decision will not be published until the expiration of the appeal time limit.

Yours faithfully



Iain Stark

Chairman - ALCD Complaints Sub Committee