

Information Guide for Unrepresented Applicants

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A. THE SDT ROLE AND POWERS

The Role of the Solicitors Disciplinary Tribunal

1. The Solicitors Disciplinary Tribunal (also referred to as the “SDT” or “the Tribunal”) adjudicates upon alleged breaches of the rules, codes and regulations applicable to solicitors and their firms.
2. The rules and regulations are specifically designed to protect the public, including consumers of legal services, and to maintain the public's confidence in the reputation of the solicitors' profession for honesty, probity, trustworthiness, independence and integrity.
3. The Tribunal adjudicates upon the alleged misconduct of registered foreign lawyers, registered European lawyers and persons employed by solicitors. It also decides applications by former solicitors for restoration to the Roll and by indefinitely suspended solicitors for determination of suspension.

The purpose of this guidance

4. This guide has been written to assist unrepresented applicants applying for one of the following orders at the Tribunal.
 - to be restored to the roll
 - to terminate an indefinite suspension
 - to vary or remove conditions on practice
 - to review an order relating to solicitors' employees and consultants
5. It aims to let you know what to expect when your case has been listed for a hearing.
6. A [Glossary of terms](#) can be found at Section I of this guidance note. Defined words will be identified in bold italic and underlined type.
7. More information about the SDT can be found on our website including:
 - Details of our Executive Team
 - Our Members
 - Our Constitutions and Procedures
 - Details of the Tribunal's Powers
 - Forthcoming Hearings
 - Tribunal Judgments

8. Other Guidance Notes Available on our Website

- [Information Guide for Lay Applicants](#)
- [Information Guide for Unrepresented Respondents](#)
- [Information Guide for Witnesses](#)

B. APPLICATIONS TO VARY OR REMOVE CONDITIONS ON PRACTICE

How do I apply to vary or remove conditions on my ability to practice?

9. An order imposing conditions is known as a restriction order.
10. If the Tribunal has made a restriction order in your case and you wish to apply to vary or discharge the order, you must submit an application to the Tribunal using the [*prescribed form*](#) which can be found on the SDT's website. You should include the case number of the Tribunal case in which the conditions were imposed on the application form and, if available, attach a copy of the Judgment. Most Judgments are published on the Tribunal's website.
11. The application must be supported by a Statement setting out the facts and matters supporting the application and exhibiting any documents relied upon by you. You should explain in as much detail as possible why you wish to apply to remove or vary the conditions.
12. Your own statement should include a Statement of Truth as follows:

"I believe that the facts stated in this witness statement are true' and be followed by your signature and the date."
13. The statements of any other witnesses should also include a Statement of Truth and be signed and dated.
14. The application, the statement and any supporting documents must be sent to the Tribunal with three additional copies.
15. Please ensure you send a copy of your Application to the Solicitors Regulation Authority for the attention of Ms Jennifer Ackers, The Cube, 199 Wharfside Street, Birmingham B1 1RN.
16. If the conditions on your practising certificate were imposed by the SRA, you will need to contact the SRA for details of how to appeal or review the decision.

What happens when the application is received by the SDT?

17. The application will be reviewed by a [*clerk*](#) who will issue some directions which will include the hearing date for the application to be considered.
18. The SRA will require 28 days in which to respond and the hearing will take place on the first available date after that period of time has expired. You must attend the hearing to

make your application and you are responsible for calling any witness evidence on which you wish to rely.

C. APPLICATIONS FOR RESTORATION TO THE ROLL AND TO TERMINATE INDEFINITE SUSPENSION

How do I apply to be restored to the roll?

19. You must submit an application using the prescribed form which can be found on the SDT website. The application must be supported by a statement setting out details of the original Order of the Tribunal, dealing fully with the history of your employment since the Order was made and indicating your future intentions as to employment within the profession in the event that the application is successful.
20. The application, the statement and any supporting documents must be sent to the Tribunal with three additional copies.
21. The Law Society, via the SRA, is the respondent to such an application. You must serve a copy of the application, statement and any supporting documents on the SRA, marked for the attention of Ms Jennifer Ackers, The Cube, and 199 Wharfside Street, Birmingham B1 1RN.

What happens when the application is received by the SDT?

22. The application will be reviewed by a clerk who will issue some directions which will include the hearing date for the application to be considered.
23. The Tribunal's function when considering an application for restoration is to determine whether the applicant has established that they are now a fit and proper person to have their name restored to the Roll/Register.
24. For details of the guidance and factors taken into account by the Panel when reaching a decision, please refer to Section B of the Guidance Note on Other Powers of the Tribunal which can be found on the SDT website.

How do I apply to terminate an indefinite suspension?

25. You must submit an application using the prescribed form which can be found on the SDT website. The application must be supported by a Statement which should set out details of changed circumstances sufficient to justify the application.
26. The application, the statement and any supporting documents must be sent to the Tribunal with three additional copies.
27. The Law Society, via the SRA, is the respondent to such an application. You must serve a copy of the application, statement and any supporting documents on the SRA, marked for the attention of Ms Jennifer Ackers, The Cube, 199 Wharfside Street, Birmingham B1 1RN.

What happens when the application is received by the SDT?

28. The application will be reviewed by a clerk who will issue some directions which will include the hearing date for the application to be considered.
29. In considering the application, the Tribunal will need to be satisfied that termination of the indefinite suspension would not adversely affect the reputation of the legal profession nor be contrary to the interests of the public. If the application is granted, the Tribunal has power to impose proportionate conditions on your return to practice for the protection of the public and the maintaining of confidence in the reputation of the profession.
30. For details of some of the factors the Tribunal will take into account when reaching a decision, please refer to Section A of the Guidance Note on Other Powers of the Tribunal.

Advertisements

31. An application for restoration to the roll or termination of an indefinite suspension must be advertised in each of the following ways;
 - In the Law Society's Gazette
 - In a newspaper circulating in the area of the applicant's former practice (if available)
 - On the Tribunal's website.
32. To place an advertisement on the Tribunal's website, please complete the template advertisement form which can be found on the SDT website and send the completed form to the Case Management Team either by email to enquiries@solicitorsdt.com or by post to Solicitors Disciplinary Tribunal, Case Management Team, 2nd Floor, 45 Ludgate Hill, London, EC4M 7JU. The Case Management Team will place a copy of the advertisement on the Tribunal's website.

D. APPLICATIONS FOR REVIEW OF AN ORDER RELATING TO SOLICITORS EMPLOYEES OR CONSULTANTS

How do I apply for review of a Section 43 order?

33. You must submit an application using the prescribed form which can be found on the SDT website.
34. The application must be supported by a Statement setting out the facts and matters supporting the application.
35. The application, the statement and any supporting documents (including a copy of the Section 43 Order) must be sent to the Tribunal with three additional copies.
36. The Law Society, via the SRA, is the respondent to such an application. You must serve a copy of the application, statement and any supporting documents on the SRA, marked for the attention of Ms Jennifer Ackers, The Cube, and 199 Wharfside Street, Birmingham B1 1RN.

What happens when the application is received by the SDT?

37. The application will be reviewed by a clerk who will issue some directions which will include the hearing date for the application to be considered.
38. At the hearing, the role of the Tribunal Panel is not to rehear the original case but to carry out a review of the imposition of the Section 43 Order. The question that the Tribunal must consider (per Wilkie J in Solicitors Regulation Authority v Ali [2013] EWHC 284 (Admin) is “whether it was, in the circumstances, any longer necessary for the level of regulatory control to be imposed upon the person subject to the Section 43 Order”, taking into account the purpose of the order in safeguarding the public and the reputation of the legal profession.

E. PREPARING FOR THE HEARING

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

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

F. CASELINES

What is Caselines?

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

How does it work?

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

What do I need to do?

47. Register for CaseLines if you have not used CaseLines before.
48. Once your case has been issued you will receive an email inviting you to the case on CaseLines. If you have not used CaseLines before you will need to register first and set up a username, which can be your email address, and a password.
49. Log On to CaseLines to access your case.
50. Enter the Username and password you set up on registering for CaseLines to access your case.
51. Once you have been invited to the case on CaseLines you may upload your documentation to the relevant section of the Master Bundle.
52. Upload your documents.

Where can I get help?

53. The Following Documents have been prepared to give guidance and support when using CaseLines and are enclosed with your papers. They can also be found on the SDT website
<https://www.solicitorstribunal.org.uk/caselines>:

- CaseLines Protocol
- CaseLines Guidance
- CaseLines User Guide for Parties & Advocates
- CaseLines Data Protection Summary

G. THE HEARING

Where will the hearing be held?

54. [Case Management Hearings](#) will take place at the Tribunal's offices, or by telephone conference call or video link.
55. The [Substantive Hearing](#) will take place at the Tribunal's offices. The parties can apply for a special measures direction if a witness is unable to attend the Tribunal's offices and needs to give evidence e.g. via a video link.
56. The SDT's courts and offices are on the corner of Ludgate Circus. For full address please see our website. The nearest stations to the SDT's courts and offices are the City Thameslink for over ground, and Blackfriars (District and Circle lines) or St Pauls (Central line) for underground.

What happens if the hearing is being held remotely?

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

Who attends the hearing?

59. You and the legal representatives you have instructed (if any). Please note you will be responsible for the costs of your legal adviser. The SDT does not provide legal advisers or pay for the costs of legal advisers.
60. The other parties to the proceedings and their legal representatives (if they have instructed legal representatives).
61. The Tribunal [Panel](#). This is the word used to describe the three people who decide your case at the hearing. The three Members are independent and completely impartial¹. One Member will be a lay person. The other two Members will be experienced solicitors who have been qualified for at least 10 years and who actively practise as solicitors with practising certificates. The Panel Chair will be an experienced [Solicitor Member](#) who runs the proceedings.

¹ Members are expected to be alert to any potential grounds for [recusal](#).

62. The clerk to the hearing (an experienced solicitor or barrister) will give advice on the legal matters and procedure to be followed by the Panel.

Is the hearing held in public?

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

Can I bring someone to support me at the hearing?

66. The Tribunal will consider your request after receiving written submissions from all the parties. You can send your request (which must be copied to all parties) to enquiries@solicitorsdt.com or submit your request by post addressed to the Clerk to the Solicitors Disciplinary Tribunal, 2nd Floor, 45 Ludgate Hill, London, EC4M 7JU.
67. A person who attends court to support and assist you in this way is also referred to as a '[Person Assisting a Party](#)'. The Tribunal has issued guidance for a person assisting a party which can be found on the SDT website.

What if I cannot attend the hearing?

68. It is in your best interests to attend the hearing as this is your chance to present your case.
69. If you wish to make an application to [adjourn](#) the hearing, please refer to Rule 23 and the 'Guidance Note on Adjournments'. The Guidance Note can be found on the SDT website. You will need to complete the prescribed form which can also be found on the SDT website.
70. If you require any special measures directions, including giving evidence by video link, please refer to the 'SDT Guidance Note on Special Measures Directions for Vulnerable Witnesses'. An 'Application for a Special Measures Direction' form can also be found on the SDT website.

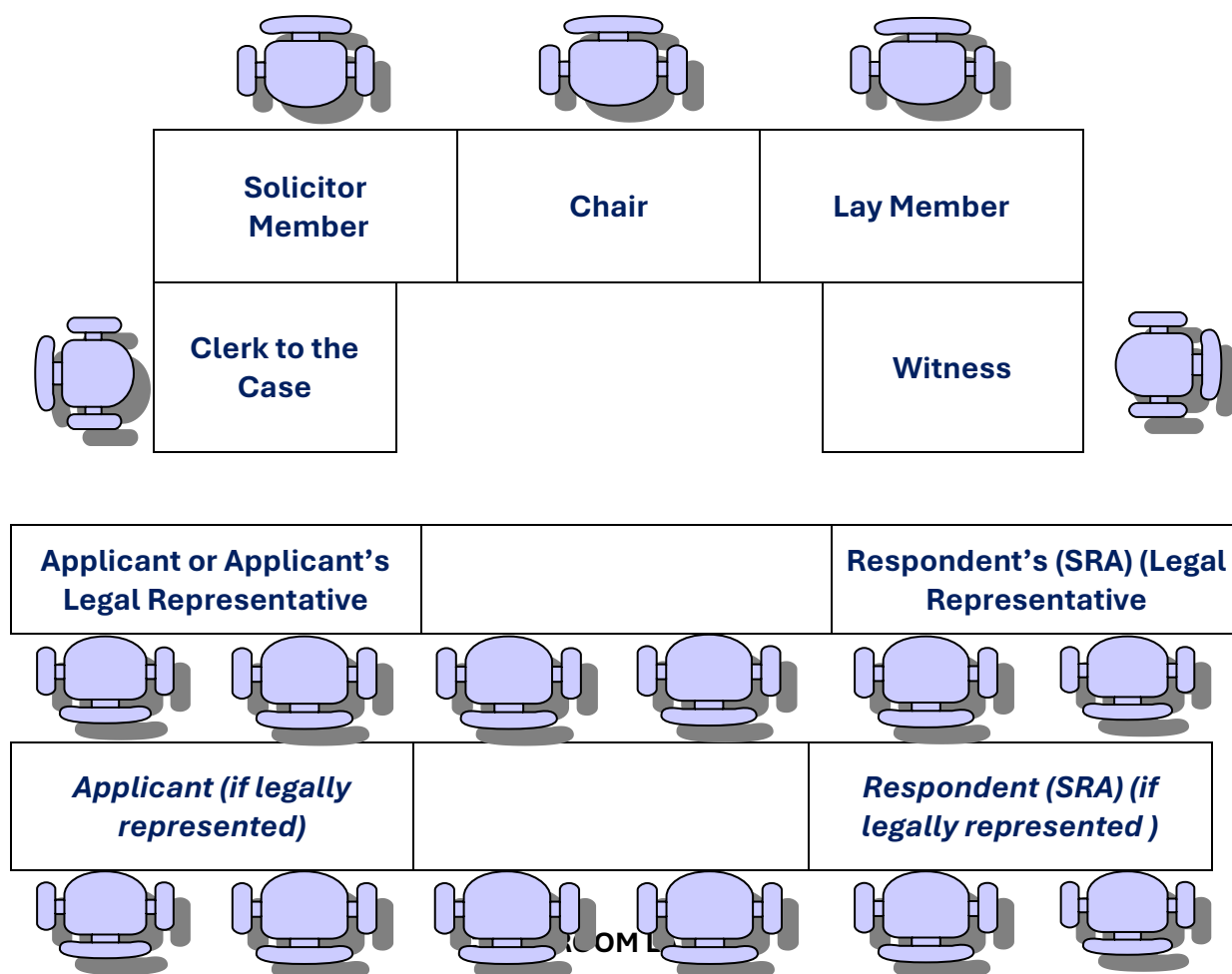
71. If you do not attend the substantive hearing and are not represented at the hearing, it will be open to the Tribunal to **dismiss** your application. Written reasons for the dismissal of the application will be sent to you.

What happens on arrival at the Tribunal?

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

What does the court room look like?

COURTROOM LAYOUT



How do I address the Members of the Tribunal?

- 75. Male Members of the Panel are addressed as ‘Sir’
- 76. Female Members of the Panel are addressed as ‘Madam’

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

- 77. Yes, unless directed otherwise.

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

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

What happens at the hearing?

79. The Tribunal Panel will consider your application and decide whether to grant the order sought.
80. Important points to consider about the presentation of your case:
 - You are responsible for the presentation of the case at all times, including the costs of presenting the case.
 - The Tribunal will not present the case on your behalf.
81. You (or your legal representative) will open the case by describing what you say are the facts supporting your application.
82. You may be required to give evidence regarding the evidence contained in your statement.
83. You (or your legal representative) will call your witnesses (if you are relying on any witness evidence) and ask them questions based on their witness statements which the SRA will have seen in advance.
84. The SRA's legal representative may ask the witnesses, including you, questions and challenge the things you or they have said.
85. You (or your legal representative) can ask further questions to clarify answers given by your witnesses for the first time when being questioned by the SRA's representative.
86. The Panel may question you and/or your witnesses directly.
87. The SRA may decide to give evidence or call witnesses.
88. You (or your legal representative) are allowed to question the SRA and their witnesses.
89. The SRA will then have an opportunity to clarify with the witness matters brought out for the first-time when being questioned by you or your legal representative.
90. The Panel may have further questions for the SRA and their witnesses.
91. The SRA will make closing submissions at the end of their case.
92. You (or your legal representative) may reply to the SRA's closing submissions but only to correct factual information or to address the Tribunal on points of law.
93. After all the evidence has been read and heard, the Panel will retire into a private room with the clerk to the hearing to consider its **findings**. Essentially, the Tribunal will have

regard to the relevant caselaw and its Guidance Note on Other Powers of the Tribunal to decide whether to grant your application.

94. When the Panel has made its findings of fact, the Panel and clerk will come back into the court room. The Chair will announce the Panel's findings and confirm whether the application has been granted or not. Detailed reasons for the Panel's decision are not given at this stage, though the Chair may provide brief reasons.

The Tribunal Panel will then consider whether to make a costs order.

95. Either you or the SRA can apply for an order for costs against the other. In some cases the amount of costs and by whom they should be paid are agreed. There will be an opportunity for both parties to tell the Tribunal what costs are sought from the other party and why. Please see the costs section of the 'SDT Guidance Note on Other Powers of the Tribunal'.
96. When the Panel has made its decisions, the clerk prepares the Tribunal's order for approval and signature on behalf of the Panel by the Chair. The Panel and clerk will return to the court room.
97. The Chair will announce the decisions in respect of costs and may provide brief reasons at that point. Detailed reasons will not be provided at this stage. The Tribunal prepares a detailed written Judgment which it aims to deliver to the parties 7 weeks after the hearing. The Judgment will also be published on the Tribunal's website.

H. APPEALS AGAINST SUBSTANTIVE DECISIONS OF THE TRIBUNAL

When can I appeal?

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

Where do I send the application to?

99. Appeals from final decisions of Panels must be made to the Administrative Court, which is a specialist part of the High Court dealing with this sort of case. The Tribunal is not a party to appeals but may itself apply to be joined as an Interested Party.
100. For further information on how to appeal please contact the Administrative Court Office using the contact details:
Administrative Court Office,
The Royal Courts of Justice,
Strand, London, England,
WC2A 2LL
DX 44450 RCJ / STRAND
Royal Courts of Justice Switchboard: 020 7947 6000
Issue and General Enquiries: 020 7947 6655

Whom must I notify about the appeal?

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

By email (preferred) to: enquiries@solicitorsdt.com

By post to:

Offices of [the Clerk](#) to the Tribunal, Solicitors Disciplinary Tribunal, 2nd Floor, 45 Ludgate Hill, London, EC4M 7JU.

I. GLOSSARY OF TERMS

Adjourn	To postpone or suspend a hearing until a future date.
Case Management Hearing	A case management hearing is a hearing which takes place in advance of the substantive hearing, usually when issues have been identified which require review in advance of the hearing. Directions are usually made at this hearing and are contained in the Memorandum (see below)
clerk	<p>A solicitor or barrister with no less than 10 years standing. The role of the clerk is to support, advise and guide Members on points of law and procedure. This involves both attending the hearing and the Members' discussions in the retiring room.</p> <p>The clerk plays no part in the Members' decision-making process on findings of fact, law, sanction or costs.</p> <p>At the end of the hearing, the clerk will arrange for any necessary Order to be drawn up and will then prepare and draft Judgments, summarising the facts, evidence, submissions, areas of dispute, legal issues, findings of fact and law, and detailing the Tribunal's decisions and reasons; the draft Judgment will then be checked and amended by the Members as appropriate.</p> <p>The clerk may also take part in active case management of cases, in relation to routine procedural matters such as agreed directions, with appropriate support.</p>
The Clerk	A solicitor or barrister with no less than 10 years standing. In addition to having clerking responsibilities, the Clerk is responsible for the administration of the Tribunal and is the Chief Executive Officer of Solicitors Disciplinary Tribunal Administration Limited, a company which assists the SDT in its administration.
Dismiss	An order that all or a portion of the applicant's case is brought to an end at that point.
Findings	A fact found by the Tribunal Panel to be established on the balance of probabilities on the basis of the testimony of the witnesses and statements filed by the parties.
Memorandum	This is the written record of the Tribunal's decision, reasons and directions made following a Case Management Hearing.
Panel	A group consisting of 3 Tribunal Members, at least one of whom should be a Solicitor Member and one Lay Member who are allocated for a hearing of an application made to the Tribunal.
Person assisting a party	A 'person assisting a party' assists a litigant in person in a court of law in England and Wales. This person does not need to be legally qualified.
Prescribed Form	An application form. The appropriate application form must be used for each application to the Tribunal. Please refer to the SDT website for further information.
Recusal	A Member may withdraw from sitting on a particular case if it is considered that there may be a perception of bias.
SDPR	Solicitors Disciplinary Proceedings Rules

Solicitor Member	Solicitor Members of the Tribunal Panel or Rule 13 Panel are solicitors of not less than ten years' standing.
Special Measures Direction	A person may apply for a direction for adjustments to be made for them to participate in a hearing. These directions are known as 'Special Measures Directions.'
Substantive Hearing	This is the final hearing at which the Tribunal will make a decision in respect of the application. An order will be prepared at the conclusion of the hearing and will usually be followed by a judgment which will set out the Tribunal's reasons for its decision.

