

# Information Guide for Lay Applicants

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## CONTENTS

	<b>PAGE NUMBER</b>
<b>A. THE SOLICITORS DISCIPLINARY TRIBUNAL ROLE AND POWERS</b>	<b>2-3</b>
The role of the SDT	<b>2</b>
The purpose of this guidance	<b>2-3</b>
<b>B. THE DECISION TO MAKE A LAY APPLICATION</b>	<b>3-4</b>
Things to consider before deciding to make a lay application	<b>3</b>
The Legal Ombudsman	<b>3</b>
The Solicitors Regulation Authority	<b>3-4</b>
Your responsibilities as the applicant	<b>4</b>
An important note about costs	<b>4-5</b>
<b>C. HOW TO MAKE A LAY APPLICATION</b>	<b>5</b>
Application form and statement	<b>5</b>
Where to send the completed application form, statement and supporting documents	<b>5</b>
<b>D. THE DECISION WHETHER OR NOT TO CERTIFY YOUR APPLICATION AS SHOWING A CASE TO ANSWER</b>	<b>6-7</b>
What happens when my application is received at the Tribunal offices?	<b>6</b>
Can I challenge a decision not to certify that there is a case to answer?	<b>7</b>
<b>E. PREPARING FOR THE HEARING</b>	<b>8-10</b>
What happens once proceedings have been issued?	<b>8-9</b>
What documents will the Tribunal Members see prior to the hearing?	<b>9-10</b>
<b>F. CASELINES</b>	<b>10-11</b>
What is CaseLines?	<b>10</b>
How does it work?	<b>10</b>
What do I need to do?	<b>10-11</b>
Where can I get help?	<b>11</b>
<b>G. THE HEARING</b>	<b>11-16</b>
Where will the hearing be held?	<b>11-12</b>
What happens if the hearing is being held remotely?	<b>12</b>
Who attends the hearing?	<b>12-13</b>
Is the hearing held in public?	<b>13</b>
Can I bring someone to support me at the hearing?	<b>13-14</b>
What if I cannot attend the hearing?	<b>14</b>
What happens on arrival at the Tribunal?	<b>14</b>
What does the court room look like?	<b>15</b>
How do I address the Members of the Tribunal?	<b>15</b>
Do I have to stand when the Tribunal Members enter and leave the room?	<b>16</b>
What happens if I require help and/or adjustments to be made to attend the hearing?	<b>16</b>
What happens at the hearing?	<b>16</b>
<b>H. SANCTIONS</b>	<b>16-19</b>
What powers does the Tribunal have?	<b>19</b>
<b>I. APPEALS AGAINST SUBSTANTIVE DECISIONS OF THE TRIBUNAL?</b>	<b>20-21</b>
When can I appeal?	<b>20</b>
Where do I send the application to?	<b>20</b>
Whom must I notify about the appeal?	<b>20-21</b>
<b>GLOSSARY OF TERMS</b>	<b>22-23</b>

A Glossary of terms can be found at the end of this guidance note. Defined words are in bold italic typeface.

## SECTION A. THE SOLICITORS DISCIPLINARY TRIBUNAL (OR SDT) – ROLE AND POWERS

### The Role of the SDT

1. The Solicitors Disciplinary Tribunal (or SDT) hears and decides cases involving alleged breaches of the rules, codes and regulations which apply to solicitors and their firms.
2. The rules and regulations are designed to protect the public, including consumers of legal services, and to maintain the public's confidence in the reputation of the solicitors' profession for honesty, probity, trustworthiness, independence and integrity.
3. The Tribunal also hears cases involving the alleged misconduct of registered foreign lawyers, registered European lawyers and people employed by solicitors. It also decides applications by former solicitors, who have been struck off, for restoration to the Roll and by indefinitely suspended solicitors for their suspension to be ended.

### The purpose of this guidance

4. This guide has been written to assist lay applicants who refer applications directly to the Tribunal in respect of solicitors, registered foreign lawyers, registered European lawyers and ***recognised bodies***.
5. More information about the SDT can be found on our website including:
  - Details of our Executive Team and Tribunal Members
  - Our Constitution and Procedures
  - Details of the Tribunal's powers
  - Details of forthcoming Hearings
  - Tribunal Judgments
  -
6. Other Guidance Notes Available on our Website
  - Information Guide for Unrepresented Respondents
  - Information Guide for Unrepresented Applicants

- Information Guide for Witnesses

## **SECTION B. THE DECISION TO MAKE A LAY APPLICATION**

### **Things to consider before deciding to make a lay application**

7. If you have a complaint or concern about a solicitor or firm, it may help to meet or discuss the complaint with the solicitors firm in the first instance.
8. If you have already complained to the solicitors firm and the complaint has not been satisfactorily resolved, you can approach either the Legal Ombudsman or the Solicitors Regulation Authority (or SRA) for assistance depending upon the nature of your complaint.

### **The Legal Ombudsman**

9. You may contact the Legal Ombudsman if you are not happy with a solicitor's work or service you have received and need to put things right. The Legal Ombudsman's role is to provide a fair and independent response to your complaint. The Legal Ombudsman can tell the solicitors firm:
  - to refund or reduce fees
  - to pay you compensation
  - to carry out extra work needed to put things right
  - to apologise
  - to give back documents
10. For further information, please visit <http://www.legalombudsman.org.uk/helping-the-public/#what-problems-we-resolve>

### **The Solicitors Regulation Authority**

11. If you think a solicitor might be dishonest or you have concerns about their behaviour, you may complain to the Solicitors Regulation Authority (or SRA). For further information, please visit <https://sra.org.uk/consumers/problems/report-solicitor.page>

12. Ordinarily the Tribunal expects a lay applicant to have first sent their complaint to, or to have made a report to, the Solicitors Regulation Authority (or SRA). This is because the SRA has powers of investigation and can collect evidence.

#### **Your responsibilities as the applicant:**

13. It is important to note that the Tribunal:
- does not have any powers of investigation;
  - does not collect evidence to support or oppose an application;
  - cannot award compensation;
14. If you do decide to proceed with your lay application, **you will be responsible** for:
- Investigating and collecting evidence;
  - Completing the **prescribed form**, preparing a Statement under Rule 12 Solicitors (Disciplinary Proceedings) Rules 2019 ("**SDPR**") and attaching the supporting evidence;
  - Providing witness statements and documents;
  - Preparing the hearing bundles;
  - Attending the hearings.
15. You may have to ask the solicitor named in the application and witnesses' questions at the hearing and challenge things they have said whilst giving their evidence to the Tribunal. The Tribunal reaches a decision only on the evidence it reads and hears.
16. It is advisable to obtain your own independent legal advice prior to submitting a lay application to the Tribunal. The SDT does not provide legal advice.

#### **An important note about costs**

17. **The Tribunal has the power to make orders for the costs of proceedings against you or the Solicitor, firm, registered foreign lawyer or registered European lawyer against whom a case is brought.** This depends largely on the outcome of the case.

Costs may include those incurred by the other party, potentially including the costs of instructing a solicitor or barrister.

## SECTION C. HOW TO MAKE A LAY APPLICATION

### Application Form and Statement

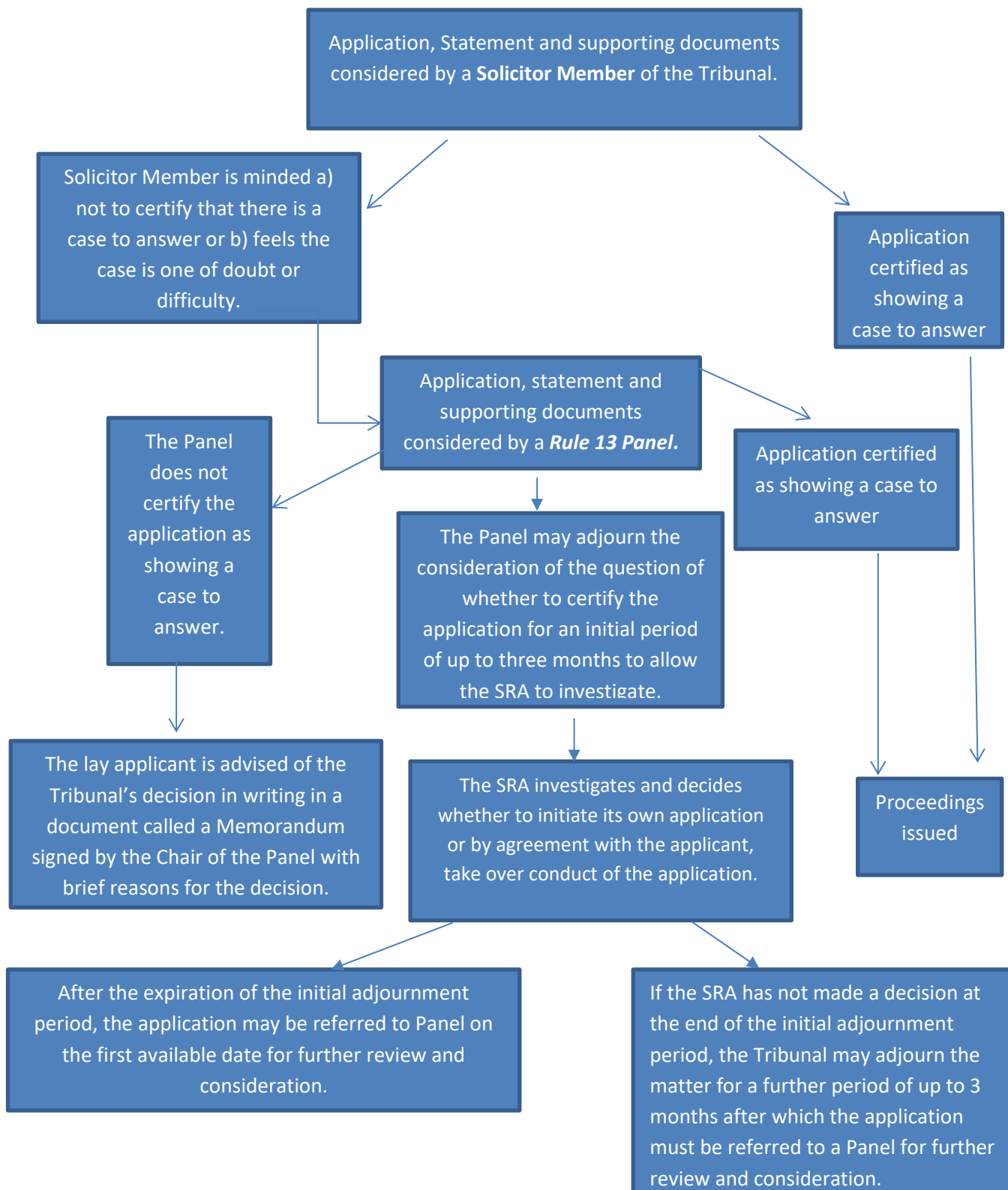
18. To initiate a lay application to the Tribunal you must complete the prescribed form which can be found on the Tribunal's website.
19. The application form must be supported by a statement setting out the [allegations](#) and the facts and matters supporting the application and each allegation contained in it. This statement is also known as a '[Rule 12 statement](#)' as it is a requirement of Rule 12 of the Solicitors (Disciplinary Proceedings) Rules 2019 ("SDPR"). The SDPR are the [rules](#) that govern the Tribunal's powers and procedures.
20. The statement must contain a [Statement of Truth](#) at the end i.e. "*I believe that the facts stated in this (name the document and the date of the document) are true*" and be signed and dated.
21. The application, the statement and any supporting documents must be sent to the Tribunal with three additional copies and a further copy for every second or further respondent.
22. If the application is being brought by more than one lay applicant, it is possible to use the same application form. Each applicant must sign the application form or provide confirmation in writing that they are making a joint application. Each applicant must also confirm that they consent to the Tribunal communicating with the lead applicant(s) on their behalf.

### Where to send the completed application form, statement and supporting documents

23. Address: The Clerk to the Solicitors Disciplinary Tribunal, 2<sup>nd</sup> Floor, 45 Ludgate Hill, London, EC4M 7JU..

**SECTION D. THE DECISION WHETHER OR NOT TO CERTIFY YOUR APPLICATION AS SHOWING A CASE TO ANSWER**

**What happens when my application is received at the Tribunal offices?**



## Can I challenge a decision not to certify that there is a case to answer?

24. There is a right of appeal by the lay applicant to the High Court under section 49(2), Solicitors Act 1974 (as amended). The parties to the appeal are you as the person challenging the decision (called the Appellant) and the solicitor(s) against whom your application is made.
25. You must give a copy of your application on the Tribunal<sup>1</sup> and SRA<sup>2</sup> so that they know what is happening. The Tribunal and/or the SRA may apply to the High Court to be joined into the appeal as an interested party, but this will happen only very rarely.
26. The High Court can make such order as it thinks best, including any order for costs.
27. For detailed information concerning appeals to the High Court, including any fees payable, please contact:  
Administrative Court Office  
The Royal Courts of Justice  
Strand  
London  
WC2A 2LL  
DX 44450 RCJ / STRAND  
Royal Courts of Justice Switchboard: 020 7947 6000  
Issue and General Enquiries: 020 7947 6655

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<sup>1</sup> Addressed to the Clerk to the Solicitors Disciplinary Tribunal, 2<sup>nd</sup> Floor, 45 Ludgate Hill, London, EC4M 7JU.

<sup>2</sup> c/o Ms Jennifer Ackers, Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham, B1 1RN



## SECTION E. PREPARING FOR THE HEARING

### What happens once proceedings have been issued?

28. When any application is certified by either a Solicitor Member or a Rule 13 Panel as showing a case to answer, Standard Directions will be issued by [the Clerk](#) which will include dates for the Respondent(s) to file (i.e. send to the Tribunal's offices) answers to the [allegations](#) and any supporting evidence that is to be relied upon.
29. Standard Directions are the practical steps to be taken by each person involved to prepare the application for final hearing. The Standard Directions will be served on (i.e. sent to) the parties (the people involved in the case) to the proceedings.
30. You must ensure that all correspondence with the Tribunal including any documents filed in accordance with the Tribunal's directions are shared with the Respondent(s), if you wish to rely on the documents in the proceedings.
31. A [Substantive](#) (or final) [Hearing](#) date will be fixed immediately after the case has been certified. The hearing length will be based on the number of witnesses being called to give evidence and the factual issues in dispute. The Clerk or a member of the clerking team will conduct a careful review of the papers provided by the Applicant. Any time estimate for the hearing provided by the lay applicant will be considered and a decision made as to whether or not it is agreed by the Clerk or member of the clerking team. The Clerk or a [clerk](#) may provide an alternative time estimate if they conclude that the hearing length should be longer or shorter based on the information provided in the papers.
32. [Case Management Hearings](#) ("CMH") are arranged in cases where issues are identified on receipt of the application which in the opinion of the clerk justify the holding of a case management hearing.
33. A CMH will take place before the substantive hearing and may be heard by a Tribunal or a clerk.

34. The CMH may take place by telephone, in person or by such electronic means as may be approved by the Tribunal.
35. If the Tribunal notifies the parties in advance of a CMH that a further hearing is to be fixed or is likely to be fixed at the CMH, the parties must attend the CMH equipped with their dates to avoid and the dates to avoid of any witnesses.
36. A further CMH may be listed following receipt by the Tribunal of the list of witnesses<sup>3</sup> or the Certificate of Readiness<sup>4</sup> if a clerk considers that a further CMH is required.

### **What documents will the Tribunal Members see prior to the hearing?**

37. Unless otherwise directed, you must send five copies of an agreed paginated hearing bundle to the Tribunal no later than 14 days before the date listed for the substantive hearing and any Case Management Hearing. For the majority of cases, where appropriate, an electronic bundle will be used instead of hard copy hearing bundles and the parties will upload their documents to this electronic bundle. The Tribunal Members and clerk are invited into this bundle which is used instead of paper bundles at the hearings. See section 6 “CaseLines” which provides more information about the use of electronic bundles at the SDT.
38. If papers are filed late, this makes it difficult for the Tribunal Members to read the documents before the hearing. Any party proposing to rely on evidence which is filed after the date set by the directions will need to apply for the Tribunal’s permission to rely upon the evidence. The Tribunal may decide not to grant permission for the documents to be allowed into the proceedings. The parties must therefore ensure that papers for a hearing are sent in accordance with the Tribunal’s directions.
39. The parties must also ensure that they complete the [Certificate of Readiness and Hearing Timetable](#) which assists the Tribunal in knowing how many witnesses to expect at the hearing, whether the time estimate has changed and making sure that the Tribunal has appropriate facilities to ensure the hearing can be effective.

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<sup>3</sup> Rule 20(2)(d)

<sup>4</sup> Rule 20(2) (g)

40. For the Substantive Hearing, you and the Respondent(s) may agree the contents of the [hearing bundle](#). As it will be your application, you will usually be told by the Tribunal to send five copies of the agreed paginated hearing bundle<sup>5</sup> to the Tribunal by the date set out in the Directions Order.

## **SECTION F. CASELINES**

### **What is CaseLines?**

41. CaseLines is a secure digital court platform with a cloud-based evidence management system for the effective preparation and presentation of trial evidence, replacing paper hearing bundles in lever arch files with electronic bundles.
42. CaseLines will be used for all hearings listed at the Tribunal which are deemed suitable. 'Hearings' includes all appearances before the Tribunal whether for Case Management or Substantive.

### **How does it work?**

43. Evidence documents are uploaded to a Master Bundle which automatically paginates the bundle and presents the documents as if they were in a paper bundle which can then be accessed on any device with an internet connection, in court, at home or even while travelling.
44. CaseLines can be accessed using the following link  
<https://solicitorstribunal.caselines.co.uk>

### **What do I need to do?**

45. Register for CaseLines if you have not used CaseLines before.
46. Once your case has been issued you will receive an email inviting you to the case on CaseLines. If you have not used CaseLines before you will need to register first and set up a username, which can be your email address, and a password.

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<sup>5</sup> For those cases using CaseLines, electronic bundles will be created by the parties. See Section F

47. Log On to CaseLines to access your case.
48. Enter the Username and password you set up on registering for CaseLines to access your case.
49. Once you have been invited to the case on CaseLines you may upload your documentation to the relevant section of the Master Bundle.
50. Upload your documents.

### **Where can I get help?**

51. The Following Documents have been prepared to give guidance and support when using CaseLines and are enclosed with your papers. They can also be found on the SDT website <https://www.solicitorstribunal.org.uk/caselines>:
  - CaseLines Protocol
  - CaseLines Guidance
  - CaseLines User Guide for Parties & Advocates
  - CaseLines Data Protection Summary

## **SECTION G. THE HEARING**

### **Where will the hearing be held?**

52. Case Management Hearings will take place at the Tribunal's offices, or by remote hearing via Zoom.
53. The Substantive Hearing will take place at the Tribunal's offices or may be held remotely. The parties can apply for a ***Special Measures Direction*** if a witness is unable to attend the Tribunal's offices and needs to give evidence e.g. via a video link.
54. The SDT's courts and offices are on the corner of Ludgate Circus. The full address including a map of the location can be found on the SDT website.

55. The nearest stations to the SDT's courts and offices are the City Thameslink for over ground, and Blackfriars (District and Circle lines) or St Pauls (Central line) for underground.

### **What happens if the hearing is being held remotely?**

56. You will receive an invitation with joining instructions shortly before the virtual hearing. Please refer to the SDT Zoom User Guide for Remote Hearings for further information and the SDT Practice Direction for Remote Hearings. Please note if you are required to take an oath or to make an affirmation as part of a hearing that you are joining remotely, and would like to take an oath using a sacred object, we rely on you providing your own Holy Book or Scripture. You can also, if you wish, take an oath without a sacred object, if you consider it will still be binding on you. You can still choose to make an affirmation rather than take an oath, as you would in a physical courtroom. Regardless of how you choose to make this verbal statement of fact, you will be bound legally to tell the truth.

### **Who attends the hearing?**

57. You and the legal representatives you have instructed (if any). **Please note you will be responsible for the costs of your legal adviser. The SDT does not provide legal advisers or pay for the costs of legal advisers.**
58. The other parties to the proceedings and their legal representatives (if they have instructed legal representatives).
59. The Tribunal Panel. This is the word used to describe the three people who decide your case at the hearing. The 3 Members are independent and completely impartial.<sup>6</sup> One Member will be a lay person. The other 2 Members will be experienced solicitors who have been qualified for at least 10 years and who actively practise as solicitors and hold practising certificates. The Panel Chair will be an experienced Solicitor Member who runs the proceedings.

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<sup>6</sup> Members are expected to be alert to any potential grounds for **recusal**.

60. The clerk to the hearing (an experienced solicitor or barrister) will give advice on the legal matters and procedure to be followed by the Panel. The clerk does not provide legal advice to the parties in the case.
61. Witnesses. Both parties are allowed to call witnesses relevant to their case. They may include the **complainant** and experts. The witnesses required will be decided by the parties in advance of the substantive hearing and will depend on the areas of dispute in the case. It is important to ensure that the substantive hearing can be effective, that the parties comply with the Tribunal's directions regarding the deadline for notification of the names of the witnesses being called and the filing of the witness evidence upon which they rely.

### **Is the hearing held in public?**

62. The hearing will usually be held in public and published on the Daily Cause Lists which can be viewed on the SDT website (<http://www.solicitorstribunal.org.uk/>) and are displayed at the SDT offices.
63. Members of the public and press can also attend hearings and will be allowed to watch if it is being held in public.
64. Hearings will only take place in private if ordered by a Tribunal Panel, following an application by a party to the case or a person affected by the case. The principle of open justice applies to the Tribunal and any departure from this principle will need to be justified. The Tribunal will need to be satisfied when considering an application for a hearing or part of a hearing to be heard in private that the grounds under Rule 35 SDPR 2019 are met.

### **Can I bring someone to support me at the hearing?**

65. The Tribunal will consider your request after receiving written **submissions** from all the parties. You can send your request (which must be copied to all parties) to [enquiries@solicitorsdt.com](mailto:enquiries@solicitorsdt.com) or submit your request by post addressed to the Clerk to the Solicitors Disciplinary Tribunal, 2<sup>nd</sup> Floor, 45 Ludgate Hill, London, EC4M 7JU.

66. A person who attends court to support and assist you at the Tribunal in this way is also referred to as a '[Person Assisting a Party](#).' The Tribunal has issued guidance for a person assisting a party which can be found on the SDT website.

### **What if I cannot attend the hearing?**

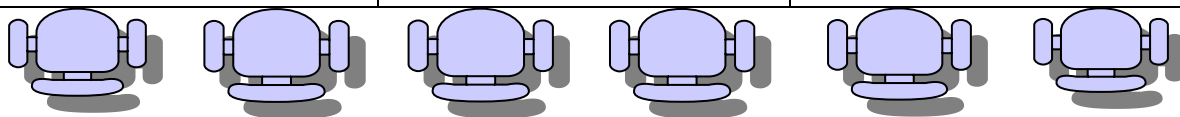
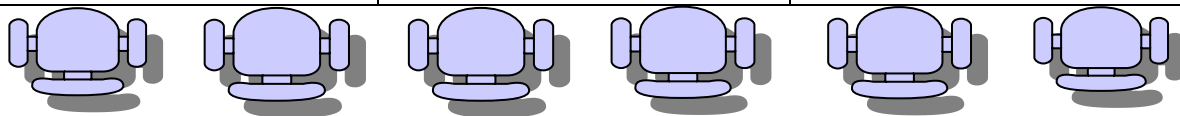
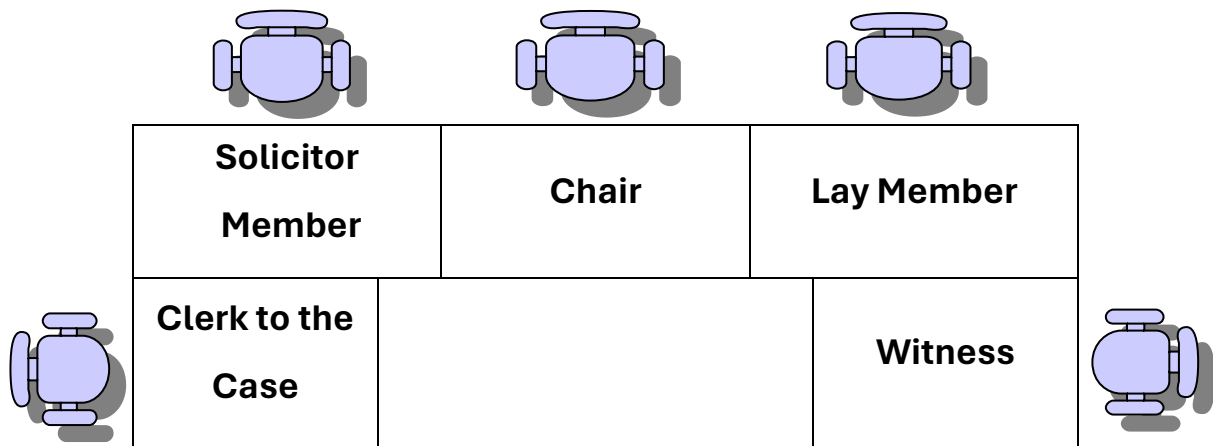
67. It is in your best interests to attend the hearing as this is your chance to present your case. You will also have the opportunity to question the witnesses called by the opposing party.
68. If you wish to make an application to [adjourn](#) the hearing, please refer to Rule 23 and the 'Guidance Note on Adjournments'. The Guidance Note can be found on the SDT website. You will need to complete the prescribed form which can also be found on the SDT website.
69. If you require any Special Measures Directions, including giving evidence by video link, please refer to the 'SDT Guidance Note on Applications for Special Measures Directions for Vulnerable Witnesses, Parties or Litigants in Person'. An 'Application for a Special Measures Direction' form can also be found on the SDT website.
70. If you do not attend the substantive hearing and are not represented at the hearing, it will be open to the Tribunal to [dismiss](#) your application. Written reasons for the dismissal of the application will be sent to you.

### **What happens on arrival at the Tribunal?**

71. You should make your way to the 2<sup>nd</sup> Floor reception area where you will be asked to record your attendance on the Attendance Sheet.
72. You will have the option to use any of our available Discussion Rooms, whilst waiting to be called into court. The clerk to the case will greet you before the hearing starts, discuss any issues you wish to raise and answer any questions you have about the procedure for the day.

What does the court room look like?

### COURTROOM LAYOUT



#### How do I address the Members of the Tribunal?

- 73. Male Members of the Panel are addressed as ‘Sir’.
- 74. Female Members of the Panel are addressed as ‘Madam’.



### **Do I have to stand when the Tribunal Members enter and leave the room?**

75. Yes, unless directed otherwise.

### **What happens if I require help and/or adjustments to be made to attend the hearing?**

76. This may include the provision of hearing loops, screens for vulnerable witnesses etc. An 'Application for a Special Measures Direction' form must be completed. Please refer to "SDT Guidance Note on Applications for Special Measures For Vulnerable Witnesses, Parties or Litigants in Person."

### **What happens at the hearing?**

77. **The Tribunal Panel will consider whether the allegations set out in your Statement are proved on the balance of probabilities ('the civil standard of proof')**

78. Important points to consider about the presentation of your case:

- You are responsible for the presentation of the case at all times, including the costs of presenting the case.
- You must prove the allegations.
- The Tribunal will not present the case on your behalf.

79. You (or your legal representative) will open the case by describing what you say are the facts and allegations against the Respondent(s).

80. You may be required to give evidence regarding the allegations contained in your statement.

81. You (or your legal representative) will call your witnesses and ask them questions based on their witness statements which the Respondent will have seen in advance.

82. The Respondent(s) (or their legal representative(s)) may ask the witnesses, including you questions and challenge the things you or they have said.
83. You (or your legal representative) can ask further questions to clarify answers given by your witnesses for the first time when being questioned by the Respondent or his/her representative.
84. The Panel may question the witnesses directly.
85. After you have completed your case, the Respondent can ask the Panel to decide that there is 'no case to answer' in relation to the whole of the application, or a specific allegation within the application.
86. You will be given an opportunity to respond to an application of no case to answer.
87. If the Panel agrees that there is no case to answer, the application or the allegation will be dismissed and costs may be awarded against you. This means you would have to pay the Respondent the money they had spent in defending their case. If the Panel disagrees, the Respondent will proceed with their defence.
88. If all the allegations are admitted, the Panel, having considered the evidence, will decide whether you have proved the allegations taking account of the admissions (i.e. those things the Respondent agrees they did).
89. If any allegations are denied, the Respondent may present evidence in support of their defence. At this stage, the Respondent may decide to give evidence or call witnesses.
90. You (or your legal representative) are allowed to question the Respondent and their witnesses.
91. The Respondent will then have an opportunity to clarify with the witness matters brought out for the first-time when being questioned by you or your legal representative.
92. The Panel may have further questions for the Respondent and their witnesses.

93. The Respondent will make closing submissions at the end of their case.
94. You (or your legal representative) may reply to the Respondent's closing submissions but only to correct factual information or to address the Tribunal on points of law.
95. After all the evidence has been read and heard, the Panel will retire into a private room with the clerk to the hearing to consider its *findings*. Essentially, the Tribunal will decide whether the individual allegations, including relevant facts that are not agreed, are proved on the balance of probabilities.
96. When the Panel has made its findings of fact, the Panel and clerk will come back into the court room. The Chair will announce the Panel's findings on the allegations. The Chair will say whether each allegation has been found proved or not proved. Detailed reasons for the Panel's decision are not given at this stage, though the Chair may provide brief reasons.
97. If some or all of the allegations are found proved, the hearing will move to stage two. This is when sanction and costs are considered. 'Sanction' is the penalty imposed by the Panel for the allegations found proved.
98. **The Tribunal Panel having found some or all of the allegations proved will consider the appropriate sanction (penalty) and costs order**
99. The Chair will ask the clerk to provide the hearing with details of any allegations found proved against the Respondent in any previous disciplinary proceedings before the Tribunal. The clerk will either advise that there are no previous allegations found proved or provide the Panel with the Judgment(s) setting out the previous allegations and the reasons why they were found proved including the sanction imposed and costs ordered.
100. The clerk will also provide the Panel with any character references which have been sent to the Tribunal but not introduced by the respondent during the first stage of the proceedings.<sup>7</sup>

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<sup>7</sup> Where references are relied upon by a respondent to challenge allegations of dishonesty e.g. as evidence of good character and credibility and this is confirmed by the respondent, references will be provided to the Panel in advance of the hearing.

101. In cases involving allegations of dishonesty which have been found proved, the respondent can, if they wish, make submissions that there are exceptional circumstances which justify sanction other than striking off the solicitor's name from the Roll of Solicitors.
102. Either you or the Respondent can apply for an order for costs against the other. In some cases the amount of costs and by whom they should be paid are agreed. There will be an opportunity for both parties to tell the Tribunal what costs are sought from the other party and why. Please see the costs section of the 'SDT Guidance Note on Sanctions.'
103. After the Panel has heard from both parties, it will retire to decide what sanction to impose. The Panel will make its decision using its own independent judgement after reading and hearing what is said on behalf of the Respondent and any other guidance it considers appropriate, in particular the SDT guidance on sanctions in force at the time when determining the appropriate sanction.
104. The Panel will also consider what costs orders to make.
105. When the Panel has made its decisions, the clerk prepares the Tribunal's order for approval and signature on behalf of the Panel by the Chair. The Panel and clerk will return to the court room.
106. The Chair will announce the decisions relating to sanction and costs and may provide brief reasons at that point. Detailed reasons will not be provided at this stage. The Tribunal prepares a detailed written Judgment which it aims to deliver to the parties 7 weeks after the hearing. The Judgment will also be published on the Tribunal's website.

## **SECTION H. SANCTIONS**

### **What powers does the Tribunal have?**

107. The SDT has power to impose sanctions ranging from 'no order' up to striking the solicitor's name off the Roll. Detailed information about sanctions can be found in the SDT 'Guidance Note on Sanctions' on the Tribunal's website.

## SECTION I. APPEALS AGAINST SUBSTANTIVE DECISIONS OF THE TRIBUNAL

### When can I appeal?

108. The time limit for lodging an appeal is 21 days from when the statement of reasons for a decision is given. The statement of reasons is contained in the Tribunal's written Judgment (or in some cases [Memorandum](#)), which usually becomes available 7 weeks after the hearing.

### Where do I send the application to?

109. Appeals from final decisions of Panels must be made to the Administrative Court, which is a specialist part of the High Court dealing with this sort of case. The Tribunal is not a party to appeals but may itself apply to be joined as an Interested Party.
110. For further information on how to appeal please contact the Administrative Court Office using the contact details below:

Administrative Court Office, The Royal Courts of Justice, Strand, London, England,  
WC2A 2LL DX 44450 RCJ/STRAND

Royal Courts of Justice Switchboard: 020 7947 6000

Issue and General Enquiries: 020 7947 6655

### Whom must I notify about the appeal?

111. You must give notice of your appeal to the person named in the original proceedings e.g. the Respondent, the Chair of the Panel which considered your case (see below) and the Solicitors Regulation Authority, c/o Ms Jennifer Ackers, Interim Director of Legal & Enforcement, Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham, B1 1RN.
112. You can use one of the following methods to send notice of the appeal to the Chair of the Panel:

113. By email (preferred) to:

- [Enquiries@solicitorsdt.com](mailto:Enquiries@solicitorsdt.com)

114. By post to:

- Offices of the Clerk to the Tribunal, Solicitors Disciplinary Tribunal, 2<sup>nd</sup> Floor, 45 Ludgate Hill, London, EC4M 7JU.

## GLOSSARY OF TERMS

<b>Adjourn</b>	To postpone or suspend a hearing until a future date.
<b>Allegation</b>	A statement that a person has been guilty of misconduct. The allegations are set out in the statement which accompanies the application.
<b>Case Management Hearing</b>	A case management hearing is a 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)
<b>Certificate of Readiness and Hearing Timetable</b>	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 final hearing to proceed.
<b>clerk</b>	<p>A solicitor or barrister with no less than 10 years standing. The role of the clerk is to support, advise and guide Members on points of law and procedure. This involves both attending the hearing and the Members’ discussions in the retiring room.</p> <p>The clerk plays no part in the Members’ decision-making process on findings of fact, law, sanction or costs.</p> <p>At the end of the hearing, the clerk will arrange for any necessary Order to be drawn up and will then prepare and draft Judgments, summarising the facts, evidence, submissions, areas of dispute, legal issues, findings of fact and law, and detailing the Tribunal’s decisions and reasons; the draft Judgment will then be checked and amended by the Members as appropriate.</p> <p>The clerk may also take part in active case management of cases, in relation to routine procedural matters such as agreed directions, with appropriate support.</p>
<b>The Clerk</b>	A solicitor or barrister with no less than 10 years standing. In addition to having clerking responsibilities, the Clerk is responsible for the administration of the Tribunal and is the Chief Executive Officer of Solicitors Disciplinary Tribunal Administration Limited, a company which assists the SDT in its administration.
<b>Complainant</b>	The person who made the original complaint regarding the Respondent’s misconduct.
<b>Dismiss</b>	An order that all or a portion of the applicant’s case is brought to an end at that point.
<b>Findings</b>	A fact found by the Tribunal Panel to be established on the balance of probabilities on the basis of the testimony of the witnesses and statements filed by the parties.
<b>Lay Applications</b>	<p>An application made by an individual direct to the Tribunal in respect of:</p> <ul style="list-style-type: none"> <li>• A solicitor</li> <li>• A Registered Foreign Lawyer</li> <li>• A Registered European Lawyer</li> <li>• A Recognised Body</li> </ul>

<b>Hearing Bundle</b>	The documents which the parties put together for a hearing.
<b>Memorandum</b>	This is the written record of the Tribunal’s decision, reasons and directions made following a Case Management Hearing, a Rule 13 SDPR consideration of whether there is a case to answer, or by a clerk after non-compliance or after other interim decisions
<b>Panel</b>	A group consisting of 3 Tribunal Members, at least one of whom should be a Solicitor Member and one Lay Member who are allocated for a hearing of an application made to the Tribunal.
<b>Person assisting a party</b>	A ‘person assisting a party’ assists a litigant in person in a court of law in England and Wales. This person does not need to be legally qualified.
<b>Prescribed Form</b>	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.
<b>Recusal</b>	A Member may withdraw from sitting on a particular case if it is considered that there may be a perception of bias.
<b>Recognised Body</b>	A legal services body namely a partnership, company or LLP recognised by the SRA as being a suitable body to undertake the provision of any solicitor services or other relevant legal services.
<b>Rule 12 Statement</b>	This is the statement prepared by the applicant which supports the application in respect of solicitors, recognised bodies, registered European Lawyers and registered foreign lawyers.
<b>Rule 13 Panel</b>	A group consisting of 3 Tribunal Members, at least one of whom should be a Solicitor Member and one Lay Member who will consider whether to certify an application as showing a case to answer under Rule 13 of the SDPR 2019.
<b>SDPR</b>	Solicitors (Disciplinary Proceedings) Rules 2019
<b>Solicitor Member</b>	Solicitor Members of the Tribunal Panel or Rule 13 Panel are solicitors of not less than ten years’ standing.
<b>Special Measures Direction</b>	A person may apply for a direction for adjustments to be made for them to participate in a hearing. These directions are known as ‘Special Measures Directions.’
<b>Statement of Truth</b>	A statement that the person putting forward a document, or the maker of a witness statement, believes that the facts stated in the document are true.
<b>Submissions</b>	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.
<b>Substantive Hearing</b>	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.

Any questions about this Guidance Note should be addressed to [enquiries@solicitorsdt.com](mailto:enquiries@solicitorsdt.com) or 2<sup>nd</sup> Floor, 45 Ludgate Hill, London, EC4M 7JU.



