

## **SOLICITORS DISCIPLINARY TRIBUNAL**

### **Practice Direction No.2**

**Dated: 25<sup>th</sup> February 1996**

*Amended: 27<sup>th</sup> November 2002*

### **Re: Disclosure/Discovery**

Where directions are sought as to disclosure or discovery of documents, the Tribunal will adopt the view that material should be disclosed which could be seen on a sensible appraisal by the Applicant:-

- (i) to be relevant or possibly relevant to an issue in the case;
- (ii) to raise or possibly raise a new issue whose existence is not apparent from the evidence the Applicant proposes to use, and which would or might assist the Respondent in fully testing the Applicant's case or in adducing evidence in rebuttal;
- (iii) to hold out a real (as opposed to a fanciful) prospect of providing a lead on evidence which goes to (i) or (ii).

*There may be exceptional circumstances in which the Tribunal, balancing the interest in disclosure of a document against a competing public interest such as a specific and compelling need for confidentiality, may decide not to order disclosure of a document which falls within (i) (ii) or (iii) above.*