

**INDEPENDENT**

**IMPARTIAL**

**TRANSPARENT**

**SOLICITORS DISCIPLINARY TRIBUNAL**  
**ANNUAL REPORT**  
**1 JANUARY-31 DECEMBER 2018**



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## **ABOUT THE TRIBUNAL**

The Solicitors Disciplinary Tribunal (the SDT) was created by the Solicitors Act 1974 as a statutory tribunal. It is responsible for protecting the public interest and maintaining public confidence in the reputation of legal service providers, in particular the solicitors profession, by adjudicating on alleged disciplinary breaches of the Solicitors Regulation Authority's (SRA) rules and regulations and on certain appeals.

Solicitor and Lay Members are appointed to the SDT by the Master of the Rolls following an open selection process and in accordance with a published Appointment Protocol. Solicitor Members are practising solicitors of at least 10 years' standing. Lay Members are drawn from a diverse range of personal and professional backgrounds. Part of their role is to represent the views of the general public. Lay Members are neither solicitors nor barristers. To ensure that the SDT is (and is perceived to be) independent of The Law Society, the approved regulator of the solicitors profession, and the SRA (The Law Society's independent regulatory arm), individuals who are employed by or serve as Council or Board Members of either body cannot be appointed as Tribunal Members.

The Tribunal's first instance disciplinary procedures are governed by the Solicitors (Disciplinary Proceedings) Rules 2007 (the SDPR) (S.I. 2007 No. 3588) which came into force on 14 January 2008. The rules which govern the SDT's appeal jurisdiction, including appeals in respect of Alternative Business Structures (ABS) licensed by the SRA are Solicitors Disciplinary Tribunal (Appeals and Amendment) Rules 2011 (S.I. 2011 No. 2346) and the Solicitors Disciplinary Tribunal (Appeals) (Amendment) Rules 2011 (S.I. 2011 No. 3070). These came into force on 1 October 2011 and 23 December 2011 respectively. During 2018 the SDT launched a consultation on the making of amended procedural rules in relation to first instance applications to the Tribunal, the results of which were published in April 2019.

Since the enactment of the Legal Services Act 2007, the SDT's administrative and financial arrangements have been managed wholly independently from The Law Society. The SDT is assisted in its administration by Solicitors Disciplinary Tribunal Administration Limited (SDTAL), a company limited by guarantee and controlled by the SDT. The registered office of SDTAL is Gate House, 1 Farringdon Street, London, EC4M 7LG, where the SDT's court rooms, discussion rooms, and administrative offices are also based.

The SDT's budget is approved annually by the Legal Services Board and paid to SDTAL by The Law Society under a Memorandum of Understanding (dated 6 August 2016) signed by the Legal Services Board, the SDT, SDTAL and The Law Society and published on the Tribunal's website. The Memorandum of Understanding will be reviewed in 2019.

The SDT reports annually to the Legal Services Board on its performance against targets relating to the progress of cases (but not the number of applications received which is outside the SDT's control). Details of performance against targets are included in Appendix 1.

Names and dates of forthcoming hearings are published on the SDT's website approximately two weeks in advance. Hearings are held in public and Judgments published in full on the website, unless a Division of the Tribunal specifically directs otherwise. Visitors, including members of the public and the press and providers of legal services, are welcome to sit in court to observe the proceedings. In 2013, the SDT established a User Group Committee attended by key stakeholders. Meetings are held under the Chatham House Rule with a summary of decisions and discussions published on the SDT's website.

## COMPOSITION OF THE TRIBUNAL

**As at December 2018, the Tribunal was comprised of 46 Members including Officers  
(32 Solicitors and 14 Lay Members)**

### Officers

**President** – Mr E Nally

**Solicitor Vice-President** – Ms A Banks

**Lay Vice-President** – Mr M Palayiwa (until 2 March 2019)

### **Solicitor Members**

Mr JA Astle	Ms A Horne
Mr P Booth	Mr P Housego
Mr JC Chesterton	Mr M Jackson
Ms T Cullen	Mr P Jones
Mr JP Davies*	Mrs A Kellett
Ms J Devonish	Mr P Lewis
Ms H Dobson	Ms N Lucking
Mr W Ellerton	Mrs J Martineau
Mrs C Evans	Mr MN Millin
Mr J Evans	Mr R Nicholas
Mr CB Forde	Mr H Sharkett
Mr A Ghosh*	Mr T Smith**
Mr LN Gilford***	Mr AN Spooner
Mr D Green	Mr G Sydenham
Mr R Hegarty	Mr S Tinkler

### **Lay Members**

Mrs L Barnett OBE JP	Dr P Hurley
Dr S Bown	Dr P Iyer
Mrs N Chavda	Mr S Marquez
Mrs S Gordon	Mrs L McMahon-Hathway
Mr M Hallam JP	Mr R Slack
Mr S Hill	Mrs C Valentine
Mr S Howe JP	

\*Re-appointed in 2018.

\*\*Resigned 01.05.2019.

\*\*\* Retired 31.05.2019.

### Ged Fisher

The Tribunal was sad to announce the death on 13 April 2019 of Ged Fisher, a former Lay Member and Lay Vice President, who retired in January 2018 after 19 years' service at the SDT.

**COMPOSITION OF THE SDTAL ADMINISTRATIVE TEAM AND BOARD AS AT  
31 DECEMBER 2018**

**THE ADMINISTRATIVE TEAM**

GERALDINE NEWBOLD  
Chief Executive/Clerk  
Company Secretary of SDTAL

DAVEENA OGENE  
Head of Case Management

AUDREY OSBORNE  
Acting Senior Deputy Clerk  
*(until 2 June 2019)*

KAREN WOOD  
Head of HR and Office  
Administration

CASE MANAGEMENT TEAM

Marta Bagusaite -  
Snr Case Management Assistant

Anita Etentuk -  
Case Management Team  
Assistant

Joanne Thomas -  
Listing and Document Manager

CLERKING TEAM

Anne-Marie Roberts – Solicitor

Lubna Shuja – Solicitor

Matthew Waterworth - Solicitor  
and  
Data Protection Officer

Jonathan White - Solicitor

OFFICE SERVICES TEAM

Stuart DeBoos - Financial  
Controller

Klaudia Lyczkowska - Office  
Services Assistant

Josephine Passafiume  
Receptionist and Courtroom  
Assistant\*

Emma Tully - PA to the Clerking  
Team

*\*left 29.03.2019*

**THE BOARD**

**CHAIRMAN**—Edward Nally

**DIRECTOR**—Alison Banks

**DIRECTOR**—Millius Palayiwa (until 2 March 2019)\*

**DIRECTOR**—Colin Chesterton (from 4 July 2018)

**DIRECTOR**—Martin Hallam (from 4 July 2018)

*\*Replaced by Dr Stephanie Bown from 3 March 2019*

## **OUR VISION, CORE VALUES AND MISSION**

### **OUR VISION**

**The SDT's vision is to be the leader amongst professional and regulatory tribunals in the United Kingdom, particularly in developing and implementing strategies which demonstrate consistent best practice and value for money for our stakeholders, and in particular the public and the solicitors profession.**

### **OUR CORE VALUES**

**The SDT, the SDTAL, our Members and our staff are committed to being independent, impartial, transparent, effective, and efficient.**

### **OUR MISSION**

**To determine all cases, brought by the SRA or by Lay Applicants, in accordance with the principles of natural justice, paying due regard to the SDT's duty to protect the public from harm and maintain public confidence in the reputation of legal service providers, and in particular the solicitors profession.**

**To conduct SDT and SDTAL business in a way which is consistent with our commitment to be independent, impartial, and transparent with all our stakeholders.**

**To contribute as the SDT considers applicable and appropriate to the achievement of the Legal Services Act 2007 Regulatory Objectives.**

## **OUR OBJECTIVES**

### **OVERRIDING OBJECTIVE**

**The SDT's overriding objective is to ensure that all cases brought before it are dealt with justly and in accordance with the SDT's duty to protect the public from harm and to maintain public confidence in the reputation of providers of legal services.**

### **SUBSIDIARY OBJECTIVES**

**To determine allegations brought against respondents, in all cases applying the principles of law and natural justice.**

**To increase understanding amongst the public and the solicitors profession of the SDT's powers, procedures and decision-making processes.**

**To deal with matters in accordance with the SDT's duty to be independent, impartial and transparent.**

**To ensure that all relevant evidential material is available to the SDT in a timely fashion and accessible format throughout the proceedings and at the final hearing.**

**To deal fairly with Applicants and Respondents, their representatives, and others appearing before the SDT.**

**To deal with cases proportionately.**

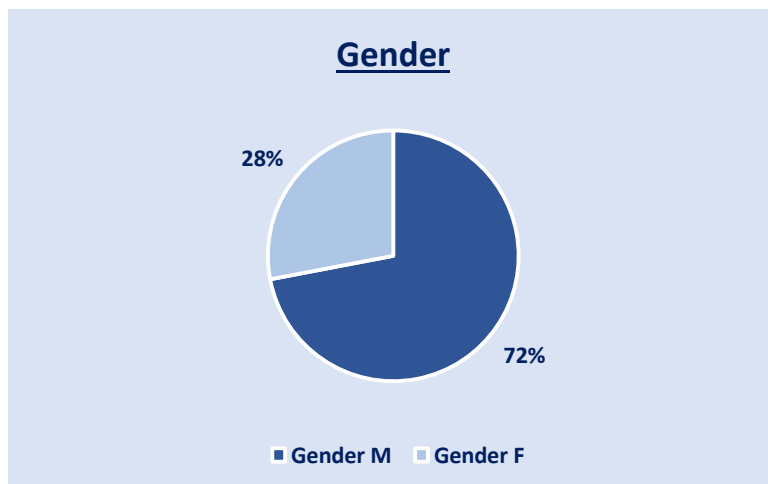
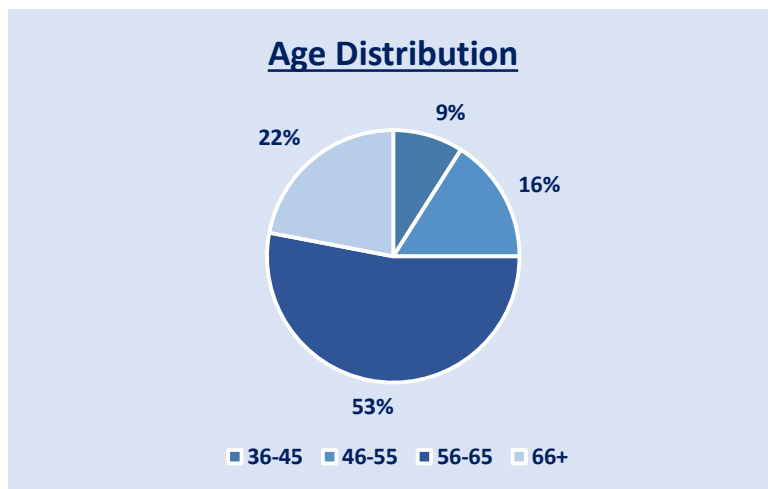
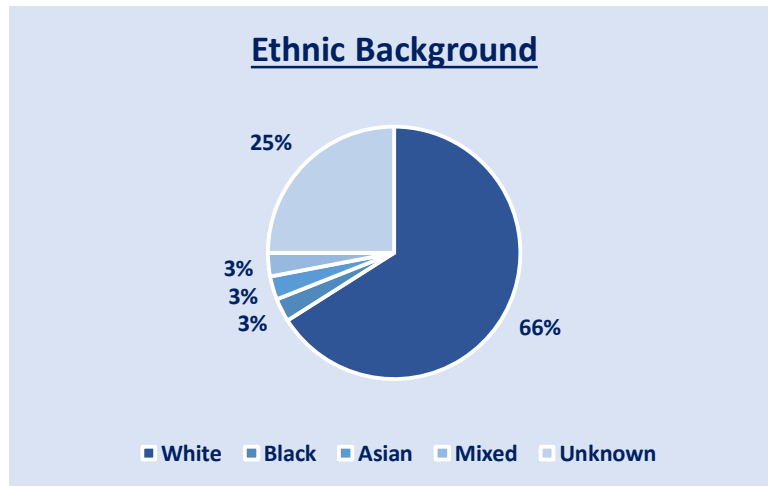
**To enhance the SDT's reputation.**

**To deal with cases efficiently and expeditiously.**

## DIVERSITY – TRIBUNAL MEMBERSHIP

The SDT is committed to equality of opportunity, and aims to treat everyone fairly and with respect, regardless of their background. We welcome diversity in our workforce and membership which we believe helps us to meet the needs of the solicitors profession and the public. We will not discriminate against anyone because of race, sex, sexual orientation, gender reassignment, religion or belief, marital or civil partnership status, age, disability, or pregnancy and maternity.

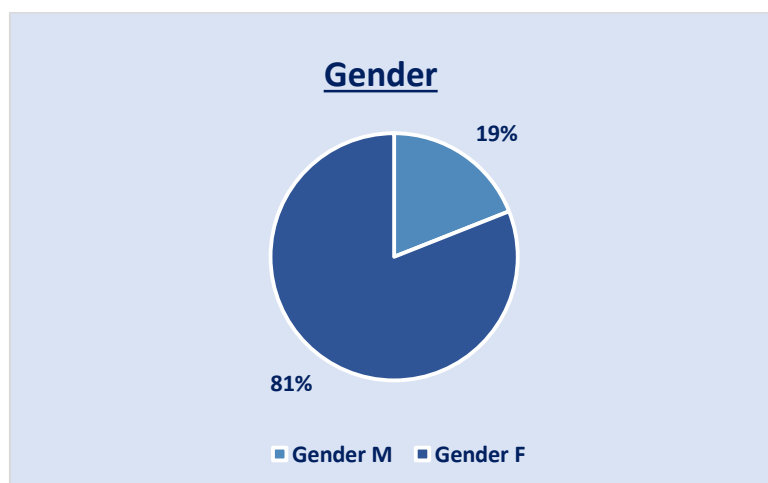
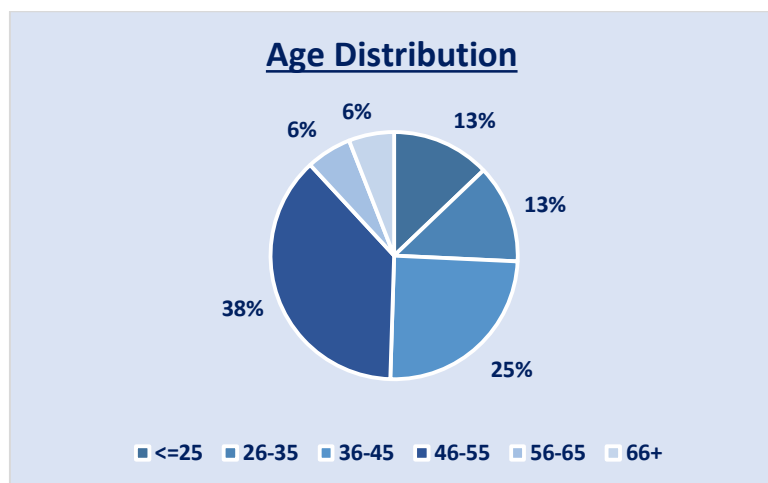
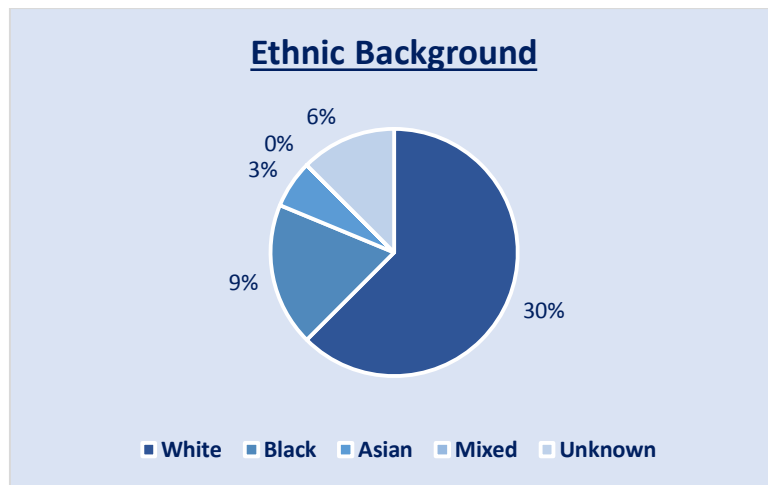
The charts below show the diverse make-up of the Tribunal as at 31 December 2018.





## DIVERSITY SDTAL ADMINISTRATION TEAM

The charts below show the diverse make-up of the SDTAL Administrative Team as at 31 December 2018.



## THE PRESIDENT'S REPORT

I am pleased once again to present our Annual Report for the calendar year 2018. Unsurprisingly this year has, as usual, been a packed and interesting one for the Tribunal.

Any organisation which aims at mediocrity or resists the pace of change will achieve both those goals with ease. That is not the SDT's vision however! Rather, it is my continued hope that we will grasp change, drive it through, and never stand still nor rest upon our laurels.

This year for example I can report on two telling examples. As this Annual Report goes to press, the application for approval of our new Disciplinary Rules (which include a suggested move to the Civil Standard of Proof) is pending with the Legal Services Board. Separately the roll out of CaseLines, which is a digital platform for the paperless delivery of bundles for our cases, is also underway.

These are bold and significant adjustments to our practices and procedures. I appreciate that change is not always comfortable, and not always universally popular. However that is not the test that any vibrant organisation can adopt. Time will tell whether and to what extent improvements and changes to the way the Tribunal operates will occur. For my part I am confident that all parties who come into contact with the Tribunal will find improvements to our procedures and efficiency to be beneficial. It is a significant and stressful business appearing before the Tribunal as a Respondent – of that I have no doubt – and procedures which are accessible, easy to use and efficient should be designed to ease rather than aggravate that burden.

A further word about the Standard of Proof. A move to the Civil Standard has the potential to be one of our more controversial decisions. It has attracted publicity in the press and within the profession. Some have great anxiety about a move away from the Criminal Standard if and when it occurs. I fully respect that view but I believe the concern is misplaced. I hope to be reporting this time next year upon a smooth transition to the change of Standard of Proof and to our new Rules generally.

Readers of this Report will see that it contains a variety of statistics. I would invite you to consider the point that only a small fraction of the Solicitors profession find themselves in the unhappy position of appearing before our Tribunal. In percentage terms it is less than one percent. I sincerely hope that the percentage will continue to be at that low level. Without underestimating the impact upon those who are unfortunate enough to appear before the SDT as Respondents, I believe we need to maintain a sense of proportionality in terms of the impact that changes to our regulatory discipline have on the overwhelming majority of the profession.

On the wider business of the Tribunal, we bade farewell to our former Clerk and Chief Executive Officer Susan Humble who left the Tribunal after almost 8 years' diligent and committed service to the Tribunal. We have been extremely fortunate to have secured an excellent new Clerk and Chief Executive Officer, Geraldine Newbold who has been appointed following a competitive appointment process. Geraldine had been our Senior Deputy Clerk and has stepped up to the leadership challenge impressively in her new role.

## **THE PRESIDENT'S REPORT (cont'd)**

I am indebted to all the Executive Team of the SDT for the excellent work they do. The Tribunal would not run as efficiently and well as I believe it does, were it not for their collective efforts. A word of thanks too to my fellow Members. As an experienced Member, you acquire over time a sense of the commitment and rigour with which our Membership decide the cases before us. I marvel at the attention to detail displayed, the grasp of complex and often conflicting facts and submissions, and the innate sense of justice that underpins the deliberations of my colleagues on the Tribunal. Long may that continue. Our decisions are not always popular and on occasion they are subject to appeal. That will not change, but neither will the robust attention that the Tribunal applies when it searches for cogent and compelling evidence to support allegations made about Respondents who appear before the Tribunal.

Once again this year we have to say farewell to some of our senior Members whose terms come to a natural close. They include our Lay Vice-President, Millius Palayiwa, who we wish well following his recent retirement. On a poignant note, the Tribunal was shocked recently to receive the sad news of the passing of one of our longest serving Lay Members, Ged Fisher, who served as Lay Vice-President a few years ago before retiring from the Tribunal last year. He will be greatly missed by all of us.

I offer a word of thanks to our key stakeholders at the Legal Services Board, the Law Society, the Solicitors Regulation Authority and others with whom we continue to enjoy good relationships and appropriate engagement within our respective responsibilities.

Finally, I must thank the Membership for the trust they have placed in me in re-electing me as President for a second term of three years from February 2019. I will continue to use my utmost efforts to further the good standing and reputation of the Tribunal which I am extremely privileged and proud to serve.

**Edward Nally**  
**President**

## THE CLERK'S VIEW

2018 was certainly a significant year in the life of the SDT. So how can I best summarise it?

It is important to remember that each case before the SDT centres around an individual or individuals and the outcome is of considerable importance to them. If an individual finds themselves before the SDT as a respondent it is usually their first appearance before the SDT and it is essential that they understand the process and procedures. It is also crucial that they understand that the Tribunal is independent, impartial and transparent.

With that in mind the case management strategies that had previously been introduced have been continued and refined during 2018. Whilst the SDT cannot give legal advice the SDT aims to respond to all enquiries received promptly and as helpfully as possible. Additionally, in June 2018 the SDT launched its Interactive Tour on its website. The aim of the tour is to enable people to “look” inside the court rooms online so that they have a good feel as to what to expect on the day.

During 2018 the SDT committed to the introduction of a secure, cloud based, digital court platform called CaseLines. Parties in a case will be able to upload evidence documents directly into the CaseLines system, thereby eliminating the need for paper hearing bundles. CaseLines will reduce the time, effort and cost involved for SDT users - and for the SDT itself - in the preparation, collaboration and presentation in court of legal evidence bundles. Hard copies of the documents will no longer need to be filed at the SDT as electronic bundles will replace paper hearing bundles in the court room. CaseLines will reduce paper, printing, photocopying, postage and administrative costs for users by removing the requirement to file multiple hard copies of documents and bundles at the SDT. As I write CaseLines is being rolled out on a phased basis. The level of support for this change from members of the SDT's User Group Committee and key stakeholders, including those who act for solicitors in proceedings, has been encouraging.

In July last year the SDT launched a 12 week consultation on proposed new rules and the standard of proof that it should apply. The SDT carefully considered all the responses received as part of its decision making process. The response to that consultation has recently been published. In May 2019 the SDT made an application to the Legal Services Board for approval of its new rules. These rules include provision for the SDT to apply the civil standard of proof (the balance of probabilities) rather than the criminal standard (beyond reasonable doubt). It is hoped that the new rules will come into force towards the end of 2019.

During 2018 the SDT's Judgment Publication policy was updated in light of the implementation of GDPR. The Guidance Notes on Sanctions, Other Powers and Appeals were also reviewed with the latest versions coming into effect on 1 January 2019. The Guidance Note on Sanctions now includes expanded guidance as to what amounts to “exceptional circumstances” in cases where there has been a finding of dishonesty. This follows the Divisional Court's decision in respect of 3 appeals brought by the SRA in cases where dishonesty was found but the solicitors concerned were not “struck-off” due to a finding that there had been exceptional circumstances.

As was mentioned in last year's report, allegations of misconduct of a sexual nature by solicitors are likely to be an increasing theme for future cases brought by the SRA. In November 2018 SDT Members and staff received training in respect of the specific considerations required when dealing with vulnerable witnesses.

## **THE CLERK'S VIEW (cont'd)**

The SDT has in place a Guidance Note on Applications for Special Measures for vulnerable witnesses, parties or litigants in person. This Guidance will be kept under review. The SDT will also continue to make reference to the additional guidance contained in the Equal Treatment Bench Book.

The SDT continues to perform well against its Performance Measurements. One of the biggest issues in 2018 was the late vacation of hearing dates due to adjournment or Agreed Outcome applications. This resulted in a significant number of hearing days being "lost". A number of measures have been put in place to try and minimise the number of hearing days that are not effective, including bringing forward cases where earlier suitable dates become available. With a new Senior Deputy Clerk having started in June 2019 we will continue to focus on this area and on listing substantive hearings as soon as possible (subject to the interest of justice and the requirements of the case).

Away from the day to day activity of the SDT, July 2018 also saw the announcement of an independent review into the regulatory framework for legal services in the UK, led by Professor Stephen Mayson. Professor Mayson aims to complete the review by the end of 2019, and present its conclusions and recommendations to the Ministry of Justice. The SDT met with Professor Mayson in May 2019 and looks forward to the outcome of the review with interest.

The dedicated and committed staffing team continue to strive to ensure that all those involved in the proceedings are treated with respect and as individuals. Without their hard work and commitment the SDT simply could not deliver the service it does. Much of what the staffing team does is behind the scenes but it is essential to the efficient and effective day to day operation of the SDT. I am grateful for all that each individual does to ensure the smooth running of the SDT.

I know that the SDT's decisions often receive negative comment in the legal press. As I conclude this Clerk's View I would reiterate that the SDT is entirely independent and impartial. The vast majority of the SDT's hearings are held in public. If the opportunity arises I would encourage you to come and observe a hearing (in full or part) and to make your own judgement as to how the SDT operates. What I hope you would observe is each case having a fair hearing, efficient and effective case management and evidence based decision-making.

**Geraldine Newbold**

**Chief Executive Officer and Clerk**

## **A RETIRING SOLICITOR MEMBER'S PERSPECTIVE**

I have always tried to make the fullest use of my qualification as a solicitor. I am enormously proud to be a solicitor and have always wanted to put something back into a profession that has been so good to me. I was secretary of my local law society for some 6 years and then a member of The Law Society Council for 16 years and was successful in my application in 2009 to be a solicitor member of the SDT. I retire from the Tribunal in August of this year. I look back on the SDT that I joined in 2009 and see the substantial changes that have been made in the last 10 years.

When I joined the Tribunal most of the cases were no more than a day, the papers that we received prior to a hearing were contained within a treasury tag and it was very rare that a QC appeared before us. Many of the matters were not contested. Cases were rarely taken to appeal. It is very different today. Boxes appear 2 weeks before the hearing full of lever arch files. As chairman you often have to deal with hard fought pre-hearing applications. You then receive a succession of emails with final pleadings and skeleton arguments from all sides. In a recent case I received a 70 page skeleton argument. When the hearing starts you have probably already spent hours if not days reading the papers.

The hearings are now much longer and far more of them are contested. The SRA and Respondents often instruct leading counsel. Legal points are hard fought and there are often applications within the hearing which have to be adjudicated on. We now have the help of an extremely useful Sanctions Guidance Note and case law now plays a much larger part in decision making. My time at the Tribunal has seen the introduction of Agreed Outcomes where parties have come to agreement over sanction and costs.

In my early years on the Tribunal the decisions of the Tribunal would usually be no more than 20 pages long. Spurred on by some adverse decisions of the Administrative Court our decisions now often run to 60 or 80 pages and give much greater detail of both the proceedings and the decision making process of the Tribunal Members in coming to their decision. An important step to being transparent.

All this has meant that the costs to the parties have risen considerably. The Tribunal members often take a sharp intake of breath when we are shown the costs schedule. It is important however that those before the Tribunal contribute to the costs of their appearance.

When I joined the Tribunal its membership did not reflect the profession in age, sex and ethnicity. It still does not. It will probably never reflect the profession in age as you have to be qualified for 10 years before you are considered for appointment. The Tribunal has an extremely arduous selection process and the last intake of new members has redressed the imbalance and I am sure the selection process that is about to happen will continue that trend. The Tribunal must reflect as far as possible the profession and society that it serves.

In 2009 the Tribunal had a part time Clerk. It now has an extremely capable full time Chief Executive who runs a dedicated and professional staff. The Members have regular training and are kept up to date with Regulation law by the staff giving a synopsis of relevant cases. A far cry from 10 years ago.

## **A RETIRING SOLICITOR MEMBER'S PERSPECTIVE (cont'd)**

The Tribunal Members have deliberated long and hard over the issue of the Standard of Proof. The Solicitor in me says we should keep the criminal standard. The regulation lawyer in me says we have to conform to most other professions and move to the civil Standard of Proof. The decisions the Tribunal makes usually have very serious consequences and I do not believe any change, if it happens, will make a great deal of difference to the difficult decisions we have to make in the retiring room.

I hope that we will continue to have 2 solicitor members on each Tribunal panel. It is just as important to have the trust of the Profession in our deliberations as the trust of other stakeholders. Two solicitor members bring a breadth of experience in how a solicitor operates in practice which in many cases is vital. This year will see the introduction of paperless hearings which will, when bedded in, substantially improve the efficiency of the Tribunal. We will see the end of boxes of papers being delivered to our offices and we will no longer have to lug suitcases of papers to the hearing. Hopefully referring to documents during the hearing will become easier and quicker.

I have watched all these changes and improvements from the side-lines and do not take any credit for any of them. They have however made sure that the Tribunal remains independent, impartial and transparent.

**Richard Hegarty**  
**Solicitor Member**

## **KEY EVENTS IN 2018**

### **Chief Executive and Clerk**

In June 2018, after almost eight years leading the SDT and SDTAL, Susan Humble, our Chief Executive Officer and Clerk, decided to move on. She was replaced by Geraldine Newbold, formerly Senior Deputy Clerk. Our new Senior Deputy Clerk, Ray Dhanowa, joined in June 2019, the role having been covered on an interim basis by Audrey Osborne.

### **Consultation on Rules and Standard of Proof**

Between 16 July and 8 October 2018 the Tribunal consulted on proposed new draft rules to update the current Solicitors (Disciplinary Proceedings) Rules 2007, and on whether we should apply the civil (instead of criminal) standard of proof. The response to the consultation was published early in 2019.

### **Changes in the Clerking Team**

In March, Catherine Comiskey left the Tribunal to take up appointment as a District Judge. We were joined in April by Matthew Waterworth, covering the dual role of Deputy Clerk and Data Protection Officer, and in January 2019 by Deborah Baljit. These additions to the team will enable us to ensure cases are listed and concluded within target timescales, and respond to increases in the length and complexity of cases.

### **Board Retirements and Appointments**

Laurence Gilford (Solicitor Member) and Lesley McMahon-Hathway (Lay Member) concluded their terms as Directors of SDTAL, and were replaced by Colin Chesterton and Martin Hallam respectively, following a competitive election process. Colin and Martin will serve until 3 July 2021.

### **Developing our IT capability**

Working with our new IT partner, Advanced, we moved our IT infrastructure to the cloud and invested in fit-for-purpose IT hardware, providing us with a more stable and cost-effective platform for the future.

### **Data Protection**

We updated our Privacy Notices and Data Protection Policies to ensure we remained compliant with the GDPR when it was implemented on 25 May 2018. The new policy documents give stakeholders a more detailed description of how we use and protect their personal data.

### **Improvements in Case Management**

**Electronic Forms:** We have designed more electronic forms, including applications to vary or remove conditions on practice, and a merged certificate of readiness and hearing timetable. This is part of our strategy to move towards paperless working, and provides easy online access for parties wishing to submit an application, ensuring that the required information is provided in a consistent format.

**CaseLines:** The Case Management Team has been working throughout 2018 to prepare for the implementation of CaseLines – a new, digital evidence management and presentation platform which is currently being rolled out.



## **KEY EVENTS IN 2018 (cont'd)**

Information for parties: We have reviewed the guidance available on our website for parties, Lay Applicants and the public, and have published updated guidance documents. We plan to introduce guidance notes for Lay Applicants and unrepresented Respondents about Tribunal proceedings, to ensure that all Tribunal users understand what happens when an application is made to the Tribunal in respect of Solicitors, Registered Foreign Lawyers, Registered European Lawyers and Recognised Bodies, and what to expect when a case is referred to a hearing.

Court utilisation: In order to maximise courtroom capacity, where hearing days would otherwise have been lost because of adjournments or Agreed Outcomes, we backfilled those dates by bringing other case forward, where appropriate and with the agreement of the parties.

User questionnaires: We have launched an online equality and diversity questionnaire, and a user satisfaction survey, in order to gather information about parties.

## **2019 - THE YEAR AHEAD**

### **CaseLines**

We have introduced a secure, cloud based, digital court platform called CaseLines which went live in April 2019 and will be rolled out for a targeted 75% of cases over the course of the year. CaseLines is used in Crown Courts and a growing number of Family Courts across England and Wales, with evidence uploaded directly into the CaseLines system, eliminating the need for paper hearing bundles. CaseLines will reduce time, effort and cost for the Tribunal and its users, freeing up resources and optimising court utilisation. It will also contribute towards reducing the SDT's carbon footprint as part of our progress towards paperless (or 'paper-light') working in the future.

### **Digitisation of Judgments**

We are exploring opportunities to digitise our historical judgments, currently held in hard copy in our archives. This will improve access to records for service users as well as leading to potential reductions in storage costs in the longer term and making sure the Judgment records are preserved for posterity.

### **Approval and implementation of new rules**

Having published the response to our consultation in April 2019 an application to make new rules, including a proposal to move to the civil standard of proof, has been submitted to the Legal Services Board. Subject to Legal Services Board approval, we hope to implement the new rules and standard of proof by the end of the year.

### **Case Management System**

During 2019 we will be upgrading our case management software system, to maximise return on our technology investments. This will enable us to deal with cases more efficiently, expeditiously and cost-effectively by streamlining and, where appropriate, automating our operational processes and improving our reporting and forecasting capability.

### **Appointment of reserves**

Following a number of retirements and resignations among SDT Members, we are asking the Master of the Rolls to progress the appointment of a number of reserve candidates selected as part of the 2015 recruitment round. We are looking forward to these new Members joining us in Summer 2019.

### **Improving information for parties**

We plan to introduce guidance notes for Lay Applicants and unrepresented Respondents about Tribunal proceedings, to help all Tribunal users understand what happens when an application is made to the Tribunal and what to expect when a case is referred to a hearing.

### **User-Satisfaction Survey**

We will be launching a user-satisfaction survey which can be shared with parties and their legal representatives at the conclusion of proceedings, to gather feedback to help us improve our service to Tribunal users.

## APPLICATIONS

**The Tribunal sat on  
266 days in 2018**

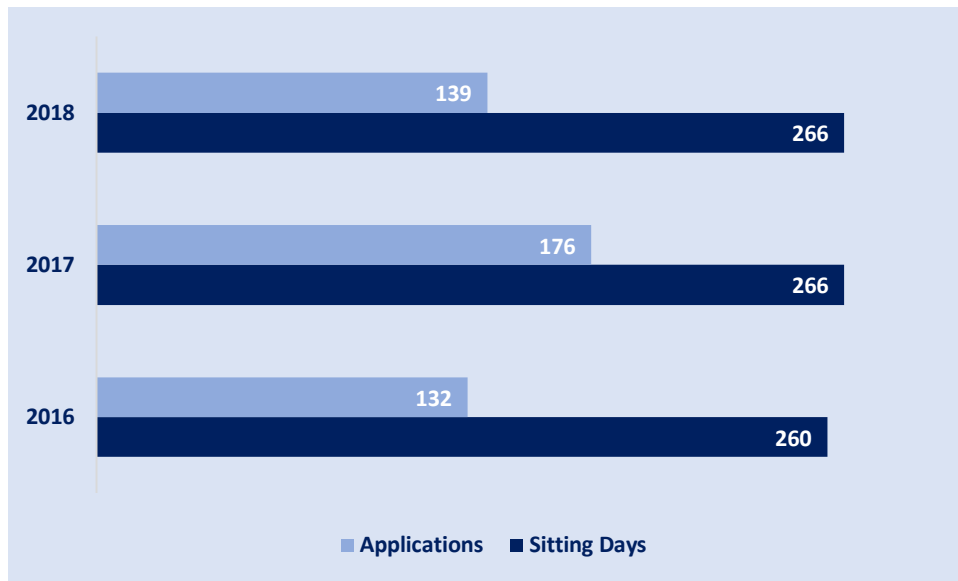
**139 new Applications  
were received—a  
decrease of 21% on  
2017**

**The Tribunal lost  
approximately 41  
days due to  
Adjournments**

<b>BREAKDOWN OF APPLICATIONS RECEIVED</b>	<b>01/01/2018- 31/12/2018</b>	<b>01/01/2017- 31/12/2017</b>	<b>01/01/2016- 31/12/2016</b>
<b>Number of Applications involving practising solicitors (from SRA):</b>	113	141	111
<b>Of those Applications involving practising Solicitors:-</b>			
<b>Registered Foreign Lawyers – 0 (3) - 2017, (1) 2016</b>			
<b>Recognised Bodies – 5 (7) - 2017, (3) - 2016</b>			
<b>Clerks – 4 (8) - 2017, (5) - 2016</b>			
<b>Lay Applications received</b>	9	11	8
<b>Number of Applications in respect of Solicitors' clerks alone<sup>1</sup></b>	0	1	1
<b>Number of Applications for Restoration to the Roll</b>	2	4	2
<b>Number of Applications to revoke, quash, review, or vary an Order under Section 43 made either by the Tribunal or the SRA, and appeals to the SDT</b>	4	4	4
<b>Number of Applications seeking determination of an indefinite period of suspension</b>	0	3	3
<b>Number of Applications in respect of former solicitors (i.e. solicitors no longer on the Roll)</b>	0	0	0
<b>Number of Applications to vary conditions on Practising Certificates</b>	5	2	2
<b>Number of Applications for Re-hearing</b>	0	0	0
<b>Number of Applications for Enforcement of Costs Order by the SRA</b>	4	6	1
<b>Remitted Appeals</b>	2	2	0
<b>Other Application/Application to Activate Suspension</b>	0	2	0
<b>TOTAL</b>	<b>139</b>	<b>176</b>	<b>132</b>

<sup>1</sup>An Order made pursuant to Section 43 of the Solicitors Act. Section 43 (as amended by the Legal Services Act 2007) applies to those who are not admitted solicitors and who are employed or remunerated by solicitors.

## COMPARISON OF APPLICATIONS/SITTINGS

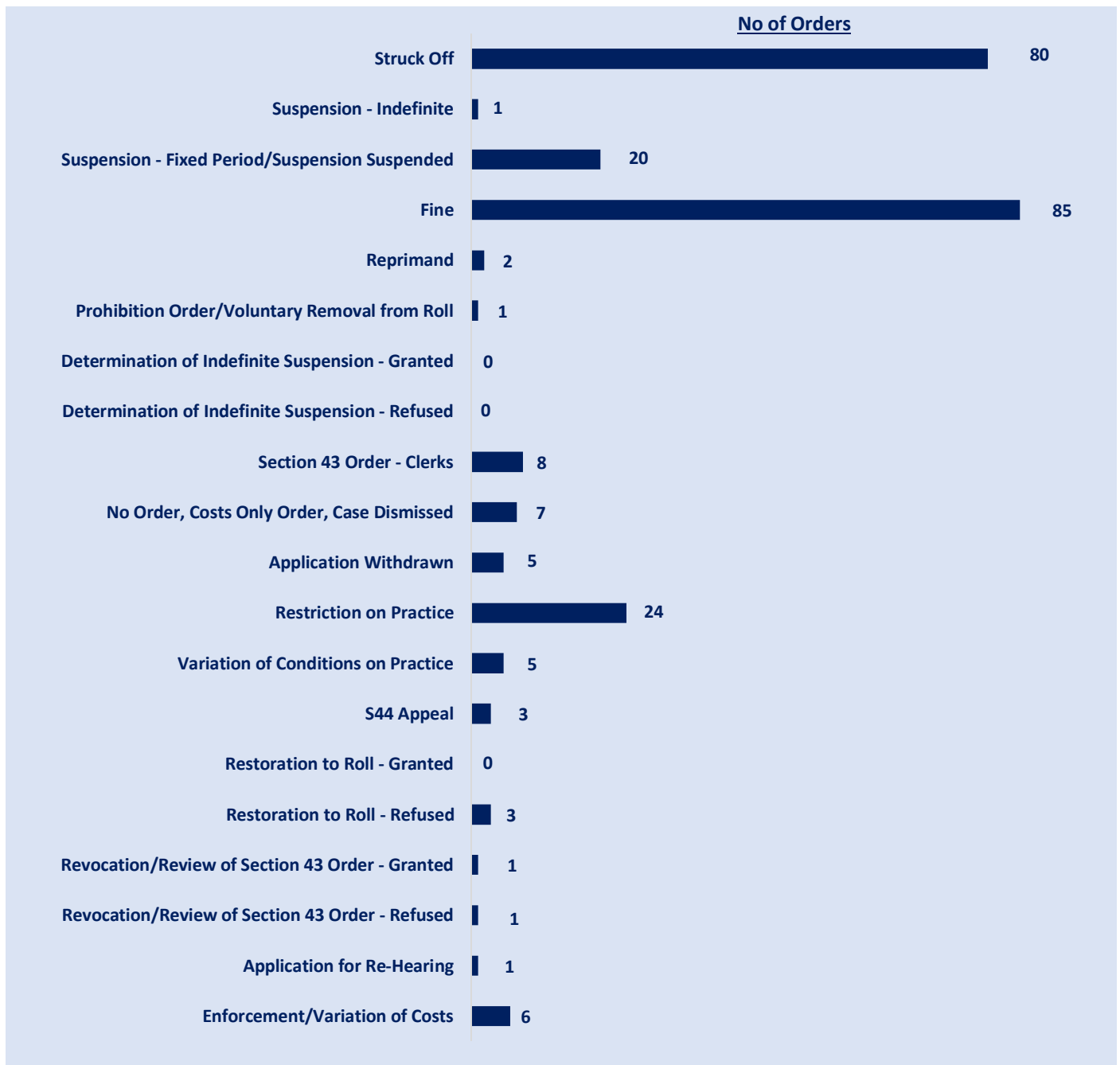


## LAY APPLICATIONS

9 of the Applications received during the period under review were made by members of the public. A Lay Applicant has the right of appeal to the High Court against the Panel's decision not to certify an application as showing a case to answer. The chart below shows how the 9 Lay Applications were determined:

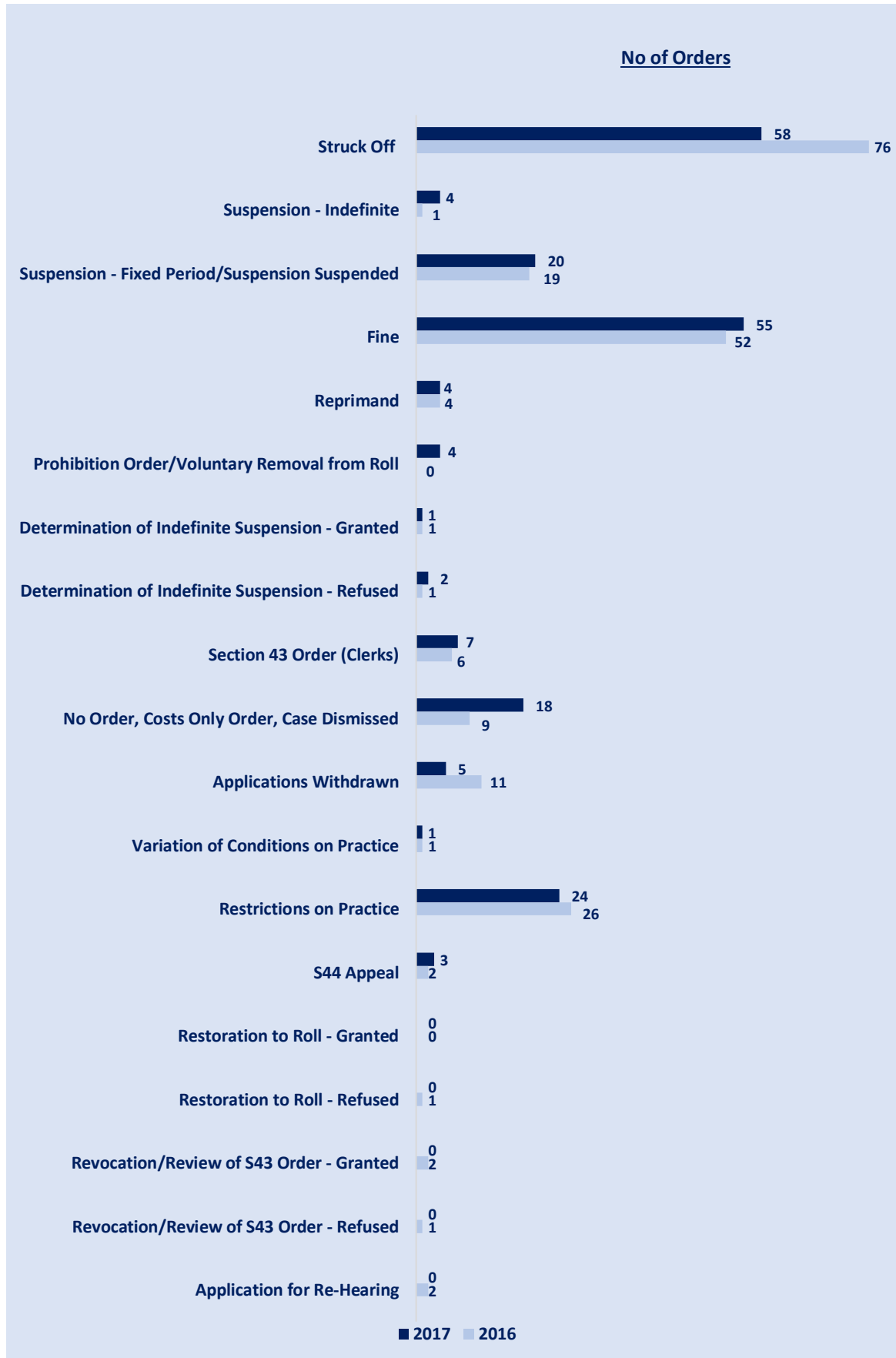


## BREAKDOWN OF ORDERS -2018

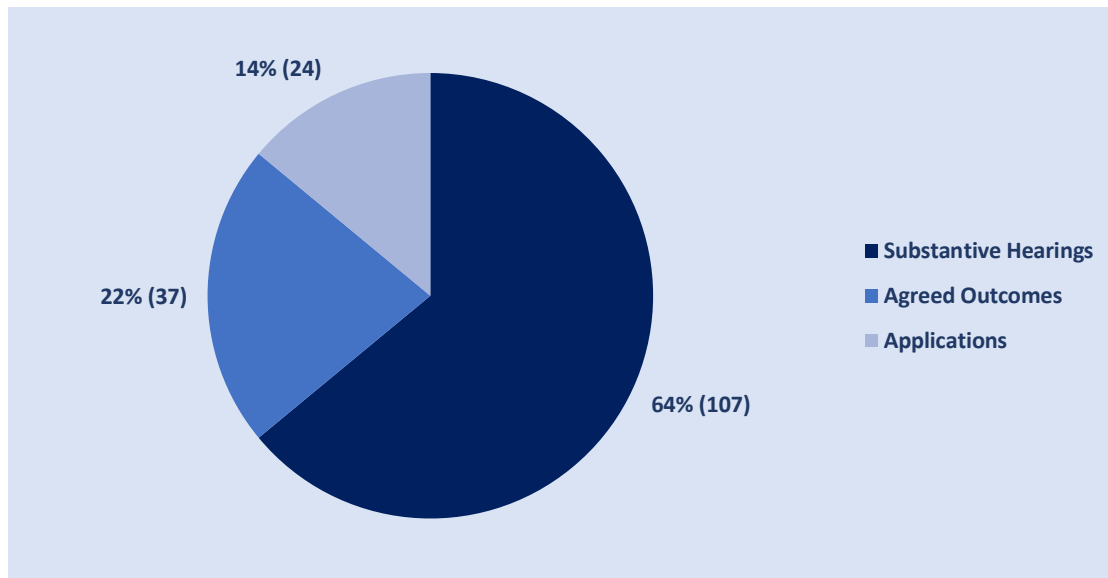


A number of the sanctions above resulted from an Agreed Outcome between the parties. The sanction information for cases dealt with by Agreed Outcome is shown on page 28.

## BREAKDOWN OF ORDERS 2017/2016



## CATEGORIES OF CASES CONCLUDED IN 2018



In 2018, 168 cases were concluded before the Tribunal. This chart breaks down the categories under which cases concluded, i.e. Substantive Hearing, Agreed Outcome or Applications. 'Applications' cover a range of matters, such as Section 44E Appeals, Restoration to the Roll, Determination of Indefinite Suspension or Applications for a case to be withdrawn.

## SUMMARY OF ORDERS 2018

The Tribunal's written Order is handed to the parties at the conclusion of the hearing and filed with the SRA (under powers delegated by The Law Society to the SRA) within 24 hours, unless the Tribunal directs otherwise. The Order is usually sent to the SRA by email immediately after it has been made. In 2018 the Orders made by the Tribunal were as follows:

### Solicitors Struck off the Roll

Examples of conduct leading to strike off included:-

# 80

**78 Solicitors and 2 Registered Foreign Lawyers were struck off the Roll/Register of Foreign Lawyers**

- ❖ Dishonestly misappropriating client money
- ❖ Criminal conviction
- ❖ Overcharging clients
- ❖ Grossly misleading clients and/or their employers by creating false documents
- ❖ Failing to discharge professional duties honestly and/or reliably

A solicitor may apply to be restored to the Roll in specified circumstances. However, where the Order striking the solicitor off the Roll was made as a result of dishonesty, the solicitor faces an almost insurmountable obstacle to restoration.

## SUMMARY OF ORDERS 2018 (cont'd)

### Suspension from Practice



In each case the solicitor's offences were serious but not so serious as to justify permanent removal of a right to practise. Included in these cases are those where the Respondent suffered from a serious illness or addiction affecting their ability to serve clients properly.

### Determination of Indefinite Suspension

In 2018, no such cases were heard. In the case of an indefinite suspension i.e. a suspension which has no fixed end date, the solicitor can apply for the period of suspension to be brought to an end in specified circumstances.

### Reprimand

# 2

**Solicitors  
received a  
reprimand**

A Reprimand will be imposed where the Tribunal has determined that the seriousness of the respondent's misconduct justifies a sanction at the lowest level and that the protection of the public and the reputation of the legal profession does not require a greater sanction.

Relevant factors may include:

- ❖ the respondent's culpability is low
- ❖ there is no identifiable harm caused to any individual
- ❖ the risk of any such harm is negligible
- ❖ the likelihood of future misconduct of a similar nature or any misconduct is very low
- ❖ evidence of genuine insight, assessed by the Tribunal on the basis of facts found proved and the respondent's evidence.
- ❖ minor breaches of regulation not dealt with under the SRA's own disciplinary jurisdiction.



## SUMMARY OF ORDERS 2018 (cont'd)

### Section 43 Orders

# 8

**Orders were made under Section 43 of the Solicitors Act.**

The Solicitors Act 1974, Section 43 (as amended), empowered The Law Society to make an application to the Tribunal for an Order controlling the employment of a person who is or was a clerk to a solicitor. When the relevant provisions of the Access to Justice Act 1999 came into force, The Law Society as well as the Tribunal gained power to make an Order pursuant to Section 43 in respect of persons employed or remunerated by a solicitor in connection with his practice.

The effect of a Section 43 Order is to vest in The Law Society control of the future employment of an individual clerk in a solicitor's practice. Whilst the Order remains in force, any solicitor wishing to employ the clerk must first obtain the written permission of The Law Society to do so. The Law Society delegates this role to the Solicitors Regulation Authority.

# 2

**Applications for Review/Revocation of Section 43 Orders were heard in 2018, 1 of which was granted and 1 refused.**

Where The Law Society or the Tribunal has made a Section 43 Order, the person in respect of whom that Order has been made or The Law Society may make an application to the Tribunal for review (Section 43(3)(a)) and whichever of The Law Society and Tribunal made the Section 43 Order may at any time revoke it (Section 43(3)(b)). On review, the Tribunal has power to quash, vary or confirm the Order (Section 43(3A)). The Tribunal may also make an order as to the payment of costs by any party to the application (Section 43(4)).

### Restoration to the Roll

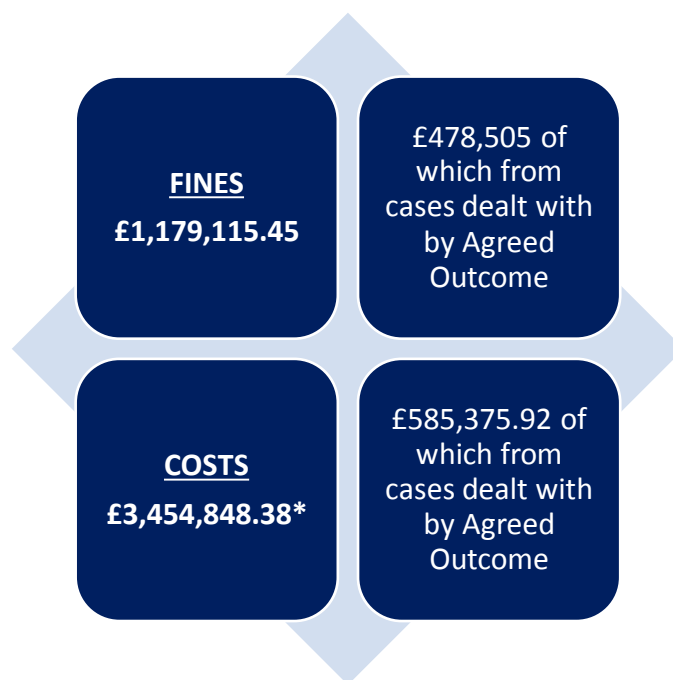
# 3

**Applications for Restoration to the Roll were heard – all of which were refused**

The Tribunal has power to restore to the Roll the name of a former solicitor whose name has been struck off the Roll. An application in such a case must be supported by a statement setting out details of the original Order of the Tribunal, dealing fully with the history of the applicant's employment since the Order was made and indicating his or her future intentions as to employment within the profession in the event that the application is successful. An application for restoration is not an appeal against the original decision to strike off/remove. The Tribunal's function when considering an application for restoration is to determine whether the applicant has established that they are now a fit and proper person to have their name restored to the Roll/Register.

## SUMMARY OF ORDERS 2018 (cont'd)

### Fines and Costs



\*Of total costs, £1,788 was ordered not to be enforced without leave of the Tribunal.

HM Treasury is responsible for the collection of fines and enforcement, and is provided with a copy of the Fine Order by the Tribunal. The SDT has no statutory role in enforcing such orders. Fines are imposed in a wide variety of cases. Under the Legal Services Act 2007, the level of fine that may be ordered by the SDT was lifted to an unlimited amount.

The quoted costs figure does not include cases where costs were referred by the Tribunal for detailed assessment by a High Court Costs Judge. These cases are generally those where the largest amounts in costs were claimed by the SRA. The SDT is not routinely informed of the outcome of detailed assessment.

### Appeals to the SDT

Appeals against internal decisions of the SRA are made to the Tribunal under:-

# 3

- ❖ Section 44E of the Solicitors Act 1974 (as amended).
- ❖ Paragraph 14C of Schedule 2 to the Administration of Justice Act 1985
- ❖ Section 46 of the Solicitors Act 1974 (as amended) as applied by Article 4(3) of the Legal Services Act 2007 (Appeals from Licensing Authority Decision (No 2) Order 2011) in respect of decision of The Law Society (delegated to the SRA) under Part 5 of the Legal Services Act 2007 and licensing rules made by the Society (ABS Appeals).

Appeals were heard under S44E – with 2 being dismissed and 1 allowed.

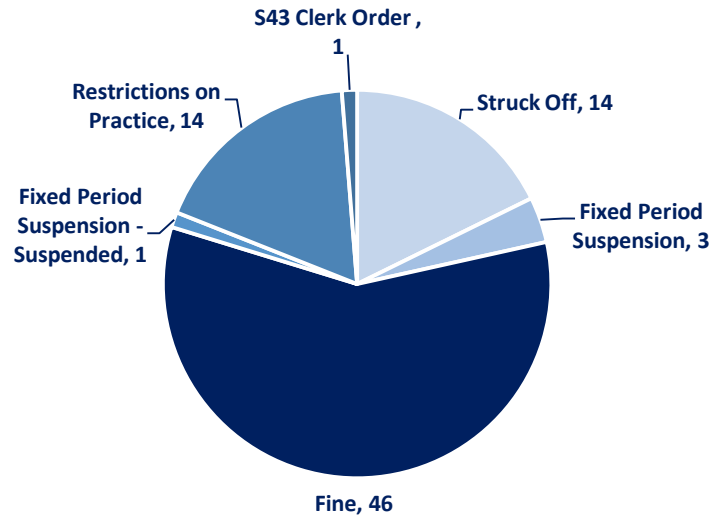
## **SUMMARY OF ORDERS 2018 (cont'd)**

In considering any appeal it is essential to recognise that the Tribunal carries out a review of the case. It does not rehear the original case. The Tribunal will not embark on an exercise of finding the relevant facts afresh.

Any appeal against the decision of the Tribunal must be made to the High Court. Appeals from decisions under the Act and the AJA are as of right. Appeals from decisions under the Legal Services Act 2007 may be made on a point of law arising from the decision of the Tribunal and require the permission of the High Court.

## **BREAKDOWN OF ORDERS FOR CASES DEALT WITH BY AGREED OUTCOME**

During 2018, 37 SRA Applications were dealt with by way of Agreed Outcome. A proportion of these 37 cases involved more than one respondent (solicitor or other) with 64 individual respondents being sanctioned, broken down, as follows:-



Of the 64 respondents sanctioned, 14 received an additional sanction of restrictions on practice. The Agreed Outcome resulting in a S43 Clerk Order also imposed an additional sanction of a fine.

To obtain an Agreed Outcome, the relevant parties jointly submit for approval by the Tribunal a signed agreement containing a statement of the facts and the proposed penalty, explaining why the suggested Order is in line with the Tribunal's published Guidance Note on Sanctions. This document will ideally be submitted to the Tribunal up to, but no later than, 28 days before the final hearing date (unless the Tribunal directs otherwise). The time limit is intended to maximise the benefit of cost savings arising from completion of the case without a full hearing.

If approved, the Agreed Outcome will be published with a brief supporting Judgment from the Tribunal. The Tribunal may direct that publication must not take place, either for a fixed period ending on a specific event e.g. conclusion of the case against other respondents, or indefinitely e.g. sensitive data detailed in the agreement.

## LENGTH OF SUBSTANTIVE HEARINGS

This table provides a breakdown of the length of substantive hearings and applications made before the Tribunal e.g. for Restoration to the Roll or ending of Indefinite Suspension. Case Management and Agreed Outcome hearings are excluded.

<b>LENGTH OF HEARING</b>	<b>01/01/2018-31/12/2018</b>	<b>01/01/2017-31/12/2017</b>	<b>01/01/2016-31/12/2016</b>
LESS THAN 1 DAY	19	10	18
1 DAY	53	46	74
2 DAYS	24	25	26
3 DAYS	9	4	13
4 DAYS	6	2	6
5 DAYS	2	7	3
6 DAYS	1	0	1
7 DAYS	3	0	0
8 DAYS	2	1	0
9 DAYS	0	1	0
10 DAYS	0	0	2
11 DAYS	0	0	0
12 DAYS	0	0	0
13 DAYS	1	0	0
14 DAYS	0	1	0
15 DAYS	0	0	0
16 DAYS	0	0	0
23 DAYS	1	0	0
7 WEEKS	0	1	0

## ANALYSIS OF ALLEGATIONS

Allegations are framed in different ways which can be broadly categorised into the following 7 groups:

**A. CRIMINAL CONVICTIONS**

**B SOLICITORS' ACCOUNTS RULES BREACHES**

**C CLIENT MONEY** Improper utilisation/misappropriation

**D FAILURES**

- Failure to pay Counsel's/agent's fees
- Failure to comply with undertaking
- Failure to comply with SRA direction/resolution
- Failure to account
- Failure to provide costs information
- Failure to supervise
- Failure to comply with Solicitors' Separate Business Code 1994
- Failure to respond to SRA/others
- Failure to comply with Solicitors' Indemnity Insurance Rules

**E BREACHES**

- Breach of the SRA Principles 2011
- Breach of the SRA Code of Conduct 2011
- Breach of the SRA Code of Conduct 2007
- Breach of the SRA Accounts Rules 2011
- Breach of authorisation and practising requirements
- Breach of client protection rules

**F DELAYS**

- Delay in delivery of papers
- Delay in professional business

**G OTHER**

- Includes:
  - Making false documents
  - Practising without a current Practising Certificate

## ANALYSIS OF ALLEGATIONS (cont'd)

The breakdown of substantiated allegations and allegations concluded by way of Agreed Outcome are shown below:-

### SUBSTANTIATED ALLEGATIONS

• A - CRIMINAL CONVICTIONS	9%
• B - ACCOUNTS RULES BREACHES	22%
• C - CLIENT MONEY	12%
• D - FAILURES	9%
• E - BREACHES	47%
• F - DELAYS	0
• G - OTHER	1%

### ALLEGATIONS CONCLUDED BY WAY OF AGREED OUTCOME

• A - CRIMINAL CONVICTIONS	8%
• B - ACCOUNTS RULES BREACHES	24%
• C - CLIENT MONEY	12%
• D - FAILURES	9%
• E - BREACHES	47%
• F - DELAYS	0
• G - OTHER	0

## MANAGING CASES – THE APPLICATION PROCESS

- ❖ Proceedings start with an Application made under Rule 5 (solicitor) or Rule 8 (clerk) of the Solicitors (Disciplinary Proceedings) Rules (SDPR) and delivery of a Statement with supporting documents to the Tribunal. Applications may be made by the SRA or private individuals (known as Lay Applicants). However, Lay Applicants can bring cases only against solicitors. In some cases the Applicant may be a former solicitor making an application to be restored to the Roll or a solicitor applying to end a suspension or to vary conditions on practice imposed by the Tribunal.
- ❖ The Application is, in all cases, initially considered on the papers, without an oral hearing, by a single Solicitor Member, under Rule 6 of the SDPR.
- ❖ If the Solicitor Member is minded not to certify that there is a case to answer, or in his or her opinion the case is one of doubt or difficulty, the Application, Statement and supporting documents are considered, again on the papers without an oral hearing, by a panel of 3 Members (2 Solicitor Members and 1 Lay Member).
- ❖ The Applicant is informed whether a case to answer has been certified or not.
- ❖ For all first instance proceedings certified as showing a case to answer, Standard Directions are issued by the Clerk and served on the parties, in accordance with Practice Direction No. 6, 'Practice Direction on Case Management for First Instance Proceedings'. Standard Directions can be varied by agreement between the parties and with the approval of the Tribunal if an application is made within 21 days (and exceptionally in other circumstances).
- ❖ A substantive hearing date is fixed immediately after the case has been certified. The length of time allocated for the hearing is based on the time estimate provided by the SRA and confirmed by the Clerk or another member of the clerking team after a careful review of the papers on which the Application is to be certified.
- ❖ For cases with a time estimate of more than 2 days, a case management hearing (CMH) is allocated. The CMH takes place either at the Tribunal's offices, or by telephone conference call or video link, no sooner than 42 days after the date proceedings were served, unless the parties agree that the CMH should take place more quickly. The CMH may be conducted either by a 3-member Tribunal or by the Clerk, the Senior Deputy Clerk, or a deputy clerk.



## MANAGING CASES – STANDARD DIRECTIONS

- ❖ The Respondent is directed to send to the Tribunal and every other party an Answer to the Application, stating which allegations (if any) are admitted and which (if any) are denied. The Answer must be provided by the date stated in the Standard Directions, and which expires before the date fixed for a CMH (if applicable).
- ❖ If, by the specified date, the Respondent fails to deliver their Answer, the parties are required to attend the Clerks' Court, either in person or by telephone. The Clerks' Court was introduced in February 2017 as a measure to help with the effective management of cases. At the Clerks' Court, the reasons for default are explored and a further (and final) 7 days granted to comply with the direction. At the same time the parties are given the date for a Tribunal CMH (i.e. a CMH heard before a Division of the Tribunal) fixed for the day after expiry of the 7 day period. Costs of attendance at the Clerks' Court are reserved to the Tribunal CMH for a decision.
- ❖ If the Respondent delivers an Answer within 7 days, the Tribunal CMH is vacated. If the Respondent does not deliver an Answer within 7 days, the Division at the CMH can make any order it wishes, including for costs against the Respondent, to be paid immediately.
- ❖ No less than 28 days before the substantive hearing, all parties are required to send a Certificate of Readiness to the Tribunal and the other parties. On receipt of the Certificate of Readiness, it may be decided that a further CMH is needed. This date will be fixed at short notice so that any further Directions can be made to make sure that the substantive hearing can go ahead.
- ❖ If a Certificate of Readiness is not filed on time, non-compliance is referred to the Clerks' Court, as outlined above. Failure by a party to deliver a Certificate of Readiness by the deadline specified does not delay the substantive hearing which will go ahead on the date fixed.
- ❖ Time limits apply for the service of notices under the Civil Evidence Act and other procedural matters. The Tribunal encourages and accommodates requests from the parties to expedite hearings. This is important, as sometimes the parties want to complete their case as quickly as possible.
- ❖ The allocation of a hearing date for medium to long cases (i.e. with a time estimate of between 2 days and several weeks) depends on the availability of the parties, advocates, witnesses, Tribunal Members, clerks, and courtrooms. The Tribunal will do its best to work round the dates when parties and advocates are unavailable. However, Practice Direction No. 6 envisages that dates for substantive and CMH will almost always be fixed without reference to the parties.
- ❖ A party can apply for the hearing date to be varied, with the agreement of the other party/parties and an explanation supported by evidence as to why the variation is required. Applications of this kind are treated as an application to adjourn the hearing date. In the absence of a persuasive reason for delay, the date is likely to be retained and the parties expected to be available, with the risk that the hearing proceeds in their absence if they do not attend. The Tribunal's published 'Policy/Practice Note on Adjournments' must be considered when making or consenting to applications for adjournment.

## THE ADMINISTRATIVE COST OF RUNNING THE TRIBUNAL

Since 1 July 2008, the SDT has been responsible for payment of its own administrative costs and makes an annual budget application for its funding for the following year, for consideration and approval by the Legal Services Board. Once the budget has been approved, the SDT makes a formal application to The Law Society for payment of funds, under a Memorandum of Understanding (dated 6 August 2016) signed by the Legal Services Board, the SDT, SDTAL, and The Law Society, and published on the Tribunal's website.

Any surplus at the end of each year is adjusted once SDTAL's accounts have been audited by external auditors and filed at Companies House.

In accordance with the Legal Services Act 2007, the full cost of funding the SDT comes from a levy on the solicitors profession, included in the annual practising certificate fee. A comparison of the annual cost of the Tribunal over the past 3 years is shown below:

CALENDAR YEAR	TOTAL BUDGET FOR YEAR (£000)	ANNUAL COST PER REGULATED SOLICITOR (£)
2016	2,908	20.97
2017	2,905	20.39
2018	2,914	19.95

The cost is based on the 2018 budgeted figure divided by the number of regulated persons. The average number of regulated persons contributing to the cost of the SDT during 2018 was **146,082** (143,020 practising solicitors plus 3,062 registered European and foreign lawyers) (Source: SRA Data for Population of Practising Solicitors).

## EXPENDITURE FOR 2018/2017

	2018	2017
	£	£
Operating expenses - members' fees and associated expenses	615,635	609,446
Administrative costs	1,295,774	1,257,152
Building costs	670,710	538,695
Irrecoverable VAT	163,263	135,066
Depreciation Charge	66,081	57,170
<b>Total Expenditure</b>	<b><u>2,811,463</u></b>	<b><u>2,597,529</u></b>

## **PERFORMANCE MEASUREMENTS**

The SDT has a number of performance measurements, against which it monitors its performance and on which it reports regularly to the Legal Services Board. These are:

- ❖ Performance Measurement 1—Issue of Proceedings
- ❖ Performance Measurement 2—Determination by Hearing
- ❖ Performance Measurement 3—Cost per Court
- ❖ Performance Measurement 4—Production of Judgment
- ❖ Performance Measurement 5—Appeals

Towards the end of 2016 the SDT's CEO and Board reviewed Performance Measurements 2 and 4. As a result of this review, Performance Measurements 2 and 4 were revised with effect from 1 January 2017.

The SDT's performance against each of the agreed measurements during 2018 is set out in detail in Appendix A.

The Tribunal's Performance against Performance Measurement 1A and 4 was good during 2018 with both targets met and exceeded. KPM1B was not achieved; however this was largely due to 2 applications (of 26) being referred to the SRA for investigation.

Performance Measurement 2 measures the time between the issue and determination of proceedings. This Performance Measurement is significantly impacted by factors such as adjournment applications. During 2018 the Tribunal experienced challenges in listing cases within the 6 month target period. In part this was due to the additional clerking resource that had been identified as necessary not coming to fruition until January 2019 due to the Clerk's departure and subsequent recruitment process. The Tribunal is now listing matters within the 6 month period and anticipates (subject to factors beyond its control such as adjournments) reporting improved performance against this measurement in 2019.

Performance Measurements 3 and 5 are reporting measurements only as they record measures which are influenced by factors that are partially outside of the Tribunal's control, such as the number of hearing days per year.

## **APPENDIX 1**

### **KEY PERFORMANCE MEASUREMENTS**

## PERFORMANCE MEASUREMENT 1

### (A) Issue of Proceedings (Solicitors, Former Solicitors, Registered Foreign Lawyers, Registered European Lawyers, Clerks and Recognised Bodies)

Target: In 85% of cases, proceedings to be issued or notification of non-certification sent to the Applicant within 7 calendar days of date of receipt of Originating Application (in the correct format) at the SDT

### (B) Issue of Proceedings (Lay Applications, Restoration to the Roll, Revoke a s.43 Order, Application to Determine Indefinite Suspension, Application for a Re-hearing, Application to Vary a Condition on Practising Certificate, Appeal S44E, Costs Order and Application to Activate Suspension)

Target: In 85% of cases, proceedings to be issued or notification of non-certification sent to the Applicant within 7 calendar days of date of receipt of Originating Application (in the correct format) at the SDT.

Year	Performance Measurement	No of Cases	Percentage
2018	A	113	100%
	B	26	80%
2017	A	142	100%
	B	34	94%

(A) The total number of substantive applications received from the SRA in 2018 was 113 (142 in 2017), a decrease of 29 (20%). Receipt of new cases from the SRA was distributed relatively evenly across the four quarters (with a slight peak in Quarter 3).

The number of weeks between the SRA's decision to refer a matter to the Tribunal and receipt of the proceedings (in the correct format) at the Tribunal varied from 5 weeks to 163.3 weeks with approximately half of such cases received between 20 and 25 weeks after the decision to refer. The SRA and Tribunal both acknowledge that there are differences in how the SRA and the Tribunal calculate the time between the decision to refer the matter to the Tribunal and issue of proceedings. Significant work was undertaken between the SRA and the Tribunal in 2018 to address previously identified discrepancies in the data held by the two organisations.

(B) The total number of other types of application received was 26 (34 in 2017), a decrease of 8 (24%) This figure remains higher than the 21 such applications received in 2016. These cases and, in particular, lay applications can be administratively time consuming. Lay applications may be referred to the SRA for investigation. If they are, the case cannot be considered for certification until the SRA have responded (which is normally a period of three months). Two lay applications were referred to the SRA in this way (one in August and one in September). This was a contributing factor as to why this KPM was not achieved.

## PERFORMANCE MEASUREMENT 2

### Determination by Hearing (2018-2017)

Target: determination of application, by substantive hearing or otherwise, from the date of issue of proceedings to take place within -

- ❖ 60% of cases - 6 months
- ❖ 20% of cases - 6-9 months
- ❖ 15% of cases - 9-12 months
- ❖ 5% of cases - 12-24 months

Yearly	2018		2017			
<b>Total no of cases heard</b>	<b>168</b>		<b>Cumulative %</b>	<b>136</b>		<b>Cumulative %</b>
<b>No. of cases concluded within 6 months of issue (Target 60%)</b>	66	39%	39%	89	65%	65%
<b>No. of cases concluded between 6-9 months of issue (Target 20%)</b>	60	36%	75%	30	22%	88%
<b>No. of cases concluded between 9-12 months of issue (Target 15%)</b>	18	11%	86%	5	4%	91%
<b>No. of cases concluded between 12-24 months of issue (Target 5%)</b>	24	14%	100%	12	9%	100%

Although the number of substantive applications received from the SRA decreased, the total number of cases heard increased from 136 in 2017 to 168 in 2018. It is important when considering performance year on year to consider the actual number of cases heard in the time period in question and not just the percentage. For example in 2017, 89 of 136 cases (65%) were heard within 6 months. In 2018 66 cases were heard within 6 months (39%). In 2017 119 cases were heard within 9 months of issue (cumulatively 88%). In 2018 more cases were actually heard by this time (126). However the cumulative percentage was lower because of the fact more cases were heard in the year (75%).

### Determination by Hearing (2016-2012)

Target: In 70% of cases determination of application, by substantive hearing or otherwise, to take place within 6 months from the date of issue of proceedings.

Yearly	2016	2015	2014	2013	2012
<b>No of Cases heard</b>	152	115	99	144	236
<b>No. of cases where target was achieved</b>	74	67	56	79	128
<b>Percentage of Target Met for Year</b>	49%	58%	57%	55%	54%

## ADJOURNMENT APPLICATIONS

Adjournments have a significant impact on the SDT's ability to manage its case-load effectively and to determine cases within target timescales. Late applications for adjournment result in wasted court time which it is difficult to fill with other cases at short notice. When matters are adjourned and relisted this impacts on the ability to list new cases received which require hearings during the same time period. If a matter is adjourned part heard identifying further hearings dates is affected by the availability of parties and advocates.

<b>Applications - Yearly Figures 2018</b>					
Applicant	24 (29%)	Granted	18 (44%)	Refused	6 (14%)
Respondent	55 (66%)	Granted	20 (49%)	Refused	35 (83%)
Tribunal	2 (2.5%)	Granted	2 (5%)	Refused	0
Joint	2 (2.5%)	Granted	1 (2%)	Refused	1
<b>Total</b>	<b>83</b>		<b>41</b>		<b>42</b>

<b>Applications - Yearly Figures - 2017</b>					
Applicant	26 (26%)	Granted	19 (31%)	Refused	7 (18%)
Respondent	66 (67%)	Granted	35 (57%)	Refused	31 (82%)
Tribunal	7 (7%)	Granted	7 (12%)	Refused	0
Joint	0	Granted	0	Refused	0
<b>Total</b>	<b>99</b>		<b>61</b>		<b>38</b>

In 2017 there were 99 adjournment applications 61 (62%) of which were granted and 38 (38%) of which were refused. In 2018 this fell to 83 applications of which 41 (49.4%) were granted and 42 (50.6%) were refused.

Ill-health of the Applicant or Respondent was the most frequent reason for adjournment applications resulting in over 16 days of court time being lost. Just over 11 days of court time were lost due to adjournments because of further allegations being brought. Whilst in some cases the fact that there were further allegations arising at a later date was not foreseeable, in some matters the possibility of further allegations was mentioned at an early stage and it was disappointing to lose so much court time for this reason.

The loss of nearly 41 days due to adjournments and 57.5 days due to Agreed Outcomes has a significant impact on listings and also the number of actual hearing days in a given year (compared to the predicted hearing days for that year).



## ADJOURNMENT REASONS

Reasons	SRA stance on application			Respondent's stance on application				Court time lost Days and hours and minutes
	Opposed	Neutral	Agreed	Opposed	Neutral	Agreed	No Response	
Ill health of Applicant or Respondent (26)	13	6	4	0	0	1	2	16 days, 1 hour and 30 minutes
Respondent not ready (12)	7	1	2	0	0	1	1	0
Applicant not ready (3)	0	1	0	0	1	1	0	2 days 30 minutes
Criminal/Civil/other disciplinary proceedings pending (10)	4	0	4	0	0	2	0	4 days
Unavailability of parties (7)	2	1	1	0	0	3	0	2 days 3 hours
Further Allegations (5)	0	0	1	0	0	4	0	11 days 30 mins
Not served (2)	0	0	0	0	0	0	2	0
Witness unavailability (4)	0	0	1	0	0	3	0	2 days
Insufficient time estimate (3)	0	0	1	0	0	2	0	2 days
Agreed Outcome based upon medical grounds (1)	0	0	0	0	0	1	0	0
Agreed Outcome (1)	0	0	0	0	0	1	0	0
Counsel's unavailability (5)	2	2	1	0	0	0	0	1 day
<b>Total no of responses: 79 (excludes 2 joint applications and 2 Tribunal adjournments recorded below)</b>	<b>34%(28)</b>	<b>13%(11)</b>	<b>18%(15)</b>	<b>0</b>	<b>1%(1)</b>	<b>23%(19)</b>	<b>6%(5)</b>	<b>Total no. of court days lost: 40 days 5 hours 30 minutes (includes time lost due to 2 joint applications and 2 Tribunal adjournments recorded below)</b>

Joint Adjournment Applications - 2 (2.5%) (1 because there was an Agreed Outcome on its way and 1 because there were further allegations)  
Tribunal adjournments - 2 (2.5%) (1 due to medical reasons and 1 due to outstanding criminal proceedings)

## PERFORMANCE MEASUREMENT 3

### Cost Per Court

	2018	2017	2016	2015	2014	2013	2012
<b>No. of courts</b>	266	266	260	185	197	214	270
<b>Members Fees and Expenses</b>	£564,584	£547,572	£526,233	£364,951	£398,599	£415,928	£383,490
<b>Admin Expenses</b>	£2,184,052	£2,007,507	£1,889,828	£1,724,358	£1,496,985	£1,623,905	£985,494
<b>Total Spend</b>	£2,748,636	£2,555,079	£2,416,061	£2,089,309	£1,895,632	£2,039,833	£1,828,698
<b>Average cost per court</b>	£10,333	£9,606	£9,293	£11,294	£9,623	£9,532	£6,773

The overall cost per court has risen by £727 (7.6%). The main factors contributing to this increase were rises in Office Rent and Service Charges, Business Rates and IT expenditure. The rent review on all three floors at Gate House, in December 2017, resulted in a 12.5% rent increase. Business rates increased by 24% in April 2018. Rent, Service charge and Business Rates increase will be sustained. There was also an increase in IT expenditure in 2018 which was primarily due to the one-off investment in new technology, which is expected to improve efficiency and reduce operating costs in future years.

## PERFORMANCE MEASUREMENT 4

### Production of Judgment

#### 2018/17 Target:

Following final determination of the application, Judgment to be served on the parties within:-

#### **Percentage set by Legal Services Board**

35% - <4 weeks  
 10% - 4-5 weeks  
 20% - 5-6 weeks  
 15% - 6-7 weeks  
 10% - 7-9 weeks  
 10% - 9-15 weeks

#### **Cumulative Calculation**

35 % - <4 weeks  
 45% - 4-5 weeks  
 65% - 5-6 weeks  
 80% - 6-7 weeks  
 90% - 7-9 weeks  
 100% - 9-15 weeks

ISSUED WITHIN	2018		2017	
	Total no of Cases	167		136
≤ 4 weeks	105	63%	94	69%
4-5 weeks	16	72%	13	79%
5-6 weeks	23	86%	11	87%
6-7 weeks	14	95%	15	98%
7-9 weeks	4	97%	2	99%
9-15 weeks	5	100%	1	100%

#### 2016-2012 Target:

In 80% of cases the Judgment to be served on the parties within 7 weeks of the final determination of the application.

Year	No of Cases	Yearly Percentage issued within 7 weeks
2016	151	94%
2015	113	81%
2014	96	98%
2013	143	84%
2012	236	95%

## PERFORMANCE MEASUREMENT 5

### Appeals

Number of SDT decisions appealed by either the Applicant or the Respondent or both, and outcome.

There were 21 appeals lodged in respect of cases where the Tribunal's Judgment was issued to the parties in 2018. The table below records the percentages as at 31 December 2018. Since that time a further 5 appeals have been decided and 1 has been withdrawn as the Respondent Appellant passed away.

	2018			2017			2016		
	No. of cases heard in year	as % of SDT cases heard	as % of appeals lodged	No. of cases heard in year	as % of SDT cases heard	as % of appeals lodged	No. of cases heard in year	as % of SDT cases heard	as % of appeals lodged
	<b>168</b>			<b>135</b>			<b>152</b>		
<b>Appeals lodged</b>	21	12.5%	100.0%	13	9.6%	100.0%	12	7.9%	100.0%
<b>Appeals withdrawn/resolved by consent</b>	1	0.6%	4.8%	3	2.2%	23.1%	0	0%	0.0%
<b>Appeals dismissed</b>	3	1.8%	14.3%	8	5.9%	61.5%	7	4.6%	58.3%
<b>Appeals upheld in whole or part</b>	7	4.2%	33.3%	2	1.5%	15.4%	5	3.3%	41.7%
<b>Appeals outstanding</b>	10	5.9%	47.6%	0	0.0%	0.0%	0	0.0%	0.0%

The table below shows appeals known to the Tribunal in relation to cases heard by the Tribunal before 2018 and in respect of which the appeal was decided during the period 1 January to 31 December 2018.

Tribunal Reference	Comment
11354-2015	SRA appeal against findings allowed in part on 21.12.16. Remitted to Tribunal for decision on sanction and costs. Respondents appealed to the Court of Appeal on 06.02.18. Court of Appeal Judgment dated 07.03.18. First Respondent appeal dismissed, Second Respondent appeal allowed and remitted to Tribunal for redetermination of sanction and costs.
11408-2015	Respondent's appeal against findings allowed following hearing on 04.04.17 (Judgment 11.04.17). Remitted to Tribunal for rehearing on one, reframed, allegation. SRA appealed to the Court of Appeal on 07.02.18. Court of Appeal Judgment dated 07.03.18. SRA appeal allowed and SDT order reinstated.
11562-2016	SRA appeal against sanction dismissed on 11.07.17. The SRA sought permission to appeal to Court of Appeal. The appeal was withdrawn by consent on 17.03.19.
11570-2016	Respondent's appeal against findings, sanction and costs dismissed on 31.01.18 (hearing on 24.01.18).
11624-2017	SRA appeal against sanction allowed on 21.02.18 (hearing 06.02.18). Indefinite suspension set aside and replaced with strike off order.

## PERFORMANCE MEASUREMENT 5

Tribunal Reference	Comment
11514-2016	Respondent's appeal against findings dismissed on 23.05.18 (hearing 19.04.18).
11615-2017	Respondent's appeal against findings, sanction, and costs dismissed on 26.04.18. On 27.12.18 the Respondent was refused permission from the Court of Appeal to appeal that decision.
11502-2016	SRA appeal against majority findings. Hearing date 17 to 24.07.18. The appeal was dismissed on 19.10.18.

The table below shows appeals known to the Tribunal in relation to cases determined by the Tribunal during 2018 and in respect of which the appeal was heard during the period 1 January to 31 December 2018.

Tribunal Reference	Comment
11657-2017	SRA appeal against sanction allowed on 13.11.18 (hearing date 31.10.18-01.11.18). Suspended suspension replaced with strike off order.
11576-2016	First Respondent's appeal against decision to proceed in absence dismissed on 25.05.18 (hearing 26.04.18). On 24.01.19 the Court of Appeal refused the First Respondent permission to appeal against Lang J's decision.
11165-2013	First Respondent's appeal against findings, sanction and costs notified. Hearing date 14.06.18. Appeal against findings was dismissed, appeal against sanction was allowed in part.
11643-2017	SRA appeal against sanction allowed on 13.11.18 (hearing date 31.10.18-01.11.18). Suspended suspension replaced with strike off order.
11674-2017	Respondent appeal dismissed, and SRA cross-appeal against decision not to find dishonesty on one allegation upheld on 06.06.18. The Respondent sought permission from the Court of Appeal to appeal that decision. That application was dismissed with costs on 29.11.18.
11698-2017	SRA's appeal against sanction allowed on 12.10.18 (Hearing 10.10.18). One year suspension set aside and replaced with four year suspension.
11602-2017	SRA's appeal against sanction allowed on 13.11.18 (hearing date 31.10.18-01.11.18). Suspended suspension replaced with strike off order.

## PERFORMANCE MEASUREMENT 5

Tribunal Reference	Comment
11664-2017	First Respondent's appeal against findings and sanction notified. Hearing date 26.09.18. Judgment 14.01.19. Appeal dismissed.
11705-2017	Respondent's appeal against decision to proceed in absence allowed on 16.10.18. The allegations have been remitted to the Tribunal for re-consideration.
11581-2016	Respondent's appeal on procedural grounds and against costs. Hearing date 27.11.18. Judgment 24.01.19. Appeal dismissed.
11743-2017	Applicant's appeal against findings. Hearing 11.12.18. Appeal withdrawn by consent on 10.12.18.

### SUMMARY

<b>TOTAL APPEALS IN RESPECT OF 2018 CASES DECIDED DURING THE PERIOD UNDER REVIEW</b>	12	This total figure counts appeals and cross-appeals separately.
<b>APPEALS BY SRA</b>	6	Appeal dismissed— 0 Appeal withdrawn—1 Appeals allowed— 4 Cross-appeal allowed — 1
<b>APPEALS BY RESPONDENT</b>	6	Appeals dismissed — 4 Appeal withdrawn - 0 Appeal allowed— 1 Appeal allowed in part - 1

**APPENDIX 2**

**BIOGRAPHIES OF**

**TRIBUNAL MEMBERS AND CURRENT STAFF**

## **SOLICITOR MEMBER BIOGRAPHIES**

### **James Astle**

#### **Admitted as a Solicitor in 1977. Member of the Tribunal since 2009.**

Early practice in Planning/Highways Authority employment, then Thames Valley Police prosecutor. Oxford Solicitors 1980 to date: town and country planning, licensing, regulatory, discipline and crime. Previously Duty Solicitor and Higher Courts Advocate (Crime). Deputy District Judge (Magistrates' Court) and Deputy Traffic Commissioner.

### **Alison Banks - Solicitor Vice-President of the SDT and Director of SDTAL**

#### **Admitted as a Solicitor in 1993. Member of the Tribunal since 2006.**

Previously a prosecutor for the CPS and partner in high street practice specialising in personal injury and general litigation. Now concentrates exclusively on criminal defence litigation. Duty Solicitor. Member of the Chartered Institute of Public Finance and Accountancy (CIPFA).

### **Patrick Booth**

#### **Admitted as a Solicitor in 1981. Member of the Tribunal since 2015.**

Specialises in clinical negligence. Managing Partner of East Midlands firm for 9 years. Member of and Assessor to The Law Society's Personal Injury Panel. Member of AvMA Referral Panel. Holder of Deputyships in Court of Protection.

### **J Colin Chesterton – Director of SDTAL**

#### **Admitted as a Solicitor in 1980. Member of the Tribunal since 1994.**

Consultant in firm with offices in the West Country, Middle East and London. Until 2009 in general high street Legal Aid practice. Work now—Deputyships in Court of Protection, and involvement in some litigation. Outside the law, a number of local community interests.

### **Teresa Cullen**

#### **Admitted as a Solicitor in 1983. Member of the Tribunal since 1999.**

Partner in Holborn law firm. Specialises in Matrimonial/Family matters. Family Mediator (Resolution), Civil and Commercial Law Mediator (ADR Group). Collaborative Lawyer. Qualified Psychodynamic Psychotherapist working with couples and individuals. In practice for over 25 years. Member of and Assessor to The Law Society Family Law Panel (Advanced).

### **J Peter Davies**

#### **Admitted as a Solicitor in 1981. Member of the Tribunal since 2001.**

A partner in firms in London and Cardiff until 1998 when he set up a niche litigation practice in Cardiff specialising in professional negligence and personal injury work. Specialises in professional negligence as a director of a multi-branch practice based in Wales. Deputy District Judge since 1992. President of The Adjudication Panel for Wales between 2002 and 2016.

### **Jacqueline Devonish**

#### **Admitted as a Solicitor in 1991. Member of the Tribunal Since 2006.**

Area Coroner for Suffolk. Assistant Coroner in Inner North London, South London and Northampton. President of South Eastern England Coroners Society (2016-17). Principal of own firm in London undertaking criminal prosecution work for DVSA and Legal Reviewer for CIPFA.



## **SOLICITOR MEMBER BIOGRAPHIES**

### **Holetta Dobson**

#### **Admitted as a Solicitor in 1986. Member of the Tribunal since 2015.**

Sheffield based, specialising in civil/commercial litigation and employment law. Experience of working for a large practice and for many years as an equity partner in a small niche practice and latterly employed in a Legal 500 firm. Appointed Deputy District Judge in 1997.

### **William Ellerton**

#### **Admitted as a Solicitor in 1997. Member of Tribunal since 2015.**

Partner from 2007 to 2016 in an international firm specialising in banking litigation with a particular emphasis on fraud and professional negligence work. From 2017, partner in a large Bristol firm heading a team of 40 litigators undertaking a range of work types.

### **Carolyn Evans**

#### **Admitted as a Solicitor in 2004. Member of the Tribunal since 2015.**

Partner in regional high street practice between 2009 and 2016, before setting up own practice. Duty Solicitor. Higher Rights Advocate. Specialist in Road Transport and Regulatory Law, including defending Operators at Public Inquiry and the Upper Tribunal.

### **Justin Evans**

#### **Admitted as a Solicitor in 1995. Member of the Tribunal since 2015.**

Partner in a firm in Cardiff until 2005 when he set up a general practice in the South Wales Valleys. Specialises in litigation. Solicitor-Advocate with extensive experience of civil and criminal cases before all Higher Courts. Prosecuting solicitor for DVSA.

### **C Bellamy Forde**

#### **Admitted as a Solicitor in 2004. Member of the Tribunal since 2015.**

General civil litigator and partner, specialising in employment law and claims against public authorities.

### **Ashok Ghosh**

#### **Admitted as a Solicitor in 1985. Member of the Tribunal since 2010.**

Consultant in a City practice specialising in acting for investment banks in project financing. Formerly a partner successively in 4 City firms, including a US firm. Fellow of the Chartered Institute of Arbitrators. Trustee of almshouses charity.

### **Laurence N Gilford**

#### **Admitted as a Solicitor in 1973. Member of the Tribunal since 1999. Retired from the Tribunal 31 May 2019.**

Specialises in Civil/Commercial litigation. In partnership in total of 4 central London/City firms since 1976. Appointed Deputy District Judge in December 1991.

### **Dominic Green**

#### **Admitted as a Solicitor in 1993. Member of the Tribunal since 2006.**

Partner in a Fleet Street firm, specialising in media-related disputes, intellectual property litigation, and defamation. Previously Head of Media and Entertainment in Soho W1 firm and partner for 5 years in music and media practice in Covent Garden, WC2. Appointed Registrar of Falkland Islands Court of Appeal in 2018 and Registrar of British Indian Ocean Territories Supreme Court and Court of Appeal also in 2018.

## **SOLICITOR MEMBER BIOGRAPHIES**

### **Richard Hegarty**

#### **Admitted as a Solicitor in 1974. Member of the Tribunal since 2009.**

Founder of and now a Consultant with a Peterborough firm. Specialises in commercial property and solicitor regulation, expert witness for prosecuting authorities in relation to property-related fraud and money laundering.

### **Angela Horne**

#### **Admitted as a Solicitor in 1985. Member of the Tribunal since 2015.**

Previously a partner in 3 City law firms, specialising in professional negligence/regulation until relocating to Somerset in 2014. Now a Consultant with an international insurance practice, based in both Taunton and London. Also a Non-Executive Director of SIMIA Ltd, and a lay faculty member for the MRCOG Part III Examination.

### **Paul Housego**

#### **Admitted as a Solicitor in 1978. Member of the Tribunal since 2009.**

Cambridge, City firm, then 40+ years practice in a small Devon firm undertaking different types of work, now mainly employment law. As well as the SDT, undertakes professional regulation work for several other professions. Judge at Employment Tribunal since 1992 and the Asylum and Immigration Tribunal since 2014.

### **Martin Jackson**

#### **Admitted as a Solicitor in 1986. Member of the Tribunal since 2015.**

Ran own criminal defence practice as part of Reading Solicitors Chambers 1993-2011; now a consultant solicitor-advocate in Reading. Appointed as Deputy District Judge (Magistrates' Court) in 2005; Crown Court Recorder, Midland Circuit, 2009; and Legal Assessor and LQC with the Medical Practitioners Tribunal Service, which is the successor to the GMC's regulatory arm.

### **Peter Jones**

#### **Admitted as a Solicitor in 1982. Member of the Tribunal since 2015.**

Consultant at global law practice and former Head of Litigation for the firm's central offices. Practice focuses on acting for public inquiries of national importance, and for litigation work in the public sector.

### **Alison Kellett**

#### **Admitted as a Solicitor in 2001. Member of the Tribunal since 2015.**

10 years in private practice at magic circle law firm before moving to work in a global financial institution, currently Head of Global Dispute Resolution for UK, Channel Islands and Nordic countries. Specialising in financial services litigation and general counsel work. School governor since 2012, currently Deputy Chair, and Chair of the Compliance and Nominations Committees.

### **Paul Lewis**

#### **Admitted as a Solicitor in 1997. Member of the Tribunal since 2015.**

Solicitor-Advocate (Crime). Partner and head of Crown Court Team at national practice. Specialist in defending serious and complex criminal cases. Peer Reviewer (Crime) - Legal Aid Agency; Fee-paid Judge, First-tier Tribunal - Immigration and Asylum (2019).

## **SOLICITOR MEMBER BIOGRAPHIES**

### **Nicola Lucking**

#### **Admitted as a Solicitor in 1974. Member of the Tribunal since 2006.**

Consultant (formerly a partner) with country practice based in the Norfolk Broads. Specialises in commercial and residential property work.

### **Jane Martineau**

#### **Admitted as a Solicitor in 1974. Member of the Tribunal since 2006.**

Background as a former partner of a major City firm steeped in shipping and insurance litigation. Currently a consultant with a niche specialist shipping and insurance practice in the City.

### **Mark Millin**

#### **Admitted as a Solicitor in 1986. Member of the Tribunal since 2015.**

Former Senior Crown Prosecutor, Solicitor-Advocate with the General Pharmaceutical Council, and now an Associate in the Regulatory Department of a London firm.

### **Edward Nally – President of the SDT and Chairman and Director of SDTAL**

#### **Admitted as a Solicitor in 1980. Member of the Tribunal since 2009.**

Consultant with well-established North West firm; specialises in Commercial Property and Charity Trust law. President, The Law Society of England and Wales 2004-2005. Judicial Appointments Commissioner 2006-2011. Governor, The College of Law 2004-2012. Governor, Legal Education Foundation 2012-2018. Member, Legal Services Board 2011-2015. Member, QC Appointments Panel January 2016-present.

### **Richard Nicholas**

#### **Admitted as a Solicitor in 1979. Member of the Tribunal since 2006.**

Partner in Merseyside firm, specialises in Mental Health work. Fee-paid President of the Mental Health Review Tribunal for Wales. Independent Funding/Costs Assessor and Peer Reviewer for the Legal Aid Agency. Assessor for The Law Society's Mental Health Tribunal Accreditation Panel.

### **Howard Sharkett**

#### **Admitted as a Solicitor in 1983. Member of the Tribunal since 2015.**

Deputy COLP and Training Principal at major SRA regulated multi-disciplinary practice. Has substantial experience dealing with complex, high-value contentious tax disputes with particular expertise in handling appeals before the First Tier Tribunal (Tax), Upper Tribunal (Tax and Chancery) and appellate courts, High Court restitutionary damages claims and applications for judicial review.

### **Timothy Smith**

#### **Admitted as a Solicitor in 1983. Member of the Tribunal since 2015. Resigned on 1 May 2019.**

Initially a partner in a high street practice before specialising in employment law. Currently a consultant in a large northern commercial firm. Fee-paid Employment Judge, Fee-Paid Immigration Judge (seconded), appointed a Legal Chair of the Police Misconduct Panel (North West), also sits as chair of the investigations committee of CIPFA.

## **SOLICITOR MEMBER BIOGRAPHIES**

### **Andrew Spooner**

#### **Admitted as a Solicitor in 1978. Member of the Tribunal since 1999.**

Former Head of Commercial Litigation at a Birmingham firm and member of its Management Board. Now a Consultant to a Midlands practice and continues to specialise in major commercial disputes. Deputy District Judge. President of the SDT and Chairman and Director of SDTAL from 2012-2016.

### **Gerald Sydenham**

#### **Admitted as a Solicitor in 1986. Member of the Tribunal since 2015.**

Former Prosecutor and CPS Crown Court Unit Head for CPS North East for 28 years. Personal caseload involved prosecuting police officers. Currently engaged in criminal litigation and private client consultancy work. Legally qualified Chair of North East Police Misconduct Panels.

### **Simon Tinkler**

#### **Admitted as a Solicitor in 1993. Member of the Tribunal since 2009.**

Partner in major international law firm since 2000, specialising in transactional private equity work and mergers and acquisitions in UK, Europe and Africa. Managing partner of corporate practice in London 2010-2014.

## **LAY MEMBER BIOGRAPHIES**

### **Lucinda Barnett OBE JP**

#### **Member of the Tribunal since 2009.**

Qualified as a teacher, former civil servant, Magistrate since 1986 (Supplemental list 2015). Deputy Chairman, then Chairman Magistrates' Association 2002-2008. Independent Member, Parole Board 2010-2011. Panel Chairman, Fitness to Practise Committees, Nursing and Midwifery Council, 2012. Member, Bar Tribunals and Adjudication Service 2013-2018.

### **Stephanie Bown**

#### **Member of the Tribunal since 2015**

Independent consultant in the healthcare sector; member of CEDR mediator panel and panel mediator for NHS Resolution. Independent Adjudicator for ISCAS. Previously Director of National Clinical Assessment Service, Director at the Medical Protection Society, fellow and past vice-president of the Faculty of Forensic and Legal Medicine.

### **Nalini Chavda JP**

#### **Member of the Tribunal since 2006.**

Thirty-five years of business experience as a Senior Executive at the Department for Work and Pensions. Justice of the Peace since 1989. Employment Tribunal member since 1999. CIPFA Disciplinary Committee member since 2007. Nursing and Midwifery Council Fitness to Practise Committee member since 2009.

### **Sarah Gordon**

#### **Member of the Tribunal since 2002.**

Member of the Royal College of Veterinary Surgeons. Initially employed in general practice then in a range of veterinary and management roles for MAFF/Defra/APHA culminating in Head of Field Delivery, Midlands region. Currently a Teaching Associate for the University of Nottingham Veterinary Medicine and Science.

### **Martin Hallam JP – Director of SDTAL**

#### **Member of the Tribunal since 2009.**

A career officer in the RAF. Held Board level positions in a number of MoD Executive Agencies, latterly as Chief Executive of the Defence Geospatial and Imagery Agency. Attended the RAF Staff College and the Royal College of Defence Studies, London.

### **Stuart J Hill**

#### **Member of the Tribunal since 2009.**

Research and development and management posts with BR, GKN, HM Land Registry, HBF and AEA Technology from 1975 to 2006. More recently Chair, Dudley and Walsall Mental Health Partnership NHS Trust and a member of CIMA, NRPSI, FRC, WMPA, RCVS and Wolverhampton Council disciplinary/standards committees.

### **Stephen Howe JP**

#### **Member of the Tribunal since 2006.**

Retired Manager for Waitrose Ltd. Previously, Non-Executive Director for HMCS Regional Risk and Audit Committee South West Region and Member of Hampshire and Isle of Wight Courts Boards. Justice of the Peace since 1981. Trustee of West Wight Abbeyfield and Challenge and Adventure.

## **LAY MEMBER BIOGRAPHIES**

### **Paul Hurley**

#### **Member of the Tribunal since 2015.**

Consultant General Surgeon, Croydon, 1992 to present. Deputy Medical Director, 2000-2007. Board Member London School of Surgery 2009-2013. Chair, Speciality Training Committee for General Surgery 2003-2013. Chair, Medical Advisory Committee, BMI Shirley Oaks Hospital 2005-2012.

### **Priya Iyer**

#### **Member of the Tribunal since 2015.**

Forensic Physician and Management Consultant (Healthcare and Public Sector Management). Medical Member Social Security Tribunal, specialist Member Criminal Injuries Compensation Appeals Tribunal, Chair and Medical Panellist Medical Practitioners Tribunal Service, Lay Panellist Employment Tribunal.

### **Steven Marquez**

#### **Member of the Tribunal since 2006.**

1987 to 2003, senior manager with CACI Limited. Director of CACI Limited. Executive Vice-President of CACI International Inc. Formerly a volunteer with The Terrence Higgins Trust. Justice of the Peace 2002-2008. Formerly Non-Executive Chairman 6pm Holdings PLC (quoted on the Maltese Stock Exchange).

### **Lesley McMahon-Hathway**

#### **Member of the Tribunal since 2009.**

Over 25 years' senior board level experience in executive, non-executive and interim director roles. Has worked in the Television Broadcast industry for the BBC and ITV as well as for the trade association representing the film, commercials and television industry in the UK.

### **Millius Palayiwa – Lay Vice President of the SDT and Director of SDTAL**

#### **Member of the Tribunal since 2009. Retired from the Tribunal on 2 March 2019.**

International peace-making/building Consultant, educated at Universities Oxford, Cardiff, London and Rhodesia. Worked as a Chief Officer in a large London Borough. Specialises in international conflict resolution, peace-making and reconciliation.

### **Robert Slack**

#### **Member of the Tribunal since 2009.**

Previously Council Member, screener and member of Fitness to Practise Committee, General Medical Council (1999-2008); Chair of Professional Behaviour Committee (2006-2008) and Investigating Officer for Medical and Dental Undergraduate Fitness to Practice, Bristol University (2008-2013), Examiner, Royal College of Surgeons, Consultant ENT Surgeon, Lay Member, Qualifications Committee, Bar Standards Board 2011-2017.

### **Carol Valentine**

#### **Member of the Tribunal since 2015.**

Strategic local government manager with a background in the delivery of highway, economic development and equality and diversity projects. 8 years as lay member on Employment Tribunal. Experienced in advocacy in employee relationships through trade union work including teaching a range of industrial courses.

## **SDTAL CURRENT STAFF BIOGRAPHIES**

### **Marta Bagusaitė**

Senior Case Management Assistant since September 2017, previously Office Services Assistant. Responsibilities include opening and setting up new cases, issuing proceedings papers to parties, recording information in accordance with the Tribunal's Performance Measurements and distributing documentation to the Tribunal Members prior to hearings. Has obtained CILEx Legal Secretary Level 2 and 3 qualifications.

### **Deborah Baljit**

Deputy Clerk since January 2019. Called to the Bar in 1999 and practised criminal law until 2008. Joined the employed Bar in 2009 first as prosecuting lawyer at the Nursing and Midwifery Council and latterly at the Association of Chartered Certified Accountants in 2012.

### **Stuart DeBoos**

Part-time Financial Controller. Joined the SDT in September 2017. Chartered Accountant and Chartered Management Accountant with a degree in Economics from the LSE. Career in financial management in the commercial and not-for-profit sectors.

### **Ray Dhanowa**

Senior Deputy Clerk since June 2019. Trained at a leading human rights firm of solicitors and admitted as a solicitor in 1997. Thereafter working in the field of criminal law as a court advocate and duty solicitor for firms in London and Kent. Joined the Civil Service in 2004 and worked at the Criminal Appeal Office in the Royal Courts of Justice serving the needs of the Court of Appeal Criminal Division.

### **Anita Etentuk**

Case Management Assistant since August 2017. Graduated from Coventry University in Business Management BA (Hons) in 2017. Responsible for setting up and clearing court rooms and providing administrative support to the Case Management Team.

### **Tracey Homewood**

Receptionist/Courtroom Assistant. Joined the Tribunal in April 2019. Main responsibilities include meeting and greeting visitors and members, providing administrative support to the finance team and dealing with general enquiries. Previously worked as a Personal Assistant in the Property Department for the Church of England. Also works part-time as a Stadium Controller for Charlton Athletic F.C.

### **Klaudia Lyczkowska**

HR and Office Services Assistant. Joined the Tribunal in January 2018. Graduated from Middlesex University in Business Management BA (Hons) in 2015. Main responsibilities include supporting the Head of HR and Office Administration in ensuring the smooth running of all of the operational, logistical and HR aspects of the Tribunal's work. Previously worked at the National Probation Service as an administrator/receptionist.



## **SDTAL CURRENT STAFF BIOGRAPHIES**

### **Geraldine Newbold**

SDT Clerk and SDTAL Chief Executive Officer since 2018 having joined the Tribunal as Senior Deputy Clerk in 2016. Admitted as a Solicitor in 1999. Having trained and initially worked in private practice, career prior to joining the Tribunal was largely in local government in court-facing roles, including as an Assistant Chief Legal Officer for a large shire county.

### **Daveena Ogene**

Head of Case Management since January 2016. Formerly Senior Social Services Lawyer at London Borough of Havering. Admitted as a Solicitor in 2006. LLB Law (Hons) (European Union) University of Leicester (2001). Postgraduate Diploma in Legal Practice, College of Law (2003). Board member of Big Voice London since 2013.

### **Audrey Osborne**

Acting Senior Deputy Clerk. Joined the Tribunal in November 2015. Admitted as a solicitor in 2001 and specialised in criminal law. Previously a partner in a West London practice, and Vice-Chairperson and member of the governing body managing legal advice in a not-for-profit organisation.

### **Anne-Marie Roberts**

Part-time Deputy Clerk since July 2010. Admitted as a solicitor in 1980. From 1980 until 2009, worked in the administration of legal aid, first with the Law Society, followed by the Legal Aid Board, and finally the Legal Services Commission. Ultimately Secretary to the Commission and the Head of its Secretariat.

### **Lubna Shuja**

Part-time Deputy Clerk since 2008. Admitted as a solicitor in 1992. In private practice. CEDR accredited Mediator, dual-qualified to conduct both civil and family mediation. Member, Association of Midlands Mediators and the Law Society Council. Chair of the Disciplinary, Appeal, Investigations, Professional Conduct and Fitness to Practise Committees for various other regulators.

### **Joanne Thomas**

Listing/Document Manager. Joined the Tribunal in June 2010. Main responsibilities include listing of cases, members' rota and answering general correspondence. Previously worked at Bedford Magistrates' Court, Crown Prosecution Service and as a Barristers' Clerk between 1987 and 2002. BTec National Diploma in Business and Finance.

### **Emma Tully**

Personal Assistant to the Clerking Team. Joined the Tribunal in July 2013. Main responsibilities include formatting Judgments, liaising with Members regarding formatted judgments, ensuring service of Judgments upon all parties within performance targets and providing support to the Deputy Clerks. Previously employed at a criminal practice as a Personal Assistant.



## **SDTAL CURRENT STAFF BIOGRAPHIES**

### **Matthew Waterworth**

Deputy Clerk and Data Protection Officer. Joined the Tribunal in April 2018. Admitted as a solicitor in 2004. Previously specialised in Employment, Education and Public Law. Head of Department in-house at a large local authority and more recently in an ABS.

### **Jonathan White**

Deputy Clerk since November 2015. Admitted as a solicitor in 2002, granted Higher Rights of Audience (Crime) in 2007. Previously specialised in Criminal Law and was Head of Department at a busy East London firm.

### **Karen Wood**

Head of Human Resources and Office Administration. Joined the Tribunal in February 2016 and responsible for all aspects of HR and the smooth running of the Tribunal's offices. Previously worked at the BBC, in a range of HR and business management roles.