

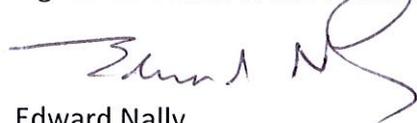
SOLICITORS DISCIPLINARY TRIBUNAL

Practice Direction Number 1: Agreed Outcomes

1. Rule 25 of the Solicitors (Disciplinary Proceedings) Rules 2019 (“SDPR”) makes provision in respect of applications for Agreed Outcomes.
2. The following Practice Direction is intended to give guidance to Applicants and Respondents wishing to submit an Agreed Outcome to the Solicitors Disciplinary Tribunal (“the Tribunal”). It is not intended to replace or vary the SDPR and is made by the Tribunal’s Policy Committee under Rule 6 (3) SDPR, and promulgated under the authority of the President under Rule 6 (4) SDPR. It applies to cases certified by the Tribunal as showing a case to answer on or after 25 November 2019 and is subject to review by the Tribunal from time to time.
3. Under Rule 25(1) SDPR the parties may up to 28 days before the substantive hearing of an application (unless the Tribunal directs otherwise) submit to the Tribunal an Agreed Outcome Proposal for approval by the Tribunal.
4. In accordance with Rule 25(2)(a) SDPR an Agreed Outcome Proposal must contain a statement of the facts that are agreed between the relevant parties. This statement must not include a statement that any other respondent to the proceedings is at fault in respect of any allegation made in relation to the application unless—
 - (a) there has been a finding of fact to that effect by a judicial or quasi-judicial body;
or
 - (b) the person in question has indicated to the Tribunal in writing that the statement is accurate.
5. In cases where there is more than one respondent and the Agreed Outcome Proposal does not relate to all of the respondents, the applicant must—
 - (a) serve a copy of the Agreed Outcome Proposal on all the other respondents;
 - (b) invite those respondents to provide any responses to the applicant within seven days of service;

- (c) inform the Tribunal when the Agreed Outcome Proposal is submitted that all other respondents have been served and provide proof of the same together with the details of any responses received by the end of the period mentioned in paragraph (5)(b).
6. In cases where the Tribunal is not satisfied that it is appropriate to make an Order in accordance with Rule 25 (3) SDPR having heard from the parties in accordance with Rule 25(4) and if so requested by the parties the Tribunal will consider whether or not it wishes to indicate the sanction it regards as appropriate on the basis of the Agreed Facts.
 7. If the Tribunal considers that having heard from the parties in accordance with Rule 25(4) SDPR that it is not satisfied on the information before it that the proposed Agreed Outcome should be made the Tribunal may list a further case management hearing (either before some or all of the same members of the panel or before different members depending on listing availability). In this situation the Tribunal will provide the parties with a Memorandum setting out the clarification and/or further information required before that case management hearing.
 8. For the avoidance of doubt this Practice Direction applies to applications in respect of Agreed Outcomes that are made in accordance with Rule 25 of the SDPR, namely up to 28 days before the substantive hearing. It does not apply to applications made less than 28 days before the substantive hearing. For applications made less than 28 days before the hearing the parties will need to apply for leave to submit the Agreed Outcome application and if leave is given the Tribunal will make appropriate directions taking into account all relevant factors including the position of any other respondent(s). In accordance with the SDPR the Tribunal would expect all parties to the proceedings to be served with any such application.

Signed on behalf of the Tribunal



Edward Nally

President of the Solicitors Disciplinary Tribunal

Dated 6th November 2019