

Explanatory Note to Standard Directions & Glossary

Including Answer Template

EXPLANATORY NOTE TO STANDARD DIRECTIONS

WITH GLOSSARY AND ANSWER TEMPLATE

Note:

If you are an unrepresented Respondent, please read our “Information Guide for Unrepresented Respondents”.

If you are an unrepresented Applicant, please read our “Information Guide for Unrepresented Applicants”.

1. When the Tribunal [issues proceedings](#) it gives instructions to the parties on how they are to prepare the case. These instructions are known as "Standard Directions" [\[Rule 20 SDPR 2019\]](#).
2. The Standard Directions are important and must not be ignored. The Standard Directions assist the Tribunal in achieving the ‘Overriding Objective’: to deal with cases justly and at proportionate cost [\[Rule 4 SDPR 2019\]](#). The parties are jointly responsible for ensuring the overriding objective is met. Amongst other things, they must ensure that the case does not drift and meet the timetable set out in the Standard Directions.
3. Please look upon the Standard Directions as a roadmap intended to make sure that everything to do with the case is known to the Tribunal and to the parties before there is a [substantive hearing](#). Treat each direction as a signpost leading to the substantive hearing. Some of the Standard Directions will set out a date by which the [Applicant](#) and/or [Respondent](#) must complete a piece of essential case preparation.
4. There are several purposes behind the Standard Directions. One is to enable the parties to get a full understanding of each other’s case, so it becomes clear which parts of the case are disputed and which are not. The Tribunal needs to consider only the disputed parts in order to make a decision. Both the matters which are agreed and the matters which are disputed are to be set out by the Respondent in the [Answer](#). After reading the Answer, the Applicant may submit a [Reply](#).
5. Another purpose of the Standard Directions is to ensure that the Tribunal can make the right arrangements for the substantive hearing. This includes allowing enough time for the hearing and ensuring that all relevant material has been uploaded to [CaseLines](#).

6. Compliance with the Standard Directions makes it easier for the parties to understand each other's position. This can result in matters being shortened, resulting in a saving of time and costs for the parties. It may also result in the parties being able to reach an [Agreed Outcome](#) which may make a substantive hearing unnecessary. An Agreed Outcome must be approved by the Tribunal.
7. If, after reading the Standard Directions you think that you need more time to carry out one, some or all the actions required of you please act quickly. You should make the Tribunal and the other parties aware of the problem without further delay. If you want to apply to vary the directions, you must make an application using the [Application Notice](#). You should make any application to vary a direction before the time period for complying with it has expired. You should make the application as soon as you know that you want to vary the direction and not wait until the last minute.
8. In any such application you must set out your reasons for varying the Standard Directions in sufficient detail for a decision to be taken as to whether to allow your application. If you are applying to adjourn the [Case Management Hearing](#) ("CMH") and/or the substantive hearing case, please read the Tribunal's Guidance Rule 23 (Adjournments).
9. You must [serve](#) your application upon every other party as the Tribunal would need to have their submissions before reaching a decision. You may find it helpful to contact the other parties before making your application to the Tribunal to discuss with them whether they will agree to your application. You should consider whether the timetable needs amending and draft any necessary changes for the Tribunal to consider when it decides upon your application.

STANDARD DIRECTIONS

IMPORTANT NOTES TO STANDARD DIRECTIONS

Please note that evidence should be filed and procedural applications made by email to enquiries@solicitorsdt.com . Hard copies of such documents are not required unless specifically requested or directed.

For **CaseLines** cases: the '[Protocol for the production and use of Electronic Bundles using the "CaseLines" system](#)' shall apply to these proceedings.

Note: Procedural Applications as defined in [Rule 22\(4\)](#) of the Solicitors (Disciplinary Proceedings) Rules 2019 ("SDPR") must be made using the prescribed application form and sent to the Tribunal and served on every other party together with supporting documents. The Tribunal will expect the other parties' views to have been obtained before the application is referred for a decision.

The Tribunal directs that the parties prepare for the hearing of this Application as follows:

Hearings:

- 1.1 **[Where a CMH is required]** A Case Management Hearing (CMH) will take place remotely on **[insert case management date]** at **[insert time]** with a [time estimate](#) of **[insert time estimate]**. [Joining details](#) for the CMH will be sent to the parties by email in advance of the hearing.
- 1.2 The case be listed for substantive hearing on **[insert substantive date]** at **2ND Floor, 45 Ludgate Hill, London, EC4M 7JU** based on the time estimate of [insert time estimate] provided by the Applicant. If a party wishes to apply for a [remote hearing](#) (*If a CMH has been listed*) the application will be considered at the CMH referred to in paragraph 1.1 above. (*If a CMH has not been listed*) a CMH will be listed to determine this discrete issue. If the parties agree that the substantive hearing should be held remotely the matter will be determined by the Tribunal on the papers or at a CMH as the Tribunal thinks fit.

Note: The parties and their [legal representatives](#) (where instructed) are encouraged to be available 30 minutes before the time fixed for the start of the hearing for the purposes of any preliminary discussion that may be appropriate and/or to resolve any administrative issues which may arise, in order to avoid delay in the start of the hearing.

- 1.3 If the Respondent fails to attend the substantive hearing and the Tribunal is satisfied that notice of the hearing was served on the Respondent/s in accordance with [SDPR Rule 44](#), it will be open to the Tribunal to proceed in their absence under [SDPR Rule 36](#) and make such findings, sanctions, costs and orders as it considers appropriate in respect of the application, notwithstanding the absence of the Respondent.

Case Preparation

2. The Respondent shall [file](#) at the Tribunal and [serve](#) on every other party an [Answer](#) to the Applicant's Rule [12] Statement by **4.30 p.m. on [insert date 28 days later]**. The Answer must state which of the allegations (if any) are admitted and which (if any) are denied. In respect of any which are denied, the Answer must set out the reasons for the denial.
3. The Respondent shall file at the Tribunal and serve on every other party all documents on which the Respondent intends to rely at the substantive hearing by **4.30 p.m. on [insert date 28 days later]**.
4. **[where a CMH is required]** The Applicant shall upload an [agreed electronic hearing bundle](#) for the use of the Tribunal at the case management hearing referred to at paragraph 1.1 above by **4.30 p.m. on [insert date 14 days before the hearing]**. The Applicant shall confirm with the Tribunal when the Hearing Bundle is complete. No party shall remove any documents from the Hearing Bundle once the Applicant has confirmed it is complete without the permission of the Tribunal.

Or for cases not using CaseLines

The Applicant shall file five copies of an [agreed hearing bundle](#) for the case management hearing referred to at paragraph 1.1 above by **4.30 p.m. on [insert date – 14 days before the hearing]**.

5. The Applicant may, if it chooses to, file at the Tribunal and serve on every other party a [Reply](#) to the Answer by **4.30 p.m. on [insert date 42 days later]**.
6. The Applicant shall file at the Tribunal and serve on every other party any documents that it intends to rely on that were not included in the Rule [12] Statement by **4.30 p.m. on [insert date 42 days later]**.

7. The Applicant and Respondent shall file at the Tribunal and serve on every other party the [witness statements](#) accompanied by a notice using the [prescribed form](#) of any witnesses upon whose evidence they intend to rely at the substantive hearing and whose statement has not already been served by **4.30 p.m. on [insert date 49 days before the hearing]**. The Respondent(s) does not need to file a witness statement if the Answer contains a Statement of Truth and includes all matters that the Respondent(s) would wish to rely on in evidence at the substantive hearing.
8. Subject to the provisions in [SDPR Rule 29](#), the [Civil Evidence Act 1995](#) applies to these proceedings in the same manner as they apply to civil proceedings. Rule 29 SDPR provides for the giving of Notices under that Act. Any Notice under Rule 29 SDPR shall be filed at the Tribunal and served on every other party by no later than **4.30 p.m. on [Insert date 49 days before the hearing]**.
9. Each party to notify the other of the names of any witnesses whom they wish to attend the hearing for cross-examination by no later than **4.30 p.m. on [Insert date 42 days before the hearing]**.
10. [Rules 28\(6\), 28\(7\) and 28\(8\)](#) make provision in respect of any document that may be [admitted](#) as evidence. Any party may no later than **4.30 p.m. on [insert date 35 days before the date fixed for the hearing]** serve a written notice on any other party asking that party to agree that any document specified in the notice is admitted as evidence. If a party desires to challenge the authenticity of a document that party must, within 7 days of receipt of the notice, give notice they do not agree to the admission of the document and that they require that its authenticity be proved at the hearing in accordance with SDPR [Rule 28\(7\)](#).
11. If there remains a dispute about [disclosure](#) of documents or witness statements which cannot be resolved between the parties, either party is at [liberty to apply](#) to the Tribunal for further Directions no later than **[insert date 35 days before the hearing]**.
12. Each party must file at the Tribunal and serve on every other party a completed [Certificate of Readiness](#) by no later than **4.30 p.m. on [insert date 35 days before the hearing]**.
13. If at the substantive hearing the Respondent wishes their financial position to be taken into consideration by the Tribunal in relation to possible sanctions and/or costs, they shall, in accordance with SDPR [Rule 43\(5\)](#) by no later than **4.30 p.m.**

on **[insert date 28 days before the hearing]** file at the Tribunal and serve on every other party a Statement of Means including full details of assets (including, but not limited to, property)/income/outgoings supported by documentary evidence. Any failure to comply with this requirement may result in the Tribunal drawing such inference as it considers appropriate, and the Tribunal will be entitled to determine the sanction and/or costs without regard to the Respondent's means.

14. The Applicant to serve a draft substantive hearing [bundle index](#) on every other party by **4.30 p.m. on [insert date 28 days before the hearing]**.
15. The parties to agree the content of the substantive [hearing bundle](#) by **4.30 p.m. on [insert date 21 days before the hearing]**.
16. The agreed substantive hearing bundle must be uploaded to the CaseLines system **by 4.30 p.m. on [insert date 14 days before the hearing]**. The Applicant shall confirm with the Tribunal when the hearing bundle is complete. No party shall remove any documents from the hearing bundle once the Applicant has confirmed it is complete without the permission of the Tribunal.

Or for cases not using CaseLines

The Applicant shall file five copies of the agreed paginated hearing bundle at the Tribunal by **4.30 p.m. on [insert date 14 days before the hearing]**.

17. Where a party wishes to rely upon skeleton arguments and authorities, they shall be filed at the Tribunal and served on every other party by **4.30 p.m. on [insert date 7 days before the hearing]**.
18. Any party seeking an [Order for Costs](#) against another party at a substantive hearing shall file with the Tribunal and serve on the relevant party a schedule of costs not less than 5 working days before the hearing in respect of which the costs order is sought.
19. Any party seeking an Order for Costs against another party at an interim hearing shall file with the Tribunal and serve on the relevant party a schedule of costs not less than 48 hours before the hearing in respect of which the costs order is sought.
20. **[Insert other Directions e.g. expert evidence, disclosure]**
21. Costs in the Application

22. Liberty to apply

Dated: **[Insert date]**

Glossary

- This glossary is a guide to the meaning of certain expressions used in the Standard Directions and in relation to some matters associated with the Standard Directions.
- If, after reading the Standard Directions, Explanatory Note and Glossary there are matters which you do not understand, please contact the Tribunal office and we will be happy to help.

Adjourn [[Rule 23 SDPR 2019](#) and [Guidance -Rule 23](#)]

To postpone or suspend a hearing until a future date.

Admit/Admissions

This is where you accept the truth of something.

Allegation and Rule 12 Statement [[Rule 12 SDPR 2019](#)]

An allegation is a statement setting out that the [Respondent](#) has carried out an act of professional misconduct which is in breach of the SRA's Standards and Regulations; Codes of Conduct and Solicitors Accounts Rules <https://www.sra.org.uk/solicitors/standards-regulations/>

The allegations are set out in the [Applicant's](#) the Rule 12 Statement.

The Rule 12 Statement is the statement prepared by the Applicant which supports the application in respect of solicitors, recognised bodies, registered European Lawyers and registered foreign lawyers.

Answer [[Rule 20 \(4\) SDPR 2019](#)]

A document which sets out the Respondent's response to the [Applicant's](#) allegations. The Answer should state which allegations (if any) are admitted and which allegations (if any) are denied. If any of the allegations are denied, the Answer must set out the reasons for the denial. The Tribunal is allowed to draw an [adverse inference](#) from the Respondent's failure to [file and serve](#) an Answer.

If you believe your Answer is detailed enough to stand as your [evidence-in-chief](#) you need not file a [witness statement](#) as required by Standard Direction 8, however, you will need to add a declaration to your Answer stating that the contents of your Answer is true to the best of your knowledge and belief.

You may find it useful to use the [template Answer](#) attached.

Agreed Outcome [[Rule 25 SDPR 2019](#) and [Practice Direction 1](#)]

A statement of agreed facts and proposed outcome, agreed between the SRA and the [Respondent](#)(s) set out in a document usually called “statement of agreed facts”. And which contains the following:

- A list of allegations admitted by the Respondent;
- An agreement as to whether the parties intend to dispose of any allegations which are not admitted by inviting the Tribunal to withdraw them or to direct, they should lie on the file;
- A detailed statement of agreed facts;
- A sanction (penalty) which the parties agree to invite the Tribunal to impose by order;
- An agreement as to [costs](#);
- A declaration signed by the parties confirming that the facts in the statement are true and that the parties agree to the outcome.

Applicant [[Rule 3 SDPR 2019](#)]

The person or organisation making the allegations and bringing the case to the Tribunal.

Certificate of Readiness and Hearing Timetable

A document to be completed and sent to the Tribunal setting out whether each party is ready for the final hearing, the hearing timetable and what (if any) further action is required for the [substantive hearing](#) to proceed.

Burden and standard of proof [[Rule 5 SDPR 2019](#)]

The Applicant has the burden of proving that the Respondent committed the alleged professional misconduct.

The standard of proof is the balance of probabilities: this means that it is more likely than not that the Respondent, committed the alleged professional misconduct.

CaseLines

This is a secure digital cloud-based document and evidence management system for the preparation and presentation of material to be used at [Case Management Hearings](#) and [substantive hearings](#). It replaces paper hearing bundles in lever arch files with electronic bundles. Parties are given access to CaseLines after [proceedings have been issued](#). For more information, please read the Tribunal’s [User Guide](#) and [Guidance Protocol](#).

Case Management Hearing (CMH) [[Rule 21 SDPR 2019](#)]

A case management hearing is an interim hearing which takes place in advance of the substantive hearing, usually when issues have been identified which require review in advance of the hearing. Directions are usually made at this hearing and are contained in the Memorandum (see below). At present all CMH's take place [remotely](#).

Costs in the Application [[Rule 43 SDPR 2019](#)]

The party in whose favour the Tribunal makes an order for costs at the end of the proceedings (usually at the end of the substantive hearing) is entitled to their costs of the part of the proceedings to which the order relates.

Disclosure [[Rule 26 SDPR 2019](#)]

This is the process that requires a party to disclose or make known to the other party the documents upon which it relies or material which may undermine its case or assist the other party's case. If an application is made for the disclosure or discovery of material, the Tribunal may make an order that material be disclosed where it considers that the production of the material is necessary for the proper consideration of an issue in the case, unless the Tribunal considers that there are compelling reasons in the public interest not to order the disclosure. Any order made by the Tribunal only applies to material that is in the possession or under the control of a party.

Evidence [[Rules 27, 28, 29 and 30 SDPR 2019](#)]

This is material, including [witness statements](#), expert reports and exhibits which the parties place in the [hearing bundle](#) in support of their cases.

Admissible evidence is relevant material which may be presented before the Tribunal for it to consider in deciding the case. Rules of evidence determine what types of evidence is admissible. Generally, to be admissible, the evidence must be relevant and not outweighed by other factors e.g., the evidence is unfairly prejudicial, a waste of time or, among other reasons, based on [hearsay](#)).

File and Serve [[Rule 44 SDPR 2019](#)]

To 'file' a document means sending your document to the Tribunal.

To 'serve' a document means sending your document to any other party in the case.

The purpose in both cases is to make the Tribunal and any other party aware of the information in your document. This is a crucial step because the Tribunal is unlikely to make decision on your case if your papers have not been served on all parties. It would be unfair for the Tribunal to decide without giving all parties a chance to respond. Always make sure you serve any other party in the case within the deadlines set by the Standard Directions.

Hearing Bundle

This is the collection of documents which the parties put together for a hearing. This is usually now an electronic bundle on [CaseLines](#). An agreed bundle will include all the documents that you and the other party want the court to see for that hearing. The party who has to prepare the bundle will put together the documents and prepare a draft index. The index is the list of documents in the bundle

Hybrid Hearings:

These are hearings in which some participants attend in person and some attend via [Zoom](#).

In Person Hearing

These are hearings where all the participants attend at one of the Tribunal's court rooms in Gate House.

Inference and Adverse Inference [Rule 33 SDPR 2019]

A rational, sensible, and logical conclusion reached on a matter based upon the available evidence.

The Tribunal is also allowed to make an '*adverse inferences*' where a Respondent fails to (a) send or serve an Answer or (b) give evidence at a substantive hearing or submit themselves to cross-examination. This means the Tribunal is entitled to consider the position that the Respondent has chosen to adopt and to draw adverse/ unfavourable inferences from the Respondent's failure as the Tribunal considers appropriate.

Issue of proceedings

This takes place when allegations have been certified as showing a case to answer and the Tribunal serves ('*sends to*') all the relevant material, including the Rule 12 Statement; exhibits and Standard Directions upon the Respondent(s)

Legal Representative

This is the person who represents a party to the proceedings. Under Rule 48 of the [SDPR 2019](#) "legal representative" means— (a) a solicitor; (b) a barrister; (c) a person who, for the purposes of the 2007 Act, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation within the meanings given by Schedule 2 to that Act.

If the person assisting you is not described by this definition then you can apply for permission from the Tribunal for that person to assist you at a hearing, even if they are not legally qualified, however, please read the following: [Guidance: A person assisting a party](#) which sets out the position in more detail.

Liberty to Apply

The parties have permission to apply to amend or vary the Standard Directions.

Means and Statement of Means

Your *'means'* is how much money you have from earned income, other sources of wealth e.g., trust funds, gifts, property, savings and other assets minus your outgoings and reasonable household expenses e.g., rent, mortgage payments, food and utility bills and maintenance payments.

A statement of means is a document in which you set out the above information for the Tribunal. The Tribunal uses this information to help it decide the Respondent's ability to pay a fine and/or costs if it finds some or all allegations proved to the required standard.

Memorandum

This is the written record of the Tribunal's decision, reasons and directions made following a Case Management Hearing, which is sent to the parties.

Notice under Rule 29 SDPR [\[Rule 29 SDPR 2019\]](#)

The Civil Evidence Act 1995 makes provision for the admissibility of hearsay evidence in civil proceedings. *'Hearsay' is a statement made otherwise than by a person while giving oral evidence in the proceedings, which is tendered as evidence of the matters stated'*.

Under the Civil Evidence Act 1995 any party who intends to adduce (bring into evidence) hearsay evidence must give the other party notice (warning) of their intention to do so and on request particulars (details) of or relating to the evidence to allow the other party to deal with any matters arising from the hearsay evidence.

If a party fails to give notice or the relevant particulars as required under this Rule, they would need to make an application to the Tribunal for permission to use this evidence and it would be a matter for the Tribunal to decide whether to grant permission having also received the views of any other party in the case.

Prescribed form [\[Rule 3 SDPR 2019\]](#)

An application form. The appropriate application form must be used for each application to the Tribunal. Please refer to the SDT website for further information.

Privilege

The right of a party to refuse to disclose a document or produce a document or to refuse to answer questions on the ground of some special interest recognised by law.

Remote Hearing

These are hearings in which all participants will appear virtually for the entirety of the hearing.

Reply

This is a response by the Applicant to the Respondent's Answer. The Applicant does not send a Reply in every case and may do so in cases of complexity and/or where the Respondent raises an issue in their Answer about which the Applicant was not previously aware and upon which it needs to comment.

Respondent [[Rule 3 SDPR 2019](#)]

The person or Firm against whom the Applicant has made allegations and who must respond by filing an Answer with the Tribunal and serving upon the Applicant.

Sanctions [[Rule 41 SDPR 2019](#)]

The term the Tribunal uses for the range of penalties it may impose on the Respondent if it finds some or all the allegations proved to the required standard. The Tribunal can combine more than one sanction (e.g. a fine and restrictions). The sanctions are as follows:

- the imposition of a reprimand;
- the imposition of an unlimited financial penalty payable to HM Treasury;
- the imposition of restrictions upon the way in which a solicitor can practise;
- suspension from practice indefinitely or for a specified period or a suspended suspension;
- striking off the Roll.

The Tribunal's current Guidance Note on Sanctions has further information.

SDPR

Solicitors Disciplinary Proceedings Rules - [Solicitors \(Disciplinary Proceedings\) Rules 2019](#)

Submissions

Submissions can be made orally or in writing. They summarise the relevant facts and law relied upon by a party in making their case to the Tribunal.

Substantive Hearing

This is the final hearing at which the Tribunal will make findings in respect of the allegations and reach a decision as to the relevant sanction(s). An order will be prepared at the conclusion of the hearing and will usually be followed by a judgment which will set out the Tribunal's reasons for its decision.

Time Estimate

The likely time a substantive hearing will take to be heard, based upon the legal and factual complexity of the case; the number of witnesses and whether the Respondent is contesting the allegations in whole or in part.

Tribunal

The Solicitors Disciplinary Tribunal is a statutory tribunal created by s.46 of the Solicitors Act 1974. A panel of 3 Tribunal Members will conduct all hearings. The panel of 3 Tribunal Members may also be referred to more formally as a Division of the Tribunal and comprises two solicitor members (one of whom will be the “Chair”) and one a Lay Member, who is not a solicitor.

Witness Statement/Statement of Truth [\[Rule 3 SDPR 2019\]](#)

A witness statement is a document recording the evidence of a person, which is signed by that person to confirm that the contents of the statement are true.

At the substantive hearing the witness statement may be read by the Tribunal or a witness may attend, either in person or remotely and give oral (spoken) evidence at trial, after swearing an oath or affirming that their evidence is true.

There are various stages of giving evidence namely:

- Evidence-in-chief: this is the evidence given by a witness for the party who called them;
- Cross-examination: this is questioning of a witness by a party other than the party who called the witness;
- Re-examination: this enables the party who first called them to ask further questions, but only if those questions relate to a matter which has arisen during cross-examination.

Without prejudice

Negotiations between the parties are usually conducted ‘without prejudice’, which means that the circumstances in which the content of those negotiations may be revealed to the Tribunal are very restricted.

Zoom

Zoom is the cloud-based video conferencing service the Tribunal uses for holding its [remote hearings](#) and [hybrid hearings](#). The Tribunal office will send the parties joining details with information on how to join the hearing. If you have not received the information at least 48 hours before the date set for the hearing, please check your junk e-mail box and if you cannot locate the e-mail invitation, please contact the Tribunal office immediately. Our Zoom User Guide has further information.

TEMPLATE

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No.

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

X

Respondent

ANSWER

I the First/Second/Third etc., Respondent to these proceedings, having read the Allegations being made against me by the Applicant as set out in its Rule 12 Statement dated..... and in its attendant documentary evidence do say as follows:

ADMISSIONS

I admit and provide reasons for my admissions to the following parts of the Applicant's allegations :

Allegation

I accept breaches of.....

DENIALS

I do not admit and provide reasons for my denials to the following parts of the Applicant's allegations:

Allegation

I do not accept breaches of.....

Signed.....

Dated.....

OR (if the Respondent wants their Answer to be their witness statement also)

I confirm that the matters set out above are true to the best of my knowledge and belief and that I wish this document to stand as my statement and evidence in chief in the proceedings.

Signed.....

Dated....

