



Not all actions which lack integrity are equally serious

John Gould

*Senior partner, Russell-Cooke;
author of The Law of Legal
Services (Jordan Publishing,
2015), lawgazette.co.uk*

No one doubts that the kind of dishonesty that leads juries to convict for theft or fraud makes it clear the convict is unfit to be a solicitor, but what about deliberate untruths that would never lead to a criminal investigation, still less a prosecution? As Lord Bingham identified, they matter a lot but should be approached not from the basis of an allegation of dishonesty but of lack of integrity. It is the ethical standard of the profession that matters, not the concept of dishonesty essentially drawn from the criminal law.

Not all actions which lack integrity are equally serious, nor do they necessarily require the same conclusion as to a solicitor's character or fitness to practise. The effect of some actions which lack integrity may not be to damage the public's trust in solicitors generally. It would be the SDT's task to look at all of the circumstances to establish the seriousness of the actions involved with Bingham's objectives in mind. The choice would no longer be a binary one between dishonesty or not. The question would be whether the lack of integrity in the circumstances was such as to make the solicitor unfit to practise.