

## SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11668-2017

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY

Applicant

and

MARK HARVEY LORRELL

Respondent

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Before:

Ms J. Devonish (in the Chair)

Mr P. Jones

Mr S. Hill

Date of Decision: 5 February 2019

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### **Appearances**

None; the Application was considered on the papers.

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**MEMORANDUM OF THIRD PARTY  
APPLICATION FOR DISCLOSURE**

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## **Background**

1. As a consequence of a Rule 5 Application dated 21 June 2017 the Respondent appeared before the Tribunal on 2-5 July 2018 for a Substantive Hearing in respect of allegations relating to:-
  - 1.1 Conflict of interests;
  - 1.2 Breach of the Solicitors Regulation Authority Accounts Rules 2011;
  - 1.3 Breach of client confidentiality;
  - 1.4 Lack of integrity.
2. The allegations were found proved and the Tribunal Ordered that the Respondent be Struck off the Roll of Solicitors and that he do pay the costs of and incidental to the application and enquiry fixed in the sum of £35,700.
3. The Respondent lodged an appeal against the Order in the High Court on 24 October 2018 which is yet to be determined.

## Application

4. Ms C, the main witness for the Applicant in the substantive proceedings, made a written application to the Tribunal for disclosure on 9 December 2018. She sought disclosure of evidence/documents considered by the Tribunal in the substantive proceedings namely:
  - Witness statements and exhibits.
  - Client ledgers.
  - Evidence put to the SDT by the SRA "that no Shoprite loan."
5. The application was predicated on the fact that these documents were "urgent for civil proceedings and police enquiry."

## SRA Response

6. The SRA opposed the application on the grounds that:
  - 6.1 The Tribunal decision is currently subject to a High Court Appeal and as such it would not be appropriate to disclose the Tribunal documents prior to the conclusion of the appellate process.
  - 6.2 Client ledgers contain confidential information about third parties and if disclosed would require redaction.
  - 6.3 If the police requested disclosure of documents the SRA would review the same.

### The Respondent's Position

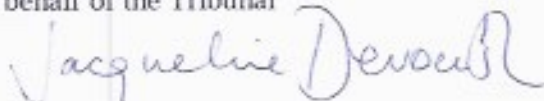
7. The Application was served upon the Respondent on 24 January 2019. He was invited to provide his views upon the same, if he so wished, by 4.00p.m. on 30 January 2019. No response was received.

### The Tribunal's Decision

8. The Tribunal considered the written application of Ms C and the objections set out by the SRA. The Tribunal applied the "Solicitors Disciplinary Tribunal: Policy on the Supply of Documents to a Non-Party from Tribunal Records" dated 10 July 2017.
9. The Tribunal noted that "the starting point in determining any non-party application is that no disclosure should be made of Tribunal documents prior to the expiry of the time limit for appeal by a party against the Tribunal's substantive determination of the application in the proceedings." The Tribunal was aware that there is an extant appeal, lodged by the Respondent, awaiting determination in the High Court.
10. The Tribunal had regard to the principle of open justice which, in the instant matter, purportedly concern potential civil proceedings and a police enquiry. The Tribunal recognised the importance of transparency in the Tribunal's decision making process. The Tribunal paid due regard to the interests of the Parties, including third parties, in the disciplinary process namely Ms C's request, the absence of the Respondent's view on the Application, the issue of identification in the client ledgers and the pending High Court Appeal.
11. In considering the application the Tribunal concluded that this was not a focused request, the issues (if any) which necessitated disclosure of the documents were not clear. The relevance of the documents sought and their purpose had not been set out.
12. The Tribunal found the reason given in the application (urgently required for civil proceedings and police enquiry) for the request to be somewhat lacking, vague and premature. The Tribunal was not made aware of any live civil or criminal proceedings at the time of application. The Tribunal was satisfied that should civil proceedings or indeed police enquiry be instigated in which disclosure of Tribunal documents was sought, this would be made under the relevant statutory authority and considered afresh by the SRA and of the Tribunal as appropriate.
13. In light of all attendant circumstances the Tribunal refused the application for Third Party Disclosure.

Dated this 6<sup>th</sup> day of February 2019

On behalf of the Tribunal



J Devonish  
Chair