

The Solicitors Disciplinary Tribunal

Constituted under the Solicitors Act 1974

**RESPONSE BY THE SOLICITORS DISCIPLINARY TRIBUNAL
LEGAL SERVICES BOARD CONSULTATION
DRAFT BUSINESS PLAN 2017/2018
INTRODUCTION**

1. The Solicitors Disciplinary Tribunal ("the Tribunal") was created by the Solicitors Act 1974 (as amended) as a statutory tribunal. The Tribunal has two specific duties: to protect the public from harm (to include protection of the public interest) and to maintain public confidence in the reputation of providers of legal services (in particular the solicitors' profession). The Tribunal fulfils its public duties by adjudicating on alleged disciplinary breaches of the profession's rules and regulations and deciding certain appeals. The Tribunal is made up of Solicitor and Lay Members appointed by the Master of the Rolls. Solicitor Members must be practising solicitors of not less than 10 years' standing. Lay Members are individuals drawn from a wide and diverse range of personal and professional backgrounds who are neither solicitors nor barristers. Their task is to represent the views of the public in the Tribunal's decisions. In order to ensure that the Tribunal is both independent of, and perceived to be independent of, The Law Society (the approved regulator of the solicitors' profession), and the Solicitors Regulation Authority (its independent regulatory arm), individuals who are either employed by, or serve as Council or Board members of, either body cannot be appointed as Solicitor or Lay Members. Tribunal Members are selected for appointment following an open and transparent selection process conducted in accordance with the published Appointment Protocol. Further information about the Tribunal, its Constitution and its User Group Committee can be obtained from the Tribunal's website at www.solicitortribunal.org.uk.

2. When responding to this and all other Consultation documents, the Tribunal has in mind that it must not make public statements (even in the context of consultation) which might give rise to a complaint of apparent bias against the Tribunal at a future date from those appearing before it. The Tribunal is able to respond to a Consultation highlighting difficulties or issues that have been encountered while sitting to determine cases. That is an appropriate function enabling the Tribunal to pass on knowledge and experience to policy makers. However the Tribunal must not stray outside that parameter. The observations in this response pay due regard to the Tribunal's overriding objective when managing cases, as expressed in its Practice The Solicitors Disciplinary Tribunal Constituted under the Solicitors Act 1974 Independent. Impartial. Transparent. Direction No. 6, namely to ensure that they are dealt with justly, as well as to the applicable regulatory objectives.

3. The Tribunal responds to the three questions posed by the LSB as follows:

Question One - Do you have any comments on the LSB's proposed programme of work?

Response

The Tribunal does not have any comment on the LSB's proposed programme of work.

Question Two - Do you have any comments on the research the LSB have proposed?

Response

The Tribunal expects and understands that, as part of the LSB's review of the end to end process of regulation of solicitors, the LSB will be talking in detail to the Tribunal about the Tribunal's role in the disciplinary process. The Tribunal welcomes the opportunity, which it knows will be forthcoming, to discuss and agree a timetable for the Tribunal's involvement in this research with the LSB.

Question Three - Do you have any comments on the LSB's proposed indicative budget?

Response

The Tribunal does not have any comment on the LSB's proposed indicative budget.



Susan Humble
Clerk and CEO of the Solicitors Disciplinary Tribunal
On behalf of the Tribunal and its Policy Committee
07 February 2017