

# Information Guide for Witnesses

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## CONTENTS

	<b>PAGE NUMBER</b>
<b>A. INTRODUCTION</b>	<b>2</b>
<b>B. THE ROLE OF THE SOLICITORS DISCIPLINARY TRIBUNAL</b>	<b>2</b>
<b>C. BEFORE THE HEARING</b>	<b>3</b>
<b>D. ATTENDING THE HEARING</b>	<b>3-4</b>
<b>E. CAN I BRING MY CHILDEN TO MY HEARING?</b>	<b>4</b>
<b>F. WHO WILL BE AT A HEARING?</b>	<b>4-5</b>
<b>G. IS THE HEARING HELD IN PUBLIC?</b>	<b>5</b>
<b>H. WHAT DOES THE COURTROOM LOOK LIKE?</b>	<b>-</b>
<b>I. GIVING EVIDENCE</b>	<b>6-7</b>
<b>J. AFTER THE HEARING</b>	<b>7</b>

## **SECTION A. INTRODUCTION**

1. This guide has been prepared to assist witnesses giving evidence at a hearing at the Solicitors Disciplinary Tribunal. We understand that giving evidence at a hearing may cause you to feel anxious. We have prepared this guidance note to let you know what to expect before, during and after you have given your evidence.

## **SECTION B. THE ROLE OF THE SOLICITORS DISCIPLINARY TRIBUNAL**

2. The Solicitors Disciplinary Tribunal (also referred to as the SDT or the Tribunal) hears and decides cases involving alleged breaches of the rules, codes and regulations which apply to solicitors and their firms.
3. 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.
4. The Tribunal also hears cases involving the alleged misconduct of registered foreign lawyers, registered European lawyers and people who are not themselves solicitors but who are employed by solicitors or solicitors' firms.
5. The majority of applications are brought by the Solicitors Regulation Authority ("SRA"). The Tribunal also receives applications from members of the public, known as 'lay applications.' The member of the public making the application is known as the lay applicant.
6. 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.
7. Applications are also received from applicants applying to vary or remove conditions on practice or to review an order relating to solicitors' employees and consultants.

## **SECTION C. BEFORE THE HEARING**

8. When an application by the SRA or a lay applicant is received it will be considered on the papers to determine whether there is a case to answer. Standard Directions will be made by the Clerk to the Tribunal if the application is certified as showing a case to answer. Standard Directions are the practical steps to be taken by each person involved to prepare the application for final hearing. A hearing date at which the Tribunal will make findings in respect of the allegations and reach a decision as to the relevant sanction(s) will also be fixed at this point.
9. For all other applications, e.g. restoration to the roll, termination of indefinite suspension etc. Standard Directions will be made once the application is received in the correct format. A hearing date will be fixed at this point.
10. If you need extra support in court, you should speak to the party that has called you to give evidence or their legal representative, if they have instructed one. They can make a request on your behalf in advance of the hearing for any reasonable adjustments. Arrangements could include the provision of hearing loops or screens, for example; or if you require regular breaks, this can be arranged in advance with the Tribunal.

## **SECTION D. ATTENDING THE HEARING**

11. The SDT's courts and offices are on the corner of Ludgate Circus, between the Evans Cycle shop and Leon restaurant. The nearest stations are City Thameslink for overground, and Blackfriars (District and Circle lines) or St Pauls (Central line) for underground.
12. The full address is 2<sup>nd</sup> Floor, 45 Ludgate Hill, London, EC4M 7JU.
13. Upon arrival, you must sign in at where you will be met by the receptionist and allocated a room.
14. The receptionist will let the party that has called you to give evidence (or their representative) know of your arrival, so that you can be introduced.

15. You will also be introduced to the court clerk. The role of the clerk is to support, advise and guide Tribunal Members on points of law and procedure. The clerk will explain what to expect and provide you with any information you need to know beforehand as well as the approximate time you will be expected to give your evidence.
16. You will be asked to wait in one of the allocated rooms until you are called to give evidence. While waiting, you should not discuss the case or your evidence with anyone else. This important rule is to make sure that evidence given by each witness is their own account of what happened. If you discuss the case with another witness, this might affect the proceedings.
17. If you have been invited to attend a virtual hearing, joining instructions will be provided to you shortly before the hearing. Please refer to the SDT Zoom User Guide for Remote Hearings for further information. 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.

#### **SECTION E. CAN I BRING MY CHILDREN TO THE HEARING?**

18. We do not encourage you to bring children to the Tribunal. This is because there are no suitable facilities at the venue for children. If you bring a child with you, make sure you also bring someone who can take care of them when you're in the courtroom. Due to health and safety reasons, and safeguarding requirements, our staff cannot take responsibility for children, even for short periods of time.

#### **SECTION F. WHO WILL BE AT THE HEARING?**

19. The hearing will be attended by the parties i.e. the Applicant, the Respondent(s) (i.e. the person or persons against whom the allegations have been made), their legal representatives (if they have instructed any), the clerk, the Tribunal Panel (a group

consisting of 3 Tribunal Members, at least one of whom will be a Solicitor Member and one a Lay Member, who have been allocated for the hearing).

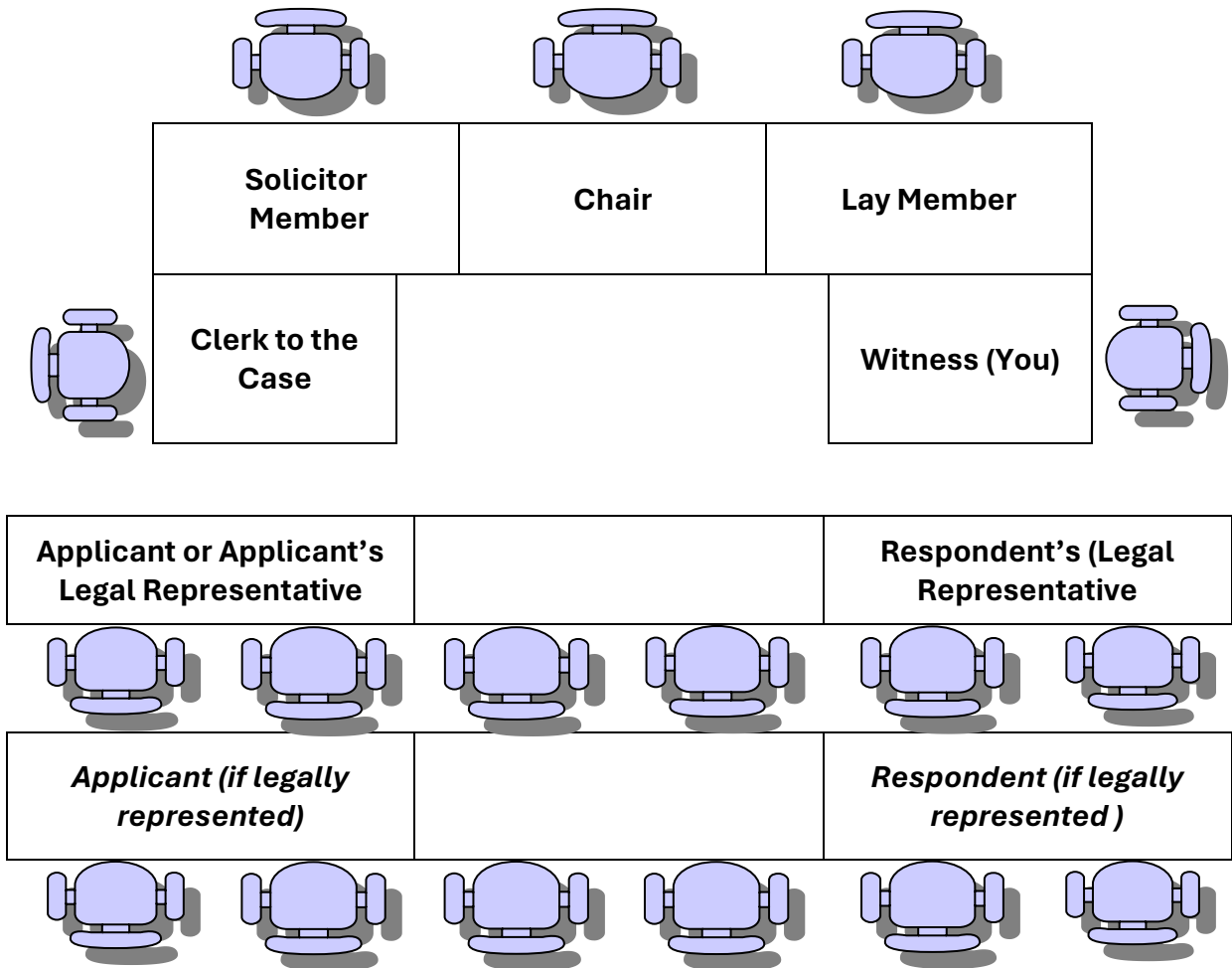
20. Members of the public and press can also attend hearings and will be allowed to observe if it is being held in public (see below).

#### **SECTION G. IS THE HEARING HELD IN PUBLIC?**

21. Hearings are usually be held in public and published on the Daily Cause Lists which can be viewed on the SDT website and which are displayed at the SDT offices.
22. The principle of open justice applies to the Tribunal and any departure from this principle will need to be justified. Hearings will only take place in private if directed by a Tribunal Panel, following an application by a party to the case or a person affected by the case.

**SECTION H. WHAT DOES THE COURTROOM LOOK LIKE?**

**COURTROOM LAYOUT**



**SECTION I. GIVING EVIDENCE**

23. Before giving evidence in court you will be asked if you wish to take an oath or make an affirmation that your evidence is true. The difference between an oath and an affirmation is that the oath is a religious commitment whereas an affirmation is non-religious.
  
24. When it is your time to give your evidence you will be shown by the court clerk to the witness desk in the court room where you will be seated and remain so throughout before you take an oath or make an affirmation.

25. When giving your evidence:-
- a) Take your time and speak slowly and clearly;
  - b) Ask for a question to be repeated if you do not understand it or cannot hear;
  - c) If you are not sure of the answer, say so;
  - d) You can ask the court clerk for guidance;
  - e) Speak to the Panel when giving your evidence;
  - f) The lawyers on the other side may want to cross examine you i.e. ask questions about the evidence you have given. This is necessary to ensure a fair trial takes place.
  - g) The panel may ask you questions at any time.
26. Once you have given evidence and the Panel has confirmed you can be released from your duty as a witness you will be free to leave the Tribunal building.

#### **SECTION J. AFTER THE HEARING**

27. When the hearing has finished, the Chair will announce the decision(s) reached by the Panel and may provide brief reasons at that point. More detailed reasons will not be provided at this stage: the Tribunal will prepare 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.
28. The party that has called you to give evidence may confirm the outcome of the hearing with you directly.



