

THE HIGH COURT

2010 100 SA

IN THE MATTER OF THE SOLICITOR'S ACTS 1954-2002

BETWEEN

THOMAS SWEENEY

APPELLANT

AND

ANTHONY HANAHOE

RESPONDENT

JUDGMENT of Kearns P. delivered the 17th day of January, 2011.

This is a case with a long history, part of which included a hunger strike by the appellant, prior to the eventual settlement of his High Court proceedings on 7th October, 2004 for the sum of €150,000 and costs.

This settlement represented a marked improvement on the compensation awarded by the Residential Institutions Redress Board and also exceeded the sum awarded on appeal from the decision of the Residential Institutions Redress Board.

The terms of settlement included a written apology from the Christian Brothers which was contained in the terms of settlement sent to the appellant by letter dated 24th November, 2004.

Notwithstanding this outcome, the appellant lodged a complaint against the respondent with the Solicitors Disciplinary Tribunal in which he complained that the respondent failed to discharge his professional responsibilities in a variety of ways. These various complaints were considered by the Solicitors Disciplinary Tribunal who by decision dated 27th October, 2010, concluded that no *prima facie* case of misconduct had been made out against the respondent.

The appellant has appealed the various findings of the Solicitors Disciplinary Tribunal which include the complaint that the Tribunal failed to give adequate consideration to the appellant's complaint that his solicitor failed to obtain a written apology from the defendants in the High Court proceedings. The appellant further complains that the Tribunal has been "remiss" in its duty to rigorously investigate his complaint and states that the findings that they have reached are "peripheral and inadequate".

I have read all the papers in this case and am satisfied that the Solicitors Disciplinary Tribunal considered all matters in issue fully and comprehensively and I am satisfied that the decision of the Tribunal is not deficient in any way.

I am also satisfied that the appellant did receive a full and adequate apology in the terms of settlement as evidenced by the respondent's letter to the appellant dated 24th November, 2004.

Nothing in the affidavit grounding the appeal of the appellant discloses any new material or information which would cast any doubt upon the findings of the Tribunal.

I am therefore satisfied that the appeal should be dismissed.