



**Disciplinary Tribunal Panel Hearing**

**25 August 2025**

**Institute and Faculty of Actuaries  
Online Hearing – held in private**

<b>Respondent:</b>	Kevin Michael Doerr (Resigned)
<b>Category:</b>	Member since 1 October 1983
<b>Region:</b>	UK
<b>IFoA Case Presenter:</b>	Ayanna Nelson (Case Presenter) instructed by the IFoA
<b>Panel Members:</b>	Peter Wrench (Chair/Lay member) Tamsin Abbey FIA (Actuary member) Jules Griffiths (Lay member)
<b>Legal Adviser:</b>	Sharmistha Michaels
<b>Judicial Committees' Secretary:</b>	Julia Wanless

## **Panel's determination:**

1. Having taken account of the Publication Guidance (1 August 2023) and the fact that this hearing was conducted wholly in private, the Panel determined that only a limited summary of its outcome should be published. The text which is set out below should remain on the IFoA's website for a period of three years from the date of publication. A brief summary should also be published in the next available edition of *The Actuary Magazine*.
2. The summary for publication is as follows:

At a hearing before the Disciplinary Tribunal on 26 August 2025, which was conducted wholly in private in order to protect the privacy of third parties, the following charge against Kevin Michael Doerr was found proved:

1. On 11 March 2024 you were convicted of breach of the peace in that between 1 January 2003 and 29 June 2022 you conducted yourself in a disorderly manner towards Person A.

2. Your actions in paragraph 1 above were in breach of the Compliance principle of the Actuaries' Code (version 3.1).

3. Your actions, in all or any of the above, constituted Misconduct in terms of Rule 2.1 of the Disciplinary Scheme of the Institute and Faculty of Actuaries (Effective 1 August 2023).

The sanction imposed was a Reprimand and Exclusion from Membership of the IFoA for a period of 12 months. The Respondent was also ordered to pay costs of £6840.

In accordance with Rule 18 and the Appeals Regulations, the Respondent has 28 days from the date that this written determination is deemed to have been served upon him in which to appeal the Panel's decision.

That concludes the published version of the determination.

**Date of publication:** 2 September 2025

Addendum 16 February 2026: Appeal Tribunal Panel determination continues on next page.



**Appeal Tribunal Panel Hearing**

**23 January 2026**

**Online Hearing (on the papers)**

<b>Respondent:</b>	Kevin Michael Doerr (Resigned)
<b>Category:</b>	Member since 1 October 1983
<b>Region:</b>	UK
<b>Panel Members:</b>	Paul Rae (Chair/Lay member) David Alexander FIA (Actuary member) Emily Flowers (Lay member)
<b>Legal Adviser:</b>	Julian Weinberg
<b>Judicial Committees Secretary:</b>	Hinna Alim

This is the decision of an Institute and Faculty of Actuaries Appeal Tribunal Panel under Rule 18 of the Disciplinary Scheme (August 2023) (“the **Rules**”) and the associated Appeal Regulations (November 2025) (“the **Appeal Regulations**”) against a decision of a Disciplinary Tribunal Panel in respect of the Respondent.

The appeal is made pursuant to Rule 18.5(b) (costs imposed) and Appeal Regulation 15(b) (amount awarded).

Panel Deliberations took place on 23 January 2025 following receipt of written submissions.

This is the public determination of the Panel.

### **Background**

1. This is an appeal against a decision of the Disciplinary Tribunal Panel (“**DTP**”) (erroneously) dated 25 August 2025 (it is understood it was on 26 August 2025) following a preliminary hearing heard on 22 July 2025 and a substantive hearing on 26 August 2025. For convenience the Panel will continue to refer to Mr. Doerr as the Respondent.
2. In accordance with the Rules, the appeal went before an Appeals Assessor who is the gateway to this Panel.
3. The Appeals Assessor does not form a view as to whether the appeal should succeed or not, their role is simply to identify whether there are statable grounds of appeal, which should in turn be explored before this Panel. If there are, this Panel is convened to consider the appeal, typically in private.
4. The Respondent sought leave to appeal part of the decision of 26 August 2025. Only one of his grounds of appeal was accepted by the Appeals Assessor, that being under Regulation 15(b) of the Appeal Regulations - which related to costs. The other elements of the appeal were dismissed and so are not relevant for the purposes of this determination.
5. Regulation 15(b) of the Appeal Regulations provides:
  - *“The Respondent may apply for leave to appeal a costs order on one or more of the following grounds:*
  - *(b) that the amount of costs ordered by the Disciplinary Tribunal Panel was manifestly excessive or inadequate, taking into account all relevant circumstances.”*
6. Accordingly, the Panel was convened to determine whether the costs awarded were *“manifestly excessive or inadequate”*.

7. The Panel had sight of, inter alia, the Respondent's substantive appeal submissions received on 9 January 2026 (6 pages with appendices) and the IFoA's submission dated 9 January 2026 (but received late, per below) (7 pages). The Panel had regard to both.
8. It is prudent to record at this juncture that written submissions were required by each party by Friday 9 January 2026. The Respondent was on time with his submissions. However, due to a technical uploading issue the IFoA's actual submission was only properly uploaded on Monday 12 January 2026 (when it became accessible to the Respondent). The Panel had sight of those submissions from Wednesday 14 January 2026. The Panel accepted the IFoA's documents and recognised that neither party had been expected to (or invited to) comment on the other's submissions and as such there was no material prejudice caused by accepting the IFoA's submissions late. In any event the Respondent acknowledged receipt of the IFoA submissions on 16 January 2025 and made further representations, which had been placed before the Panel and were noted.
9. The Respondent's appeal on costs relates to those associated with the preliminary hearing on 22 July 2025 which were claimed by the IFoA, and allowed by the DTP, in the sum of £1,870. This included a figure of £1,200 for Counsel's fees for attendance at the Preliminary Hearing. No apparent issue is taken with the costs awarded for the substantive DTP.
10. The Appeals Assessor has helpfully summarised the appeal and the Panel adopts his concise and helpful summary:
11. *"The appeal in respect of costs has two elements to it, which the Respondent sets out in his Grounds of Appeal in the following terms:*
  - a. *Firstly, the Preliminary Hearing was only necessary because the IFoA maintained its position that observers should be anonymous and rejected the proposal that the Tribunal Hearing be held in private session. The decision by the Chair of the Tribunal Panel was, in effect, in favour of the Respondent's position and against the position of the IFoA. The full cost of the Preliminary Hearing should therefore be borne by the IFoA.*
  - b. *Secondly, the issue being addressed by the Preliminary Hearing was a straightforward logistical matter (contrary to what is stated in paragraph 30 of the Determination). Further, the IFoA had acknowledged, in an e-mail of 24 June 2025, that the issue being addressed had no impact on the IFoA's case. The Preliminary Hearing lasted for only around 20 minutes, including introductions and a spell when the Respondent had to dial out then dial back in again because of technical problems with audio and video mute".*

## **Background and Facts**

12. A substantive virtual DTP hearing was listed for 26 June 2025 to consider the allegations of misconduct against the Respondent. In the days leading up to the hearing, a preliminary matter had been raised by the Respondent concerning members of the public attending the virtual hearing. The Respondent made an application to have the hearing heard in private. Given the proximity to the hearing, the Chair decided that the application would be heard as a preliminary matter at the start of the hearing on 26 June.
13. Due to the unforeseen unavailability of a panel member, the hearing on 26 June did not go ahead and was adjourned that morning. That was unfortunate but unavoidable. Both parties had attended and were otherwise ready to proceed. No fault was visited towards the Respondent in that regard. Costs of that hearing were, appropriately, borne by the IFoA.
14. The Chair issued directions that the parties should make written representations in respect of the substantive hearing proceeding in private. The Chair suggested that the matter would proceed to be considered 'on the papers' unless either party requested an oral hearing on the point.
15. The parties made written submissions on 27 June. In his written submissions the Respondent states: "*I would like to go ahead with an oral preliminary hearing on this matter*".
16. Pursuant to that request an oral hearing took place on 22 July 2025. It was listed for a half-day. Ms Nelson (Counsel), represented the IFoA, accompanied by an IFoA instructing solicitor. The Respondent also attended.
17. It is understood that the hearing lasted around 20 minutes. It is notable that the DTP had the benefit of written submissions which had been made available before the hearing. Those written submissions had not been available to the DTP at the original hearing planned for 26 June 2025. At the conclusion of the preliminary hearing, the application to proceed in private was granted.
18. It is prudent to note that it is for the Respondent to persuade the DTP that the hearing should take place in private. The presumption is in favour of open justice and the hearing being held in public, in accordance with Regulation 54 which provides:
  - a. "*The Disciplinary Tribunal Panel should conduct a final hearing in public in accordance with the procedures set out in Regulations 32 - 36. The chair or the Disciplinary Tribunal Panel may decide to hold all or part of a hearing in private if there is good reason to do so.*"
19. After the preliminary hearing on 22 July 2025, the case proceeded to a full hearing before the DTP on 26 August 2025. The DTP found the misconduct proved and

imposed the sanction of exclusion for a period of 12 months and a reprimand. An award of costs of £6,840 was also made.

20. The costs award included the half-day costs associated with the preliminary hearing on 22 July 2025 and the costs of the full hearing on 26 August 2025. The costs of the half-day preliminary hearing are broken down as follows
  - a. Counsel preparation and attendance on 22 July 2025 - £1,200
  - b. Disciplinary Lawyer attendance for instruction of Counsel - £120
  - c. Lay Chair - £200
  - d. Legal Advisor - £350
21. The Respondent takes issue with the costs of the preliminary hearing being visited upon him, in particular, he is critical of Counsel's half-day fee for attendance at what turned out to be a particularly short hearing.
22. The Respondent asserts that had the original hearing taken place (as planned) on 26 June 2025 the matter would have been dealt with on that day and as such only one day's costs would have been incurred. The costs of the preliminary hearing would not have been incurred as that hearing would not have been required. The Respondent further contends that, given he was successful in arguing his point in respect of the hearing proceeding in private, he should not be liable for the costs associated with arguing that point. Further the Respondent takes issues with having to pay the costs of the half-day fee for Counsel's attendance at the preliminary hearing which he asserts were excessive.

### **Legal Advice**

23. The Panel invited advice from the Legal Assessor which it accepted.
24. The Panel was directed to Regulation 15(b) and the principle that costs awarded would have to be "manifestly excessive" before the ATP ought to interfere with them. The burden was on the Respondent, as the Appellant, to establish that the costs should be reduced. That was an objective standard and it was not for the Panel to revisit the decision simply on the basis that it might have done things differently.

### **Panel Assessment and Decision.**

25. In respect of the IFoA's maintenance that the hearing should proceed in public the Panel had regard to Regulation 54 (aforementioned). The starting position is therefore that the hearing will proceed in public unless the Chair is satisfied that there is good reason not to do so.
26. Accordingly, the IFoA's starting position is in accordance with the Regulations and what the Panel would ordinarily expect. It is for the Respondent making the 'in private' application to persuade the DTP that the case should proceed as such.

The IFoA is expected to promote and maintain the principles of “open justice” in respect of its hearings unless good reason to depart from that principle is shown. It is for the party making the privacy application to show cause.

27. The Panel make no criticism of the IFoAs resistance to the application. It is also prudent to note that, even if the IFoA agreed with the application, it is not for the IFoA to make that decision itself. Proceeding in private is a question for the DTP, it is not a matter capable of concession or agreement between the parties.
28. The Panel noted that the Chair had attempted to deal with the matters ‘on the papers’ thereby saving the time and costs associated with a hearing. It was the Respondent that requested an oral hearing on the matter, not the IFoA.
29. It may indeed be the case that the hearing only lasted twenty minutes, but equally the hearing could have lasted longer. This experienced Panel recognised that from time to time what appears to be a ‘quick’ or ‘simple’ matter, may become protracted and *vice-versa*. In this case, the hearing was relatively quick - but there was no guarantee that would be the case.
30. The relatively short duration of the hearing does not mean that the parties would not have to have been prepared for the hearing and ready to argue their case. The application was contentious and being opposed. Attendance is one thing, but preparation is another and they should not be confused. Counsel for the IFoA would have had to undertake preparation. That said, the Panel recognised that Counsel ought to have been prepared to argue the exact same point at the original hearing, had it not been postponed, so should have been ready to argue the point.
31. Whilst the Panel has some sympathy for the Respondent in this case, the Panel took the view that it must be concerned with the *reality*, rather than what might *hypothetically* have happened had the postponed original hearing taken place as planned. That reality was a half-day preliminary hearing was listed, and indeed took place, at the Respondent’s request and the costs awarded were wholly associated with holding that preliminary meeting.
32. The Panel considered that costs associated with the preliminary hearing on 22 July 2025 were properly visited on the Respondent, him having requested the hearing in his email of 27 June 2025. These were case management costs associated with the hearing and as such were properly incurred. That is the case even though the Respondent successfully persuaded the DTP that the hearing should proceed in private. Accordingly, this aspect of the appeal fails.
33. Next the Panel considered whether the costs actually awarded were “*manifestly excessive or inadequate*”, particularly in the context of the issue being determined (proceeding in private).

34. The Panel reminded itself that it was not the Panel's role to determine what it would have done in the same circumstances. The role of the Panel was to determine whether the decision of the DTP to award the costs it did was "*manifestly excessive*". That, the Panel recognised, is a high bar.
35. The Panel considered whether the costs awarded related to a matter that was, in the Respondent's words, a "*straightforward logistical matter*" and as such disproportionate to the matters in hand.
36. The arguments being advanced by the parties concerned privacy and would likely (or could) have involved exploring the IFoA rules and regulations, relevant case law and ECHR convention rights - balancing the public interest, privacy and freedom of the press. Applications to proceed in private are not simply administrative, logistical or confined to simple case management matters. They interfere with the presumption of "open justice" and must be given due weight and regard. Proceeding in private is the exception, rather than the rule, and as such exceptional circumstances must be shown by the person making such an application.
37. The Panel noted that Ms Nelson, of Counsel, who was familiar with the case, was instructed. That was not an unreasonable thing to do. Notwithstanding the short preliminary hearing she had been instructed for the original hearing and had knowledge of the substantive aspects of the case and was ready to address the preliminary point. The Panel was cognisant of the fact that Counsel tend to charge in full-day and half-day rates for their attendance at hearings. Counsel will have cleared her diary that morning and not accepted other work. The IFoA would be billed for Counsel's half-day attendance irrespective of the duration of that hearing.
38. Having considered the matter and the submissions of the Parties the Panel did not find that the cost award was "*manifestly excessive*". A reasonable panel, in the same circumstances is likely to have awarded such costs. The Panel balanced the present circumstances with, say, the IFoA having instructed Senior Counsel, Junior Counsel and an external firm of eminent solicitors for an entire day. That, the Panel considered, would likely have been manifestly excessive. Instruction of Counsel (already acquainted with the case) together with an in-house solicitor, could not be said on any proper interpretation to be manifestly excessive.
39. The Panel recognised that the IFoA *could* have asked one of its internal lawyers to deal with the preliminary matter, dispensing with the need for Counsel. That would have been the "cheapest" option. However, just because things might have perhaps been done cheaper did not mean that instructing Counsel was unreasonable or "excessive".
40. On that basis the Panel decided to dismiss the appeal.

41. The Panel had regard to and considered the IFoA Costs Guidance (September 2025). The Panel exercised its discretion not to award the costs of the ATP hearing in this particular appeal case.
42. Having taken account of the Publication Guidance (1 August 2023) the Panel determined that this determination will be published and remain on the IFoA's website concurrently with the DTP's decision (i.e. for 3 years from the initial publication date of 2 September 2025). No additional publication, of this appeal determination or its summary, is required

That concludes this determination.

**Date of Publication:** 16 February 2026