

The Solicitors' Disciplinary Tribunal for Northern Ireland

PRACTICE DIRECTION NO. 1 of 2019

This Practice Direction supersedes and replaces Practice Directions No.1 made 10th November 2000.

In exercise of the Tribunal's powers under Article 43(7) of the Solicitors (Northern Ireland) Order 1976 (as amended), the Tribunal has issued the following Practice Directions for regulating its procedures:

1. All notices, applications and evidence (whether by letter or affidavit) together with any exhibits and supporting documents submitted to the Tribunal by any party to the proceedings shall be submitted to the **Secretary** to include the **original and six copies**. If an affidavit has initially been submitted to the Secretary by way of email, the original and six copies thereof must still be lodged with the Secretary.
2. A Respondent shall, within 21 days of receipt of the Form of Notice of Application, complete and return to the Secretary to the Tribunal the Questionnaire in the form shown in the Appendix to these Directions duly completed.
3. All evidence submitted to the Tribunal shall be by affidavit filed with the Secretary in accordance with The Solicitors (Disciplinary Proceedings) Rules (Northern Ireland) 1990 ('the 1990 Rules') and these Directions; and additional oral evidence will be allowed only with the prior consent of the Tribunal and in special circumstances. Any application for consent to submit additional oral evidence must be made in writing to the Secretary no less than fourteen days prior to the date fixed for hearing.
4. After the parties have been notified of a hearing date by the Tribunal any application for an adjournment must be made in writing to the Secretary within fourteen days of such notification providing detailed reasons on which such application is grounded. If no such application is made then an adjournment will not subsequently be granted unless there are exceptional circumstances. The late instruction of or the availability or otherwise of a particular Solicitor or Counsel on a hearing day will not normally be regarded as sufficient grounds for an adjournment.
5. It shall not be proper for any solicitor member of the Tribunal to personally represent a Respondent in any proceedings before the Tribunal.
6. To assist the Tribunal at hearing in clarifying the principal issues and any facts disputed the Respondent shall, within the time period referred to at paragraph 2 above, complete and return to the Secretary, the Questionnaire contained in the Appendix hereto, indicating the following:

- (i) those allegations which are contested, directing the Tribunal in particular to those portions of the affidavits intended to be relied on and supported, if necessary, by any skeleton argument intended to be used; and
 - (ii) those allegations which are admitted (on hearing days, where more than one matter is listed, 'pleas' will usually be given priority in the list).
7. No complainant shall be entitled to make reference to a Respondent's previous appearances before the Tribunal until **after** the Tribunal reaches a finding and in any event not unless written notice of such intention has been given to the Respondent and the Secretary at least fourteen days prior to the hearing.
8. The 1990 Rules are hereby varied as follows:-
- (i) Rules 10, 12, 16 and 24
- It shall be sufficient for the notice of hearing/notice of holding of an inquiry, as referred to in Rules 10, 12, 16 and 24, to be by way of letter and/or email from the Secretary as opposed to being in one of the forms 5, 6, 7, 8, 10, 11 or 13 as referred to in said Rules.
- (ii) Rule 38
- As an alternative to effecting service by way of first class recorded delivery post, the Secretary, in his discretion, may elect to serve any notice or document by way of either first class post addressed, in the case of a solicitor, as provided for in Rule 38, or by way of email, in the case of a solicitor, to his or her email address as recorded with the Law Society of Northern Ireland or as otherwise obtained by or provided to the Secretary.
9. These directions shall be known as "The Solicitors' Disciplinary Tribunal for Northern Ireland Practice Direction No. 1 of 2019".

Dated this 24th day of September 2019

Signed:

Leonard Edgar
President of the Tribunal

Signed:

Mark Jackson
Secretary to the Tribunal

Please complete or delete where appropriate

The Solicitors' Disciplinary Tribunal for Northern Ireland

QUESTIONNAIRE

1. Your record of my address for correspondence is correct / is incorrect and correspondence should be sent to the following address:

2. *I deny all the allegations

*I deny the allegations except those listed in Schedule 1 overleaf which I wish to admit

*I wish to admit all the allegations

**Please delete whichever do not apply*

3. I shall be delivering a Replying Affidavit within 21 days. / It is not my intention to deliver any Replying Affidavit. / I require an extension of time to deliver a Replying Affidavit for the following reasons:

(Reasons for extension) –

(Additional time sought) –

4. I will / will not attend the hearing.

5. My estimate of the length of the hearing is hours.

6. If you are going to be represented at the hearing, please advise the name of your representative in Schedule 2.

7. I do not intend to call any witnesses. / I intend to call the following witnesses to give evidence at the hearing on my behalf and will make formal application to the Tribunal for leave to do so more than fourteen days in advance of the hearing:

(Names)

Schedule 1

***(List of any allegations admitted by Respondent)**

***(List of any allegations contested by Respondent)**

*NOTE: This can by reference to the paragraph number in the Applicant's Affidavit.

Schedule 2

**(Details of Respondent's legal representative(s)
if not representing himself/herself)**

NAME OF SOLICITOR:

FIRM:

ADDRESS:

DX NO:

TEL NO:

FAX NO:

EMAIL:

NAME OF COUNSEL: (if retained):

Dated this day of

Signed by the Respondent: