

**Solicitors' Disciplinary Tribunal**

**POLICY/PRACTICE NOTE**

**ADJOURNMENTS**

- 1) The following practice note is to give guidance to Applicants and Respondents who seek an adjournment of a hearing the date of which has been fixed.
- 2) Applications for an adjournment made more than 21 days before the hearing date should be made by letter to the Clerk. The letter should
  - a) Indicate the full reasons why an adjournment is being sought
  - b) Provide any documentary evidence in support e.g. medical reports
  - c) State whether the other party to the proceedings supports or opposes the application for an adjournment
- 3) The Tribunal will be reluctant to agree to an adjournment unless the request is supported by both parties or, if it is not, the reasons appear to the Tribunal to be justifiable because not to grant an adjournment would result in injustice to the person seeking the adjournment.
- 4) The following reasons will NOT generally be regarded as providing justification for an adjournment;

**a) The Existence of Other Proceedings**

The existence or possibility of criminal proceedings unless the criminal proceedings relate to the same or substantially the same underlying facts as form the basis of the proceedings before the Tribunal AND there is a genuine risk that the proceedings before the Tribunal may 'muddy the waters of justice' so far as concerns the criminal proceedings. Proceedings which are not imminent will not usually meet this criterion. Civil proceedings are even less likely to do so.

**b) Lack of Readiness**

The lack of readiness on the part of either Applicant or Respondent or any claimed inconvenience or clash of engagements whether professional or personal.

**c) Ill-health**

The claimed medical condition of the Applicant or Respondent unless this is supported by a reasoned opinion of an appropriate medical adviser. A doctor's certificate issued for social security and statutory sick pay purposes only or other certificate merely indicating that the person is unable to attend for work is unlikely to be sufficient.

**d) Inability to Secure Representation**

The inability of the Respondent for financial or other reasons to secure the services of a representative at the hearing or financial reasons for the non attendance of the Respondent.

- 5) The Tribunal accepts that there may be reasons why an application for an adjournment needs to be made within a three week period before the date which has been fixed for the Hearing. Except for cases where the reason for the adjournment application has genuinely arisen at a very late stage, the Tribunal will expect the Respondent to support a late application for adjournment with a statement of truth as to the reasons for the sought adjournment.
- 6) Where the guidance given in this Practice Note is not followed, Applicants and Respondents will appreciate that The Tribunal may, in its discretion and in appropriate cases, order costs to be paid by either or both parties regardless of the outcome of the substantive proceedings
- 7) The Clerk to the Tribunal may agree to the adjournment of a matter if the application is made at least three weeks before the scheduled hearing date and she is satisfied that the adjournment is made in one of the circumstances referred to in this practice note. The Clerk may in any case where she considers it right either seek the approval of the Chairman of the Tribunal or list the matter for an adjournment hearing before a division of the Tribunal sitting in public. The Clerk will endeavour to list the adjournment hearing on a date before that fixed for the substantive hearing.
- 8) Those appearing before the Tribunal should be conscious of the need to ensure that cases are heard with reasonable expedition so that the interests of the Public as well as the Profession can be protected. The efficient and timely determination of cases before the Tribunal will usually be in the best interests of all concerned and the Tribunal will always need to be convinced that the interests of justice in any particular case will be best served by agreeing to an adjournment. **The Tribunal can (and does, therefore, in appropriate cases,) exercise its right under the Rules to reject an application for an adjournment and proceed with a substantive hearing on the date which has been previously fixed. The Rules provide that such a hearing may take place in the absence of the Respondent.**
- 9) Every application for adjournment will be considered on its own merits and this practice note is made to provide assistance as to matters which the Tribunal will regard as relevant to any such application, and to identify matters which in the experience of the Tribunal are frequently relied upon in support of applications but which, save in exceptional circumstances, the Tribunal does not currently regard, and would in the future be similarly unlikely to regard as persuasive in themselves.

**Anthony Isaacs**  
**President**