

Information Guide for Unrepresented Respondents

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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 respondents in disciplinary proceedings at the Tribunal. It aims to let you know what to expect when your case has been referred to a hearing.
5. A Glossary of terms can be found in section J of this guidance note. Defined words will be identified in bold italic and underlined type.
6. 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
7. Other Guidance Notes Available on our Website
 - Information Guide for Lay Applicants
 - Information Guide for Unrepresented Applicants
 - Information Guide for Witnesses

B. THE DECISION WHETHER OR NOT TO CERTIFY AN APPLICATION AS SHOWING A CASE TO ANSWER

What happens when a case is referred to the Tribunal?

8. The majority of applications are brought by the Solicitors Regulation Authority (“SRA”). The Tribunal also receives applications from members of the public, known as ‘**lay applications**.’ The member of the public making the application is known as the lay applicant.
9. Upon receipt of the application, **Rule 12 statement** and any supporting documents (See Rule 12 of the Solicitors (Disciplinary Proceedings) Rules 2019 “SDPR”), the papers will be placed before a **Solicitor Member** of the Tribunal, who will decide whether or not to certify the application as showing a case to answer.
10. If the Solicitor Member is minded: a) not to certify that there is a case to answer or b) feels the case is one of doubt or difficulty, the case will be placed before a **Rule 13 Panel** brought together under Rule 13 of the SDPR who will consider whether or not to certify the application as showing a case to answer.
11. If the Panel does not certify the application as showing a case to answer, the Applicant (either the SRA or lay applicant) is advised of the Tribunal’s decision in writing with brief reasons for the decision.

C. STANDARD DIRECTIONS

What happens when proceedings have been issued?

12. When any application is certified by either a Solicitor Member or a Rule 13 Panel as showing a case to answer, Standard Directions will be issued by [the Clerk](#), which will include dates for you to file an Answer to the allegations and any supporting evidence that is to be relied upon. The Standard Directions will be served on the parties to the proceedings.
13. You must ensure that all correspondence with the Tribunal including any documents filed in accordance with the Tribunal's directions are shared with the parties to the proceedings, if you wish to rely on the documents in the proceedings.
14. A [Case Management Hearing](#) ("CMH") will be held in all cases. However, see the guidance set out in Part 1 Standard Directions.
15. A CMH will take place before the substantive hearing and may be heard by a Tribunal Panel or a clerk.
16. The CMH will take place remotely by Zoom or by such electronic means as may be approved by the Tribunal.
17. If the Tribunal notifies the parties in advance of a CMH that a further hearing is to be fixed or is likely to be fixed at the CMH, the parties must attend the CMH equipped with their dates to avoid and the dates to avoid of any witnesses.

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

18. In accordance with the ["Protocol for the Production of Electronic Bundles Using the CaseLines System"](#) ('Protocol') unless otherwise directed, the Applicant must upload an agreed electronic hearing bundle to the CaseLines system. Please refer to the Standard Directions as to when bundles must be uploaded.
19. If papers are filed late, this makes it difficult for the Tribunal Members to read the papers before the hearing. Any party proposing to rely on evidence which is filed after the date prescribed for in the directions will need to apply for permission from the Tribunal to rely upon the said evidence. The Tribunal may decide not to grant permission for the documents to be submitted into the proceedings. The parties must therefore ensure that papers for a hearing are filed in accordance with the Tribunal's directions. The parties must also ensure that they complete the Certificate of Readiness and Hearing Timetable which assists the Tribunal with knowing e.g. how many witnesses to expect at the hearing, whether the time estimate has changed and ensuring the appropriate facilities are available to ensure the hearing can be effective.

Can I submit character references?

20. If you wish to submit character references, you will need to explain why the references have been submitted at the point they are filed with the Tribunal. The reason for this is that unless dishonesty has been alleged by the Applicant, character references are not placed before the Tribunal Panel until the findings are announced. It is at this point that the Panel will consider sanction and costs orders. The character references are considered as part of mitigation.
21. If dishonesty has been alleged and you wish to rely on the character references e.g. as evidence of good character and credibility, then the references are placed before the Tribunal Panel before they consider their findings in respect of the allegations. (See [Donkin v Law Society \[2007\] EWHC 729 \(Admin\)](#)).
22. In the absence of any explanation, the character references will not be sent to the Tribunal Panel before the hearing.
23. For cases using CaseLines see the section dealing with 'Character References' in the [Protocol](#).

D. CASELINES

What is CaseLines?

24. 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.
25. CaseLines will be used at the Tribunal for all hearings listed at the Tribunal. 'Hearings' includes all appearances before the Tribunal whether for Case Management or Substantive.

How does it work?

26. 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.
27. CaseLines can be accessed using the following link <https://solicitorstribunal.caselines.co.uk>

What do I need to do?

28. Register for CaseLines if you have not used CaseLines before.
29. 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.
30. Log On to CaseLines to access your case.
31. Enter the Username and password you set up on registering for CaseLines to access your case.
32. Once you have been invited to the case on CaseLines you may upload your documentation to the relevant section of the Master Bundle.
33. Upload your documents.

Where can I get help?

34. 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

E. THE HEARING

Where will the hearing be held?

35. Case Management Hearings will take place remotely via Zoom.
36. Substantive Hearings will be listed to take place at the Tribunal's offices, though it is open to the parties to apply for a remote hearing . 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.
37. The SDT's courts and offices are at 45 Ludgate Hill. 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. The full address can be found on the SDT website.

What happens if the hearing is being held remotely?

38. 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?

39. 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.
40. The other parties to the proceedings and their legal representatives (if they have instructed legal representatives).
41. 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 impartial.¹ 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

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

practising certificates. The Panel Chair will be an experienced Solicitor Member who runs the proceedings.

42. 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.
43. Witnesses. Both parties are allowed to call witnesses relevant to their case. They may include the complainant and experts instructed during the proceedings. The witnesses required will be decided by the parties in advance of the substantive hearing and will depend on the issues in the case. It is imperative to ensure that the substantive hearing can be effective, that the parties comply with the Tribunal's directions regarding the deadline for notification of the names of the witnesses being called and the filing of the witness evidence upon which they rely.

Is the hearing held in public?

44. The hearing will usually be held in public and published on the SDT's Daily Cause Lists which can be viewed on the SDT website and are displayed at the SDT offices.
45. Members of the public and press can also attend hearings and will be allowed to observe if it is being held in public.
46. 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?

47. 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.
48. 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?

49. It is in your best interest to attend the hearing as this is your chance to present your case. You will also have the opportunity to question the witnesses called by the opposing party.

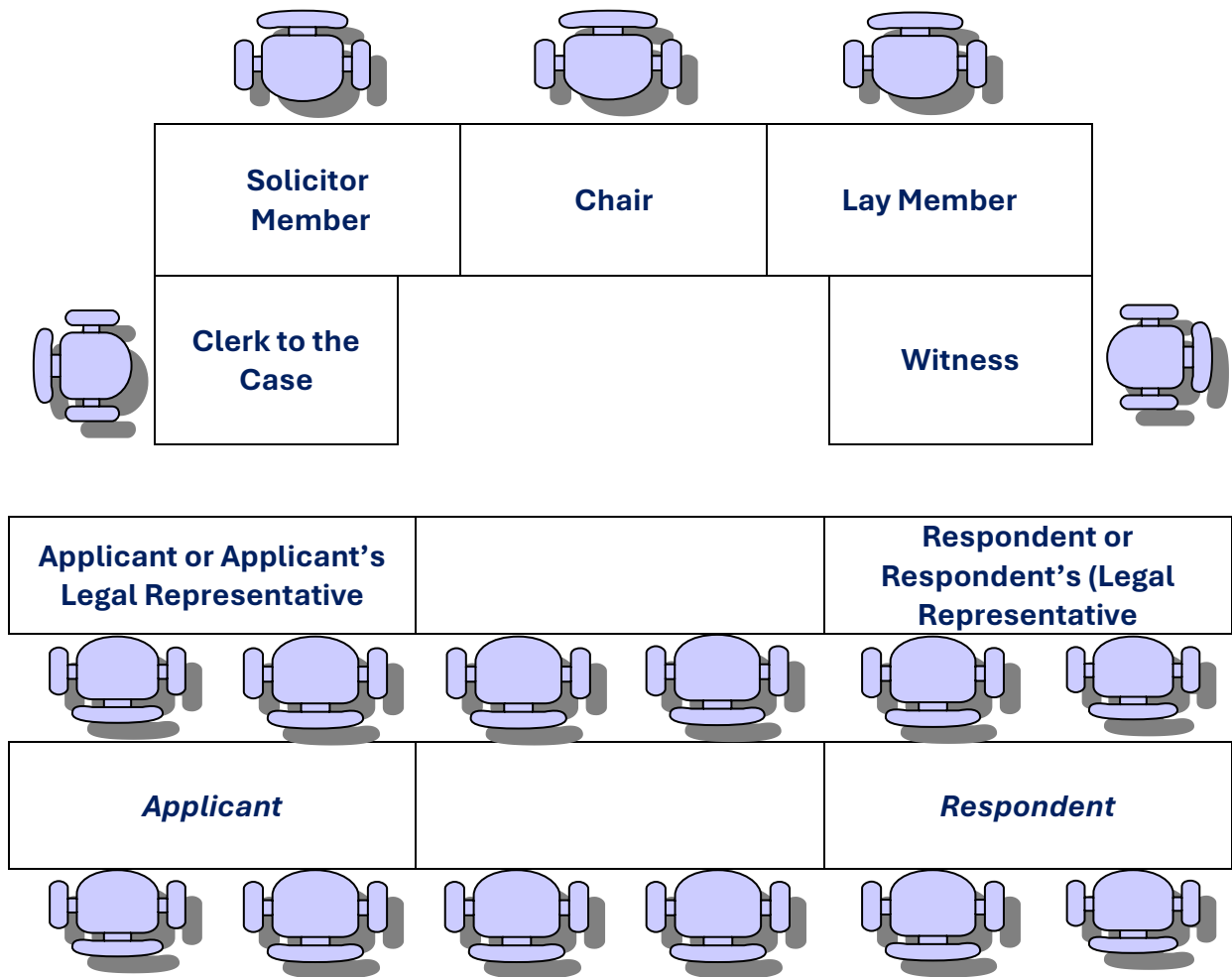
50. If you fail to attend the substantive hearing and are not represented at the hearing and the Tribunal is satisfied that notice of the hearing was served on you in accordance with [Rule 44](#) the Tribunal has the power, by virtue of [Rule 36](#) to make such findings, sanctions, costs and orders it considers appropriate in respect of the application notwithstanding that you fail to attend in person and are not represented at the hearing. For examples of the sanctions and orders available to the Tribunal, please refer to the [SDT Guidance Note on Sanctions](#) which can be found on the SDT website.
51. If you wish to make an application to adjourn the hearing, please refer to [Rule 23](#) and the '[Guidance Note on Adjournments](#)'. You will need to complete the prescribed form which can also be found on the SDT website.
52. If at any point in the proceedings you want to rely on illness of any kind a) in relation to the allegations and/or b) your ability to prepare to deal with the case, you must submit appropriate medical evidence from a suitable medical practitioner. A "fitness to work" certificate is not sufficient. The Tribunal would expect a report by a consultant or GP setting out the medical condition, the effect it had or is having on you and the prognosis.
53. If illness is relied upon in respect of your ability to participate in the proceedings and/or instruct a legal representative, reasonable adjustments can be made by the Tribunal. An Application for a Special Measures Direction will need to be completed which will then be considered by the Tribunal or a Panel after the views of the other parties to the proceedings have been obtained. The form and guidance notes can be found on the SDT website.
54. If you fail to send or serve an Answer in accordance with a direction or give evidence at the substantive hearing, or you do not allow yourself to be cross examined, the Tribunal is entitled under [Rule 33](#) to take into account the position you have chosen to adopt and to draw such adverse inferences from your failure as the Tribunal considers appropriate.

What happens on arrival?

55. You will attend at the 2nd Floor reception area where you will be asked to record your attendance on the Attendance Sheet.
56. You will have the option to use any of our available Discussion Rooms, whilst waiting to be called into court. The clerk to the hearing 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 Members of the Tribunal Panel?

- 57. Male Members of the Panel are addressed as 'Sir'
- 58. Female Members of the Panel are addressed as 'Madam'

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

- 59. Yes, unless directed otherwise.

What happens if I require reasonable adjustments during the hearing?

- 60. 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."

How is the hearing conducted?

61. The hearing is conducted in two stages.² The first stage is the factual inquiry into whether the allegations are proved on the balance of probabilities ('the civil standard of proof') for applications certified as showing a case to answer on or after 25 November 2019 or beyond reasonable doubt ('the criminal standard of proof') for applications certified as showing a case to answer on or before 24 November 2019. At this stage the allegations, as set out in the Applicant's Statement, are considered. The burden of proving the allegations lies with the Applicant.
62. The Applicant (or their legal representative) will open the case by describing what it says are the facts and allegations against you.
63. The Applicant will call its witnesses and ask them questions based on their witness statements which you will have seen in advance.
64. You (or your legal representative) may cross-examine the witnesses.
65. The Applicant will then have an opportunity to re-examine the witness.
66. The Panel may question the witnesses directly.
67. After the Applicant has completed its case, you can ask the Panel to decide that there is 'no case to answer' in relation to the whole of the application, or a specific allegation within the application. If the Panel agrees that there is no case to answer, the application or the allegation will be dismissed. If the Panel disagrees, you will proceed with your defence.
68. If all the allegations are admitted, the Panel, having considered the evidence, will decide whether the Applicant has proved the allegations taking account of the admissions.
69. If any allegations are denied, you may present evidence in support of your defence. At this stage, you may decide to give evidence or call witnesses.
70. The Applicant is allowed to question you and your witnesses through cross-examination as described above.
71. You will then have an opportunity to re-examine the witness.
72. The Panel may have further questions for you and your witnesses.

² These are the main stages of the hearing. There may be times when other relevant preliminary matters need to be considered and determined by the Tribunal.

73. You will make closing submissions. The Applicant will have a right of reply normally limited to corrections and submissions on points of law e.g. exceptional circumstances in dishonesty cases.
74. 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 decide whether the individual allegations, including relevant facts that are not agreed, are proved on the balance of probabilities or beyond reasonable doubt for cases certified as showing a case to answer on or before 24 November 2019.
75. When the Panel has made its findings, the Panel and clerk will come back into the court room. The Chair will announce the Panel's findings on the allegations. The Chair will say whether each allegation has been found proved or not proved. Detailed reasons for the Panel's decision are not given at this stage, though the Chair may provide brief reasons.
76. If some or all of the allegations are found proved, the hearing will move to stage two. This is when sanction is considered.
77. The Chair will ask the clerk to provide the hearing with details of any allegations found proved against you in any previous disciplinary proceedings before the Tribunal. The clerk will either advise that there are no previous allegations found proved or provide the Panel with the Judgment(s) setting out the previous allegations and the reasons why they were found proved including the sanction imposed and costs ordered.
78. The Chair will ask the SRA whether it has imposed any sanction against you in respect of conduct which has not been the subject of any previous disciplinary proceedings before the Tribunal. The SRA representative will either advise that there are no previous sanctions imposed against you or confirm details of any sanctions which have not been the subject of previous disciplinary proceedings before the Tribunal.
79. The clerk will also provide the Panel with any character references which have been sent to the Tribunal but not introduced by you during the first stage of the proceedings.³
80. In cases involving allegations of dishonesty which have been found proved, you can, if you wish, make submissions that there are exceptional circumstances which justify sanction other than striking off the solicitor's name from the Roll of Solicitors.
81. Either the Applicant or you can apply for an order for costs against each 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 make submissions on costs. Please see the 'Costs' section of the ['SDT Guidance Note on Sanctions'](#)

³ Where references are relied upon in relation to the issue of liability under *Donkin v Law Society* [2007] EWHC 729 (Admin) and this is confirmed by you, references will be provided to the Division in advance of the hearing.

82. After submissions have been made, the Panel will retire to decide what sanction to impose. The Panel will make its decisions using its own independent judgement after reading and hearing what is said on behalf of you and any other guidance it considers appropriate, in particular the SDT guidance on sanctions in force at the time when determining the appropriate sanction.
83. The Panel will also make a decision regarding any costs orders.
84. 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. The Chair will announce the decisions relating to sanction and 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.⁴

What powers does the Tribunal have?

85. The SDT has power to impose sanctions ranging from 'no order' up to striking the solicitor's name off the Roll. Detailed information about sanctions can be found in the SDT ['Guidance Note on Sanctions'](#) on the Tribunal's website.

⁴ See SDT Judgment Publication Policy.

F. AGREED OUTCOMES

What happens when the parties to the proceedings present an Agreed Outcome to the Tribunal?

86. The SRA may contact you or you may contact the SRA at any stage in the proceedings to find out whether you can reach agreement regarding disputed facts, sanction, and costs/or costs. It is important that you make contact with the SRA as soon as possible on receiving the SDT proceedings to discuss whether agreement is possible.
87. Rule 25 of the SDPR 2019 makes provision for Agreed Outcome proposals. You should also read [***'Practice Direction No 1: Agreed Outcomes'***](#) which can be found on the SDT website.
88. The Agreed Outcome should be presented to the Tribunal for approval not later than 28 days before the substantive hearing of the application (unless the Tribunal directs otherwise).

G. APPLYING FOR A REHEARING

Can I apply for a rehearing?

89. Yes. If you neither attended the hearing in person, nor were represented at the hearing of the application and the Tribunal determined the application in your absence under [**Rule 37.**](#)

Is there a time limit to apply for a rehearing?

90. Yes. The application can be made at any time before the Tribunal's Order is sent to the Law Society or within 14 days after the Order is sent.

How do I apply?

91. An application for a re-hearing under this rule must be made using the prescribed form accompanied by a Statement setting out the facts upon which you wish to rely together with any supporting documentation.

How will the application be decided?

92. By a Panel comprised of different members from those who determined the original application.
93. If satisfied that it is just to do so, the Tribunal may grant the application upon such terms, including as to costs, as it thinks fit.

H. APPLICATIONS IN RESPECT OF PREVIOUS FINDINGS OF RECORD

Can I apply to revoke findings made by the Tribunal based solely on a criminal conviction that is subsequently quashed?

94. Yes. “Where the Tribunal has made a finding based solely upon the certificate of conviction for a criminal offence which is subsequently quashed the Tribunal may, on the application of the Law Society or the respondent to the application in respect of which the finding arose, revoke its finding and make such order as to costs as appear to be just in the circumstances.”⁵

How do I apply?

95. If you are applying under [Rule 32\(3\)](#) for a finding of the Tribunal to be revoked, you must complete the prescribed application form which can be found on the Tribunal’s website.

I. APPEALS AGAINST SUBSTANTIVE DECISIONS OF THE TRIBUNAL

When can I appeal?

96. 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 seven weeks after the hearing.

Where do I send the application to?

97. 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.
98. For further information on how to appeal please contact the Administrative Court Office using the contact details below:
Administrative Court Office,
The Royal Courts of Justice,
Strand, London, England,
WC2A 2LL
DX 44450 RCJ / STRAND

⁵SDPR 32(3)

Royal Courts of Justice Switchboard: 020 7947 6000

Issue and General Enquiries: 020 7947 6655

Whom must I notify about the appeal?

99. You must give notice of your appeal to the person(s) named in the original proceedings e.g. any other respondents, the Chair of the Panel which considered your case (see below) and the Solicitors Regulation Authority, c/o Ms Jennifer Ackers, Deputy Executive Director of Legal and Enforcement, Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham, B1 1RN.

100. 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.

J. GLOSSARY OF TERMS

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	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. The clerk plays no part in the Members' decision-making process on findings of fact, law, sanction or costs. 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. 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.
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.
Lay Applications	An application made by an individual direct to the Tribunal in respect of: <ul style="list-style-type: none"> • A solicitor • A Registered Foreign Lawyer • A Registered European Lawyer • A Recognised Body
Memorandum	This is the written record of the Tribunal's decision, reasons and directions made following a Case Management Hearing, a Rule 13 SDPR consideration of whether there is a case to answer, or by a clerk after non-compliance or after other interim decisions.
Oath and Affirmation	An oath and an affirmation are both solemn promises to tell the truth, but the main difference is that an oath is a religious commitment, while an affirmation is non-religious.
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.
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.
Rule 12 Statement	This is the statement prepared by the Applicant which supports the application in respect of solicitors, recognised bodies, registered European Lawyers and registered foreign lawyers.

Rule 13 Panel	A group consisting of 3 Tribunal Members, at least one of whom should be a Solicitor Member and one Lay Member who will consider whether to certify an application as showing a case to answer under Rule 13 of the SDPR 2019.
Solicitor Member	Solicitor Members of the Tribunal Panel or Rule 13 Panel are solicitors of not less than ten years' standing.
Substantive Hearing	This is the final hearing at which the Tribunal will make findings in respect of the allegations and reach a decision as to the relevant sanction(s). 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.

Any questions about this Guidance Note should be addressed to enquiries@solicitorsdt.com or 2nd Floor, 45 Ludgate Hill, London, EC4M 7JU.

