

# Explanatory Note to Standard Directions & Glossary

including template answer

## 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 for the Tribunal to consider when it decides upon your application.

# **STANDARD DIRECTIONS**

## **SOLICITORS DISCIPLINARY TRIBUNAL**

### **PART 1 STANDARD DIRECTIONS**

**Case No.**

**BETWEEN:**

**SOLICITORS REGULATION AUTHORITY Ltd.**

**and**

**First Respondent**

**Second Respondent**

### **STANDARD DIRECTIONS FOR FIRST INSTANCE PROCEEDINGS**

#### **IMPORTANT NOTES TO STANDARD DIRECTIONS**

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

1. It is expected that parties will assist the Tribunal in fulfilling its responsibility to actively manage the case and its compliance to the 'overriding objective' set out in [Rule 4](#) of the Solicitors (Disciplinary Proceedings) Rules 2019 ("SDPR"), dealing with a case justly and at proportionate cost.
2. Parties are encouraged to work proactively and co-operatively in furtherance of the directions below, so that the directions are met by the date and time stated and that any difficulties in doing so are addressed through timely and courteous communication with each other, and with the Tribunal.
3. A Case Management Hearing (CMH) will be listed remotely in every case on a date approximately 3-4 months from the date proceedings are issued. All parties will be expected to have completed an [agreed checklist of requirements](#) which should be filed with the Tribunal and uploaded into the CMH bundle on CaseLines at least 1 week prior to the CMH. The checklist will require the parties to set out, amongst other things, the following:
  - Dates to avoid for all advocates and their witnesses.
  - A realistic time estimate for the substantive hearing.

- The parties' agreement to the format of the substantive hearing i.e. whether an in-person or remote hearing is required.
- Whether there are other matters a party wishes to raise with the Tribunal and/or whether there are other applications for the Tribunal to determine e.g. disclosure; special measures; anonymity; expert/medical evidence etc.
- Whether an agreed outcome is likely ( if so, see 8 below).
- Whether the CMH is still required or whether it should be vacated ( see 4 below).

Upon service of the checklist, the Tribunal will either:

- a. vacate the CMH and issue the Part 2 Standard Directions at that stage or
- b. retain the CMH in the list. At the CMH the Tribunal will issue Part 2 Standard Directions and any other directions deemed necessary for the onward preparation of the case towards the substantive hearing.

### **Non-engagement**

If, due to no or limited engagement and compliance by a party, the checklist is not filed and uploaded to CaseLines the CMH will remain listed at which hearing the Tribunal may:

- Summarily assess the time estimate of the substantive hearing and set a date for it based on current information.
- Issue Part 2 Standard Directions.
- Make any costs order it thinks fit under [Rule 43 SDPR 2019](#).

Note: The Tribunal may also of its own volition, or upon application, list a non-compliance hearing prior to the date of the CMH.

4. To ensure the effective use of the Tribunal's time and resources, and in the interests of minimising costs, parties must notify the Tribunal no fewer than 7 days before the CMH if they consider that the listed CMH is not required because, for example:
  - The directions are being met and no input from the Tribunal is required.
  - The time estimate has been agreed for the substantive hearing.
  - The format of the substantive hearing has been agreed (i.e. remote/hybrid or in person).

- There are no other matters e.g. disclosure; special measures; anonymity; expert/medical evidence etc., which require a hearing before the Tribunal at a CMH.
5. Any decision to vacate a listed CMH remains with the Tribunal alone.
  6. In accordance with [Practice Direction 2 'Procedural Applications'](#) an application for minor changes to the Standard Directions will be treated administratively if the following conditions apply:
    - a. Each party agrees the terms of the variation sought.
    - b. The variation will not cause the date of the CMH (if one is listed) or the date of the substantive hearing to be altered, amended or vacated.
    - c. The parties have submitted their request on the prescribed form within which there is a draft of the directions as amended requiring approval.
  7. Please note that procedural applications and evidence should be filed by email to [enquiries@solicitorsdt.com](mailto:enquiries@solicitorsdt.com) and uploaded to CaseLines. Hard copies of such documents are not required unless specifically requested or directed.
  8. If the parties consider an [Agreed Outcome](#) (AO) is a realistic prospect then Part 2 Standard Directions will not be issued in full and a further, second, CMH will be listed to take place 2 months from the date of the first CMH. This is to permit the parties adequate additional time to complete their discussions and submit their application for an AO to the Tribunal. If, however, areas of disagreement remain the CMH may be utilised for mediation at which the parties may address the Tribunal on the areas of dispute with a view to resolution and/or the granting of additional time by the Tribunal.

In the event that the AO is (a) not filed within the 2-month period set out above or (b) the additional time granted by the Tribunal time, following an attempt at mediation, then full Part 2 Standard Directions will be issued including the listing of the case for a substantive hearing at which point Rule 25 SDPR 2019 will apply [[hyperlink to rule](#)].

The Tribunal may reflect the stage at which an AO is filed in any costs order it makes.

9. The Tribunal views the open justice principle as an essential element of the rule of law to enable public scrutiny of the cases before the Tribunal and to ensure the public understand how the Tribunal works and why decisions are taken. Accordingly, the parties are to follow the [Automatic Disclosure Procedure \(ADP\)](#) which requires the parties to permit automatic disclosure of the Rule 12 Statement (minus anonymity schedule and exhibits), Answer, Reply and Skeleton Arguments (if any) at the commencement of the substantive hearing.
10. A party to proceedings before the Tribunal may make an application at any stage for an order that no disclosure of specified documents be made.

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

**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

**Hearings:**

1. A Case Management Hearing (CMH) will take place remotely on **? at 10:00 A.M.** with a time estimate of **30 minutes**. Joining details for the CMH will be sent to the parties by email in advance of the hearing.

**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. at 8 weeks from issue**. 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.

It is open to the Respondent to serve the Answer in condensed form, to be expanded upon in a statement to be filed and served at the same time as the witness statements are due, pursuant to Part 2 Standard Direction 2.

However, the Respondent does not need to file a witness statement if the Answer contains a Statement of Truth and includes all matters that the Respondent would wish to rely on in evidence at the substantive hearing.

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. at 8 weeks**
4. The Applicant shall upload an agreed electronic hearing bundle, including the parties' completed Checklist, for the use of the Tribunal at the case management hearing referred to at paragraph 1.1 above by **4.30 p.m. 1 week before the CMH** 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.
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 10 weeks from issue**.
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 10 weeks from issue**.
7. Costs in the Application

8. Liberty to apply

Dated:



**SOLICITORS DISCIPLINARY TRIBUNAL**  
**PART 2 STANDARD DIRECTIONS**

**Case No.**  
**BETWEEN:**

**SOLICITORS REGULATION AUTHORITY Ltd.**

**and**

**First Respondent**  
**Second Respondent**

**PART 2: STANDARD DIRECTIONS FOR FIRST INSTANCE PROCEEDINGS**

**IMPORTANT NOTES TO STANDARD DIRECTIONS**

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

- It is expected that parties will assist the Tribunal in fulfilling its responsibility to actively manage the case and its compliance to the 'overriding objective' set out in Rule 4 of the Solicitors (Disciplinary Proceedings) Rules 2019 ("SDPR"), dealing with a case justly and at proportionate cost.
- All other warnings and guidance is as set out in the Part 1 Standard Directions

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

**Hearings:**

- 1.1 The case be listed for substantive hearing ? at 10:00 A.M. at 2<sup>nd</sup> Floor, 45 Ludgate Hill, London, EC4M 7JU based on the time estimate of three days provided by the Applicant. If a party wishes to apply for a remote hearing the application will be considered at the CMH referred to in paragraph 1.1 above.

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

- 1.2 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 44, it will be open to the Tribunal to proceed in their absence under SDPR 36. It may also draw an

appropriate inference under SDPR 33 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 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** . 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.
3. 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** . 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** .
4. 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** 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).
5. 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 on
6. Each party must certify by email to the Tribunal and to the other parties, no later than XXXX date 28 days beforehand, that all directions have been complied with, the time estimate requires no revision, the case is ready to proceed at the date set for the substantive hearing and provide the name and contact details of their advocate, if they have one. The parties must also inform the Tribunal of the following matters if applicable:
  - a. If the time estimate requires revision, the new time estimate and the reasons for the change.
  - b. The number of witnesses to be called, their names and if the case is to be held remotely, confirmation they have registered with CaseLines and have provided the Tribunal with their e-mail address.

- c. Whether any witness is vulnerable such that they require special measures, and if so, specify the special measures required.
  - d. Whether arrangements have been made to instruct an interpreter.
  - e. Whether any witness will be giving their evidence remotely from outside the jurisdiction and if so that the required formalities have been complied with.
  - f. Names and contact details of the advocates.
7. 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.** 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.
  8. The Applicant to serve a draft substantive hearing bundle index on every other party by **4:30 P.M. on** .
  9. The parties to agree the content of the substantive hearing bundle by **4:30 P.M.** .
  10. The agreed substantive hearing bundle must be uploaded to the CaseLines system by **4:30 P.M. on** . 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.
  11. 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** .
  12. 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.
  13. 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.
  14. Costs in the Application.
  15. Liberty to apply.

Dated:

## 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.

### **Automatic Disclosure Policy [ADP]**

The procedure whereby certain documents e.g. the Rule 12 Statement, Answer and Skeleton Arguments are disclosed to the public automatically on the first day of the substantive hearing. This policy is separate and distinct to ‘Disclosure under Rule 26 SDPR 2019 ( see below) and relates to the principle of open justice. Open justice is a legal principle that aims to make the justice system more transparent, accountable, and inclusive. It is a fundamental part of the rule of law and is based on the idea that justice must be seen to be done.

### **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

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ANSWER

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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....

