

# SOLICITORS DISCIPLINARY TRIBUNAL

ANNUAL REPORT

JANUARY-DECEMBER 2016

INDEPENDENT - IMPARTIAL - TRANSPARENT



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**The Solicitors Disciplinary Tribunal**  
Constituted under the Solicitors Act 1974  
**INDEPENDENT • IMPARTIAL • TRANSPARENT**

**ANNUAL REPORT 2016**

**For the Reporting Period 1 January 2016 – 31 December 2016**

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 services providers, in particular the solicitors’ profession, by adjudicating on alleged disciplinary breaches of the Solicitors Regulation Authority’s (“SRA”) rules and regulations and certain appeals. The SDT is made up of Solicitor and Lay Members. Solicitor Members must be practising solicitors of not less than 10 years’ standing. Lay Members are individuals drawn from a wide and diverse range of personal and professional backgrounds who are neither solicitors nor barristers. Their task is to represent the views of the general public. In order to ensure that the SDT is both independent of, and perceived to be independent of, The Law Society (“TLS”) (the approved regulator of the solicitors’ profession) and the SRA (TLS’s independent regulatory arm) individuals who are either employed by, or serve as Council or Board Members of, either body cannot be appointed as either Solicitor or Lay Members of the Tribunal.

Tribunal Members are appointed by the Master of the Rolls following an open and transparent selection process conducted in accordance with a published Appointment Protocol. The most recent recruitment exercise took place in 2015. The Master of the Rolls is the Rt. Hon. Sir Terence Etherton who was appointed by Her Majesty The Queen on 3 October 2016.

The Tribunal’s first instance disciplinary procedures are governed by the Solicitors (Disciplinary Proceedings) Rules 2007 (“SDPR”) (S.I. 2007 No. 3588) which came into force on 14 January 2008. The 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) came into force on 1 October 2011 and 23 December 2011 respectively. These Rules govern the SDT's appeal jurisdiction, including appeals in respect of Alternative Business Structures ("ABS") licensed by the SRA.

Since the enactment of the Legal Services Act 2007, the SDT's administration and financial arrangements have been managed wholly independently from TLS. The SDT is assisted in its administration by Solicitors Disciplinary Tribunal Administration Limited ("SDTAL"), a company limited by guarantee (registration number 06654464) controlled by the SDT. The registered office of SDTAL is at Gate House, 1 Farringdon Street, London. The SDT's five court rooms with supporting discussion rooms can be found on the 3<sup>rd</sup> and 4<sup>th</sup> Floors and administrative support is based on the 4<sup>th</sup> and 5<sup>th</sup> Floors. The SDT is required to make an annual application for approval of its funding budget for the following year to the Legal Services Board ("LSB"). The LSB considers the application and decides whether to approve all or part of the budget, requesting further information from the SDT as necessary. Once the budget has been approved, the SDT makes a formal application to TLS for payment of the approved funds. Any surplus at the end of each year is adjusted once the SDTAL's accounts have been audited by external auditors and filed at Companies House. The SDT also reports annually to the LSB on its performance against targets which relate solely to the progress of cases through the SDT (and not to the number of cases prosecuted which is outside the SDT's control).

Names and dates of forthcoming hearings are published on the SDT's website approximately two weeks in advance. All hearings are held in public and Judgments are published in full on the SDT website, unless a Division of the Tribunal hearing a case specifically directs otherwise. Visitors, both members of the public 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 its key stakeholders including advocates who regularly represent respondents to proceedings before the Tribunal. Meetings are held under the Chatham House Rule with a summary of decisions published on the SDT's website. The last such meeting was held on 20 February 2017 and the next meeting is scheduled for 6 June 2017.

**COMPOSITION OF THE TRIBUNAL – 01/01/2016 TO 31/12/2016**

**Mr E. Nally**  
**President**  
(from 03/02/2016)

**Ms A. E. Banks**  
**Solicitor Vice-President**

**Mr M. Palayiwa**  
**Lay Vice-President**  
(from 18/05/2016)

**Solicitor Members (37)**

Mr J. A. Astle  
Mr P. Booth  
Mr J. C. Chesterton  
Miss T. Cullen  
Mr J. P. Davies  
Miss J. Devonish  
Miss H. Dobson  
Mr K. W. Duncan  
Mr W. Ellerton  
Mrs C. Evans  
Mr J. Evans  
Mr C. B. Forde  
Mr A. Ghosh

Mr A. G. Gibson  
Mr L. N. Gilford  
Mr D. Glass  
Mr D. Green  
Mr R. Hegarty  
Mrs A. Horne  
Mr P. Housego  
Mr M. Jackson  
Mr P. Jones  
Mrs A. Kellett  
Mr P. Lewis  
Miss N. Lucking  
Mrs J. Martineau

Mr M. Millin  
Mr R. Nicholas  
Mr H. Sharkett  
Mr T. Smith  
Mr A. N. Spooner  
(President to  
03/02/2016)  
Mr G. Sydenham  
Mr S. Tinkler  
Mrs K. Todner  
Mr I. R. Woolfe

**Lay Members (20)**

Mrs L. Barnett OBE JP  
(Lay Vice-President to  
17/05/2016)  
Mr M. Baughan  
Lady Bonham Carter  
Dr S. Bown  
Mrs N. Chavda JP  
Mr G. Fisher

Mrs S. Gordon  
Mr M. Hallam JP  
Mr S. Hill  
Mr S. Howe JP  
Dr P. Hurley  
Dr P. Iyer  
Mr D. E. Marlow  
Mr S. Marquez

Mrs L. McMahon-  
Hathway  
Mrs V. Murray-  
Chandra JP  
Mr R. Slack  
Mrs C. Valentine  
Mr P. Wyatt.

**Clerk (and Chief Executive Officer/Company Secretary of SDTAL)**

Mrs S. Humble, Solicitor

**Senior Deputy Clerk**

Miss G. Newbold, Solicitor

**Deputy Clerks**

Ms C. Comiskey, Solicitor  
Mrs A. Osborne, Solicitor  
Mrs A. M. Roberts, Solicitor

Ms L. Shuja, Solicitor  
Mr J. White, Solicitor

## **PRESIDENT'S REPORT**

Acknowledging that the pace of change in the legal profession is rapid is a trite observation. My own experience leading the Tribunal these last twelve months leads me to a somewhat contradictory conclusion about legal regulation at its heart. In an environment of challenge and change, a properly regulated and accountable legal profession is essential. It is expected by the public whom we all serve. That will not change.

So where does our Tribunal sit within that landscape?

I believe we need to be true to our vision of “being the leader amongst professional and regulatory Tribunals in the United Kingdom”. I see the Tribunal as the custodian of the collective conscience of the Solicitors profession. We have to adjudicate for the protection of the public whom we serve. That role is not a popularity contest but it is nonetheless a vital cog in the wheel.

A cursory reading of this Annual Report demonstrates that we are regularly appealed by Respondents and the Solicitors Regulation Authority alike. This is inevitable when the stakes are so high. From the Respondent's point of view, a striking-off is the ultimate sanction – a professional livelihood at an end. By contrast for the SRA, pursuit of allegations before the Tribunal where investigation costs of thousands of pounds have been accrued by the SRA before the Hearing are at stake. Representation by Queen's Counsel on both sides is commonplace. This year the trend towards hard fought and often high profile Hearings continues apace. The complex cases often occupy several weeks. I believe it is a tribute to the Tribunal that we manage and deliver judgment in these cases with efficiency and an overriding sense of justice in the outcome.

We are first and last a Judicial Tribunal. We have to navigate the competing demands of the SRA and the Respondents, both of whom are entitled to a fair and just hearing. Our focus through 2016 and beyond will be to maintain a cost efficient Tribunal and a just forum for the adjudication of serious professional conduct allegations. We will not be afraid to challenge excessive costs when we observe them, nor to criticise hopeless or unrealistic

arguments. This will apply equally whether they emanate from the Respondent or the Applicant.

From an internal perspective I am delighted with the progress we have made in the delivery of our vision. Within the last year we have introduced and implemented further improvements to our Case Management processes. We have developed new directions to deal with Agreed Outcomes and Regulatory Settlements reached between the parties. Our new Members have settled into their roles with aplomb and we are now seeing the benefit of their contributions. This will become all the more important in a few months' time when we lose the services of several of our longest serving Members to retirement. I will acknowledge their contributions in next year's Annual Report of course.

We have also got underway the first stages of a 360 degree appraisal system for all our Members and we intend to bring forward proposals for a review of our own Tribunal Rules in due course.

At a personal level, I am immensely grateful for the support that I have received since I took office from Members and all my colleagues. The Board of SDTAL and our Policy Committee has changed in composition as well. I took over the Chairmanship of the Board from our outgoing President, Andrew Spooner in February 2016 and shortly afterwards our Lay Vice-President, Cindy Barnett's term of office came to an end. My grateful thanks go to both for all that they achieved in their time in office. We have been fortunate to see Millius Palayiwa elected as Cindy's successor. The SDTAL Board and Policy Committee are working well and provide considerable collective wisdom and advice to me in my role as President.

Last but certainly not least, I must pay tribute to our Clerk and CEO, Susan Humble and the entire staff team of the SDT for their excellent contributions and hard work throughout the year. Without their efforts, the Tribunal would simply not function as well as it does.

Looking forward now, I am determined that we shall continue with an approach of collaborative working with our key stakeholders. A warm welcome to Sir Terence Etherton as the new Master of the Rolls who has already shown interest and support for our work.

We continue to work closely and well with the Legal Services Board, the SRA, The Law Society and our Respondent Advocates and other stakeholders in appropriate and constructive ways.

I believe in summary that the Tribunal is an essential part of the regulatory machinery for Solicitors, but we are accountable and must continue to deliver an excellent and cost effective service. We will continue to do just that.

This Report provides detail concerning our work and I commend it to you all. I believe our Tribunal is in very good shape. Long may that continue.

**Edward Nally - President**  
**March 2017**



## **THE VALUE OF REPUTATION – THE CLERK’S VIEW**

“It takes 20 years to build a reputation and five minutes to ruin it. If you think about that you’ll do things differently.” As the second richest man in the United States, and by any stretch of the imagination an extremely successful businessman, Warren Buffett can be expected to know about the importance of reputation.

Remember the good old days, before advertising on the Tube and in GP’s surgeries, before the internet, and before the ultimate opportunity (or horror depending on your world view) of selling your legal services via social media, when solicitors developed and maintained their reputations by word-of-mouth? They did the best job they could for their clients, and those clients continued to give them work because a good job had been done at a fair, usually agreed, price. If the work was not concluded to the clients’ satisfaction, the clients went elsewhere and told everyone that they had done so, and why. If the job went well, the clients told their family, friends, and colleagues, producing more work. Any solicitor worth their salt took the weight from the client’s shoulders, and appropriately reassured them that “everything would work out alright”. If everything was not going to work out alright, the solicitor said so clearly, in plain language, well in advance of the dire event; in other words “don’t forget your toothbrush”. Solicitors were their clients’ trusted professional advisers; they gave advice in those days, not options in the form of multiple choice questions. Professional reputation was sacrosanct, like client money and trust, and was built on being good, bad, or indifferent, not on the measured level of engagement with the advertising.

A quick look at Judgments delivered by the SDT reveals that some solicitors, sadly, pay little attention to their reputations. That must be the case because if their reputations mattered to them, and if Warren Buffett is right (and he generally knows what he’s talking about), they would do things very differently. The infection from the bad apple taints public confidence in the reputation of the majority of solicitors who are honest, and who have integrity and probity. These are the conscientious, decent, people who take immense professional and personal pride in doing the very best they can for each of their clients. Put shortly, the actions of the minority are grossly unfair on and damaging to the reputations of the majority. The public will tend to remember the headline “Solicitor from Hell”, not “Solicitor does excellent job for client at fair price”.

When reading reports of Tribunal Judgments in the legal press I am often momentarily surprised, even disappointed, by comments “below the line”, particularly those purporting to come from former or current solicitors. My advice is to read and understand Judgments before making views known more widely. Tribunals take great pains over their decisions. They never forget that the reputations of the individual, the profession, and the Tribunal itself are at stake. Members make their findings solely on the facts and evidence presented to them by the SRA and defence advocates. Some cases are stronger than others, some are presented more effectively than others, but all are treated with respect, care, and attention. I have heard it said that Tribunal deliberations can take a long time, reassurance if any is needed of the meticulous approach adopted by each Tribunal to the task at hand.

The standards that we expect of ourselves and others are high as we strive to become the leader amongst professional and regulatory tribunals. To meet those standards it would not do for us to focus too much on what others say about the SDT, either above or below the line. We listen carefully to the well-intentioned (or in some cases not so well-intentioned) expressions of opinion from others. Ultimately though George Eliot hit the mark perfectly when writing that “people are almost always better than their neighbours think they are.”

With all of the above in mind, in 2017 the Members and staff of the SDT will continue to do what they are best at; ensuring that cases are dealt with justly. The actions of the last year described in the Annual Report say it all. The SDT will not be descending into the political arena for any other reason than the public interest, public confidence in the reputation of the profession, and natural justice. We may not be on trend, we may not have got the latest management speak down to a fine art, and we definitely do not wine and dine the people who could do us a good turn. The SDT stands alone on its own merits and makes its decisions without fear or favour. We, the Members and staff, will continue, in the words of Jeff Bezos, “to earn our reputation by trying to do hard things well”, and based on our 2016 results there is no doubt that the SDT will succeed.

**Susan Humble**  
**Clerk to the SDT and Chief Executive Officer of SDTAL**  
**March 2017**

## **A LAY MEMBER'S COMMENT**

I became a Lay Member of the SDT in late 2006 and retired at the end of March 2017.

One might believe that a Lay Member was just there as window dressing, not a valuable part of the process. The reality is far from this perception as from the outset it was made clear to me that I was expected to play a full part in the panel's deliberations and its decisions. This became evident when I sat on a panel for the first time. After hearing the case, we adjourned, and the Chairman asked for my views on the issues and how I thought that we should proceed.

Over my eleven years with the SDT, I sat on a large number of cases that covered a wide range of issues and sat with many solicitors of varying legal backgrounds. I have always been a full part of the panel; bringing my commercial background to bear on the issues of the case, which in many instances enabled a wider consideration of the matters presented than if there had been three solicitors on the panel.

In the recent recruitment exercise I was asked to Chair the 'Sift Exercise' together with a solicitor, our current President and a senior member from the Master of the Rolls' office. We examined in excess of 350 applications and were responsible for forwarding the names of the candidates, both solicitor and lay, to the interviewing panel which also contained a Lay Member. The resulting appointments bear witness to the high quality of the candidates and the process of appointing them.

I mention this to underline the essential part that the Lay Members have and continue to have in the high quality operation of the SDT in an arena which is becoming increasingly complex. Its reputation for fairness and clarity is a credit to all those involved and I include in this statement the clerks and the support staff without whom the panels would not be able to operate to the level of excellence that has been achieved.

**Paul Wyatt**  
**Lay Member**  
**March 2017**

## **SDT Mission, Core Values, Vision, and Objectives**

### **SDT Mission**

The SDT's Mission is:

- To determine all cases brought before the SDT, whether by the SRA or 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 providers of legal services, and in particular the solicitors' profession.
- To contribute as the SDT considers applicable and appropriate to the achievement of the Legal Services Act 2007 Regulatory Objectives.
- To conduct SDT and SDTAL business in a way which is consistent with the SDT's commitment to be "Independent, Impartial, Transparent" with all its stakeholders.

### **Core Values**

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

### **Vision**

The SDT's vision is to be the leader amongst professional and regulatory tribunals in the United Kingdom, particularly in the development and effective implementation of strategies which demonstrate consistent best practice and value for money for the benefit of the SDT's stakeholders, and in particular the public and the solicitors' profession.

## **Objectives**

### **Overriding Objective**

The SDT's Overriding Objective is to ensure that all cases brought before the SDT 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 deal fairly with Applicants and Respondents, their representatives and others appearing before the SDT;
- To deal with cases efficiently and expeditiously;
- 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 with cases proportionately;
- To deal with matters in accordance with the SDT's duty to be independent, impartial and transparent;
- To increase understanding amongst the public and profession of the SDT's powers, procedures and decision-making processes;
- To continue to enhance the SDT's reputation.

## APPLICATIONS

### Hearings and Summary of Applications

During the period under review, the Tribunal sat on 260 hearing days. The Tribunal lost approximately 57 hearing days due to late adjournments.

The number of new Applications received was 132, a decrease of 6%. The breakdown of Applications received appears in the table below:

APPLICATIONS RECEIVED	01/01/16- 31/12/16	01/01/15- 31/12/15	01/01/14- 31/12/14
Number of Applications involving practising solicitors:	<b>119</b>	<b>123</b>	<b>106</b>
Of those Applications involving practising Solicitors:-			
Registered Foreign Lawyers - 1			
Recognised Bodies -3			
Clerks - 5			
Lay Applications - 8			
Number of Applications in respect of Solicitors' clerks alone	<b>1</b>	<b>2</b>	<b>2</b>
Number of Applications for Restoration to the Roll	<b>2</b>	<b>6</b>	<b>5</b>
Number of Applications to revoke, quash, review or vary an Order under Section 43 <sup>1</sup> made either by the Tribunal or the SRA/S44 Appeal	<b>4</b>	<b>3</b>	<b>2</b>
Number of Applications seeking determination of an indefinite period of suspension	<b>3</b>	<b>3</b>	<b>1</b>
Number of Applications made in respect of former solicitors (i.e. solicitors no longer on the Roll)	<b>0</b>	<b>0</b>	<b>0</b>
Number of Applications to vary conditions on Practising Certificates	<b>2</b>	<b>2</b>	<b>1</b>
Number of Applications for Re-hearing	<b>1<sup>2</sup></b>	<b>1</b>	<b>0</b>
Number of Applications for Enforcement of Costs Order	<b>1</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>133</b>	<b>140</b>	<b>117</b>

<sup>1</sup> 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. An Order made pursuant to Section 43 of the Solicitors Act

<sup>2</sup> This application is not included in the total number of applications (132) as it was treated as a continuation of an ongoing hearing.

### **Number of Applications**

The total number of Applications received during the period under review was 132 and the Tribunal sat on 260 days. Comparison with previous reporting periods is shown in the table below:

<b>YEAR</b>	<b>NO. OF APPLICATIONS</b>	<b>NO. OF SITTING DAYS</b>
<b>2014</b>	117	198
<b>2015</b>	140	185
<b>2016</b>	132	260

Of the Applications received in the period under review, eight were made directly by members of the public. However, of these, one application was returned because it was incomplete. In respect of one Lay Application received, it was directed that the Application be adjourned to enable the SRA to investigate (Rule 20 SDPR). In the remaining six cases, the Panel considered the Lay Application on the papers and decided that the Lay Applicant had not made out a case to answer. A Lay Applicant has a right of appeal against the Panel's decision to the High Court.

## **Summary of Orders**

The Orders made by the Tribunal during the period under review are listed below. A distinction is to be made between Applications received and Orders made. A number of Orders relate to Applications made prior to the period under review; the Tribunal will determine a number of Applications made this year in its next reporting period.

<b>ORDER</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>
Strike Off the Roll of Solicitors/Register of Foreign Lawyers	76	56	48
Suspension – Indefinite	1	3	2
Suspension – Fixed period	19	12	12
Fine	51	33	29
Reprimand	4	8	2
Order prohibiting Restoration to the Roll without consent of the Tribunal	0	0	3
Application for Restoration to the Roll – Granted	0	1	0
Application for Restoration to the Roll – Refused	1	3	2
Application for determination of indefinite suspension – Granted	1	0	2
Application for determination of indefinite suspension – Refused	1	1	0
Section 43 Order (Clerks)	6	2	3
Revocation/Review of Section 43 Order – Granted	2	0	0
Revocation/Review of Section 43 Order – Refused	1	1	1
No Order, Costs Only Order, or Case Dismissed	9	7	7
Applications withdrawn	11	5	4
Restriction on practice ( <u>Camacho</u> Conditions)	26	12	9
Application for Re-Hearing	2	1	0
Variation of Conditions on practice	1	1	0
S44 Appeal	2	0	0



## **Appeals To The SDT**

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

- 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 Decisions (No. 2) Order 2011) in respect of decisions 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)

Two Section 44E appeals against an internal decision of the SRA under the SRA Disciplinary Procedures Rules 2011 were made to the SDT during the period under review.

No appeals to the SDT have been made under Paragraph 14C or Section 46 in the period under review.

## **THE ADMINISTRATIVE COST OF RUNNING THE TRIBUNAL**

The administrative cost of running the Tribunal for the last 5 years is as follows:

<b>CALENDAR YEAR</b>	<b>TOTAL (£000)</b>	<b>ANNUAL COST PER PRACTISING SOLICITOR (£)</b>
<b>2012</b>	<b>1,884</b>	<b>14.69</b>
<b>2013</b>	<b>2,103</b>	<b>15.82</b>
<b>2014</b>	<b>2,847</b>	<b>21.43</b>
<b>2015</b>	<b>2,752</b>	<b>20.26</b>
<b>2016<sup>3</sup></b>	<b>2,908<sup>4</sup></b>	<b>20.97</b>

In accordance with the provisions of the Legal Services Act 2007, the full cost of funding the SDT comes from a levy on the profession included in the annual practising certificate fee. Since 1 July 2008, the SDT has been responsible for payment of its own administrative costs. The SDT's budget is approved annually by the LSB and paid to the SDTAL by TLS under a Memorandum of Understanding (dated 6 August 2016) signed by the LSB, the SDT, the SDTAL, and TLS, and published on the Tribunal's website.

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<sup>3</sup> The number of regulated persons contributing to the cost of the SDT in 2016 was 138,675 (135,839 practising solicitors plus 2,836 registered European and foreign lawyers) (source - "SRA Data for Population of Practising Solicitors"). This is based on an average figure for the year, recognizing that the number of those contributing fluctuates throughout the year.

<sup>4</sup> The number provided is based on the 2016 budgeted figure approved by the LSB in October 2015 and not actual spend in 2016. The total actual spend figure will not be available until the completion of the audit of the SDTAL's Annual Accounts for the year ending 31 December 2016, which will be completed by external auditors in June 2017. The annual cost of the SDT to each practising solicitor in 2016 is currently estimated to be in the region of £18.

**ACCOUNTS FOR YEAR TO 31 DECEMBER 2015 AND BUDGET APPROVED BY LSB FOR 2016**

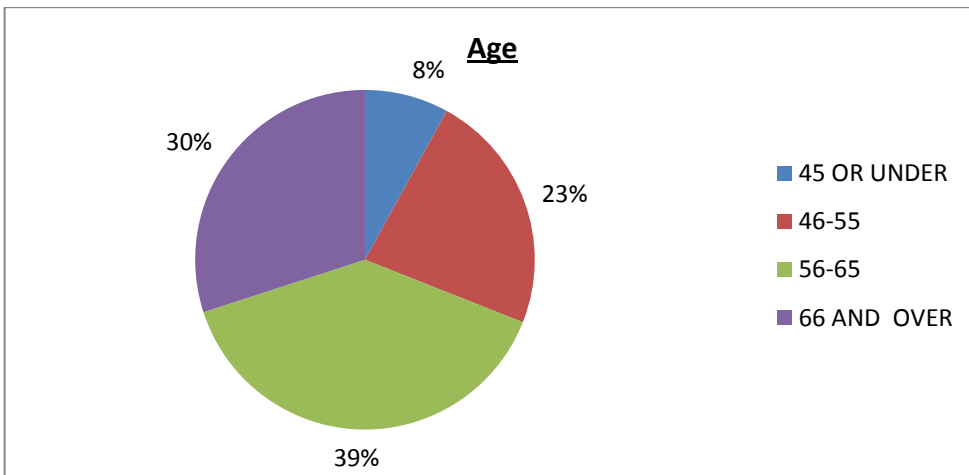
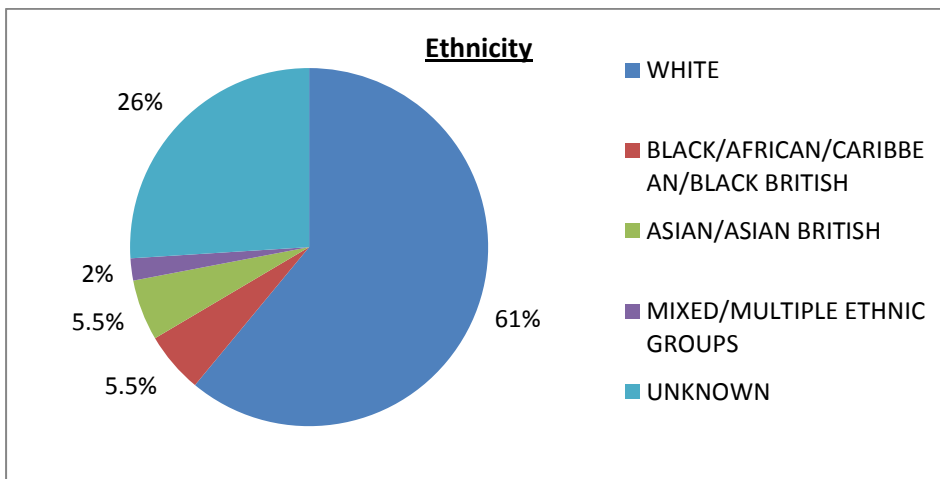
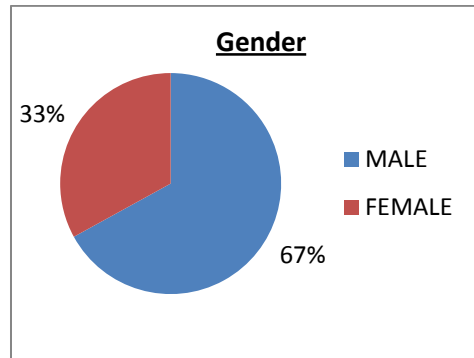
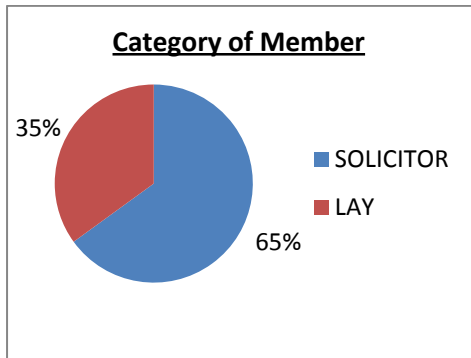
	<b>ACTUAL EXPENDITURE FOR YEAR TO 31 DECEMBER 2015 (£)</b>	<b>LSB APPROVED BUDGET APPLICATION 2016 (£)</b>
<b>Permanent Staff</b>	464,732	762,132
<b>Employers' NI and Pension Contributions</b>	83,485	198,154
<b>Members' NI Costs</b>	28,928	35,000
<b>Employee Benefits</b>	14,290	20,000
<b>Agency Staff</b>	1,706	10,000
Recruitment costs/Employment advice/HR support	22,801	30,000
Other staff costs/Training/ARDL Memberships	6,873	40,000
<b>TOTAL EMPLOYMENT COSTS</b>	<b>622,815</b>	<b>1,095,286</b>
<b>Printing, Stationery, Office Costs</b>	35,129	35,700
<b>Postage, Courier, DX</b>	20,890	23,460
<b>Remuneration for Solicitor Members (standard sitting days)</b>	94,478	210,600
<b>Remuneration for Solicitor Members (part-heard and long cases)</b>	124,313	152,100
<b>Solicitor Members' Expenses</b>	46,861	50,000
<b>Remuneration for Lay Members (standard sitting days)</b>	32,595	73,800
<b>Remuneration for Lay Members (part-heard and long cases)</b>	43,973	53,300
<b>Lay Members' Expenses</b>	23,315	30,000
<b>Members' Recruitment</b>	89,525	0
<b>AGM/Training Days</b>	33,932	35,000
<b>Board Meetings</b>	16,000	17,500
<b>Practising Certificate Fees</b>	1,408	2,920
<b>Financial Controller</b>	8,534	6,400
<b>Audit</b>	6,000	6,500
<b>Staff Travel/Subsistence and Subscriptions</b>	11,368	2,000
<b>Working Party Consultancy Fees</b>	0	10,000
<b>Research Project – Service User Satisfaction</b>	N/A	15,000
<b>IT Support/Projects and Running Costs</b>	65,611	114,500
<b>Website</b>	16,840	20,000
<b>On-line Law Library subscription</b>	20,102	21,326
<b>Catering</b>	11,030	12,000
<b>Legal and Professional Fees e.g. Judicial Review Applications</b>	18,791	30,000
<b>Insurance Premium</b>	42,046	45,000
<b>Bank and Credit Card Charges</b>	731	800
<b>TOTAL ADMINISTRATIVE COSTS</b>	<b>763,469</b>	<b>967,906</b>

	ACTUAL EXPENDITURE FOR YEAR TO 31 DECEMBER 2015 (£)	LSB APPROVED BUDGET APPLICATION 2016 (£)
Rent and Service Charge 3 <sup>rd</sup> , 4 <sup>th</sup> and 5 <sup>th</sup> Floors	407,512	418,516
Rates 3 <sup>rd</sup> , 4 <sup>th</sup> and 5 <sup>th</sup> Floors	79,152	82,000
3 <sup>rd</sup> , 4 <sup>th</sup> and 5 <sup>th</sup> floors refurbishment	27,919	35,000
Maintenance/Security/cleaning and insurance	29,301	30,000
Electricity	9,232	9,500
<b>TOTAL BUILDING COSTS</b>	<b>553,116</b>	<b>575,016</b>
Remuneration for Solicitor Members (ABS appeals only)	0	23,400
Solicitor Members expenses (ABS appeals only)	0	6,445
Remuneration for Lay Members (ABS appeals only)	0	8,200
Lay Members expenses (ABS appeals only)	0	3,229
Members NI costs (ABS appeals only)	0	3,160
Catering (ABS appeals only)	0	1,350
<b>TOTAL ABS APPEALS COSTS</b>	<b>0</b>	<b>45,784</b>
<b>CONTINGENCY</b>	<b>0</b>	<b>55,000</b>
<b>DEPRECIATION</b>		
<b>IRRECOVERABLE VAT</b>	<b>159,333</b>	<b>169,250</b>
<b>TOTAL GROSS EXPENDITURE</b>	<b>2,098,733</b>	<b>2,908,243</b>

Subject to audit and publication of the SDTAL 2016 accounts, it is anticipated that the actual budget spend for 2016 will be £2,416,250. Any surplus will be returned to TLS, and therefore the profession, via 2018 funding payment deductions; the SDTAL does not keep as surplus funding any savings made against budget. The amount of underspend to be repaid to TLS is calculated by the SDTAL's external auditors and not by the SDT.

## COMPOSITION OF TRIBUNAL MEMBERSHIP AS AT 31 DECEMBER 2016

The SDT is committed to equality of opportunity and welcomes diversity in its workforce. Early in 2017 the Tribunal carried out a diversity monitoring exercise to support its commitment to equality of opportunity and diversity within its membership. The data provided below reflects the response to that exercise.



<b>CATEGORY</b>		<b>PERCENTAGE</b>
<b>SOLICITOR</b>	37	65%
<b>LAY</b>	20	35%
<b>GENDER</b>		
<b>MALE</b>	38	67%
<b>FEMALE</b>	19	33%
<b>ETHNICITY</b>		
<b>WHITE</b>	33	58%
<b>BLACK/AFRICAN/CARIBBEAN/BLACK BRITISH</b>	3	5%
<b>ASIAN/ASIAN BRITISH</b>	3	5%
<b>MIXED/MULTIPLE ETHNIC GROUPS</b>	1	2%
<b>UNKNOWN</b>	17	30%
<b>AGE</b>		
<b>45 OR UNDER</b>	5	8%
<b>46-55</b>	13	23%
<b>56-65</b>	22	39%
<b>66 AND OVER</b>	17	30%
<b>TOTAL MEMBERS</b>		<b>57</b>

## **REAPPOINTMENT AND RETIREMENT OF MEMBERS**

There were no reappointments or retirement of members during the period under review.

## **SUMMARY ANALYSIS OF THE TRIBUNAL'S CASELOAD**

### **Speed of Process and Duration of Cases**

Proceedings start with an Application and a Statement with supporting documents made under Rule 5 (Solicitor) or Rule 8 (Clerk) of the SDPR being delivered by the Applicant to the Tribunal. Applications can be made by the SRA and by individuals (Lay Applicants against solicitors only).

The Application is considered on the papers without an oral hearing under Rule 6 SDPR by a single Solicitor Member in all cases.

If the Solicitor Member is minded not to certify that there is a case to answer, or in his/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 three Members, consisting of two Solicitor and one Lay Member ("the Panel").

### **Process for Cases Certified as Showing a Case to Answer Prior to 25 October 2013**

If it was decided that there was a case to answer, the Application, Statement and supporting documents were served by the SDT on the Respondent Solicitor/Clerk at the address provided by the Applicant.

The practice was also to serve notice of a pre-listing day to take place approximately 6 weeks later. By that date, all parties were required to inform the SDT using a pre-printed questionnaire whether or not the allegations were admitted in whole or part, the estimated length of the final hearing and dates to avoid for the purpose of listing the hearing.

If this information was provided as directed, it was not necessary for the parties or their representatives to attend the pre-listing day, which instead was dealt with on the papers. However, in an increasing number of cases, case management hearings were directed by the Clerk or the Tribunal instead of the pre-listing day. It was necessary for the parties and/or their legal representatives to be present at the case management hearing unless the



Tribunal was notified in advance that directions had been agreed and the Tribunal approved those directions.

A substantive hearing date was fixed on or after the pre-listing day/case management hearing and the target was that it should take place within 6 months of the date of issue (not service) of the proceedings.

### **Process for Cases Certified as Showing a Case to Answer After 25 October 2013**

For all first instance proceedings certified as showing a case to answer after 25 October 2013, Practice Direction No. 6 “Practice Direction on Case Management for First Instance Proceedings” applies and Standard Directions or limited Standard Directions and a Case Management Hearing Date will be issued and served with the proceedings.

On receipt of the Application and a worst-case scenario time estimate (provided by the SRA for consideration by the Tribunal’s Clerk) the case is put before a Solicitor Member for consideration for certification or referral to the Panel. Following certification of a case to answer, Standard Directions are issued by the Clerk and served on the parties (with the proceedings in the case of the Respondent). The Applicant is informed if no case to answer has been certified.

In all cases from 1 March 2017, a substantive hearing date well within the 6 months target will be fixed immediately after the case has been certified. The hearing length will be based on the time estimate provided by the SRA as 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. Case Management Hearings (“CMH”) will be allocated only to cases with a time estimate of more than 2 days.

The CMH will take place either at the Tribunal’s offices or by means of telephone conference call or video link no sooner than 42 days after the deemed date of service of the proceedings. This time period is likely to be reduced when the SDPR 2007 are next reviewed. The CMH may be conducted either by a three-member Tribunal or by the Clerk, Senior Deputy Clerk, or a Deputy Clerk. At the CMH Directions (using the Standard

Directions as a starting point) will be made as deemed appropriate. Standard Directions can also 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.

The Respondent is directed in every case to file at the Tribunal and serve on every other party an Answer to the Application, stating which allegations (if any) are admitted and which (if any) are denied by the date specified in the Standard Directions (which will expire before the date fixed for a CMH). If, by the date specified, the Respondent fails to file and serve an Answer to the Application, the parties will be required to attend the Clerk's Court in person or by telephone. The Clerks' Court is a new case management measure introduced as of February 2017. At the Clerks' Court, the reasons for default will be explored and a final 7 days will be granted to comply with the direction. At the same time the parties will be given the date for a Tribunal CMH fixed for the day after the 7 day period expires. Costs of the Clerks' Court attendance will be reserved to the Tribunal CMH. If the Respondent files an Answer, the Tribunal CMH will be vacated. If the Respondent does not file an Answer within 7 days, that default will be considered by the Tribunal CMH where it will be open to the Division to make any order it wishes, including in respect of costs against the Respondent payable immediately.

No less than 28 days before the substantive hearing, all parties must file at the Tribunal and serve on every other party a Certificate of Readiness. If on receipt of the Certificate of Readiness it is considered that a further CMH is required, a CMH date will be fixed at short notice so that any further Directions can be made. If a Certificate of Readiness has not been filed and served 28 days before the substantive hearing, the non-compliance will be referred to the Clerk's Court outlined above. Failure by a party to file and serve a Certificate of Readiness by the deadline specified will not delay the Substantive Hearing which will proceed on the date fixed.

Time limits apply for the service of notices under the Civil Evidence Act and in connection with other procedural matters. The Tribunal will accommodate requests from the parties to expedite hearings, although they are rarely received.

The allocation of a hearing date for medium to long cases (time estimate of 2 days up to several weeks) will depend in part upon the availability of the parties, advocates, witnesses and resources such as Tribunal Members, clerks, and, rarely, court rooms. The Tribunal's Listing Officer will try to accommodate the parties' and advocates' unavailable dates. However, Practice Direction No. 6 envisages that dates for Substantive and CMH will be fixed without reference to the parties. A party can, of course, apply for the date to be varied on provision of the agreement of the other party(ies) and an explanation supported by evidence as to why the variation is required. Such an application is treated as an application for an adjournment of the date fixed. In the absence of a persuasive reason for delay, the date is likely to be retained and the parties will be expected to be available, with the risk that the hearing will proceed in their absence if they choose to absent themselves. It is essential that all parties making or consenting to applications for adjournment pay attention to the Tribunal's published Policy/Practice Note on Adjournments.

### **Orders**

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 TLS 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.

### **Length of Hearings**

The Tribunal ordinarily sits from 10:00 a.m. to 5:00 p.m. (and often earlier and later) to ensure the timely conclusion of cases. Principles of natural justice dictate that the comfort and stamina of the parties must always be taken into account when deciding how late to sit. The Tribunal and its staff are mindful of the protected characteristics defined by Chapter 1 of The Equality Act 2010, and aim to accommodate requests for reasonable adjustment without being under a statutory obligation to do so (the Equality Act 2010 does not apply to the exercise of judicial functions). The Tribunal will invite the parties to express their views before deciding whether to adjourn a hearing part-heard or to continue the hearing to complete the case on the date fixed with a late finish.

The table below provides a breakdown of the length of Substantive Hearings and applications made before the Tribunal for matters such as Restoration to the Roll and Determination of Indefinite Suspension. Case Management Hearings are excluded.

LENGTH OF HEARING	01/01/2016-31/12/2016	01/01/2015-31/12/2015	01/01/2014-31/12/2014
<b>½ day</b>	18	28	9
<b>1 day</b>	74	45	54
<b>2 days</b>	26	13	14
<b>3 days</b>	13	8	8
<b>4 days</b>	6	3	2
<b>5 days</b>	3	3	1
<b>6 days</b>	1	1	1
<b>7 days</b>	0	0	2
<b>8 days</b>	0	0	1
<b>9 days</b>	0	0	1
<b>10 days</b>	2	0	0
<b>11 days</b>	0	1	0
<b>15 days</b>	0	0	0
<b>16 days</b>	0	2	0

There were no hearings during the period under review lasting longer than 10 days.

### **Case Management Systems Implemented**

#### **Agreed Outcomes – Standard Direction 2**

A new Standard Direction was implemented on 1 September 2016 setting out the procedure to be adopted by the parties and the Tribunal whenever an Agreed Outcome is sought **after 1 September 2016**. The procedure applies only to cases where an Agreed Outcome is sought up to but no later than 28 days before the Substantive Hearing date (unless the Tribunal directs otherwise).

#### **Listing**

In all cases from 1 March 2017 a Substantive Hearing date well within the 6 months target will be fixed immediately after the case has been certified. Case Management Hearings will be allocated only to cases with a time estimate of more than 2 days. This initiative will assist

the Tribunal with more robust case management by giving the Tribunal more control over the listing of cases within the 6 month target.

### **Clerk's Court**

As of February 2017, where an Answer or Certificate of Readiness is not served by the due date, the non-compliant party will be required to attend the Clerk's Court in person or by telephone to explain the reason for the non-compliance. It is intended that these courts will deal with non-compliance with Standard Directions in a more effective way and more speedily than is currently the case. It is a meaningful opportunity for the defaulting party to be made aware of the possible measures open to the Tribunal at the subsequent Case Management Hearing if that default continues e.g. in terms of a costs order against the defaulting party.

### **Email Security Measures**

As of March 2017, the Tribunal has begun using an email encryption service to send case related emails to Members, the parties and/or their legal representatives on selected cases. The system will be used for all cases following a short pilot period.

This will enable the SDT to encrypt and share confidential emails and files without size limits and comply with data protection requirements more easily.

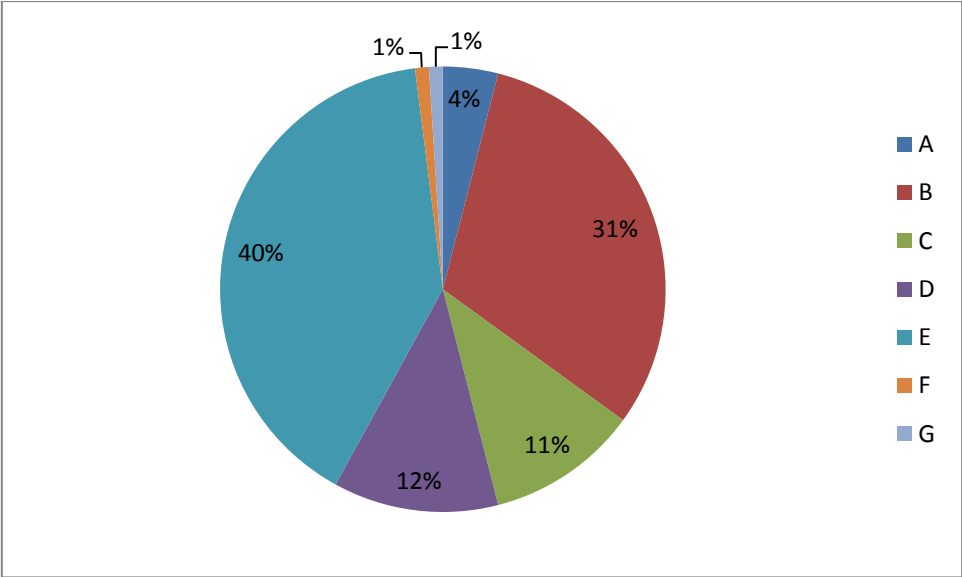
It will also assist with the SDT's longer term objective, identified in the 2016 Business Plan, of having a paperless office. Eventually court bundles will be shared securely electronically with Members and clerks. This will be accompanied by technological developments in how case papers are accessed during the hearing.

## **ANALYSIS OF SUBSTANTIATED ALLEGATIONS AGAINST SOLICITORS DURING THE PERIOD**

### **UNDER REVIEW**

Allegations are framed in different ways which can be broadly categorised in the 7 groups below. The allegations were broken down into the following groups and percentages are represented on the pie charts below:

<b>A</b>	<b>CRIMINAL CONVICTIONS</b>	
<b>B</b>	<b>SOLICITORS' ACCOUNTS RULES BREACHES</b>	
<b>C</b>	<b>CLIENT MONEY</b>	Improper utilisation Misappropriation
<b>D</b>	<b>FAILURES</b>	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
<b>E</b>	<b>BREACHES</b>	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
<b>F</b>	<b>DELAYS</b>	Delay in delivery of papers Delay in professional business
<b>G</b>	<b>OTHER</b>	<b>Includes:</b> Making false documents Practising without a current Practising Certificate Conflict of interest Costs not justified (overcharging) Abandonment of practice sending inappropriate communications by text, email, post to clients and others



## **ORDERS OF THE TRIBUNAL**

### **Solicitors Struck off the Roll/Register of Foreign Lawyers**

76 solicitors were struck off the Roll/Register of Foreign Lawyers in the period under review. Comparison with previous periods/years can be made by reference to the summary of orders provided on page 16. The solicitor may apply to be restored to the Roll in specified circumstances. Examples of conduct leading to striking off were: -

- Respondents were found dishonestly to have misappropriated clients' money
- Respondents had a criminal conviction
- Respondents overcharged clients
- Respondents grossly misled clients and/or their employers by creating false documents
- Respondents failed to discharge their professional duties honestly and reliably

### **Suspension from Practice**

1 solicitor was suspended indefinitely

15 solicitors were suspended for one year or more

4 solicitors were suspended for less than one year

These were cases where the solicitor's offences were serious but were not considered sufficiently serious 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. In the case of an indefinite suspension, the solicitor may apply for the period of suspension to be brought to an end in specified circumstances.



## **Fines**

51 solicitors were subject to Orders for payment of fines, which ranged in amount from £1,000 to £40,000.

Fines are payable to HM Treasury and totalled £406,750 (£516,000 January – December 2015) in the period under review. HM Treasury is responsible for collection of fines and enforcement of fine orders, and is provided with a copy of the Fine Order by the Tribunal for that purpose. The SDT has no statutory role to play in enforcement of 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.

## **Reprimand**

4 solicitors were reprimanded in 2016.

## **Summary of Costs**

In the period January-December 2016 costs of £3,052,656.02 (£1,710,941.71 in January-December 2015) were awarded in favour of the SRA, of which £266,032.31 was ordered not to be enforced without leave of the Tribunal. A number of substantial cases were heard during the period which, to some extent, explains the significant increase in this figure. Cases lasted longer and were more complex in terms of the investigations carried out by the SRA.

## **Restoration to the Roll**

The Tribunal received 2 applications for restoration to the Roll during the period under review both of which are listed for hearing in 2017. It remains unusual for an application for restoration to the Roll to be successful without substantial evidence of the rehabilitation of the solicitor seeking restoration. Where the Order striking the solicitor off the Roll was

made in respect of proven dishonesty, the solicitor faces an almost insurmountable obstacle to his restoration.

**PERFORMANCE MEASUREMENT STATISTICS**

**Performance Measurement 1 - Issue of Proceedings Target**

In 85% of cases, proceedings to be issued or notification of non-certification sent to the Applicant within 10 calendar days (on 1 September 2012, reduced by the SDT to 7 calendar days) of date of receipt of Originating Application (in the correct format) at the SDT.

Bracketed figures in italics represent number of applications received.

JANUARY 2016 – DECEMBER 2016												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Year
100%	100%	100%	100%	100%	100%	100%	78%	90%	91%	100%	100%	97%
<i>(16)</i>	<i>(11)</i>	<i>(7)</i>	<i>(9)</i>	<i>(15)</i>	<i>(9)</i>	<i>(10)</i>	<i>(10)</i>	<i>(10)</i>	<i>(13)</i>	<i>(9)</i>	<i>(13)</i>	<i>(132)</i>

JANUARY 2015 – DECEMBER 2015												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Year
100%	100%	100%	100%	100%	100%	100%	100%	100%	88%	100%	100%	(99%)
<i>(14)</i>	<i>(21)</i>	<i>(16)</i>	<i>(6)</i>	<i>(8)</i>	<i>(13)</i>	<i>(11)</i>	<i>(10)</i>	<i>(10)</i>	<i>(10)</i>	<i>(10)</i>	<i>(10)</i>	<i>(140)</i>

JANUARY 2014 – DECEMBER 2014												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Year
100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	(100%)
(13)	(5)	(8)	(6)	(11)	(6)	(7)	(17)	(6)	(16)	(9)	(13)	(117)

**Performance Measurement 2 – Determination by Hearing 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.

Bracketed figures in italics represent number of cases heard.

JANUARY 2016 – DECEMBER 2016												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Year
50% (8) (16)	40% (6) (15)	50% (5) (10)	36% (4) (11)	55% (6) (11)	59% (10) (17)	54% (7) (13)	50%(3) (6)	36% (5) (14)	29% (4) (14)	73% (8) (11)	57% (8) (14)	<b>49% (74)</b> <b>(152)</b>

JANUARY 2015 – DECEMBER 2015												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Year
75% (9) (12)	33% (2) (6)	40% (4) (10)	92% (12) (13)	79% (11) (14)	56% (5) (9)	80% (9) (10)	0 (0) (0)	55% (6) (11)	44% (4) (9)	33% (5) (15)	17% (1) (6)	<b>59%</b> <b>(115)</b>

JANUARY 2014 – DECEMBER 2014												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Year
67% (4) (6)	92% (11) (12)	69% (9) (13)	50% (3) (6)	17% (1) (6)	75% (6) (8)	83% (5) (6)	0 (0) (0)	38% (5) (12)	45% (5) (11)	18% (2) (11)	56% (5) (9)	<b>55%</b> <b>(100)</b>

## **Analysis**

Adjournment applications from 1 January 2016 - 31 December 2016 are analysed in the table below. Adjournments have a significant impact on the SDT's ability to manage its case load effectively. Late applications for adjournment result in wasted court time which the SDT may have difficulty in filling with other cases at short notice. Meeting the target is also affected by the availability of parties and advocates. The SDT almost always has the capability to fix hearing dates within the target period. The introduction of Standard Directions, increased use of telephone and video-link for case management and Substantive Hearings, and discussions within the User Group Committee should, over time, assist in reducing the incidence of late adjournments. Immediate listing for substantive hearing within 6 months of certification will also have an impact from 1 March 2017.

In the period January – December 2016, Respondents applied for 68% of adjournments and Applicants applied for 25% of adjournments. The remaining 5% of applications were made jointly by Respondents and Applicants. The table on page 40 shows the breakdown of applications granted and refused. Applications by Respondents which were refused tended to be unsupported by independent evidence, particularly when requested on medical grounds.

With the introduction in January 2016 of recording processes to capture the decisions of the Tribunal in relation to adjournment applications and applications to vary directions, the SDT has been able to:

- i) Better analyse emerging trends in the decision-making of Tribunal Members. For example, with the introduction of Standard Direction 2 on 1 September 2016, setting out the procedure to be used by the Tribunal and the parties for Agreed Outcomes sought after 1 September 2016, it has been observed that applications are being made by the parties in some cases to adjourn Case Management Hearings whilst they seek to negotiate an Agreed Outcome. Although this can sometimes allow for purposeful delay, Tribunal Members are robustly managing such

applications to ensure that the case is not at risk of drift, particularly where there have been multiple applications to adjourn hearings pending further negotiations;

- ii) Increase accountability. Where the decision of the Chairman/Division of Tribunal/Clerk will have an impact on the target date for concluding proceedings, this is specifically addressed when recording the reasons for the decision;
- iii) Analyse the state of readiness of cases referred by the SRA. If the SRA sends a case to the SDT to be issued it must be on the basis that it is ready for hearing within 6 months. By analysing the data on adjournment applications, specifically where the SRA has applied for or agreed to adjourn a substantive hearing, the SDT can observe whether there is a pattern emerging of cases being referred that are not ready for hearing within 6 months. In some instances premature submission for certification is apparent.

<b>APPLICATIONS – YEARLY ADJOURNMENT FIGURES JANUARY–DECEMBER 2016</b>								
<b>Applicant</b>	22	25%	Granted	17	38%	Refused	5	12%
<b>Respondent</b>	60	68%	Granted	23	51%	Refused	37	86%
<b>Tribunal</b>	2	2%	Granted	2	4%	Refused	0	0
<b>Joint</b>	4	5%	Granted	3	7%	Refused	1	2%
<b>TOTAL</b>	<b>88</b>	<b>100%</b>		<b>45</b>			<b>43</b>	

<b>REASONS JANUARY–DECEMBER 2016</b>		
<b>Ill health of Applicant or Respondent</b>	25	28%
<b>Respondent not ready</b>	13	15%
<b>Applicant not ready</b>	7	8%
<b>Criminal/Civil/other disciplinary proceedings pending</b>	13	15%
<b>Other Reasons</b>	15	17%
<b>Unavailability of parties</b>	14	16%
<b>Late service of documents by Respondent or SRA</b>	1	1%
<b>TOTAL</b>	<b>88</b>	<b>100%</b>



**APPLICATIONS – YEARLY ADJOURNMENT FIGURES  
JANUARY–DECEMBER 2015**

<b>Applicant</b>	26	40%	Granted	22	85%	Refused	4	15%
<b>Respondent</b>	35	54%	Granted	19	54%	Refused	16	46%
<b>Tribunal</b>	3	5%	Granted	3	100%	Refused	0	0
<b>Joint</b>	1	1%	Granted	1	100%	Refused	0	0
<b>TOTAL</b>	<b>65</b>	<b>100%</b>		<b>45</b>			<b>20</b>	

**REASONS  
JANUARY–DECEMBER 2015**

<b>Ill health of Applicant or Respondent</b>	15	23%
<b>Respondent not ready</b>	15	23%
<b>Applicant not ready</b>	15	23%
<b>Criminal/Civil/other disciplinary proceedings pending</b>	11	17%
<b>Other Reasons</b>	4	6%
<b>Unavailability of parties</b>	3	5%
<b>Late service of documents by Respondent or SRA</b>	2	3%
<b>TOTAL</b>	<b>65</b>	<b>100%</b>

**APPLICATIONS – YEARLY ADJOURNMENT FIGURES  
JANUARY–DECEMBER 2014**

<b>Applicant</b>	17	30%	Granted	9	33%	Refused	8	28%
<b>Respondent</b>	39	70%	Granted	18	67%	Refused	21	72%
<b>Tribunal</b>	0	0	Granted	0	0	Refused	0	0
<b>TOTAL</b>	<b>56</b>	<b>100%</b>		<b>27</b>	<b>100%</b>		<b>11</b>	<b>100%</b>

**REASONS  
JANUARY–DECEMBER 2014**

<b>Ill health of Applicant or Respondent</b>	24	43%
<b>Respondent not ready</b>	10	18%
<b>Applicant not ready</b>	8	14%
<b>Criminal/Civil/other disciplinary proceedings pending</b>	9	16%
<b>Other Reasons</b>	0	0%
<b>Unavailability of parties</b>	5	9%
<b>Late service of documents by Respondent or SRA</b>	0	0%
<b>TOTAL</b>	<b>56</b>	<b>100%</b>

### Performance Measurement 3 - Average Cost per Court

The figures below represent the cost per court, including all Tribunal overheads.

2016	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YEAR TOTAL
<b>No. of courts</b>	20	17	16	14	27	24	26	14	27	28	25	22	<b>260</b>
<b>Monthly total spend</b>	£178,830	£207,850	£179,726	£188,503	£195,541	£212,574	£199,615	£181,475	£195,818	£199,391	£220,110	£256,628	<b>£2,416,061</b>
<b>Cost per court</b>	£8,941.50	£12,226.47	£11,232.88	£13,464.50	£7,242.26	£8,857.25	£7,677.50	£12,962.50	£7,252.52	£7,121.11	£8,804.40	£11,664.91	<b>£9,292.54</b>

2015	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YEAR TOTAL
<b>No. of courts</b>	13	7	20	14	16	14	29	0	19	17	22	14	<b>185</b>
<b>Monthly total spend</b>	£149,599	£136,992	£213,270	£164,555	£171,603	£197,663	£182,373	£123,674	£171,132	£166,017	£208,787	£203,644	<b>£2,089,309</b>
<b>Cost per court</b>	£11,508.00	£19,570.00	£10,664.00	£11,753.93	£10,725.19	£14,118.79	£6,288.72	N/A	£9,006.95	£9,765.71	£9,490.32	£14,546.00	<b>£11,293.56</b>

2014	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YEAR TOTAL
<b>No. of courts</b>	21	17	25	15	14	13	19	0	20	17	20	15	<b>197</b>
<b>Monthly total spend</b>	£167,852	£158,874	£174,888	£145,080	£148,291	£148,602	£158,238	£110,155	£166,397	£167,375	£182,235	£182,235	<b>£1,895,633</b>
<b>Cost per court</b>	£7,993	£9,346	£6,996	£9,672	£10,592	£11,430	£8,328	N/A	£8,320	£9,853	£7,790	£12,149	<b>£9,622.50</b>

**Performance Measurement 4 – Production of Judgment Target**

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

Bracketed figures in italics represent number of cases heard.

It should be noted that the total number of cases decided by hearing in 2016 was 152. The reason for the difference between the reports for PM4 and PM 2 (PM4-151; PM 2 -152) is as follows:-

- Two cases were withdrawn and a Memorandum of Withdrawal was prepared for each case but no Judgment was prepared.
- One case was stayed and a Memorandum rather than a Judgment was produced.
- In two cases the matters relating to two Respondents were determined separately resulting in two Judgments rather than one.

JANUARY 2016 – DECEMBER 2016												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
94% (14) <i>(16)</i>	67% (10) <i>(15)</i>	100% (9) <i>(9)</i>	100% (11) <i>(11)</i>	100% (11) <i>(11)</i>	94% (17) <i>(18)</i>	92% (12) <i>(13)</i>	100% (6) <i>(6)</i>	100% (14) <i>(14)</i>	100% (14) <i>(14)</i>	100% (12) <i>(12)</i>	100% (12) <i>(12)</i>	<b>94% (142)</b> <b><i>(151)</i></b>

JANUARY 2015 – DECEMBER 2015												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
92% (11)	100% (6)	70% (7)	90% (10)	100% (14)	88% (8)	70% (7)	0	100% (11)	67% (6)	60% (9)	50% (3)	<b>81% (92)</b>
(12)	(6)	(10)	(11)	(14)	(9)	(10)	(0)	(11)	(9)	(15)	(6)	<b>(113)</b>

JANUARY 2014 – DECEMBER 2014												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
100% (6)	100% (12)	93% (12)	83% (5)	100% (6)	100% (8)	83% (5)	0	92% (11)	90% (10)	100% (8)	55% (5)	<b>91% (91)</b>
(6)	(12)	(13)	(6)	(6)	(8)	(6)	(0)	(12)	(11)	(11)	(9)	<b>(100)</b>

## Performance Measurement 5 – Appeals

Number of SDT decisions appealed by either the Applicant or the Respondent or both, and outcome. The table below shows appeals known to the Tribunal and determined during the period 1 January to 31 December 2016.

TRIBUNAL REFERENCE	RESPONDENT(S)	OUTCOME
<b>10441-2010</b>	<b>Emele</b>	Respondent appeal against findings dismissed with costs on 26.10.16.
<b>11151-2013</b>	<b>Spector</b>	SRA appeal (and Judicial Review) against anonymity order of Tribunal upheld, Third Respondent's cross-appeal on costs dismissed on 15.01.16.
<b>11165-2014</b>	<b>Heer Manak (Manak and Dhillon)</b>	SRA appeal against decision of SDT to dismiss allegations as an abuse of process upheld on 28.07.16. Remitted for rehearing to SDT to commence on 06.04.17.
<b>11195-2013</b>	<b>Scott</b>	Respondent appeal against finding of lack of integrity and sanction dismissed on 27.05.16.
<b>11249-2014</b>	<b>Barnett</b>	Respondent appeal against findings of dishonesty and costs dismissed on 18.05.16.
<b>11256-2014</b>	<b>Gurpinar</b>	Applicant (former Respondent) appeal against refusal to restore name to Roll dismissed on 15.01.16.
<b>11265-2014</b>	<b>Ogguniyi</b>	Respondent appeal dismissed as wholly without merit with costs on 01.12.16.
<b>11293-2014</b>	<b>Alatise</b>	Respondent appeal against finding of dishonesty, sanction, and costs dismissed with costs on 07.06.16.
<b>11354-2015</b>	<b>Wingate &amp; Evans</b>	SRA appeal against findings allowed in part on 21.12.16. Remitted to Tribunal for decision on sanction and costs. SDT hearing on 27.03.17.

TRIBUNAL REFERENCE	RESPONDENT(S)	OUTCOME
11356-2015	Arslan (Appeal S44E & S43)	SRA Judicial Review (S43) upheld and SRA appeal (S44E) dismissed on 10.11.16.
11361-2015	Ellis	Applicant (former Respondent) appeal against refusal to determine an indefinite suspension dismissed on 01.11.16.
11423-2015	Otobo	Applicant's appeal against refusal to grant a re-hearing out of time dismissed on 04.11.16.
SUMMARY		
TOTAL APPEALS TO HIGH COURT DETERMINED IN PERIOD UNDER REVIEW	12	
APPEALS BY SRA	4	Dismissed - 0 Allowed – 4
APPEALS BY LAY APPLICANT	0	
APPEALS BY RESPONDENT	8	Dismissed – 8 Allowed – 0

## **BIOGRAPHICAL DETAILS**

### **Solicitor Members** **(In Alphabetical Order)**

#### **James Astle**

**Admitted as a Solicitor in 1977. Member of 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. 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 from 13 May 2015**

**Admitted as a Solicitor in 1993. Member of 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 Tribunal since 2015.**

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

#### **J. Colin Chesterton**

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

Consultant in Firm with offices in 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 Tribunal since 1999.**

A partner in a law firm in Holborn. 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 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. Deputy District Judge since 1992. President of The Adjudication Panel for Wales.

### **Jacqueline Devonish**

**Admitted as a Solicitor in 1991. Member of Tribunal since 2006.**

Assistant Coroner in Inner North London, South London, Northumberland and Suffolk. President of South Eastern England Coroners Society. Principal of own firm in London undertaking criminal prosecution work for DVSA, Legal Reviewer for CIPFA, and Admissions Appeals Clerk.

### **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; for many years as equity partner in a small niche practice and latterly employed in a Legal 500 firm. Appointed Deputy District Judge in 1997.

### **Ken Duncan**

**Admitted as a Solicitor in 1971. Member of Tribunal since 2006.**

Consultant with the City firm where he was a partner from 1977 to 2012. Specialises in Property litigation. Deputy District Judge since August 2000.

### **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 Tribunal since 2015.**

Partner in Regional High Street Practice between 2009 and 2016. Recently set up own practice. Duty Solicitor. Higher Rights Advocate. Specialising in Road Transport and Regulatory law, to include defending Operators at Public Inquiry and the Upper Tribunal.

### **Justin Evans**

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

Partner in a firm in Cardiff until 2005 when set up a general practice in the South Wales Valleys. Specialisation, litigation. Solicitor Advocate with extensive experience of criminal cases before all Higher Courts. Prosecuting solicitor for DVSA and a Vice Chair of the Legal Aid Agency's Special Controls Reviews Panel.

### **C. Bellamy Forde**

**Admitted as a Solicitor in 2004. Member of 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 Tribunal since 2010.**

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

**Anthony G. Gibson**

**Admitted as a Solicitor in 1965. Member of Tribunal since 1980.**

After National Service in the Army, educated at Oxford. Partner at six partner family practice in Newcastle established in 1720. President of Newcastle Incorporated Law Society 1989-1990. Practises mainly in family law, commercial conveyancing and trusts. Member of STEP, the worldwide professional association for those advising families across generations.

**Laurence N. Gilford – Director of SDTAL**

**Admitted as a Solicitor in 1973. Member of Tribunal since 1999.**

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

**David Glass**

**Admitted as Solicitor in 1969. Member of Tribunal since 2006.**

Partner in Cheltenham firms 1973-2006. Now consultant. Citizens Advice Bureau adviser. Practice mainly in litigation and family work. Trained mediator. Deputy District Judge 1999 - 2014. President Gloucestershire & Wiltshire Law Society 2010 - 2011. Member Legal Services Consultative Panel 2006 - 2009. Member Resolution.

**Dominic Green**

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

Partner in 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 five years in music and media practice in Covent Garden, WC2.

**Richard Hegarty**

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

Senior Partner of Peterbrough 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 Tribunal since 2015.**

Previously a partner in three City law firms, specializing 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 Director of SIMIA Ltd.

### **Paul Housego**

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

Cambridge, City firm, then 30+ years practice in a small Devon firm, undertaking different types of work, now mainly employment law. As well as SDT, undertakes professional regulation work for several other professions. Judge in the Employment Tribunal since 1992 and in the Asylum and Immigration Tribunal since 2014.

### **Martin Jackson**

**Admitted as a Solicitor in 1986. Member of 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 Courts) 2005; Crown Court Recorder, Midland Circuit, 2009; and Legal Assessor with General Medical Council (Medical Practitioners Tribunal Service) 2010.

### **Peter Jones**

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

Partner - Head of his firm's National Inquiries and Investigations practice, Head of the Commercial Litigation department for the firm's central offices and Head of the firm's Professional Regulatory Team. Peter's 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 Tribunal since 2015.**

Spent 10 years in private practice at magic circle law firm before moving in-house to work in a global financial institution, currently Head of UK Litigation and Legal Investigations. Specialising in financial services litigation and general counsel work. Legal school governor since 2012.

**Paul Lewis**

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

Solicitor-Advocate (Crime). Partner and head of Crown Court Team at National Practice. Specialist in defending serious and complex criminal cases.

**Nicola Lucking**

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

Consultant (formerly a partner) with country practice based in the Norfolk Broads. Specialises in commercial and residential property work. Chair of the Corporation of Paston Sixth Form College.

**Jane Martineau**

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

Jane's background as a former partner of a major City firm is steeped in shipping and insurance litigation. She is currently a Consultant with a niche specialist shipping and insurance practice in the City.

**Mark Millin**

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

Qualified and practised commercial litigation in the City for 28 years, former Crown Prosecutor and now a Solicitor-Advocate with The General Pharmaceutical Council.

**Edward Nally – President of the SDT and Chairman and Director of SDTAL from 3 February 2016**

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

Consultant with well-established North West firm, specialises in commercial property and charity trust law. President, 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-present. Member, Legal Services Board 2011-2015. Member, QC Appointments Panel, January 2016-present.

**Richard Nicholas**

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

Partner in Merseyside firm specialises in mental health work. Part-time 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 Tribunal since 2015.**

Deputy COLP and Training Principal at major SRA regulated multidisciplinary practice. Has substantial experience dealing with complex, high value contentious tax disputes with particular expertise 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 Tribunal since 2015.**

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, appointed a Legal Chair of the Police Misconduct Panel (North West), also sits as chair of the investigations committee of CIPFA.

**Andrew Spooner - President of the SDT and Chairman and Director of SDTAL until 3 February 2016**

**Admitted as a Solicitor in 1978. Member of 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 to 2016.

**Gerald Sydenham**

**Admitted as a Solicitor in 1986. Member of 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 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 in 2010 -2014.

**Karen Todner**

**Admitted as a solicitor in 1987. Member of Tribunal since 2002. Resigned 28.01.17.**

Senior Partner in Extradition and Mental Health Practice, established in 1990. Duty Solicitor. Member of Serious Fraud Panel. Member of London Criminal Court Solicitors' Association and Criminal Law Society Solicitors' Association. President of Mental Health Review Tribunals. Legal Personality of the Year 2012.

**Roger Woolfe**

**Admitted as a solicitor in 1970. Member of Tribunal since 2002.**

Partner in Holborn firm 1971 to 2014, and now Consultant. Senior Partner 1994 to 2008. Specialises in commercial property work.

**Lay Members**  
**(In Alphabetical Order)**

**Lucinda Barnett OBE JP - Lay Vice-President of the SDT and Director of SDTAL to 17 May**

**2016**

**Member of Tribunal since 2009.**

Qualified as 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.

**Michael C. Baughan**

**Member of Tribunal since 1990.**

Retired from Lazards where he was a Managing Director from 1986 until 1999. Trustee and Chairman of the Finance Committee of The Pilgrim Trust and Governor of Westminster School. Honorary Treasurer of Westminster School Society.

**Lady Bonham Carter**

**Member of Tribunal since 1980.**

Born and raised in USA until came to the UK as a teenager. Served as a Justice of the Peace in Greenwich and Woolwich from 1966 - 1990. A member of the Immigration Appeals Tribunal 1970 - 2002.

**Stephanie Bown**

**Member of Tribunal since 2015.**

Independent consultant and associate at Verita, an independent consultancy for regulated organisations; CEDR accredited mediator. Previously Director of the 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 Tribunal since 2006.**

Thirty-five years of business experience as a Senior Executive at 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.

**Gerald Fisher**

**Member of Tribunal since 1999.**

Thirty-five years of experience of personnel work in industry, finally as Group Personnel Director of a FTSE 100 company. Wide experience of regulatory, disciplinary and employment matters in industry and commerce and a lay member of tribunals for a number of professional bodies.

**Sarah Gordon**

**Member of 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**

**Member of 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 Tribunal since 2009.**

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

**Stephen Howe JP**

**Member of 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.

**Paul Hurley**

**Member of 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 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 Panelist Medical Practitioners Tribunal Service, Lay Panelist Employment Tribunal.

**David E. Marlow**

**Member of Tribunal since 1983.**

Chartered Accountant. Formerly Chief Executive of 3i.

**Steven Marquez**

**Member of 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 from 2002 to 2008. Formerly Non-Executive Chairman 6pm Holdings PLC (quoted on the Maltese Stock Exchange).

**Lesley McMahon-Hathway - Director of SDTAL**

**Member of Tribunal since 2009.**

Over 25 years of 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.

**Valerie Murray-Chandra JP**

**Member of Tribunal since 2002.**

Actor, writer, broadcaster, JP at Highbury Corner Magistrates' Court and Inner London and City Family Proceedings Court (transferred to Supplemental List), Lay Advocate, degree in Law and History (2001), former Probation Committee Member, former proprietor of property enterprise. Current Committee Member of CIPFA.

**Millius Palayiwa - Lay Vice-President of the SDT and Director of SDTAL from 18 May 2016**

**Member of Tribunal since 2009.**

International Peace-making/building Consultant, was Educated at the Universities Oxford (Law), Cardiff (Canon Law), London (Theology) and Rhodesia (History), he has worked as a Chief Officer in a large London Borough; now specialises in international conflict resolution, peace-making and reconciliation. Has travelled extensively throughout the world.

### **Robert Slack**

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

Currently: Lay Member Qualifications Committee, Bar Standards Board. Previously: Council Member, screener and member of Fitness to Practice 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.

### **Carol Valentine**

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

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

### **Paul Wyatt**

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

Sits on Employment Tribunal and Central Arbitration Committee. Chair of FalCare, which cares for people with a learning disability. Trustee Cornwall Film Festival. Vice Chair & Non-Executive Director of Cornwall and Isles of Scilly PCT 2006-2013. Head of Employee Relations at Reuters 1980-2005. Currently President of Falmouth Rotary Club.

**Current Staff**  
**(In Alphabetical Order)**

**Nageema Ahmed**

Case Management Assistant since February 2017. Graduated in July 2016 in LLB LAW (Hons) at Greenwich University. Previously worked at the National Centre for Domestic Violence and Plumstead Legal Advice Centre. Responsible for assisting the Case Management Team with a variety of tasks catered around the effective running of the Tribunal.

**Marta Bagusaite**

Office Services Assistant. Provides administrative support to Head of HR and Finance, dealing with telephone enquiries, preparing court recordings, organisation of court catering, Annual Dinner and Training Days and the smooth running of the Tribunal. Obtained CILEx Legal Secretary Level 2 qualification and is currently undertaking Level 3.

**Catherine Comiskey**

Part-time Deputy Clerk since September 2010. Admitted as a Solicitor in 1989 after studying PPE at Oxford (Wadham College) followed by CPE and Law Society Finals. Her career has been largely in civil litigation in the Thames Valley. Catherine has been sitting as a Deputy District Judge (Civil) since 2008.

**Nichola Dunn**

Finance Officer since January 2014, previously Office Services Assistant. Joined the Tribunal in June 2012. Completed and passed AAT Level 2 and currently studying AAT Level 3. Main responsibilities include dealing with all financial aspects of the Tribunal and Member enquiries regarding finance matters.

### **Wendy Embleton**

Document Officer since July 2013, after three years' service as an audio-secretary. Responsible for serving proceedings papers in new cases and distributing documentation to the Tribunal Members prior to hearings. Previously worked as a legal secretary and as an HR Assistant for an international health charity. Attained a BA (Hons) History degree as a part-time mature student in 2015.

### **Susan Humble**

Joined SDT (Clerk) and SDTAL (Chief Executive Officer) (2010). Admitted as Solicitor (1984). LLB (Hons) Bristol University (1981). Law Society Finals, College of Law, Lancaster Gate (1982). Former partner in Bristol/London law firms. Specialist insurance litigator. Dispute Resolution Manager/Head of Secretariat, National Anti-Doping Panel (Sport Resolutions UK) (2010). Member of Chartered Institutes of Management and Marketing.

### **Geraldine Newbold**

Senior Deputy Clerk since February 2016. Admitted as a Solicitor in 1999. Having trained and initially worked in private practice her career, prior to joining the Tribunal, had been 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 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**

Audrey joined the Tribunal in November 2015 as a Deputy Clerk. She qualified in 2001 and specialised in criminal law. She was a partner in a West London practice, and was the Vice Chairperson and a member of the governing body managing legal advice in a not for profit organisation.

### **Josephine Passafiume**

Receptionist/Court Room Assistant. Joined the Tribunal January 2016. Responsibilities include meeting and greeting Members and visitors, dealing with enquiries, and providing administrative support. Previously worked as an Office Manager for a company specialising in investment products. Assisting the finance department dealing with inputting invoices and Members expenses.

### **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 Head of its Secretariat.

### **Lubna Shuja**

Part-time Deputy Clerk since May 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 and Professional Conduct 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. Trained First Aid Officer. 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 1992.

### **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 worked at a criminal practice as a Personal Assistant.

### **Jonathan White**

Joined the Tribunal in November 2015 as Deputy Clerk. Admitted in 2002, obtaining Higher Rights of Audience (Crime) in 2007. Previously specialised in Criminal Law and was Head of Department at a large East London firm. Jonathan is a volunteer Supervisor at the University of East London Law Clinic.

### **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. BA Hons (Bristol) and CIPD qualified.