

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12184-2021

**BETWEEN:**

JAMES O'MALLEY

Applicant

and

SOLICITORS REGULATION AUTHORITY LIMITED

Respondent

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Before:

Ms T Cullen (in the chair)

Mr E Nally

Mrs J Rowe

Date of Hearing: 16 August 2021

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**Appearances**

The Applicant did not attend and was not represented.

Robin Horton, solicitor in the employ of the Solicitors Regulation Authority Limited, The Cube, 199 Wharfside Street, Birmingham B1 1RN for the for the Respondent.

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**MEMORANDUM OF A  
HEARING HELD REMOTELY**

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## Background

1. The Applicant's application for restoration to the Roll was dated 31 March 2021. On 4 August the Applicant explained that he was trying to obtain representation for the hearing, and that the process was more complicated than anticipated.
2. The Respondent did not attend the hearing. Mr Horton submitted that following the Applicant's non-attendance, the matter should be dismissed and that the Applicant be ordered to pay the costs incurred by the Respondent.
3. The Tribunal caused an email to be sent to the Respondent asking him to confirm if the application was maintained. The Tribunal stated that if the Applicant did not respond by 11am, the Tribunal would consider the application and make such order as it considered fit.
4. At 10.59 the Applicant emailed the Tribunal in the following terms:

“Thank you for email - I have this morning withdrawn my application and therefore there is no need for a hearing.

I have sent an email to Mr Horton at SRA confirming this - if you require anything further, please advise.

I apologise for the late withdrawal - no discourtesy was or is intended.”
5. The Tribunal considered that it was in the interests of justice to withdraw the proceedings as requested. The Tribunal also considered that the costs claimed by the Respondent were fair, proportionate and necessary. It determined that the Respondent should receive its full costs in defending the proceedings

## Statement of Full Order

6. The Tribunal Ordered that the application of James O'Malley for restoration to the Roll of Solicitors be **WITHDRAWN** and it further Ordered that the Applicant do pay the costs of and incidental to the response to this application fixed in the sum of £1,118.00.

Dated this 16<sup>th</sup> day of August 2021

On behalf of the Tribunal



T Cullen  
Chair

