



GUIDANCE NOTES FOR RESPONDENTS

In respect of a hearing before the Scottish Solicitors Discipline Tribunal

The Rules of the Tribunal allow 21 days for the lodging of Answers once the Complaint is served. An extension of time for lodging answers, if required, should be requested in writing within the first 21-day period. A notice of hearing is sent at least 21 days before the hearing. If you or your witnesses have any difficulty in attending on the date set, you should contact the Clerk to the Tribunal immediately. Late requests by you for an adjournment of the hearing can result in the expenses of the hearing being awarded against you.

The Tribunal hearings are usually held in Edinburgh when they are held in person. When you arrive you will be met by a bar officer who will show you to a room where you can wait prior to the hearing. The bar officer will answer any queries which you have.

The Tribunal sits with two solicitor members and two lay members. The Tribunal Clerk is present during the hearing to advise the members but not to take part in the decision. The Tribunal hearings are held in public unless either party has asked for a hearing in private prior to the date of the hearing and this has been agreed by the Tribunal.

The Tribunal has the power to award expenses in terms of Schedule 4 to the Solicitors (Scotland) Act 1980. Expenses are usually awarded to the successful party and include the expenses of the Tribunal. Last-minute adjournments can result in an unnecessary increase in expense. Parties have the opportunity to make submissions on expenses at the conclusion of the case. Accounts of Expenses can be taxed by the Auditor of the Court of Session.

Cases lodged with the Tribunal before 1 September 2024

In general, the Tribunal makes awards of expenses on the agent and client, client paying basis in terms of Chapter Three of the last published Law Society's Table of Fees for general business with a unit rate of £14.00.

Cases lodged with the Tribunal on or after 1 September 2024

In general, the Tribunal uses the party and party scale as its starting point and uses the unit rate contained in the Act of Sederunt (Taxation of Judicial Expenses) Rules 2019. However, expenses are a matter for the

Tribunal's discretion. Further information can be found in the expenses guidance on the Tribunal's website (www.ssd.org.uk/guidance).

The Tribunal usually issues an oral decision on the day with a written decision giving reasons being issued approximately six weeks after the Tribunal hearing. Three weeks are then allowed during which an appeal can be lodged. If no appeal is lodged the Tribunal decision becomes final and publicity is usually given to the decision.

An information sheet on the Tribunal is available. Further details with regard to the workings of the Tribunal and past decisions of the Tribunal are available on the Tribunal website at www.ssd.org.uk.