

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING.

At: Hilton Hotel, Newbury North, RG20 8XY.

On: Tuesday, 13th April 2010.

JUDGMENT.

Player: Jack Green. **County:** Dorset & Wilts RFU.

Match: Dorset & Wilts U.20 XV v Buckinghamshire U.20 XV.

Venue: Bournemouth RFC **Date of Match:** 7th February 2010.

Panel: Robert Horner (Chairman), Jonathan Dance and Nigel Gillingham.

Secretary: Liam McTiernan

Attending:

On behalf of Dorset & Wilts RFU: The Player, Saul Kelleher (SK) (Legal Representative) and Roy Farrant (Manager, U.20s)

On behalf of Buckinghamshire CRFU: Bob Hardman (RH) (Hon Disciplinary Secretary), Charlie Smith (Injured Player), Neale Baker (Youth Chair).

Preliminary Matters.

1. The Panel was convened to consider a citing by Buckinghamshire CRFU of the Player for foul play, namely contact with the eye(s), contrary to Law 10.4 (I) of the Laws of the Game (2009 edition).
2. There was not any objection to the composition of the Panel.
3. When asked, the Player stated that he was not guilty of the offence cited.
4. The Chairman explained the process to be employed for the hearing of the case. He noted that the referee had been listed as a witness for the Player. On explaining why he considered that the referee should be considered as a witness

for the tribunal, and should give his evidence first in order that the presenter of the citing might know the burden of proof required under Paragraph 4.6 of Schedule 7 of the RFU Disciplinary Regulations (DRs) before presenting his case, this was readily agreed by both parties.

5. The Panel has considered:

5.1: The written statements and oral evidence of Andy Johnson (Referee), CS, Andrew Macrae, Chris Smith, Mike Rhodes, Tim Graham, Derek Smith, the Player and Chris Stagg.

5.2: The written statements Angela Rhodes, Glenn O'Hara, Mike Collis, Barry Maidment, Malcolm Lewis, Mike Pope, Roy Farrant, Simon Culley, Aaron Day, James Walter, Mark Holman, Tom Napier, Liam Long, and Sally Long,

5.3: The Skeleton Argument of SK.

5.4: The oral submissions of BH and SK.

The Evidence.

1. The Referee: Andy Johnson confirmed his statement in which he stated that neither he nor his Assistant Referees had seen the incident. It was brought to his attention during the game, but no marks could be seen and play continued. Nothing had been mentioned after the game.

Under cross examination by BH, he stated that CS had brought the allegation to his attention just before "the scrum". Neither Assistant Referee had seen anything. He repeated that it was only brought to his attention by CS just before the scrum, and not by anyone else from Bucks. When challenged on this by BH, he replied that he could only recall CS mentioning it. He then conceded that there was a slight blemish below CS's eye at the time, but it was nothing significant. When asked why he took no action, he replied that if he did not see an incident, there was nothing he could do about it, but he would be alert to prevent any recurrence. When asked, he stated that he did not hear a scream.

In reply to questions from SK, he said that he was surprised that he did not see the incident if it had occurred as he was very mobile. From experience, he was aware that U.20's matches were fast and furious. If the incident had occurred, he was surprised that both Assistant Referees had missed it also, as both were experienced. No outrage had been expressed by or evidenced from the Players.

In reply to questions from the Panel, he reiterated that the alleged incident was brought to his attention just before he set a scrum. He then conceded that the physio could well have come on to attend to CS before that scrum. However, he could not recall precisely what happened immediately before the scrum. He also confirmed that there was a reddish mark beneath the eye of CS. He accepted that eye-gouging was difficult for referees to see. In discussions on the game with officials of both sides after the game, no outrage had been expressed.

2. On behalf of Buckinghamshire CRFU:

2.1: CS: CS gave evidence which accorded with his statement. He described how one of the opposition players had been tackled in open play. He went over that player to jackal the ball. The tackled player did not release the ball so he continued to attempt to rip the ball and to hold onto it to get a penalty for Bucks. A ruck formed, but as he had already begun to jackal the player, he continued to hold on while on his feet. An opposition player then came in to clear him out but was unsuccessful. In a further attempt to procure release of the ball the opponent stuck his fingers into CS's mouth to scratch/rip the inner cheek. As CS still held onto the ball, he felt the opponent's hand go round his face, feel for the location of his eye after which he proceeded deliberately to gouge the left eye. Self preservation then kicked in, so CS released the ball and pulled back to get the opponent off. Play stopped while he was treated by the physio. He pointed out to the referee that he had been gouged.

In reply to questions from BH, CS stated that he could not see properly for some 2 to 3 minutes. The physio was on promptly and treated the eye with ice, but the eye area still began to swell. After he had pointed out the gouge to the referee, play restarted with a penalty against Bucks. CS then described with his own hand how the hand went into his mouth and then up into his eye. At the time both players were in a low body position. The player who did it was a big stocky lad with short hair, playing prop. As a 2nd row player, he soon recognised opposing props as they are very obvious as the scrum forms and goes down. He had seen him here tonight. The hand had not been in his mouth for long; it then went up along the nose and definitely felt for the eye, and then seemed to press into the eye in a twisting motion. It was very painful and he screamed, let go of the ball immediately, fell backwards and covered his eye. On a scale of 1 to 10 in terms of pain, it registered 9. The referee was on the far side of the ruck and well could not have seen it. His physio was out quickly and could see that CS had been gouged; there was a cut to the skin immediately below the eye as was shown on the photo taken the next day. He reckoned that he was treated for about three minutes. After the game he did not make a fuss – "what happens on the pitch stays on the pitch". No Bucks officials spoke to him after the match; it was the following day that he spoke to Chris Smith (Team Manager) who said that he was not happy about it, and advised a visit to his

doctor. He saw the doctor a day later; she said it looked nasty, took measurements and made a brief report. Although she did not claim to be an expert in rugby injuries, she said the wound, discolouration and swelling were consistent with an eye gouge.

Under cross examination from SK, CS explained that, at the outset, play had spun across the field. He had been one of the first at the breakdown, and the Player had tried to clear him out. He took the hit from the Player, and they locked together. It was easy to get a hand to an opponent's face in such a position. He was not sure how many other players were closely around once the Player's hand went into his mouth. He had a low body position, but a ruck is not a stable situation. He was sure that the referee's view of the incident could well have been blocked, but he could not understand how the referee could claim not to have seen anything because he was treated by the physio for so long and he must have been aware. An eye gouge would not have been immediately obvious to other players, so it was not likely to cause a fracas.

In reply to questions from the Panel, CS confirmed that the incident occurred midway through the first half, and not more than 15 metres infield on the stand side. As soon as the hand went into the eye, he let go of the ball; self preservation kicked in. The game definitely restarted with a penalty. He had brought the gouge to the referee's attention while being treated by the physio. No other players got uptight about it. The photo had been taken the following day by Kate Matthews, an employee on the family farm. He positively confirmed the identity of the Player, sitting three to his left, as his assailant. From the vigour of the hand in his mouth and the force of the finger into his eye he was convinced it was deliberate and not accidental. He also confirmed that, so far as he was aware, he had never previously played against the Player. Certainly, he was not seeking retribution for some previous falling out between them.

2.2: Andrew Macrae, Chartered Physiotherapist: In his evidence in chief, he confirmed that he was the physio for the Bucks team. He did not see the incident, but he ran out onto the pitch on hearing the yell which he identified as a yell of pain. He found CS on the ground with his hand to his left eye. He immediately said that he had been gouged. There was swelling to the eye and a little blood below it. He treated the injury with water and ice. CS was clearly in distress. At that time the injury was smaller than showed on the photo taken the following day. He became satisfied that CS's vision was not affected and had no concern about him continuing to play. He did not at any time himself speak to the referee who was well aware of his presence treating CS. He saw CS after the game, but did not have need to treat him further.

In reply to cross examination from SK, he stated that as well as being a Chartered Physiotherapist, he had qualified in pitch-side management and

worked in a Sports Injuries clinic. He thought that he was well qualified to identify a gouge. There were in fact two parallel marks, indicating that two fingers had been used. He was satisfied that he could tell the difference between a scrape and a gouge.

In reply to questions from the Panel, he had heard CS tell the referee that he had been gouged; there had been no specific comment back from him. He estimated that, when he ran onto the pitch, CS had been between the 5 & 15 metre lines. He had treated him there for two or three minutes. There had been approximately 6 other players in the vicinity. He did not discuss the incident with any Dorset & Wilts officials.

2.3. Chris Smith (no relation to CS), Bucks U.20s Manager: His evidence in chief accorded with his statement. He described the tackle of a Dorset & Wilts player some 10 metres into the Dorset & Wilts half. CS was one of the first in and contested for the ball. A ruck formed. He then noticed a Dorset & Wilts player arrive and make an unsuccessful attempt to clear CS from the ball. He then saw the hand of a D & W player come up round the head of CS. CS yelled and collapsed. The incident was just to his right. The fourth official was near at hand and the referee was on the far side of the ruck. He went onto the field. The physio was attending CS who had two marks around his left eye, one immediately below, which was bleeding, and one across the eyelid. CS stated that he had been gouged. On returning to the touchline, he reported this to the 4th official who went out and spoke to the referee. On his return, he said that the referee was aware of the situation. He did not speak to anyone at the end of the game, but he had never come across anything like this before.

When cross examined by SK, he confirmed that he had definitely spoken to the Fourth Official and told him precisely what the problem was. At the time, the only reaction was from CS. None of the other players had seen the incident. After the match, he had a number of duties to attend to, and had not spoken to anyone from Dorset & Wilts about the incident. He had not seen the referee either. He had spoken to CS on the bus on the way back; he seemed all right.

In reply to questions from the Panel, he confirmed that the wound below the eye was bleeding, but that it probably looked worse than it was. He reckoned that the ruck had been some 5 metres infield. He did not try to see whose hand had done the gouge; in the heat of the moment it did not occur to him. His statement had been written the day after the match.

2.4: Mike Rhodes gave evidence in chief consistent with his statement. He had been seated in the stand, between the half way and ten metre lines. A ruck had formed near both the centre line and near touchline. He saw CS on the floor with the hand of another player across his face. He then became aware

that CS was in a lot of distress. He was conscious of CS coming up and then going down again. He heard CS's scream; others around him were then shouting. He was pretty horrified. He did not know whose hand it was, but he definitely saw the hand on CS's face as he went down. Beneath him, Chris Smith was obviously agitated. The Touch Judge did not go onto the field, but he had not been level with the incident. The 4th Official was near the half way line. None of the match officials seem to have seen it. He was not surprised that the referee, from his position, did not see it.

In reply to cross examination from SK, he explained that he was at the match because his son was playing. He definitely saw the hand on CS's face and him falling back in pain. It could possibly have been accidental. He was unable to identify the Dorset & Wilts player.

2.5: Tim Graham, who gave his evidence by telephone because he was on duty as a Consultant Cardiothoracic Surgeon at a hospital in Birmingham. He confirmed that what he had written in his statement was accurate. He was in the stand, near the half way line. There had been a maul situation. A Dorset & Wilts player had his hand around the face of CS, and seemed intent on putting a finger in CS's eye. This caused him considerable alarm as he was aware of the potential damage that could be caused. He accordingly concentrated on that player to determine who he was. As he moved round, he identified him as the Prop No.1. He was not sure where the referee was. He was certain that the action was deliberate from the way the hand moved up over CS's face, and away from where the ball was. He was some 15 to 20 metres from the incident. He believed that he had a clear view of the incident. He reiterated that it caused him some alarm and that he had concentrated carefully to identify the Player.

When cross examined by SK, he stated that there was certainly some redness around the eye of CS, who was clearly in distress; he was used to observing victims of trauma. Although it was a reasonably crowded situation, he was certain that it was the hand and arm of No.1 which he had seen across the face of CS. It was No.1. He did not accept that he could have been mistaken.

In reply to questions from the Panel, he affirmed that it appeared to be a gouging incident. It also appeared to be done with intent, and he was alarmed at the time. The hand with the fingers appeared to be in a gouging movement. His statement, written four days after the match, was his honest recollection of events at the time. He had a clear line of vision. Mr & Mrs Rhodes were some four seats to his right.

2.6: Derek Smith (no relation to the others in the case bearing the same surname) gave evidence in chief consistent with his statement. He had been in the stand near to the half way line, and produced a plan to illustrate both his

position and where the incident took place. He saw the ruck forming some 15 metres infield on the stand side and near the 10 metre line. He saw the hand of a Dorset & Wilts player come down over the face of CS and make contact in the eye area. He then focussed on that arm and the player to whom it belonged. That player then came round past him and he noticed his number, 1. He then left his seat and went down to the coaching area to report that he had witnessed a gouging by the Dorset & Wilts No.1. He had never witnessed a gouging before, but he clearly saw the hand come round the head and into the eye area. He saw the Bucks player with his head back, and the arm and the hand came down.

In reply to cross examination by SH, he stated that he was at the match because his youngest son was playing. He saw the ruck. He did not see the hand go into the mouth first.

Responding to questions from the Panel, he could clearly see the player's face. The ruck then pulled apart, presumably because the whistle went. He was solely concentrating on the player who had done it.

3. On behalf of the Player:

Before calling his evidence, SH invited the Panel to retire to consider whether a prima facie case had been established and there was a case to answer; the invitation was declined.

3.1: The Player. With the permission of the Panel, SH read out a statement which the Player had prepared on 31st March 2010 and which he verified as being correct. The statement read: "I am Jack Green and I played in the match between Dorset & Wilts U.20s against Buckinghamshire U.20s on the 7th February 2010 at Bournemouth RFC. My recollection of this game is that it was hard fought but absolutely fair with no fights or other altercations. I have no particular recollection of the incident that is the source of this citing but can remember the game stopping briefly after a ruck that I had been involved in so that a Buckinghamshire player could be treated for a minor injury. I was not aware at the time that this Player had made an accusation about me to the referee and the first I knew of the allegations of foul play made against me was when my coach told me a few days later that I might be cited. My recollection of the ruck is that it was no different from many others in the game and that I attempted to clear out an opposition player who was contesting the ball with another Dorset & Wiltshire player. I have no knowledge of the alleged injury to the opposition player but if any injury did happen it was totally accidental. I can categorically state that I have never gone onto a rugby pitch with the intention of hurting any other player by foul means."

In reply to supplemental questions from SK, the Player reiterated that the game had been hard fought, but fair. He had simply attempted to clear out the opposing player. He also, at the request of SK, showed the Panel his hands, palms down, to reveal that all the nails were badly bitten.

Under cross examination from BH, the Player stated that he could not tell what happened; he did not recall the incident occurring. He did recall the game stopping and a Bucks player being treated, but he did not know what for.

Answering questions from the Panel, he did not know whether his hands made contact with CS's face. He recalled trying to clear him out but he was strong. He would have hit him head on. He did not hear CS cry out. When the whistle went, he went back to join his team. It was a Dorset & Wilts penalty. He had not deliberately hit his opponent's face, and he had not deliberately attempted to harm his opponent. Otherwise he could not specifically remember the incident. He was not aware of his hands having gone into his opponent's mouth; that doesn't happen.

3.2: Chris Stagg, Head Coach of Dorset & Wilts U.20's: He verified his statement in which he stated that he was in the technical box during the game in question. It was a good game, closely contested by both sides. He had conversations during the game with the 4th Official and the touch judge; he also spoke to the referee and another touch judge at half time. At no point was there any flare up during the game. He had not at any time seen a member of the Bucks coaching team go onto the pitch and at no point did he see an official talking to any of his players about foul play. There had been no mention of any incident or allegation of foul play made by any player, any official, any coach during or after the game. In reply to questions from SK, he confirmed that he had no recollection of the game being stopped. There had been no problem with the Bucks party after the match. He was surprised by the citing. If he had a criticism of the Player, it was that he was too soft to go all the way.

When cross examined by BH he stated that he had no recollection of the incident, no recollection of the Bucks physio going onto the pitch when the game was stopped and he had no recollection of a 3 to 5 minute stoppage.

In reply to questions from the Panel, he could not recall with whom he spoke after the match. He had spoken to the referee, the Touch Judges and the 4th Official, all of whom he knew. He had not spoken with his Bucks opposite number; he did not know who he was. He was not saying that the incident did not take place; he had no specific recall.

SK indicated that he did not wish to call additional evidence; he was content to rely upon the statements provided, even though that meant that the evidence could not be tested by oral examination.

Submissions

BH wished to rely upon the evidence which had been adduced. He found it hard to believe that no-one from Dorset & Wilts had seen anything.

SK advised that the Player regretted the fact that CS had been injured although he had been unaware of any incident on the day. It was his case that any contact which may have occurred was accidental.

Determination.

By virtue of Para 4.12 of the 7th Schedule of the DRs, to succeed with its citing, the responsibility was on Buckinghamshire CRFU to establish on the balance of probabilities that the offence took place as cited. Further, where, as here, a Match official did not detect the foul play cited, it had to be shown that had the Match Official seen the act, a red card would have been awarded (Para 4.6 of 7th Schedule of the DRs). In practical terms, as eye gouging should always result in a sending off of the offender, this meant that Buckinghamshire CRFU had to establish that i) the eye gouging had taken place, ii) the offender was the Player, and iii) that the impact with the eye was not totally accidental. After a careful and detailed consideration of the evidence, the Panel was satisfied that, on the balance of probabilities, the offence as cited took place.

There was clear evidence that the eye gouge had taken place. CS was throughout a credible witness and his testimony was clear. A hand had moved up his face and a finger had been inserted into his eye while the surrounds were also gouged. There was clear, unchallenged, evidence from a number of witnesses in a good position to observe the incident that it had occurred in the manner in which CS, in greater detail, had described. In addition, there was the evidence of Andrew Macrae, another credible witness, that in his professional view, when he went on to the field to attend to CS, that player had just suffered an eye gouge and was in pain and distress as a result.

CS was in no doubt that the perpetrator of the eye gouge was the Player. His explanation of how he recognised him on the field was logical and believable. Further, he identified the Player at the hearing as the opponent who had committed the offence. Further evidence of identity was clearly given by Derek

Smith and Tim Graham, both of whom explained why they had watched the Player closely to ascertain his identity.

CS was in no doubt whatsoever that the gouge was intentional and not accidental; his description of the finger being twisted in his eye was graphic. It was also the view of Tim Graham, from what he had seen, that the act had to be deliberate, and Derek Smith, likewise, was of that view.

The Panel did not disregard the evidence given on behalf of the Player. Chris Stagg could not recall the incident, but accepted that it could have taken place. The written statements from other witnesses were all to the effect that the witness, who had either played in, or been present at, the match could not recall any such incident having occurred. This did not mean that it did not occur. The Player himself could not recall the incident and stated that if his hand had contacted the eye of CS, it was an accident.

The evidence of the referee was puzzling. Initially, he could not recall an incident or a stoppage to treat an injury, although an alleged gouging had been mentioned by CS, on whom no marks could be seen, before a scrummage. When challenged, he conceded that there had been a slight blemish beneath CS's eye when he reported the gouging. He then conceded that the physio could well have come on to the field to treat CS, beneath whose eye there was a reddish mark. Additionally, he had repeatedly referred to play restarting with a scrum, while the evidence of both CS and the Player was that the restart was with a penalty to Dorset & Wilts. The Panel was able to accept that the referee had not seen the incident, and this was not surprising because eye gouging is rarely detected by match officials, but on the basis of his evidence, the Panel could not determine that the incident had not occurred.

In the light of these assessments, the Panel was satisfied that the alleged eye gouging had taken place, that the perpetrator was the Player and that the act was deliberate. The citing had been established.

Mitigation.

SK advised the Panel that the Player was an established County player at his age group. He had been playing since the age of 12 and was now just 19. He had never received a red or yellow card. He was now at Bath University and the Panel's decision could prejudice his career there.

Sanction.

1. Before making an assessment of the seriousness of the conduct of the Player, the Panel reminded itself of the case of Dylan Hartley (24 April 2007) and of the fact that the statement of principle enunciated in that judgment had been adopted by the IRB in a letter to all Judicial Personnel dated 10th July 2009:

"Contact with an opponent's eye or eye area is a serious offence because of the vulnerability of an eye and the risk of permanent injury. It is often the result of an insidious act and is one of the offences most abhorred by rugby players. Serious offences of this sort – and particularly those known colloquially as eye gouging" – must be dealt with severely to protect players, to deter others from such activity and to remove offenders from the game to ensure that they learn the appropriate lesson. Clearly 'contact' encompasses a wide range of activity from applying pressure with an open hand to a finger intentionally inserted into the eye socket intending to cause injury. Offences which would properly be classified as at the Lower End of the scale of seriousness would include, but not be limited to, wiping with an open palm or fist without any real force or intent and causing no injury. In certain circumstances it might also include reckless contact with a finger into the eye area. Offences which would properly be classified as at the Top End of seriousness would include, but not be limited to, an intentional act designed to cause serious discomfort or injury to the eye or area around the eye of an opponent. The most serious offences in this category would be where permanent damage is caused."

The IRB directive also referred to a letter from M. Bernard Lapasset, the chairman of the IRB, dated 1st July 2009 which expressed concern about lenient sentences imposed upon Schalk Burger (South Africa v British Lions) and Sergio Parisse (Italy v New Zealand) in June 2009. M. Lapasset wrote:

"the prevalence of eye gouging in the Game is a major worry for the IRB with cases ranging from reckless to intentional. In order to arrest recourse to this heinous act it is necessary that strong sanctions are disbursed as a deterrent.....We felt it necessary...to express our strongly held view that such serious offences of this sort must be dealt with severely to protect players, deter others from such activity and to remove offenders from the game to ensure the appropriate lesson."

2. Against that background, the Panel undertook an assessment of the facts in accordance with DR 8.2.5 and determined:

2.1: the offending was intentional.

2.2: the nature of the action was serious.

2.3: there was no provocation nor was the offence committed in retaliation.

2.4: injury was occasioned to CS, which caused him extreme pain at the time, followed by discomfort for a time afterwards. After treatment on the pitch he

was able to continue playing in the game, but had occasion to visit his doctor three days later.

2.5: there was no evidence that the offences of the Player had any other adverse effect upon the match.

2.6: CS was totally vulnerable to the assault and was not in a position to defend himself.

2.7: there was not any evidence of premeditation.

2.8: the offence undoubtedly was completed.

In the light of these determinations, the Panel considered carefully the appropriate entry point. Low Entry was discounted. After detailed discussion it was decided that, because the injury occasioned to CS proved not to be unduly serious, and did not prevent him from continuing in the match, the offence just fell within Mid-Range rather than Top End. The Mid-Range entry point for the offence of Contact with Eyes or Eye Area is suspension from playing for 18 weeks

3. The Panel next considered whether there were any aggravating features, as specified in DR 8.2.7, which would warrant an uplift from the Entry Point:

3.1: Remorse that CS had suffered injury had been expressed at the hearing.

3.2: The Player was not a serial offender against the Laws of the Game.

3.3: Given the concerns expressed by the iRB as outlined above, coupled with the fact that this season has seen an increase in the number of eye gouging cases within England, the Panel had no option but to uplift the entry point as a deterrent to combat a pattern of offending. An appropriate uplift was one of six weeks.

3.4: There were not any other aggravating factors which would justify an uplift in the Entry Point.

4. It remained for the Panel to consider what, if any, mitigating factors might properly be applicable under Disciplinary Regulation 8.2.8, and the following conclusions were reached:

4.1: The Player had pleaded not guilty and contested the citing.

4.2: The Player had a good record, never previously having been accused of an offence under the Laws of the Game.

4.3: The Player was aged 19, and thus could not claim an exemplary record over a long playing career.

4.4: The Player's conduct during the hearing was satisfactory.

4.5: Remorse for the injury suffered by CS had been expressed at the hearing.

4.6: The Panel was not aware of any other mitigating factors.

5. The Panel, having determined an Entry Point of eighteen weeks suspension, found it necessary to increase that by six weeks to twenty four weeks suspension

under DR 8.2.7. However, the player was entitled to some credit under DR 8.2.8, and the Panel determined that a discount of four weeks was appropriate in this case. The result was a total period of suspension from playing of twenty weeks.

Sentence.

The Player is suspended from playing for 20 weeks from 14th April 2010 until 17th November 2010, leaving him free to play again on and from 18th November 2010. This suspension has been calculated on the basis that 7 weeks of this season remain until 31st May 2010, and then covers the last two weeks in August and eleven weeks from 1st September 2010. If evidence is produced to the RFU Disciplinary Department that, but for this sentence, the Player would have played in a close season tour or any other permitted rugby match during the period from 1st June 2010 until 17th August 2010, the suspension shall apply to that activity, but the end date of the suspension shall be brought forward by an equivalent amount of time to result in a total suspension of twenty weeks.

Costs.

An award of costs is made against the Player/Dorset & Wilts RFU in the sum of £100.

Right of Appeal.

The Player has a right of appeal exercisable in accordance with the requirements of DR 11.2. His attention is also drawn to the provisions DR 11.1.1.

Robert Horner.

Robert Horner.

Chairman.

16th April 2010.