

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11537-2016

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

CEMILE KILINC-DOLLERY

Respondent

Before:

Mr R. Nicholas (in the chair)

Mrs C. Evans

Mrs N. Chavda

Date of Hearing: 24 September 2018

Appearances

Inderjit Johal, barrister of Solicitors Regulation Authority of The Cube, 199 Wharfside Street, Birmingham, B1 1RN, for the Applicant.

Steve Roberts, solicitor of Richard Nelson LLP, Priory Court, 1 Derby Road, Nottingham, NG9 2TA appeared by telephone for the Respondent.

**MEMORANDUM OF AN APPLICATION FOR
LEAVE TO WITHDRAW ALLEGATIONS**

Background

1. The application and Rule 5 statement in this matter were dated 22 July 2016. The history of these proceedings was set out in previous Memoranda of Case Management Hearings. The matter had most recently been considered by the Tribunal on 6 July 2018 when the Tribunal was informed that settlement discussions were taking place. On that date the Tribunal listed a Case Management Hearing for 24 September 2018 and requested that the Respondent file updating medical information.

Application for consent to withdraw the allegations in the Rule 5 Statement

2. On 6 September 2018 the Applicant and Respondent signed a Regulatory Settlement Agreement (“RSA”). That RSA provided for the Respondent to apply to voluntarily remove her name from the Roll of Solicitors within 28 days of the agreement or 28 days from the date of being granted leave to withdraw these proceedings whichever was later. The Respondent undertook not to apply for restoration to the Roll for a period of four years from the date of her removal. She also undertook that any application for restoration would be supported by medical evidence from a consultant psychiatrist confirming her fitness to practise as a solicitor at the time of her application for admission. The RSA also contained an undertaking from the Respondent not to seek or accept employment in legal services for a four year period without first disclosing a copy of the RSA to her prospective employer or any other regulator. The parties agreed that details of the RSA would be published.
3. In light of this RSA the Applicant applied under Rule 11(4)(a) of the Solicitors (Disciplinary Proceedings) Rules 2007 for consent to the withdrawal of the allegations in the Rule 5 Statement dated 22 July 2016. The Tribunal’s consent was required as a case to answer had been certified.
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]

The Tribunal’s Decision

8. The Tribunal considered the application very carefully. The Tribunal was mindful of the seriousness of the allegations and the fact that such allegations should normally be aired and determined. It was also aware that the Respondent had significant mental health issues and was engaged in a long course of treatment. She was not going to be able to appear before the Tribunal for some years at best.
9. The Respondent had been advised by Mr Roberts who was an experienced solicitor in proceedings before the Tribunal. He had assured the Tribunal that the Respondent understood the terms of the RSA.

10. The Tribunal considered that in light of the terms of the RSA - and the fact that it included provision as to what should happen if the Respondent did not comply with the RSA - that the RSA was sufficient to protect the public and the reputation of the profession.

11. The Tribunal Ordered that:

11.1 The Applicant do have consent to withdraw the allegations in the Rule 5 Statement dated 22 July 2016.

Dated this 25th day of September 2018
On behalf of the Tribunal



R. Nicholas
Chairman

