



STATUTORY INSTRUMENTS.

S.I. No. 786 of 2021



LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL REGULATIONS
2021

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The Legal Practitioners Disciplinary Tribunal, in exercise of the powers conferred on it by section 79 of the Legal Services Regulation Act 2015 (No. 65 of 2015), hereby makes the following regulations:

PART 1

Citation and Commencement

1. (1) These Regulations may be cited as the Legal Practitioners Disciplinary Tribunal Regulations 2021.

Interpretation

2. (1) In these Regulations -

“Act” means the Legal Services Regulation Act 2015;

“Act of 1960” means the Solicitors (Amendment) Act 1960;

“Act of 1994” means the Solicitors (Amendment) Act 1994;

“applicant” means the Complaints Committee under section 71(7) or section 71(8)(c) of the Act, or, as the case may be, the Society under section 14A(6) or section 14A(7) (c) of the Act of 1994, in making an application to the Tribunal pursuant to and in accordance with Part II of these Regulations for the holding by the Tribunal of an inquiry under section 81 of the Act, and a reference to an applicant making such application, or furnishing documents to the Tribunal, includes a reference to a legal practitioner or other person doing so for and on behalf of, and with the authority of, the applicant, and, in the case of the Complaints Committee, shall be construed as including the Authority who, pursuant to section 78(1) of the Act, shall present evidence to the Tribunal grounding the contention that misconduct by the legal practitioner concerned has occurred or shall appoint a person to do so on its behalf;

“application” in its literal context means either

- (i) an application to the Tribunal by an applicant pursuant to and in accordance with Part II of these Regulations for the holding by the Tribunal of an inquiry under section 81 of the Act, and "particular application" shall be construed accordingly; or
- (ii) an application to the Tribunal relating to a particular application;

“Authority” means the Legal Services Regulatory Authority;

“Chairperson” means the Chairperson of the Tribunal appointed by the President of the High Court from the persons nominated by the Minister for Justice for membership of the Tribunal pursuant to section 76(4) of the Act;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 12th July, 2022.*

“chairperson” means a lay member of the Tribunal who has been appointed by the Tribunal to be the chairperson for, and who is in the chair at, a sitting of a division of the Tribunal;

“complaint” means the act or omission the subject-matter of an application and “specified complaint” shall be construed pursuant to and in accordance with Regulation 5(3);

“Complaints Committee” means the Complaints Committee of the Authority;

“days” means days not including a Saturday or Sunday, but including bank holidays and public holidays that fall on a day between a Monday and a Friday;

“electronic communications technology” in relation to a remote hearing, means technology that enables real time transmission and real time two-way audio-visual or audio communication, enabling a person to participate in a hearing although not in the same place as another participant;

“Form” followed by a reference to an "LPDT" number means a reference to the applicable form set out in the Schedule to these Regulations;

“furnished” in relation to the provision of documents by or to the Tribunal means served or provided in a manner provided for in Regulation 23 and "transmission" and related expressions shall be likewise construed;

“hearing” includes, as the case may be, a part of a hearing, an inquiry hearing, a case-management hearing and an application hearing;

“inquiry” means a hearing (including an adjourned hearing) of the Tribunal at which one or more complaints is or are heard, whether or not such complaint or complaints derive from one application or more than one application, and “inquiry hearing” shall be construed accordingly;

“lay member” means a lay person who is appointed (following his or her nomination by the Minister for Justice) to be a lay member of the Tribunal by the President of the High Court pursuant to section 75(1) of the Act;

“member of the Tribunal” means a member appointed to be such a member (following his or her nomination by the Minister for Justice) by the President of the High Court pursuant to section 75(1) of the Act;

“misconduct” means, in the case of an act or omission which occurred after 7 October 2019, an act or omission of a legal practitioner that may be considered as constituting misconduct under section 50(1) of the Act, and in the case of an act or omission which occurred before 7 October 2019, an act or omission of a solicitor that may be considered as constituting misconduct within the meaning of section 3 of the Act of 1960 as if the amendment of that section by section 184 of the Act had not been made;

“participant” in relation to a hearing, includes a member of the division of the Tribunal that is conducting a hearing;

“party” means the applicant or the respondent legal practitioner, and "parties" means both the applicant and the respondent legal practitioner; and "non-party" means a reference to a person who is neither the applicant nor the respondent legal practitioner;

“Registrar of Solicitors” means the registrar of solicitors appointed pursuant to

section 8 of the Solicitors Act 1954;

“remote hearing” means a hearing in which

- (i) the participants are not all in one place; and
- (ii) one or more than one of the participants participates in the hearing by means of electronic communications technology;

“respondent legal practitioner” means a legal practitioner who is the subject of an application to the Tribunal, and a reference to the respondent legal practitioner furnishing documents to the Tribunal includes a reference to a legal practitioner or other person doing so for and on behalf of and with the authority of the respondent legal practitioner;

“sitting” means a sitting of a division of the Tribunal in public, or otherwise than in public, at which matters coming before that division are heard and, as appropriate, determined or adjudicated on, as provided for in the Act and these Regulations, and includes an adjourned sitting; and “sit” and “sat” shall be construed accordingly;

“Society” means the Law Society of Ireland;

“Tribunal” means the Legal Practitioners Disciplinary Tribunal established by section 74 of the Act, or a division of the Legal Practitioners Disciplinary Tribunal, as the context requires, and, notwithstanding the plurality of its membership, references to the Tribunal are throughout these Regulations grammatically referred to in the singular;

“Tribunal Registrar” means the individual appointed from time to time to act as registrar to the Tribunal and to carry out and to manage the carrying out of the administrative functions of the Tribunal, and references to the Tribunal Registrar include references to any other person delegated as appropriate by the Tribunal Registrar to carry out or assist with any such administrative functions;

(2) In these Regulations, unless the context otherwise requires, other words and phrases have the meanings (if any) assigned to them by the Act. In the event of there being an apparent conflict between these Regulations and any provision(s) of the Act, these Regulations shall be construed so as to be in conformity with the provisions(s) of the Act.

(3) The provisions of the Interpretation Act 2005 shall apply for the purposes of the interpretation of these Regulations, except insofar as a contrary intention appears in the Act or these Regulations, as the case may be.

Composition, and functions of, members of Tribunal

3. (1) The Tribunal is comprised of not more than thirty-three members in accordance with the provisions of section 75(1) and (3) of the Act.

(2) The functions of a member of the Tribunal shall be –

- (a) to sit as a member of a division of the Tribunal comprising of an uneven number of members, a majority of lay members, and at least three members, to hear and, as appropriate, to adjudicate on matters coming before that division, as provided for in the Act

and these Regulations;

- (b) to sign on behalf of the Tribunal, summonses requiring the attendance of witnesses; and
- (c) to attend general meetings of the members of the Tribunal when requested to do so by the Chairperson.

(3) A member of the Tribunal shall not sit to hear and to adjudicate on any matter in which he or she has an interest or in which otherwise under the principles of fair procedures he or she should not sit.

(4) The Tribunal shall sit in divisions, with the particular members of a division being assigned by the Tribunal Registrar, who shall take into account the provisions of section 75 of the Act and the availability of members.

(5) In cases where a division assigned in accordance with paragraph (4), comprising three members, decides that its membership should, in light of the complexity or extent of the matter concerned (or both), be expanded to comprise a greater number of members, the Tribunal Registrar shall assign two additional members to such division.

(6) Prior to the sitting of a division of the Tribunal in relation to a particular matter, the members of that division shall decide amongst themselves (whether unanimously or by majority decision) which lay member should be chairperson for the duration of that sitting.

4. The Chairperson shall, in addition to his or her functions as a member of the Tribunal, be responsible for –

- (a) co-ordinating, in conjunction with the Tribunal Registrar, the management and administration of the Tribunal;
- (b) liaising to any appropriate extent with the President of the High Court in relation to the efficient administration of the Tribunal; and
- (c) convening and presiding at such general meetings of members of the Tribunal as may be held from time to time.

PART 2 - APPLICATION FOR AN INQUIRY INTO THE ALLEGED MISCONDUCT OF A LEGAL PRACTITIONER

Procedure for application for an inquiry into conduct of a legal practitioner

5. (1)(a) Subject to paragraphs (2) and (4) of this Regulation, an application to the Tribunal shall be in writing, duly signed by or on behalf of the applicant, in the form of Form LPDT1 ("form of application") in the Schedule, and shall be furnished by or on behalf of the applicant to the Tribunal Registrar together with an affidavit sworn or affirmed by or on behalf of the applicant (and any documents exhibited thereto), in the form of Form LPDT2 ("grounding affidavit") in the Schedule, stating whether the application is made under section 71(7) or section 71(8)(c) of the Act, or, as the case may be, under section 14A(6) or section

14A(7)(c) of the Act of 1994, and the acts or omissions alleged to constitute misconduct and documents on which the applicant relies in support of the application.

- (b) An application may relate to one or more complaints against the respondent legal practitioner.
- (c) The grounding affidavit shall be made by such person as may be duly appointed from time to time by the applicant, as the case may be, in making such applications, and the acts or omissions alleged to constitute misconduct may be supported by correspondence or unsworn statements or information received by the Complaints Committee or Society exhibited to or set forth in such grounding affidavit.

(2) An application made pursuant to paragraph (1) of this Regulation shall set out in the form of application the acts or omissions alleged to constitute misconduct in a concise way, in the form of one or more complaints clearly specifying the acts or omissions of the respondent legal practitioner which are alleged by the applicant to constitute misconduct on his or her part.

(3) Such specified complaints shall then comprise the entire nature and content of the application which the respondent legal practitioner has to meet, and the applicant is entitled to pursue, pursuant to these Regulations, and no further complaints may subsequently be specified by the applicant in respect of the particular application concerned.

(4) On the making of an application to the Tribunal pursuant to paragraph (1) of this Regulation, the applicant shall furnish to the Tribunal Registrar, together with the originals thereof, five copies, paginated and bound, of the application and grounding affidavit (and any documents exhibited thereto). In addition, the applicant shall furnish to the Tribunal Registrar, by email to the address specified on the Tribunal's website, a paginated and collated electronic copy of the application and the grounding affidavit (and any documents exhibited thereto).

Respondent legal practitioner's right to respond by affidavit

6. (1) The Tribunal Registrar, as soon as practicable after being furnished with the form of application and the grounding affidavit (and any documents exhibited) pursuant to Regulation 5, shall

- (a) furnish copies of all such documents to the respondent legal practitioner; and
- (b) request that, if the respondent legal practitioner wishes to do so, he or she furnish to the Tribunal Registrar a responding affidavit in the form of Form LPDT3 ("responding affidavit") in the Schedule, sworn or affirmed by the respondent legal practitioner concerned, specifying whether the complaints, or any of them, are admitted or denied, any special pleas that are being made by the respondent legal practitioner, and deposing to material facts of relevance on the application, within 28 days (commencing on the date of transmission by the Tribunal Registrar to the

respondent legal practitioner of such documents).

The respondent legal practitioner may then, within such period of 28 days, so furnish to the Tribunal Registrar a responding affidavit (and any documents exhibited thereto).

(2) Where the respondent legal practitioner exercises his or her right to furnish a responding affidavit pursuant to paragraph (1) of this Regulation, the respondent legal practitioner shall, in addition to detailing whether he or she admits or denies the specified complaints, or any of them, depose to material facts of relevance to the application by reference to the specified complaint or each specified complaint made against him or her by the applicant in its form of application and grounding affidavit (and any documents exhibited), recognising that such specified complaint or complaints shall, pursuant to paragraph (2) of Regulation 5, comprise the entire nature and content of the application which the respondent legal practitioner has to meet, and which the applicant is entitled to pursue in the particular application concerned, pursuant to these Regulations.

(3) Where pursuant to paragraph (1) of this Regulation, the respondent legal practitioner exercises his or her right to furnish a responding affidavit, the respondent legal practitioner shall, in doing so, furnish to the Tribunal Registrar, together with the originals thereof, five copies, paginated and bound, of the responding affidavit (and any documents exhibited thereto), and in addition, furnish to the Tribunal Registrar, by email to the address specified on the Tribunal's website, a paginated and collated electronic copy of the responding affidavit and any documents exhibited thereto.

(4) Where, within the prescribed period of 28 days (or any extension thereof granted by the Tribunal pursuant to these Regulations), the respondent legal practitioner does not furnish to the Tribunal Registrar a responding affidavit, the Tribunal may thereafter proceed, pursuant to Regulation 7, and without further notice to the respondent legal practitioner, to issue a notification of date of inquiry or, in its discretion, a case-management hearing, as the case may be.

Notification of date of Inquiry or case-management hearing and documents to be furnished to each party

7. (1) Subject to where these Regulations otherwise provide, once the parties have furnished whatever affidavits they wish, or have been permitted, to furnish to the Tribunal, the Tribunal Registrar shall, having consulted with relevant members of the Tribunal and with the parties to any extent necessary, allocate a proposed date, time and place for the commencement of the inquiry hearing.

(2) (a) The Tribunal Registrar shall then furnish a notification in writing to the respondent legal practitioner, in the form of Form LPDT4 in the Schedule, and to the applicant, in the form of Form LPDT5 in the Schedule, notifying the parties of the proposed date, time and place for the commencement of the inquiry hearing, not less than 28 days prior to such allocated date, and requiring the party concerned to inform the Tribunal Registrar, within ten days (commencing on the date of transmission by the Tribunal Registrar to the party of such notification), if that party intends to

make an application to the Tribunal for the adjournment to a later date of the commencement of the inquiry hearing or any other application.

- (b) If, following the expiry of the ten days referred to in paragraph (a), the parties do not notify the Tribunal of any intended applications, the Tribunal Registrar shall furnish a confirmation, in writing, to the respondent legal practitioner and the applicant of the allocated inquiry date.
- (c) The Tribunal may, in its discretion, list a matter for case-management in advance of furnishing a notice of date of inquiry, and the Tribunal Registrar will in such cases notify the parties of such case-management hearing in accordance with Regulation 10.
- (d) Notifications furnished under sub-paragraphs (2)(a) and (c) of this Regulation shall include:
 - (i) the ground or grounds of the alleged misconduct on the part of the respondent legal practitioner for inquiry by the Tribunal and the ground or grounds of such alleged misconduct set out in the form of a complaint or set of complaints, and the date, time and place designated for the commencement of the inquiry hearing or case-management hearing, as appropriate;
 - (ii) a reference to and copies of the form of application and each affidavit furnished by the applicant and the respondent legal practitioner (and any documents exhibited thereto) together with such other documents relating to the application furnished to or issued by the Tribunal Registrar as may be relevant before the inquiry, including any relevant correspondence.
- (e) Where a notification is furnished under sub-paragraph (2)(a), where a notification under sub-paragraph (2)(c) has previously been furnished to the respondent legal practitioner and the applicant, this notification shall include:
 - (i) the ground or grounds of the alleged misconduct on the part of the respondent legal practitioner for inquiry by the Tribunal and the ground or grounds of such alleged misconduct set out in the form of a complaint or set of complaints, and the date, time and place designated for the commencement of the inquiry hearing;
 - (ii) a reference to the form of application and each affidavit furnished by the applicant and the respondent legal practitioner (and any documents exhibited thereto), together with copies of such other documents relating to the application furnished to or issued by the Tribunal Registrar as may be relevant before the inquiry, including any relevant correspondence, to the extent that they have not previously been provided by the Tribunal to the respondent

legal practitioner and the applicant.

Case-management and Applications

8. (1) In circumstances where a case is designated for a case-management hearing, or where an application is to be made to the Tribunal in relation to a particular application, the Tribunal Registrar shall, having consulted with relevant members of the Tribunal to any extent necessary, identify a suitable date, time and place for such case-management hearing to take place, or, as the case may be, such application to be made to the Tribunal.

(2) The Tribunal Registrar shall furnish a notification in writing to the respondent legal practitioner, not less than 14 days prior to the date allocated for the case-management hearing, or the hearing of any application concerned, in the form of Form LPDT6 in the Schedule, and to the applicant, in the form of Form LPDT7 in the Schedule.

(3) The Tribunal may direct that specific timelines be complied with in order to ensure that a matter is ready for hearing.

(4) In particular, the following matters may be considered by the Tribunal:

(a) Applications for adjournments:

If an application is to be made for an adjournment to a later date of the commencement or the continuation of an inquiry hearing, prior notice of the application should be given to the other party and to the Tribunal Registrar.

An applicant or a respondent legal practitioner seeking an adjournment shall make an application in that regard to the Tribunal.

Good and sufficient reason shall be shown to the Tribunal for the claimed need for any such adjournment. Where such an application for an adjournment is made by one party and where the other party is not present or represented at the hearing of the application, the consent of the other party to the making of the adjournment application must previously have been sought from the other party by the applying party before that application will be considered by the Tribunal. The Tribunal may, if it thinks fit, after hearing oral submissions (if any) by the parties grant such an application.

(b) The fixing of an inquiry hearing date;

(c) Other interlocutory applications, such as for discovery of documents;

(d) Applications for some or all of the inquiry hearing to be held otherwise than in public, in the interests of justice;

(e) Whether the Tribunal might consider and determine the particular application on the basis of affidavits and supporting documentation and records, where the respondent legal practitioner and the applicant consent to same; and

- (f) Whether, owing to the complexity or extent of any matter (or both), the membership of the division of the Tribunal that will deal with it should comprise of any uneven number of members exceeding three.

(5) Where an application is required to be ruled upon in advance of an inquiry and there is no opportunity to make the application to a division of the Tribunal that is sitting in advance of the date of the inquiry, the Tribunal Registrar shall circulate the application in writing, together with any supporting documents and any response from the other party, to a division of the Tribunal for consideration. The division of the Tribunal concerned may make a decision in respect of the application, or direct how it should be managed, without convening to hear oral submissions, or direct that the application be heard, wholly or partially, by way of remote hearing. The Tribunal Registrar will thereafter notify the applicant and respondent legal practitioner of the Tribunal's ruling or direction.

(6) In the event that a division of the Tribunal adjourns a matter for consideration at a further case-management hearing, unless that division explicitly keeps seisin of the matter, a separate division of the Tribunal, containing only some, or as the case may be none, of the members who heard the matter on the first date, may hear the matter on the adjourned date.

Adjournment of inquiry

9. The Tribunal may, of its own motion, and with prior notice to each party, or on the application of a party, adjourn an inquiry hearing from the date allocated for its commencement, or at any time during the course of the hearing.

Witness summons

10. (1) The Tribunal may, pursuant to section 80(2) of the Act, require the applicant and the respondent legal practitioner to submit in writing an outline of the evidence expected to be given by each of the witnesses whom they propose to have summoned to attend the inquiry hearing.

(2) Any party to an application may apply to the Tribunal Registrar by a request in the form of Form LPDT8 in the Schedule, for the issue of a summons to a witness, directing a named person to attend at the inquiry to give evidence on behalf of such party (hereinafter in this Regulation referred to as the "requesting party"). Other than in circumstances provided for in paragraph (3) of this Regulation, the Tribunal Registrar shall on receipt of such a request prepare the necessary summons, which shall then issue upon being dated and signed by a member of the Tribunal. The Tribunal Registrar shall then furnish the summons to the requesting party. Service of such a summons on the witness named therein shall be invalid if not made by or on behalf of the requesting party within 84 days from its date. A witness summons may be in the form of Form LPDT9 in the Schedule, requiring the attendance of the witness to give evidence, or in the form of Form LPDT10 in the Schedule, requiring the attendance of the witness to bring with him or her such documents or other evidence as may be required.

(3) Where the member of the Tribunal who is requested by the Tribunal Registrar to date and sign a summons pursuant to paragraph (1) of this Regulation has a concern, whether generally, or in light of any outline of evidence provided to the Tribunal by the parties under paragraph (1) of this Regulation, that the evidence expected to be given by any witness whom it is proposed to have summoned to attend the inquiry hearing may be irrelevant or might not add materially to that proposed to be given by other witnesses, and that accordingly the attendance of the witness at the inquiry may be likely to give rise to unnecessary delay or expense, the Tribunal member may, before proceeding further with the process of issuing the summons to the requesting party as provided for in paragraph (1) of this Regulation, cause the Tribunal Registrar to refer the request for the issue of such summons to the Tribunal, and the Tribunal, having considered whether or not it is of the opinion referred to in section 80(3) of the Act, may then, having regard to its opinion, either-

- (a) without prejudice to the provisions of section 80(4) of the Act, direct the Tribunal Registrar to proceed as provided for in paragraph (a) of this Regulation to furnish such summons to the requesting party; or
- (b) in addition to directing the Tribunal Registrar to proceed as provided for in paragraph (a) of this Regulation, further direct the Tribunal Registrar to inform the requesting party of the Tribunal's having formed the opinion referred to in section 80(3) of the Act, and to bring to that person's attention the provisions of section 80(4),

as appropriate.

(4) Before making an order under section 80(4) of the Act, the Tribunal shall notify in writing the applicant or the respondent legal practitioner, as the case may be, that it proposes to do so and shall consider any representations that may be made to it in writing by the person concerned within 14 days after the notification.

Discovery of documents

11. (1) The Tribunal may, on the application of a party to an application (hereinafter in this Regulation referred to as the "requesting party") made on notice to the other party (hereinafter in this Regulation referred to as "the other party"), order that the other party do make discovery under oath or under affirmation of any documents which are or have been in his or her possession, or under his or her control, or within his or her procurement, which relate to any matter in question in the inquiry. Such an application may be made to a division of the Tribunal, and the requesting party shall do so grounded on an affidavit verifying –

- (a) the fact that voluntary discovery has previously been requested in writing by the requesting party from the other party (a copy of such written request to be an exhibit to such affidavit);
- (b) that such request for voluntary discovery had specified the precise categories of documents in respect of which discovery was being

sought and the reasons why each category of documents was being required to be discovered;

- (c) that such discovery of documents being sought was and is necessary for disposing fairly of the inquiry, or for saving costs; and
- (d) (as the case may be) that such request for voluntary discovery had been refused or ignored by the other party, or that the terms of such voluntary discovery had not been agreed between the parties (including the extent to which there had been agreement and the extent to which there had not been agreement).

(2) Any party to an application to the Tribunal may, in due and sufficient time prior to the date of the inquiry hearing or any adjournment thereof in respect of that application, furnish notice in writing, in the form of Form LPDT11 in the Schedule, to the other party requesting the production for inspection of the originals of the documents specified in such notice as are in the possession or power of the other party and in respect of which either copies have been furnished by the other party to the Tribunal Registrar by way of affidavit or exhibits thereto or to which reference has been made in such affidavit or exhibits, and to permit photocopies of such specified documents to be taken by or on behalf of the requesting party. If the other party does not respond positively and fully to the notice of the requesting party, the other party shall not afterwards at the inquiry be at liberty to put any such specified documents in evidence on the other party's behalf, unless the other party shall satisfy the Tribunal that such documents relate only to the other party's own title or that the other party has other cause or excuse which the Tribunal deems sufficient for not complying with such notice. Where the Tribunal in such circumstances does permit any such specified documents to be put in evidence, the Tribunal may do so on such terms as to costs or otherwise as it thinks fit.

(3) The other party to whom a notice by the requesting party pursuant to paragraph (3) of this Regulation is furnished shall, within four days after the receipt of such notice, furnish to the requesting party, in the form of Form LPDT12 in the Schedule, a notice in response specifying a time and place within 10 days after such receipt when the originals of the documents in question (which, in the case of electronically-stored documents, may be printed copies thereof), or such of them as the other party does not object to producing, will be produced for inspection by the requesting party (or the requesting party's solicitor) and to permit photocopies of such specified documents to be taken at the office of the other party (or of the other party's solicitor) or, if different, at the usual place or places of custody of the documents in question; and (if applicable) stating which (if any) of the documents in question the other party objects to so producing and on what ground or grounds.

(4) Where the other party, to whom a notice by the requesting party is furnished pursuant to paragraph (3) of this Regulation, fails to furnish a notice in response, either within the time provided for in paragraph (4) of this Regulation or at all, that specifies a time and place when the originals of the documents in question will be provided by the other party for inspection and copying by the requesting party, or objects to give inspection of all or any of such documents, or offers a place for inspection other than at a place provided

for in paragraph (4) of this Regulation, the Tribunal may, on the application of the requesting party, make an order for inspection and copying of such documents at such place and time and in such manner as it thinks fit. Such an application shall be grounded on an affidavit of the requesting party specifying the documents in question and deposing as to the basis on which the requesting party contends that he or she is entitled to inspect them (and, as the case may be, to have photocopies taken of them) and to his or her belief that they are in the possession or power of the other party.

(5) An order shall not be made by the Tribunal under this Regulation where the Tribunal is of opinion that such an order is not necessary either for disposing fairly of a matter in issue at the inquiry hearing in question or for saving costs.

Non-party discovery

12. (1) Any person not a party to an inquiry (hereinafter in this Regulation referred to as the "non-party"), who appears to the Tribunal to be likely to have, or to have had, in their possession, custody or power, documents which are relevant to an issue arising or likely to arise out of the inquiry, may upon the application of a party to the inquiry (hereinafter in this Regulation referred to as the "applying party"), on notice to the non-party and to the other party to the inquiry, and to the Tribunal Registrar, be directed by order of the Tribunal to make discovery of such documents or to permit inspection of such documents. Such an application to the Tribunal by the applying party shall be grounded on an affidavit (and any documents exhibited thereto) verifying the fact that voluntary discovery has previously been requested in writing by the applying party from the non-party (a copy of such written request to be an exhibit to such affidavit); and that such request for voluntary discovery had specified the precise categories of documents in respect of which discovery was being sought and the reasons why each category of documents was being required to be discovered; and had verified that such discovery of documents being sought was necessary for disposing fairly of the issues arising or likely to arise out of the inquiry; and deposing (as the case may be) that such request for voluntary discovery had been refused or ignored by the non-party or that the terms of such voluntary discovery had not been agreed between the applying party and the non-party (including the extent to which there had been agreement and the extent to which there had not been agreement).

(2) The provisions of paragraph (1) of this Regulation shall apply with any necessary modifications as if the said order of the Tribunal had been directed to a party, provided always that the applying party shall indemnify the non-party in respect of all costs thereby reasonably incurred by the non-party.

Notice to admit documents or facts

13. (1) Any party may, by notice in writing, in the form of Form LPDT13 in the Schedule or in the form of Form LPDT14 in the Schedule, as the case may be, at any time not later than seven days before the date fixed for an inquiry hearing (or any adjournment thereof), request the other party to admit a specified document or documents (Form LPDT13) or a specified purported fact or facts as

a fact or facts without formal proof of same (Form LPDT14), saving all just exceptions as to the admissibility of such document or documents or fact or facts as evidence at the inquiry hearing; and, if the other party wishes to challenge such specified document or documents or such specified purported fact or facts, the other party shall, within not more than six days after the furnishing to the other party of such notice, give notice of non-admission to the requesting party, in the form of Form LPDT15 in the Schedule or in the form of Form LPDT16 in the Schedule, as the case may be, that he or she does not admit the same or any one or more of them and that he or she requires proof of same (or any one or more of same) at the inquiry hearing (or any adjournment thereof).

(2) The notice of the requesting party to the other party to admit a specified document or documents, as provided for in paragraph (1) of this Regulation, shall include the statement that the other party is being requested to admit the specified document or documents for the purposes of the inquiry only, and may include all or any of the following further statements:

- (a) that the requesting party proposes to rely, as part of his or her case, on the specified document;
- (b) that the other party may inspect the specified document or documents at a location (specified in the notice) reasonably convenient to the other party within the seven-day period referred to in paragraph (1) of this Regulation;
- (c) that the other party is being requested to admit that the specified document or documents, if an original document or original documents, was or were, respectively, written, signed and executed as it or they purport to have been;
- (d) that the other party is being requested to admit that the specified document or documents, if a copy or copies of the original(s), is or are a true copy of the original(s);
- (e) that the other party is being requested to admit that the specified document or documents, insofar as it is or they are stated to have been served, sent or delivered, was or were so served, sent or delivered.

(3) The notice of the requesting party to admit a specified purported fact or facts as a fact or facts, as provided for in paragraph (1) of this Regulation, shall include the statement that the other party is being requested to admit the specified purported fact or facts as a fact or facts for the purposes of the inquiry only, and may also include the statement that the requesting party proposes to rely, as part of the requesting party's case, on the specified purported fact or facts as a fact or facts.

(4) If the other party does not give notice of non-admission to the requesting party within the time provided for in paragraph (1) of this Regulation, the other party shall be deemed to have admitted the document or documents or fact or facts unless the Tribunal shall otherwise order.

Procedure at Inquiry hearing

14. (1) An inquiry hearing in relation to a particular application shall proceed as informally as is consistent with the principles of fair procedures, avoid undue expense being incurred by any party, and, unless otherwise directed by the Tribunal, proceed having regard:

- (a) first, to the content of the forms of notice furnished, respectively, to the respondent legal practitioner (Form LPDT4) and to the applicant (Form LPDT5) pursuant to Regulation 9, and to the complaints the subject of the inquiry hearing;
- (b) secondly, to the content of the form of application and the affidavit or affidavits (and any documents exhibited thereto) furnished by or on behalf of the applicant and (if any) by or on behalf of the respondent legal practitioner pursuant to Regulations 5 to 8 (inclusive), or any of them;
- (c) thirdly, to such oral evidence and documentary evidence as may be tendered by or on behalf of the applicant and/or the respondent legal practitioner as being relevant to the complaints the subject of the inquiry hearing and legally admissible;
- (d) fourthly, to such submissions relating to the foregoing as may be made by or on behalf of the applicant, any original complainant to the Complaints Committee or the Society (as the case may be), the respondent legal practitioner, and such other persons as might apply to the Tribunal to be permitted, or as might be invited by it, to make submissions.

(2) An inquiry shall be conducted by way of oral hearing, and, subject to paragraph (3), shall be heard in public.

(3) Where the Tribunal is satisfied that it is necessary to do so in the interests of justice, it may direct that the hearing of the inquiry or any part thereof be held otherwise than in public.

(4) Where the applicant and the respondent legal practitioner so consent, the Tribunal may consider and determine an application to it on the basis of affidavits and supporting documentation and records.

(5) Subject to these Regulations, the evidence of witnesses at any inquiry hearing before the Tribunal shall be given on oath or on affirmation, and witnesses shall be sworn, or their affirmation shall be taken, by the Tribunal Registrar, or by the chairperson or by another member of the division of the Tribunal conducting the inquiry hearing.

(6) In an inquiry hearing before the Tribunal, any judgment or conviction by any court, or any findings as to fact by any court, judge or jury, or any process, summons, affidavit or other document on the file of any court forming the basis of a judgment in any civil proceedings against the applicant concerned or against the respondent solicitor concerned may, if the Tribunal thinks fit and considers relevant, be received as evidence of matters stated therein or appearing therefrom.

(7) Where evidence is furnished to the Tribunal by means of an affidavit, and an inquiry hearing is to be held to which such evidence is, or purports to be, relevant in the interest of the party who furnished it, the other party may by notice, in the form of Form LPDT17 in the Schedule, to the deponent and (if different) the furnishing party, indicate his or her intention to cross-examine the deponent in respect of the contents of that affidavit, provided that the issuing of such a notice shall be without prejudice to the right of the Tribunal to rule on the admissibility or relevance of all or any part of the contents of that affidavit and to restrict or limit such cross-examination accordingly.

(8) Without prejudice to paragraph (1) of this Regulation, the reference in paragraph (1) to "an inquiry hearing in relation to a particular application" shall include, as may be applicable, an inquiry hearing in relation to two or more separate applications in respect of the same respondent legal practitioner which the Tribunal has directed be heard together.

On completion of inquiry hearing

15. On the completion of an inquiry hearing, the Tribunal shall, as soon as practicable –

(1) consider each complaint of alleged misconduct made against the respondent legal practitioner;

(2) make a determination, applying the criminal standard of proof, as to whether or not, on the basis of the evidence properly before it, each act or omission the subject of the complaint or complaints to which the inquiry relates constitutes misconduct, and, in that event, make a determination as to whether the issue of sanction should be dealt with by the Tribunal pursuant to section 82(1), or by the High Court pursuant to section 82(2) of the Act, and such determinations shall

- (a) be in writing;
- (b) specify the reasons for the determinations concerned;
- (c) specify the sanction (if any) to be imposed pursuant to section 82(1), or recommended under section 82(2), as the case may be; and
- (d) be notified to the respondent legal practitioner and the applicant, in the form of Form LPDT18 in the Schedule, as soon as is practicable, and in any event, not later than 28 days after the making thereof;

(3) where the Tribunal makes a determination that there has been misconduct on the part of the respondent legal practitioner, and determines that the issue of sanction should be dealt with pursuant to section 82(1) of the Act, the Tribunal may, by order pursuant to section 82(1), in the form of Form LPDT19 in the Schedule, impose on the respondent legal practitioner one or more of the sanctions set out in paragraphs (a) to (m) of section 82(1) as specified in section 82(1), provided that:

- (a) where the Tribunal makes an order imposing one or more of the sanctions specified in paragraphs (g), (i), (j) or (l) of section 82(1),

the aggregate amount of the sums to be paid by the respondent legal practitioner under the order concerned shall not exceed €15,000; and

- (b) in making an order referred to in paragraph (3)(a), the Tribunal shall have regard to the means of the respondent legal practitioner concerned;

(4) where the Tribunal makes an order pursuant to section 82(1), in the form of Form LPDT6, the Tribunal Registrar shall furnish to the respondent legal practitioner and to the applicant a certified copy of such order as soon as is practicable, and in any event, not later than 28 days after the making thereof;

(5) where the Tribunal makes a determination that there has been misconduct by the respondent legal practitioner, and further determines that the issue of sanction should be dealt with pursuant to section 82(2) of the Act, it shall, in a report to the High Court in the form of Form LPDT20 in the Schedule, make a recommendation to that Court that the Court make one or more of the orders specified in section 85(7), and, further, set out in that report:

- (a) the nature of the application;
- (b) the evidence laid before the Tribunal, appending transcripts thereof;
- (c) The finding made by the Tribunal on each complaint of alleged misconduct and the reasons therefor;
- (d) the Tribunal's recommendation, and the reasons therefor, as to the order or orders it recommends the Court make; and
- (e) any other matters in relation to the application, or the applicant, or the respondent legal practitioner, which the Tribunal may think fit to report;

(6) where the Tribunal makes a determination pursuant to section 82(2) and a report to the High Court under paragraph (5), in the form of Form LPDT20, the report shall be signed and dated on behalf of the Tribunal by the chairperson of the division of the Tribunal that conducted the inquiry hearing, and shall be furnished by the Tribunal Registrar as soon as is practicable, and in any event, not later than 28 days after the signing and dating thereof, to the High Court (by addressing and sending it to the President of the High Court at the Four Courts, Inns Quay, Dublin 7), and to the applicant and the respondent legal practitioner;

(7) furnish any determination made by the Tribunal under sections 81 and 82 to the Registrar of Solicitors in the case of an order relating to a practising solicitor, or to the Honorable Society of King's Inns in the case of an order relating to a practising barrister.

Where application to Tribunal may be postponed or withdrawn

16. Where an application is made to the Tribunal, the Tribunal may, at any stage of the processing of the application in accordance with these Regulations and before the completion of any inquiry hearing by the Tribunal, postpone the taking of any steps or further steps in the matter for a specified period and, if the

Tribunal does so, then, if, before the expiration of that period, the applicant applies to the Tribunal and requests leave to withdraw the application, the Tribunal may, if the Tribunal thinks fit (and whether or not in its discretion the Tribunal seeks the views of the respondent legal practitioner concerned on such request by the applicant before making a decision in relation to it), allow the application to be withdrawn; and, if the Tribunal does so, no further action shall be taken by the Tribunal in relation to the application.

PART 3 - GENERAL

Power of Tribunal to regulate procedures

17. (1) Subject to any express provision in the Act or these Regulations, the Tribunal may regulate its own procedures, and shall endeavour to ensure that its procedures are as informal as is consistent with the principles of fair procedures and that undue expense is not likely to be incurred by any party that has an interest in any application.

(2) The Tribunal may, in particular, regulate the procedure at any hearing or inquiry hearing.

(3) The Tribunal shall ensure that the processing, hearing and determination of applications under Part 6 of the Act is carried out as efficiently and expeditiously as may be consistent with the principles of fairness and natural justice.

Remote Hearing

18. (1) The Tribunal may, of its own motion or on the application of any of the parties, direct that the hearing of an inquiry, or a case-management hearing or application hearing proceed, wholly or partially, by way of remote hearing, with one or more participants, including the Tribunal members themselves, not being physically present.

(2) The Tribunal may make such arrangements, and adopt such practices and procedures, as are necessary to enable the conduct of any hearing wholly or partially by way of remote hearing.

(3) Paragraph (1) shall not apply in respect of a particular hearing where the Tribunal, of its own motion, or following the making of representations by any of the parties, is of the opinion that the application of that paragraph to the hearing concerned would be unfair, impracticable or prejudicial to the person, or would otherwise be contrary to the interests of justice.

(4) Where any hearing is conducted by way of remote hearing, the provisions of these Regulations relating to any hearing shall apply, with any necessary modifications, to such remote hearing, and such hearing shall be considered in all respects to be the same as any hearing with all persons physically present.

Time

19. (1) A time-period provided for in these Regulations may be extended by

the Tribunal on the application of a party, where good and sufficient reason is given by the party to support the application, and where the Tribunal is satisfied that the extension is appropriate and would not cause an injustice to any other party to the application.

(2) Subject to paragraph (3), where a party consents in writing to such application by another party being granted, the Tribunal Registrar may put that application before the Tribunal without the necessity of either party attending or being represented before the Tribunal. On such application being so put, and being granted by the Tribunal, the Tribunal Registrar shall, as soon as is practicable, confirm this in writing to the parties.

(3) If the Tribunal indicates to the Tribunal Registrar on the putting before it by the Tribunal Registrar of an application under paragraph (2) that it requires the application to be moved by or on behalf of the party seeking the extension of time, whether on notice to the other party, or otherwise, the Tribunal Registrar shall as soon as is practicable, notify this to the parties concerned. The Tribunal may then hear submissions on such application and determine whether to grant the application, and, if granted, any terms on which the extension of time concerned is granted. The Tribunal Registrar shall, as soon as is practicable, confirm in writing the outcome of such application to the parties.

Tribunal Registrar to furnish documents to interested parties

20. In the case of any application to the Tribunal made under these Regulations, the Tribunal Registrar shall furnish to the applicant and the respondent legal practitioner copies of all documents furnished to the Tribunal in respect of the application concerned; and any such applicant and any such respondent legal practitioner may at any time before the functions of the Tribunal under these Regulations have concluded (by prior arrangement with the Tribunal Registrar) inspect all the documents in the possession of the Tribunal Registrar that have been furnished to the Tribunal in respect of the application concerned.

Service of documents

21. (1) Where any document is required or authorised by or under these Regulations to be furnished to any person, such document may, unless otherwise expressly provided under any particular Regulations, be furnished-

- (a) by delivering it to that person personally;
- (b) by leaving it in an envelope addressed to that person at his or her last known place of business or residence in the State, or in a case in which an address for service has been furnished to the Tribunal, to that address, or if the person is:
 - (i) the applicant, at the address for the time being of the office, or as the case may be, head office, of the applicant;
 - (ii) a respondent legal practitioner, at the last address held for him or her by any relevant professional body, or in a case in which the address for service has been furnished to the Tribunal, to that address;

- (c) by sending it by registered post in an envelope addressed to that person at his or her last known place of business or residence in the State, or, in a case in which an address for service has been furnished to the Tribunal, to that address, or if the person is
 - (i) the applicant, at the address for the time being of the office, or as the case may be, head office, of the applicant;
 - (ii) a respondent legal practitioner, at the last address held for him or her by any relevant professional body, or in a case in which the address for service has been furnished to the Tribunal, to that address; or
- (d) electronically (by electronic mail) to an email address furnished by the person to, or otherwise known to, the Tribunal or if he or she is a respondent legal practitioner, to the last email address held for him or her by any relevant professional body, or in a case in which the email address for service has been furnished to the Tribunal, to that address.

Advice or assistance of an expert

22. (1) Where, pursuant to section 81(7) of the Act, the Tribunal considers that, for the purposes of an inquiry, it requires the advice or assistance of an expert in respect of any matter, it may, subject to such terms and conditions as it may determine, appoint such number of persons having expertise in relation to the matter concerned as it considers necessary to provide it with such advice or assistance.

(2) Without prejudice to the generality of paragraph (1), the Tribunal may seek

- (a) legal opinions in relation to any matter arising in the course of an inquiry;
- (b) independent expert reports,

and where it obtains any advice or assistance as referred to in paragraph (1) or in this paragraph, it shall disclose such advice or assistance, as the case may be, to the respondent legal practitioner and to the applicant, and afford the parties an opportunity to make such submissions in response to such opinion or report (including the opportunity to submit opinions or reports in response), or, where appropriate an opportunity to cross-examine a relevant witness, as it may on application by any party concerned permit, before making a decision on any matter in respect of which the opinion or report, or both, has or have been obtained.

Regard to be had by Tribunal to Rules of the Superior Courts

23. Insofar as these Regulations do not provide for the procedures to be followed in the exercise of any powers and functions vested in the Tribunal pursuant to section 80 of the Act, or in relation to the making of applications to, or the proceedings of the Tribunal under the Act, the Tribunal shall, in relation

to those matters, have regard, as appropriate and reasonable, to the Rules of the Superior Courts for the time being in force.

Permitting by Tribunal of Amendment of defective or insufficient document

24. Where it appears to the Tribunal that any notice, affidavit or other document furnished under these Regulations is defective or insufficient, the Tribunal may permit such notice, affidavit or other document to be amended or supplemented on such terms, if any, as to the adjournment of an inquiry hearing or application, or otherwise, as the Tribunal thinks fit, or require the filing by a party of a further affidavit, or the service of a further document, provided that if any such amendment or addition shall be such as to take either party by surprise, or prejudice them in the conduct of their case, the Tribunal shall grant an adjournment of the inquiry hearing or application on such terms as the Tribunal thinks fit so as to seek to obviate the difficulty arising.

Deviation from forms

25. The forms in the Schedule to these Regulations shall be used as far as practicable, where appropriate and reasonable, but a deviation from such forms shall not, by reason only of such deviation, make invalid any application to the Tribunal, or any notice, affidavit or other document in connection therewith.

Mistakes or errors in determinations, orders or reports

26. Clerical mistakes in determinations of the Tribunal or reports of the Tribunal to the High Court or in orders of the Tribunal, or errors arising therein from any accidental slip or omission, may at any time be corrected:

(1) where the parties consent, and with the approval of any division of the Tribunal (and not merely the division that made the original determination, report or order), by the Tribunal Registrar,

(a) on the application to the Tribunal Registrar in writing of any party, to which a letter of consent to the correction from the other party shall be attached; or

(b) on receipt by the Tribunal Registrar of letters of consent from each party; or

(2) where the parties do not consent, by any division of the Tribunal (and not merely the division that made the original determination, report or order),

(a) on application made by a party to the Tribunal on notice to the other party; or

(b) on the listing of the proceeding before the Tribunal by the Tribunal Registrar on notice to each party,

and in either case, the correction may be one that the Tribunal wishes of its own motion to make.

Legal representation

27. At any hearing before the Tribunal, the applicant and the respondent legal practitioner may be represented by a legal practitioner.

Absence of party

28. (1) If a respondent legal practitioner does not appear at an inquiry hearing, a case-management hearing or an application hearing, the Tribunal may, upon proof of service on the respondent legal practitioner of notice of any such hearing (or of any adjournment of such hearing), proceed with the hearing concerned in the respondent legal practitioner's absence, or adjourn the hearing concerned on such terms as the Tribunal thinks fit.

(2) If an applicant does not appear at an inquiry hearing, a case-management hearing or an application hearing, the Tribunal may upon proof of notification to the applicant of the date of the hearing concerned, proceed with the hearing concerned in the applicant's absence, or adjourn the hearing concerned on such terms as the Tribunal thinks fit.

Transcript of evidence and submissions

29. A verbatim note of the evidence given and submissions made at an inquiry hearing or application before the Tribunal may be taken by a person appointed by the Tribunal, either by means of a stenographic note or by means of a mechanical sound recording or by a mechanical sound and vision recording, and any party to the inquiry hearing or application shall be entitled to a copy of any such note or recording on payment of the reasonable charges therefor.

No withdrawal except by leave of Tribunal

30. An application to the Tribunal shall not be withdrawn except by leave of the Tribunal and on such terms, if any, as the Tribunal thinks fit.

Custody of documents

31. Notices, affidavits and other documents relating to an application to the Tribunal shall be furnished to and kept by the Tribunal Registrar. The Tribunal may direct that any documents produced or used at an inquiry hearing shall be retained by the Tribunal Registrar until the termination of the inquiry hearing and, as the case may be, pending the final determination of any subsequent court proceedings in relation thereto.

Date, venue and time for an inquiry or any adjournment thereof

32. The Tribunal shall hold an inquiry hearing at such date, time and place as the Tribunal Registrar shall designate, and the Tribunal may adjourn the consideration of any matter at an inquiry hearing from date to date and from time to time and from place to place, as the Tribunal thinks fit.

Persons appointed to make application to Tribunal on behalf of the Complaints Committee and the Society

33. (1) The Complaints Committee and the Society may make an application to the Tribunal in accordance with these Regulations. Where an application is made by the Complaints Committee or by the Society, the Complaints Committee or Society, as the case may be, may appoint one or more persons, who may sign any document, make any affidavit, and do on behalf of the applicant all acts and things which may be necessary for the purpose of such application. The Authority or Society may be represented at an inquiry hearing by a solicitor or by a solicitor and counsel.

(2) It shall be presumed, unless the contrary is shown, that any person purporting to act for an applicant in relation to an application to the Tribunal, whether in signing a document or making an affidavit or otherwise in pursuance of such application, is duly authorised by the applicant to so act.

Where High Court remits matter back to Tribunal to take further evidence

34. (1) Where the Tribunal, after holding an inquiry into the conduct of a legal practitioner, makes a recommendation set out in a report on the matter to the High Court and the High Court then remits the matter to the Tribunal to take further evidence for submission to it and to make a supplementary report, the Tribunal shall proceed as follows:

- (a) the Tribunal Registrar shall, as soon as practicable, notify each of the members of the Tribunal who constituted the division of the Tribunal which conducted the original inquiry hearing the subject of the report to the High Court of that remittal, and, in consultation with them, designate a date, place and time for the holding of a further inquiry hearing for the purpose of taking further evidence pursuant to the remittal of the High Court;
- (b) where, for good and sufficient reason, it is not possible for the same members of the Tribunal to be available to constitute the division of the Tribunal for the purpose of taking such further evidence, the Tribunal Registrar shall (whether or not following consultation with the President of the High Court) constitute another division of the Tribunal for that purpose comprising in part, insofar as is possible, such of the members of the Tribunal who constituted the division for the original inquiry as are available; and
- (c) the Tribunal Registrar shall furnish to the applicant and the respondent legal practitioner a copy of the order or other written notification issued by the High Court to the Tribunal in that regard, and shall notify them of the date, place and time for the further inquiry hearing and the names of the three members of the Tribunal who will constitute the Tribunal for that purpose.

(2) The same procedure, as far as is appropriate and reasonable, under these Regulations shall be followed as if such a further inquiry hearing was a fresh inquiry hearing.

Order of Tribunal

35. An order of the Tribunal under these Regulations shall be in form of Form LPDT19 in the Schedule, and shall be signed by the chairperson of the division of the Tribunal concerned which made the order.

Publication of Tribunal determinations

36. Where a matter is determined by the Tribunal in accordance with section 82(1) and the time for lodging an appeal has expired, the Authority shall arrange for publication of the information and particulars listed in section 88(3) of the Act.

Where report to be made by Society to the Director of Corporate Enforcement

37. Where the Tribunal makes a finding against a respondent legal practitioner which in substance is a finding that the respondent legal practitioner conducting a liquidation or receivership has not maintained appropriate records or that the Tribunal has reasonable grounds for believing that the respondent legal practitioner has committed an indictable offence under the Companies Act 2014 during the course of a liquidation or receivership, the Tribunal shall so notify the Society, where the respondent legal practitioner is a practising solicitor, and shall give to the Society such details of such finding or of the alleged offence, as the case may be, as shall enable the Society to comply with the Society's obligations under section 448 of the Companies Act 2014 to report such matter or such alleged offence to the Director of Corporate Enforcement.

SCHEDULE
within referred to

FORM LPDT1

***FORM OF APPLICATION TO THE DISCIPLINARY TRIBUNAL FOR
AN INQUIRY INTO THE ACT(S) OR OMISSION(S) OF A LEGAL
PRACTITIONER ON THE GROUND OF ALLEGED MISCONDUCT***

[Regulation 5(1)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of [insert name of respondent legal practitioner], a legal practitioner.

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015 (the “Act”)

The Complaints Committee of the Legal Services Regulatory Authority (“the Complaints Committee”) / The Law Society of Ireland (“the Society”) *[delete as appropriate]* HEREBY APPLIES to the Legal Practitioners Disciplinary Tribunal for AN INQUIRY under section 81 of the Legal Services Regulation Act 2015, into the act(s) or omission(s) of *[insert name of respondent legal practitioner]*, a legal practitioner, of *[insert respondent legal practitioner’s address as appearing in the Register of Practising Solicitors in the case of a practising solicitor, or at the last address provided to the Authority for inclusion on the Roll of Practising Barristers in the case of a practising barrister, or if none, his or her last known place of business or residence in the State]* (“the respondent legal practitioner”).

This application, made pursuant to section 71(7) or section 71(8)(c) of the Act, or section 14A(6) or section 14A(7)(c) of the Solicitors (Amendment) Act 1994 (as substituted by section 198 of the Act) *[delete as appropriate]*, is for an inquiry into the act(s) or omission(s) of the respondent legal practitioner, on the ground of alleged misconduct, in respect of the matters disclosed in the accompanying grounding affidavit sworn by *[insert name]* for and on behalf of, and with the authority of, the applicant (and the documents exhibited thereto).

Dated this day of 20....

Signed for and on behalf of, and with the authority of, the Society/the Complaints Committee of the Authority *[delete as appropriate]*:

26 [786]

Name of signatory:

Address:

Status of signatory:

To: The Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

And

To: *[respondent legal practitioner's name and address]*

[and in the case of an application by the Complaints Committee of the Legal Services Regulation Authority in respect of a solicitor

To: The Registrar of Solicitors]

FORM LPDT2

***FORM OF AFFIDAVIT BY OR ON BEHALF OF AN APPLICANT
GROUNDING AN APPLICATION TO THE DISCIPLINARY TRIBUNAL
FOR AN INQUIRY INTO THE ACT(S) OR OMISSION(S) OF A LEGAL
PRACTITIONER ON THE GROUND OF ALLEGED MISCONDUCT***

[Regulation 5(1)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015

I *[insert name of deponent]* of *[insert address and occupation of deponent]*, aged 18 years and upwards, MAKE OATH and say as follows:

1. I am *[specify the status and authority of the deponent to make the affidavit on behalf of the Law Society of Ireland or the Complaints Committee of the Legal Services Regulatory Authority]* and I make this affidavit to ground the application by the Law Society of Ireland ("the Society") or the Complaints Committee of the Legal Services Regulatory Authority ("the Complaints Committee")*[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal ("the Tribunal") for an inquiry into the act(s) or omission(s) of the respondent legal practitioner on the ground of alleged misconduct.
2. The respondent legal practitioner, of *[insert address of respondent legal practitioner]* engaged in the act(s) and/or omission(s) alleged to constitute misconduct set out in the succeeding paragraphs of this affidavit.
3. *[In this (and succeeding paragraphs) specify details of the act(s) and/or omission(s) grounding the allegation of misconduct against the respondent legal practitioner and exhibit, as appropriate, the documents deemed by the applicant to be relevant to the application].*

4. *[Et seq., as appropriate]*

[Last paragraph: It is submitted that there has been misconduct on the part of the respondent legal practitioner in that he/she [specify each alleged ground of misconduct]]

Sworn by the said *[insert name of deponent]*

at

in the City/ County of

this..... day of.....20.....

before me a Practising Solicitor/
Commissioner for Oaths and

- (a) I know the Deponent or,
- (b) the Deponent has been identified to me by who is known to me and who has certified his/her personal knowledge of the Deponent or,
- (c) the identity of the Deponent has been identified to me by reference to:

DEPONENT

PRACTISING SOLICITOR /
COMMISSIONER FOR OATHS

[In the case of an application by the Complaints Committee of the Legal Services Regulation Authority in respect of a solicitor

To: The Registrar of Solicitors]

FORM LPDT3

***FORM OF AFFIDAVIT BY A RESPONDENT LEGAL PRACTITIONER
IN RESPONSE TO THE AFFIDAVIT BY OR ON BEHALF OF THE
APPLICANT GROUNDING AN APPLICATION TO THE DISCIPLINARY
TRIBUNAL FOR AN INQUIRY INTO THE ACT(S) OR OMISSION(S) OF
A LEGAL PRACTITIONER ON THE GROUND OF ALLEGED
MISCONDUCT***

[Regulation 6(1)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015

I *[insert name of respondent legal practitioner]* of *[insert address and present occupation of respondent legal practitioner]*, aged 18 years and upwards, MAKE OATH and say as follows:

1. I am the respondent legal practitioner in this matter and I make this affidavit in response to the application of *[insert name of applicant]* ("the applicant") to the Legal Practitioners Disciplinary Tribunal ("the Tribunal") for an inquiry into the act(s) and/or omission(s) alleged to constitute misconduct in the application and set out and grounded on the matters deposed to, in the affidavit of *[insert name of deponent]* on behalf of the applicant sworn herein on the..... day of20..... .
2. *[In this and succeeding paragraphs specify details of the response by or on behalf of the respondent legal practitioner to the application and grounding affidavit filed by or on behalf of the applicant and exhibit, as appropriate, the documents deemed by the respondent legal practitioner to be relevant to the response.]*
3. *[Et seq., as appropriate]*

Sworn by the said *[insert name of deponent]*

at

in the City/ County of

this..... day of.....20.....

before me a Practising Solicitor/
Commissioner for Oaths and

(a) I know the Deponent or,

(b) the Deponent has been identified to
me by who is
known to me and who has certified
his/her personal knowledge of the
Deponent or,

(c) the identity of the Deponent has
been identified to me by reference to:

DEPONENT

PRACTISING SOLICITOR /
COMMISSIONER FOR OATHS

[In the case of an application by the Complaints Committee of the Legal Services
Regulation Authority in respect of a solicitor

To: The Registrar of Solicitors]

FORM LPDT4

***FORM OF NOTICE BY THE DISCIPLINARY TRIBUNAL TO THE
RESPONDENT LEGAL PRACTITIONER OF DETERMINATION OF
THE DISCIPLINARY TRIBUNAL TO HOLD AN INQUIRY INTO THE
ACT(S) OR OMISSION(S) OF THE RESPONDENT LEGAL
PRACTITIONER ON THE GROUND OF ALLEGED MISCONDUCT***

[Regulation 7(2)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015 (the "Act")

To *[insert name and address of respondent legal practitioner]*

TAKE NOTICE that:

1. An application has been made to the Legal Practitioners Disciplinary Tribunal ("the Tribunal") by the Complaints Committee/the Law Society of Ireland *[delete as appropriate]* ("the applicant") pursuant to section 71(7) or section 71(8)(c) of the Act, or section 14A(6) or section 14A(7)(c) of the Solicitors (Amendment) Act 1994 (as amended by section 198 of the Act) *[delete as appropriate]* for the holding by the Tribunal of an inquiry pursuant to section 81 of the Act into the act(s) and/or omission(s) of you the respondent legal practitioner, on the ground of alleged misconduct, in respect of the alleged matters deposed to in the following affidavit(s) sworn by or on behalf of, and with the authority of, the applicant (including the documents exhibited thereto) and *[if applicable: the correspondence and/or other documents relating to the application furnished to the Tribunal by or on behalf of the applicant]*, namely: *[specify name of deponent and date of each affidavit furnished to the Tribunal by or on behalf of the applicant and, if applicable, the number of exhibits thereto together with any correspondence or other documents relating to the application furnished to the Tribunal by or on behalf of the applicant]*.

2. The Tribunal has also been furnished with the following affidavit(s) sworn by you, or on your behalf, and *[if applicable: the correspondence and/or other documents in response to the application furnished to the Tribunal by or on your behalf]*, namely: *[specify name of deponent and date of each affidavit furnished to the Tribunal by the respondent legal practitioner and, if applicable, the number of exhibits thereto together with any correspondence or other documents in response to the application furnished to the Tribunal by or on behalf of the respondent legal practitioner]*.

3. The act(s) and/or omission(s) on your part which formed the basis of the application for inquiry to the Tribunal and the ground(s) relied on for such act(s) and/or omission(s) constituting misconduct, specified in the form of application, are as follows: *[specify the act(s) and/or omission(s) for inquiry by the Tribunal]*

4. The Tribunal has determined to hold an inquiry ANDday, the.....day of20.....at..... o'clock in thenoon at *[specify place of inquiry]* has been designated as the date, time and place for the commencement of the inquiry.

AND TAKE NOTICE of the following:

- (a) that you should appear personally, even where you are represented by a solicitor or by a solicitor and counsel;

- (b) *[delete as appropriate]* that copies of the aforementioned documents are furnished herewith, *[or in the case where a Form LPDT6 has previously issued]* that copies of the aforementioned documents are furnished herewith to the extent that they have not previously been provided to you;

- (c) that you may inspect at the Tribunal's offices, by prior arrangement, originals, or as the case may be, electronic copies, of the documents that have been furnished by or on behalf of the applicant and if you require further copies of such documents, they will be furnished to you on request, subject to payment by you of reasonable copying charges;

- (d) that if you fail to appear personally, even where legally represented by a solicitor or by a solicitor and counsel, the Tribunal may proceed with the inquiry in your absence or may adjourn the inquiry on such terms as the Tribunal thinks fit;

(e) that you are requested to acknowledge receipt of this Notice forthwith; and

(f) if you intend to make an application to the Tribunal for the adjournment to a later date of the commencement of the inquiry hearing or any other application, you must inform the Tribunal Registrar of such intention within ten days (commencing on the date of transmission by the Tribunal Registrar to you of this notification).

Dated this day of 20....

Signed:

Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

[In the case of an application by the Complaints Committee of the Legal Services Regulation Authority in respect of a solicitor

To: The Registrar of Solicitors]

FORM LPDT5

***FORM OF NOTICE BY THE DISCIPLINARY TRIBUNAL TO THE
APPLICANT OF THE DETERMINATION OF THE DISCIPLINARY
TRIBUNAL TO HOLD AN INQUIRY INTO THE ACT(S) OR
OMISSION(S) OF A LEGAL PRACTITIONER ON THE GROUND OF
ALLEGED
MISCONDUCT
[Regulation 7(2)]***

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015 (the "Act")

To *[insert name and address of applicant]*

WHEREAS:

1. An application has been made to the Legal Practitioners Disciplinary Tribunal ("the Tribunal") by you pursuant to section 71(7) or section 71(8)(c) of the Act, or section 14A(6) or section 14A(7)(c) of the Solicitors (Amendment) Act 1994 (as amended by section 198 of the Act) *[delete as appropriate]* for the holding by the Tribunal of an inquiry pursuant to section 81 of the Act into the act(s) and/or omission(s) of *[insert name of respondent legal practitioner]* ("the respondent legal practitioner ") on the ground of alleged misconduct, in respect of the alleged matters deposed to in the following affidavit(s) sworn by you, or on your behalf, (including the documents exhibited thereto) and *[if applicable: the correspondence and/or other documents relating to the application furnished to the Tribunal by you, or on your behalf], namely: [specify name of deponent and date of each affidavit furnished to the Tribunal by or on behalf of the applicant and, if applicable, the number of exhibits thereto together with any correspondence or other documents relating to the application furnished to the Tribunal by or on behalf of the applicant].*

2. The Tribunal has also been furnished with the following affidavit(s) sworn by the respondent legal practitioner and [if applicable: the correspondence and/or other documents in response to the application furnished to the Tribunal by or on behalf of the respondent legal practitioner], namely: *[specify name of deponent and date of each affidavit furnished to the Tribunal by the respondent legal practitioner and, if applicable, the number of exhibits thereto together with any correspondence or other documents in response to the application furnished to the Tribunal by or on behalf of the respondent legal practitioner]*.

3. The act(s) and/or omission(s) which formed the basis of the application for inquiry to the Tribunal and the ground(s) relied on for such act(s) and/or omission(s) constituting misconduct, specified in the form of application, are as follows: *[specify the act(s) and/or omission(s) for inquiry by the Tribunal]*.

4. The Tribunal has determined to hold an inquiry AND day, the..... day of20.....at..... o'clock in thenoon at *[specify place of inquiry]* has been designated as the date, time and place for the commencement of the inquiry.

AND TAKE NOTICE of the following:

- (a) that the person appointed to present the evidence on your behalf pursuant to section 78 of the Act, should appear to do so in pursuance of your application;

- (b) *[delete as appropriate]* that copies of the aforementioned documents are furnished herewith, *[or in the case where a Form LPDT7 has previously issued]* that copies of the aforementioned documents are furnished herewith to the extent that they have not previously been provided to you;

- (c) that you may inspect at the Tribunal's offices, by prior arrangement, originals of the documents that have been furnished by or on behalf of the respondent legal practitioner and if you require further copies of such documents, they will be furnished to you on request, subject to payment by you of reasonable copying charges;

- (d) that if you fail to appear personally, even where legally represented by a solicitor or by a solicitor and counsel, the

Tribunal may proceed with the inquiry in your absence or adjourn the inquiry on such terms as the Tribunal think fit;

- (e) that you are requested to acknowledge receipt of this Notice forthwith; and

- (f) if you intend to make an application to the Tribunal for the adjournment to a later date of the commencement of the inquiry hearing or any other application, you must inform the Tribunal Registrar of such intention within ten days (commencing on the date of transmission by the Tribunal Registrar to you of this notification).

Dated this day of 20....

Signed:

Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

[In the case of an application by the Complaints Committee of the Legal Services Regulation Authority in respect of a solicitor

To: The Registrar of Solicitors]

FORM LPDT6

***FORM OF NOTICE BY THE DISCIPLINARY TRIBUNAL TO THE
RESPONDENT LEGAL PRACTITIONER OF THE DETERMINATION
OF THE DISCIPLINARY TRIBUNAL TO HOLD A CASE-
MANAGEMENT HEARING OR THE HEARING OF ANY APPLICATION
CONCERNED***

[Regulation 8(2)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015 (the "Act")

To *[insert name and address of applicant]*

TAKE NOTICE that:

1. An application has been made to the Legal Practitioners Disciplinary Tribunal ("the Tribunal") by *[insert name and address of applicant]* ("the applicant") pursuant to section 71(7) or section 71(8)(c) of the Act, or section 14A(6) or section 14A(7)(c) of the Act of 1994 (as amended by section 198 of the Act) *[delete as appropriate]* for an inquiry into the act(s) and/or omission(s) of you the respondent legal practitioner, on the ground of alleged misconduct, in respect of the alleged matters deposed to in the following affidavit(s) sworn by or on behalf of, and with the authority of, the applicant (including the documents exhibited thereto) and *[if applicable: the correspondence and/or other documents relating to the application furnished to the Tribunal by or on behalf of the applicant]*, namely: *[specify name of deponent and date of each affidavit furnished to the Tribunal by or on behalf of the applicant and, if applicable, the number of exhibits thereto together with any correspondence or other documents relating to the application furnished to the Tribunal by or on behalf of the applicant]*.

2. The Tribunal has also been furnished with the following affidavit(s) sworn by you [*and if applicable: the correspondence and/or other documents in response to the application furnished to the Tribunal by you, or on your behalf*], namely: [*specify name of deponent and date of each affidavit furnished to the Tribunal by the respondent legal practitioner and, if applicable, the number of exhibits thereto together with any correspondence or other documents in response to the application furnished to the Tribunal by or on behalf of the respondent legal practitioner*].

3. The act(s) and/or omission(s) on your part which formed the basis of the application for inquiry to the Tribunal and the ground(s) relied on for such act(s) and/or omission(s) constituting misconduct, specified in the form of application, are as follows: [*specify the act(s) and/or omission(s) for inquiry by the Tribunal*]

4. The Tribunal has determined to hold [*delete as appropriate*] a case-management hearing/hearing of the application by the [*insert name of party that has made request for a particular application to be heard and details of said application*] ANDday, the.....day of20.....at..... o'clock in thenoon at [*specify place of case-management hearing or the hearing of the application*] has been designated as the date, time and place for the case-management hearing/hearing of the application [*delete as appropriate*].

AND TAKE NOTICE of the following:

- (a) that you should appear personally, even where you are represented by a solicitor or by a solicitor and counsel;

- (b) that copies of the aforementioned documents are furnished herewith;

- (c) that you may inspect at the Tribunal's offices, by prior arrangement, originals of the documents that have been furnished by or on behalf of the applicant, and if you require further copies of such documents, they will be furnished to you on request, subject to payment by you of reasonable copying charges;

- (d) that if you fail to appear personally, even where legally represented by a solicitor or by a solicitor and counsel, the Tribunal may, in its discretion, proceed with the case-management hearing or hearing of any application in your

absence or may adjourn the case-management hearing or hearing of any application on such terms as the Tribunal think fit;

- (e) that you are requested to acknowledge receipt of this Notice forthwith; and
- (f) if you intend to make an application to the Tribunal for the adjournment to a later date of the case-management or other application hearing, you must inform the Tribunal Registrar of such intention within ten days (commencing on the date of transmission by the Tribunal Registrar to you of this notification).

Dated this day of20....

Signed:

Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

FORM LPDT7

***FORM OF NOTICE BY THE DISCIPLINARY TRIBUNAL TO THE
APPLICANT OF THE DETERMINATION OF THE DISCIPLINARY
TRIBUNAL TO HOLD A CASE-MANAGEMENT HEARING OR THE
HEARING OF ANY APPLICATION CONCERNED***

[Regulation 8(2)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015 (the "Act")

To *[insert name and address of applicant]*

WHEREAS:

1. An application has been made to the Legal Practitioners Disciplinary Tribunal ("the Tribunal") by you pursuant to section 71(7) or section 71(8)(c) of the Act, or section 14A(6) or section 14A(7)(c) of the Act of 1994 (as amended by section 198 of the Act) *[delete as appropriate]* for an inquiry into the act(s) and/or omission(s) of the respondent legal practitioner, on the ground of alleged misconduct, in respect of the alleged matters deposed to in the following affidavit(s) sworn by you, or on your behalf, (including the documents exhibited thereto) and *[if applicable: the correspondence and/or other documents relating to the application furnished to the Tribunal by or on your behalf]*, namely: *[specify name of deponent and date of each affidavit furnished to the Tribunal by or on behalf of the applicant and, if applicable, the number of exhibits thereto together with any correspondence or other documents relating to the application furnished to the Tribunal by or on behalf of the applicant]*.
2. The Tribunal has also been furnished with the following affidavit(s) sworn by the respondent legal practitioner and *[if applicable: the correspondence and/or other documents in response to the application]*

furnished to the Tribunal by or on behalf of the respondent legal practitioner], namely: [*specify name of deponent and date of each affidavit furnished to the Tribunal by the respondent legal practitioner and, if applicable, the number of exhibits thereto together with any correspondence or other documents in response to the application furnished to the Tribunal by or on behalf of the respondent legal practitioner*].

3. The act(s) and/or omission(s) on the respondent legal practitioner's part which formed the basis of the application for inquiry to the Tribunal and the ground(s) relied on for such act(s) and/or omission(s) constituting misconduct, specified in the form of application, are as follows: [*specify the act(s) and/or omission(s) for inquiry by the Tribunal*].

4. The Tribunal has determined to hold [*delete as appropriate*] a case-management hearing/hearing of the application by the [*insert name of party that has made request for a particular application to be heard and details of said application*] AND day, the..... day of20.....at..... o'clock in thenoon at [*specify place of case-management hearing or the hearing of the application*] has been designated as the date, time and place for the case-management hearing/hearing of the application [*delete as appropriate*].

AND TAKE NOTICE of the following:

- (a) that the person appointed to present the evidence on your behalf pursuant to section 78 of the Act, should appear to do so in pursuance of your application;

- (b) that copies of the aforementioned documents are furnished herewith;

- (c) that you may inspect at the Tribunal's offices, by prior arrangement, originals of the documents that have been furnished by or on behalf of the respondent legal practitioner, and if you require further copies of such documents, they will be furnished to you on request, subject to payment by you of reasonable copying charges;

- (d) that if you fail to appear personally, even where legally represented by a solicitor or by a solicitor and counsel, the Tribunal may, in its discretion, proceed with the case-management hearing or hearing of any application in your

absence or may adjourn the case-management hearing or hearing of any application on such terms as the Tribunal think fit;

- (e) that you are requested to acknowledge receipt of this Notice forthwith; and

- (f) if you intend to make an application to the Tribunal for the adjournment to a later date of the case-management or other application hearing, you must inform the Tribunal Registrar of such intention within ten days (commencing on the date of transmission by the Tribunal Registrar to you of this notification).

Dated this day of 20

Signed:

Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

FORM LPDT8

**FORM OF REQUEST TO THE DISCIPLINARY TRIBUNAL REGISTRAR
FOR THE ISSUE OF A WITNESS SUMMONS**

[Regulation 10(2)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015

To: The Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

TAKE NOTICE that, on behalf of the applicant/as the respondent legal practitioner *[delete, as appropriate]* herein, *[insert name of applicant]* I request *[delete, as appropriate]* the issue of a witness summons [requiring the attendance of a witness to give evidence ('ad testificandum')/requiring the attendance of a witness to bring with him or her such documents or other evidence as may be required ('duces tecum') *[delete, as appropriate]*] directed to: *[set out the full name and address of the person to whom the witness summons is to be directed]* to attend the inquiry herein to be held on day, the day of 20.... at.....o'clock in the noon at *[insert place of inquiry]*, and there to give evidence on behalf of the applicant/respondent legal practitioner *[delete, as appropriate]* herein/and there to give evidence on behalf of the applicant/respondent legal practitioner *[delete, as appropriate]* herein, and also to bring with him or her, and produce at the time and place aforesaid *[specify documents and/or other evidence] [delete, as appropriate]*.

Dated this day of 20....

Signed:

[name signatory on behalf of applicant/name of respondent legal practitioner, as the case may be]

FORM LPDT9

***FORM OF WITNESS SUMMONS REQUIRING THE ATTENDANCE OF
A WITNESS TO GIVE EVIDENCE ('AD TESTIFICANDUM')***

[Regulation 10(2)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015 (the "Act")

To *[insert name and address of witness]*

TAKE NOTICE that you are hereby required, pursuant to section 80(1)(a) of the Act, to attend an inquiry before the Legal Practitioners Disciplinary Tribunal ("the Tribunal") onday the..... day of 20.... at the hour ofo'clock in thenoon, at *[insert place of inquiry]* and so on from day to day until the application has been heard by the Tribunal, to give evidence on behalf of the applicant/respondent legal practitioner *[delete, as appropriate]*.

Signed on behalf of the Tribunal this day of 20....

Signed:

MEMBER OF THE TRIBUNAL

FORM LPDT10

***FORM OF WITNESS SUMMONS REQUIRING THE ATTENDANCE OF
A WITNESS TO BRING WITH HIM OR HER SUCH DOCUMENTS OR
OTHER EVIDENCE AS MAY BE REQUIRED ('DUCES TECUM')***

[Regulation 10(2)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015 (the “Act”)

To *[insert name and address of witness]*

TAKE NOTICE that you are hereby required, pursuant to section 80(1)(a) and (b) of the Act, to attend an inquiry before the Legal Practitioners Disciplinary Tribunal ("the Tribunal") on day of 20..... at the hour ofo'clock in thenoon, at *[insert place of inquiry]* and so on from day to day until the inquiry has been heard by the Tribunal, to give evidence on behalf of the applicant/respondent legal practitioner *[delete, as appropriate]* and also to bring with you and produce at the time and place aforesaid the following documents/documents and other evidence *[delete as appropriate][set out the documents or categories of documents in question and/or as the case may be the documents and other evidence in question].*

Signed on behalf of the Tribunal this day of 20....

Signed:

MEMBER OF THE TRIBUNAL

FORM LPDT11

***FORM OF NOTICE REQUESTING THE PRODUCTION FOR
INSPECTION AND THE TAKING OF COPIES OF THE ORIGINALS OF
SPECIFIED DOCUMENTS***

[Regulation 11(2)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015

To *[insert name and address of applicant or respondent legal practitioner, as the case may be]*

TAKE NOTICE that *[insert the name of the applicant or respondent legal practitioner, as the case may be]*, the applicant/respondent legal practitioner *[delete, as appropriate]* herein HEREBY REQUESTS the production to me/the Law Society of Ireland/the Complaints Committee of the Legal Services Regulatory Authority—(or my/its solicitor *[insert name of solicitor]*) for inspection and the taking of copies of the originals of the following documents in your possession or power *[specify the date and description in numbered sequence of each document the subject of the request]*.

Dated this day of 20....

Signed:

[name of applicant or respondent legal practitioner, as the case may be]

To: The Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

FORM LPDT12

***FORM OF NOTICE RESPONDING TO A REQUEST FOR THE
PRODUCTION OF DOCUMENTS FOR INSPECTION AND THE
TAKING OF COPIES***

[Regulation 11(3)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015

To *[insert name and address of applicant or respondent legal practitioner, as the case may be]*

TAKE NOTICE that you may inspect the documents specified in your Notice dated the day of 20..... *[if applicable: other than the document(s) numbered [specify documents to which inspection is being objected] in that Notice] at [insert place of inspection] on day, theday of 20..... between the hours of o'clock and o'clock.*

[if applicable] AND TAKE NOTICE that I/we [the Complaints Committee/the Law Society of Ireland [delete as appropriate] or respondent legal practitioner, as the case may be] object(s) to the production of the said document(s) numbered [specify document(s) to which inspection is being objected] in your Notice, for the following reason(s) [set out the reason(s) for such objection relating to each document to which inspection is being objected].

Dated this day of 20....

Signed:

[name of applicant or respondent legal practitioner, as the case may be]

To: The Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

FORM LPDT13

FORM OF NOTICE TO ADMIT DOCUMENTS

[Regulation 13(1)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015

To *[insert name and address of the applicant - the Complaints Committee/ the Law Society of Ireland [delete as appropriate] - or respondent legal practitioner, as the case may be]*

TAKE NOTICE that *[the Complaints Committee/ the Law Society of Ireland [delete as appropriate] or respondent legal practitioner, as the case may be]* ("the requesting party") HEREBY REQUESTS you ("the other party") to admit the document(s) specified in the Schedule hereto without formal proof of same, for the purposes of this inquiry only.

AND TAKE NOTICE that the requesting party makes this request to the other party for the following reason(s): *[delete, as appropriate]*

1. that the requesting party proposes to rely, as part of his/her case, on the specified document(s);
2. that the other party may inspect the specified document(s) at the address of the requesting party specified at the foot of this Notice; and
3. that the other party is being requested to admit that the specified document(s):
 - (a) insofar as it/they is/are (an) original(s), was/were written, signed and executed as it/they purport(s) to have been;
 - (b) insofar as it/they is/are (a) copy(ies), is/are (a) true copy(ies) of the original(s); and

(c) insofar as it/they are stated to have been served, sent or delivered, was/were so served, sent or delivered.

AND TAKE FURTHER NOTICE that, if the other party wishes to challenge the said specified document(s), or any of them, the other party shall, within not more than six days after the furnishing of this notice to him/her, give notice to the requesting party of the non-admission of such specified document(s), so challenged, that the other party does not admit the same and that the other party requires proof of same at the inquiry (or any adjournment thereof).

Dated this day of 20.....

Signed:

[insert name of requesting party]

To: The Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

SCHEDULE

of

documents requested to be admitted

[specify in date and numbered sequence the document(s) being requested to be admitted, stating, in each instance, whether the document is an original or a copy]

FORM LPDT14

FORM OF NOTICE TO ADMIT FACTS

[Regulation 13(1)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015

To *[insert name and address of the applicant - the Complaints Committee/ the Law Society of Ireland [delete as appropriate] or respondent legal practitioner, as the case may be]*

TAKE NOTICE that *[the Complaints Committee/ the Law Society of Ireland [delete as appropriate] or respondent legal practitioner]* ("the requesting party") HEREBY REQUESTS you ("the other party") to admit as fact(s) the purported fact(s) specified in the Schedule hereto without formal proof of same, for the purposes of this inquiry only.

AND TAKE NOTICE that the requesting party makes this request to the other party for the following reason, namely, that the requesting party proposes to rely, as part of the requesting party's case, on the specified purported fact(s) as being facts.

Dated this day of 20....

Signed:

[insert name of requesting party]

To: The Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

SCHEDULE

[specify in sufficient detail to be clearly understood each of the purported facts being requested to be admitted as facts]

FORM LPDT15

FORM OF NOTICE OF NON-ADMISSION OF DOCUMENTS

[Regulation 13(1)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015

To *[insert name and address of the party who requested the admission]*

TAKE NOTICE that the document(s) listed in the Schedule hereto, numbered as listed in the Schedule to your Notice to Admit Documents dated the day of 20..... is/are not admitted AND that proof thereof will be required at the inquiry herein.

Dated this day of 20....

Signed:

[name of party refusing to admit]

To: The Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

SCHEDULE

[specify in date and numbered sequence, by reference to the numbering in the Schedule to the Notice to Admit Documents, what document(s) is/are not being admitted]

FORM LPDT16

FORM OF NOTICE OF NON-ADMISSION OF FACTS

[Regulation 13(1)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015

To *[insert name and address of the party who requested the admission]*

TAKE NOTICE that the purported fact(s) listed in the Schedule hereto, numbered as listed in the Schedule to your Notice to Admit Facts dated the day of 20..... is/are not admitted AND that proof thereof will be required at the inquiry herein.

Dated this day of 20....

Signed:

[name of party refusing to admit]

To: The Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

SCHEDULE

[specify by reference to the numbering in the Schedule to the Notice to Admit Facts, what purported fact(s) is/are not being admitted as facts]

FORM LPDT17

***FORM OF NOTICE OF CROSS-EXAMINATION OF A DEPONENT AT
AN INQUIRY IN RESPECT OF AN AFFIDAVIT TENDERED IN
EVIDENCE TO***

THE DISCIPLINARY TRIBUNAL

[Regulation 14(7)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015

To: *[insert name and address of deponent]*

And to:*[if not the deponent, insert name and address of applicant or respondent legal practitioner, as the case may be, being the party on whose behalf the evidence has been tendered to the Tribunal]*

TAKE NOTICE that at the inquiry concerning this application, the *[insert name of applicant or respondent legal practitioner as the case may be]*, intends to CROSS-EXAMINE *[insert name of deponent]* of *[insert address of deponent]* in respect of the contents of his/her affidavit sworn on the day of.....20..... which has been tendered in evidence to the Legal Practitioners Disciplinary Tribunal ("the Tribunal") on behalf of the applicant/respondent legal practitioner *[delete, as appropriate]*.

AND TAKE NOTICE that the said *[name of deponent]* is required to attend before such inquiry by the Tribunal for such cross-examination at the commencement of the inquiry on..... day of 20... ato'clock in thenoon at *[insert place of inquiry]* and so on from day to day until the application has been heard by the Tribunal.

AND TAKE FURTHER NOTICE that the applicant/respondent legal practitioner [*delete, as appropriate*] (as the party on whose behalf the said affidavit has been tendered to the Tribunal) is hereby required to ensure that the said deponent attends for such cross-examination at such inquiry.

Dated this day of 20....

Signed:.....

[Name of applicant or respondent legal practitioner, as the case may be]

Copied to: The Tribunal Registrar
Legal Practitioners Disciplinary Tribunal
The Friary
Bow Street
Dublin 7

FORM LPDT18

FORM OF NOTICE BY THE DISCIPLINARY TRIBUNAL OF A DETERMINATION AS TO WHETHER OR NOT, ON THE BASIS OF THE EVIDENCE PROPERLY BEFORE IT, EACH ACT OR OMISSION THE SUBJECT OF THE APPLICATION TO WHICH THE INQUIRY RELATES CONSTITUTES MISCONDUCT AND, IF SO, ITS DETERMINATION AS TO WHETHER THE ISSUE OF SANCTION SHOULD BE DEALT WITH BY THE DISCIPLINARY TRIBUNAL PURSUANT TO SECTION 82(1), OR THE HIGH COURT PURSUANT TO SECTION 82(2), OF THE ACT

[Regulation 15(2)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015 (the "Act")

DETERMINATION

[The Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland [delete as appropriate]].....

APPLICANT

[insert name of respondent legal practitioner]

RESPONDENT LEGAL PRACTITIONER

Date(s) of Inquiry:20.,,..

Members of the division of the Legal Practitioners Disciplinary Tribunal ("the Tribunal") *[insert the names of the members of the division and who acted as chairperson]*

WHEREAS on the application of *[insert name of applicant]* dated the day of..... 20..... **AND** after an inquiry held on the day of.....20..... *[or, as the case may be: after an inquiry commencing on theday of20..... and continuing on the following further date(s) [specify each date of the inquiry]]* under section 81 of the Act **AND** on hearing *[insert name(s) of applicant's solicitor/counsel]* for the applicant and *[insert name(s) of respondent legal practitioner's*

solicitor/counsel] for the respondent legal practitioner AND on hearing the evidence of [insert name(s) of witness/es), in order of appearance, called to give oral evidence, and whether called on behalf of the applicant or on behalf of the respondent legal practitioner or called by the Tribunal].

NOW the Tribunal sets out below its determination under section 81(8) of the Act as to whether or not each act or omission the subject of the application to which the inquiry relates constitutes misconduct, and, where it has determined that that is the case, further sets out its determination as to whether the issue of sanction should be dealt with by the Tribunal pursuant to section 82(1) (and, in that event, the sanction to be imposed), or the High Court pursuant to section 82(2), of the Act, in each case setting out its reasons for the determinations concerned, in accordance with section 81(9)(b) of the Act:

[Set out each act or omission to which the inquiry relates, and specify, in relation to each,

- *whether or not it has been found, beyond a reasonable doubt, to constitute misconduct; and*
- *the reasons for the finding that it has/has not been found to constitute misconduct; and*
- *where misconduct has been found in relation to any complaint, either*
 - *the Tribunal's determination that the issue of sanction should be dealt with by it under section 82(1) of the Act;*
 - *the reasons for its determination that it should deal with the issue of sanction under section 82(1) of the Act; and*
 - *the sanction to be imposed under section 82(1) of the Act.*

or, as the case may be

- *the Tribunal's determination that the issue of sanction should be dealt with by the High Court under section 82(2) of the Act;*
- *the reasons for its determination that the issue of sanction should be dealt with by the High Court under section 82(2) of the Act; and*
- *the Tribunal's recommendation to the High Court as to the order(s) specified in section 85 (7) of the Act that the Court might make.*

SIGNED on behalf of the Tribunal this day of 20.... by

[insert the name of the chairperson of the division of the Tribunal]

[Signature of the chairperson of the division of the Tribunal]

[In the case of an application by the Complaints Committee of the Legal Services Regulation Authority in respect of a solicitor

To: The Registrar of Solicitors]

[In the case of an application by the Law Society in respect of a solicitor

To: The Legal Services Regulation Authority]

FORM LPDT19

FORM OF ORDER OF THE DISCIPLINARY TRIBUNAL WHERE THE DISCIPLINARY TRIBUNAL HAS MADE A DETERMINATION THAT THERE HAS BEEN MISCONDUCT ON THE PART OF THE LEGAL PRACTITIONER AND HAS DETERMINED THE SANCTION PURSUANT TO SECTION 82(1) OF THE LEGAL SERVICES REGULATION ACT 2015

[Regulation 15(3)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015 (the "Act")

ORDER

[insert name of applicant].....

APPLICANT

[insert name of respondent legal practitioner].....

.....

RESPONDENT LEGAL PRACTITIONER

Date(s) of Inquiry:..... 20....

Members of the division of the Legal Practitioners Disciplinary Tribunal ("the Tribunal") *[insert the names of the members of the division and who acted as chairperson]*

WHEREAS on the application of *[insert named of applicant]* dated the day of..... 20..... AND having considered the following documentation: *[specify affidavits, the name of the deponent and the date of each affidavit sworn by or on behalf of, and with the authority of, the applicant and by the respondent legal practitioner which have been furnished to the Tribunal and, if applicable, the number of exhibits thereto and, if applicable, the items of correspondence or other documents which have been furnished to the Tribunal in relation to, or in response to, the application, respectively, by or on behalf of the applicant and by or on behalf of the respondent legal practitioner]* AND after an inquiry held on the day of.....20..... *[or, as the case may be: after an inquiry commencing on theday of20..... and continuing on the following further date(s)]*

*[specify each date of the inquiry]] under section 81 of the Act AND on hearing *[insert name(s) of applicant's solicitor/counsel]* for the applicant and *[insert name(s) of respondent legal practitioner's solicitor/counsel]* for the respondent legal practitioner AND on hearing the evidence of *[insert name(s) of witness/es]*, *in order of appearance, called to give oral evidence, and whether called on behalf of the applicant or on behalf of the respondent legal practitioner or called by the Tribunal].**

NOW the Tribunal FINDS that in respect of the following allegation(s), the acts or omissions on the part of the respondent legal practitioner constitute misconduct *[set out each allegation in respect of which a finding of misconduct has been made against the respondent legal practitioner].*

AND THE TRIBUNAL HEREBY ORDERS that the following sanction(s) be imposed on the respondent legal practitioner *[specify the sanction(s) imposed by the Tribunal on the respondent legal practitioner pursuant to section 82(1) of the Act].*

SIGNED on behalf of the Tribunal this day of 20
..... by

[insert the name of the chairperson of the division of the Tribunal]

[Signature of the chairperson of the division of the Tribunal]

FORM LPDT 20

**FORM OF RECOMMENDATION OF THE DISCIPLINARY TRIBUNAL
TO THE HIGH COURT**

[Regulation 15(5)]

LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL

In the matter of *[insert name of respondent legal practitioner]*, a legal practitioner

And in the matter of an application by the Complaints Committee of the Legal Services Regulatory Authority/ the Law Society of Ireland *[delete as appropriate]* to the Legal Practitioners Disciplinary Tribunal

And in the matter of the Legal Services Regulation Act 2015 (“the Act”)

The Legal Practitioners Disciplinary Tribunal (“the Tribunal”) HEREBY RECOMMENDS to the High Court pursuant to section 82(2) of the Legal Services Regulation Act 2015, as follows:

WHEREAS:

1. An application by *[insert name of applicant - the Complaints Committee of the Legal Services Regulatory Authority (the “Complaints Committee”)/ the Law Society of Ireland [delete as appropriate]]* (“the applicant”) dated the..... day of 20..... was received by the Tribunal on the..... day of20....., pursuant to section 71(7) or section 71(8)(c) of the Act, or section 14A(6) or section 14A(7)(c) of the Act of 1994 (as amended by section 198 of the Act) *[delete as appropriate]* for an inquiry into act(s) and/or omission(s) of *[insert name of respondent legal practitioner]* (“the respondent legal practitioner”) on the ground of alleged misconduct.
2. The Tribunal on the day of20..... considered the following documentation: *[specify the name of the deponent and the date of each affidavit sworn by or on behalf of, and with the authority of, the applicant and by the respondent legal practitioner which have been furnished to the Tribunal and, if applicable, the number of*

exhibits thereto and, if applicable, the items of correspondence or other documents which have been furnished to the Tribunal in relation to, or in response to, the application, respectively, by or on behalf of the applicant and by or on behalf of the respondent legal practitioner].

3. The alleged misconduct on the part of the respondent legal practitioner for inquiry by the Tribunal and the ground(s) of such alleged misconduct, specified in the form of application, were as follows: *[set out the allegation(s) in full].*

4. A division of the Tribunal comprising *[specify the names of the members of the division and who was chairman of the division]* held an inquiry pursuant to section 81 of the Act on the..... day of 20.....*[or, as the case may be: commencing on the.....day of20.....and continuing on the following dates, concluding on the last said date, namely: [specify each continuing date of the inquiry].*

5. The parties to the proceedings were *[the Complaints Committee/ the Law Society of Ireland [delete as appropriate] and the name of the respondent legal practitioner].*

6. The appearances at the inquiry were as follows: *[specify the name of the legal practitioner and, if applicable, the counsel, respectively, appearing for the applicant and for the respondent legal practitioner].*

7. The respondent legal practitioner was admitted as a legal practitioner in the Term 19 /20..... and last practised as a legal practitioner at *[if a solicitor: insert respondent solicitor's practice address as last appearing in the Register of Practising Solicitors, or if a barrister: insert the last address provided to the Authority for inclusion on the Roll of Practising Barristers]; [if a solicitor, the last practising certificate held by the respondent solicitor being for the practice year ending 31 December 20....., or if a barrister, the barrister's name was entered on the Roll of Practising Solicitors on [insert date] [and if applicable, the barrister's name was removed on [insert date] from the Roll of Practising Barristers pursuant to section 135(1)(b) or (c) of the Act].*

8. The oral evidence and the oral submissions received by the Tribunal at the inquiry are set out in the verbatim transcript of the inquiry accompanying this report, and the documentary evidence

received and the name(s) of the witness(es) who gave oral evidence are set out in the Schedule to this report.

9. *[Where the Tribunal has found that there has been misconduct on the part of the respondent legal practitioner and determines that the issue of sanction should be dealt with by the High Court]. Pursuant to the holding of an inquiry under Part 6 of the Act, the Tribunal has found that there has been misconduct on the part of the respondent legal practitioner in respect of the allegation(s) set out in paragraph 3 (above), for the following reason(s): [specify each allegation in respect of which the Tribunal has found misconduct and the reasons therefor] AND has determined that the issue of sanction should be dealt with pursuant to section 82(2) of the Act.*

The Tribunal HEREBY MAKES A RECOMMENDATION to the High Court pursuant to section 82(2) of the Act that the Court make one or more than one of the orders specified in subsection 7 of section 85 of the Act, as follows: *[specify the terms of the recommendation of the Tribunal that the Court make one or more of the orders pursuant to section 85(7)]* AND the reason(s) for the Tribunal's opinion that it is appropriate to make such an order is/are as follows: *[set out the reasons for the Tribunal's opinion]* AND *[if applicable]* the Tribunal notes the following finding(s) of misconduct on the part of the respondent legal practitioner previously made by it and not rescinded by the High Court, and *[if applicable]* the following order(s) made by the High Court under the Act and/or the Solicitors Acts, 1954 to 2015, namely: *[specify details of any such previous finding(s) of misconduct on the part of the respondent legal practitioner made by the Tribunal and, if applicable, details of any previous order(s) made by the High Court under the Act or the Solicitors Acts 1954 to 2015 in respect of the respondent legal practitioner, and the relevant date(s) thereof].*

SCHEDULE

of

the documentary evidence received at the inquiry

and the name(s) of the witness(es) who gave oral evidence at the inquiry

Details of documentary evidence received: *[specify each item of documentary evidence received at the inquiry]*

Details of witnesses who gave oral evidence: *[specify the name of each witness who gave evidence at the inquiry]*

SIGNED on behalf of the Tribunal this day of..... 20.....

by *[insert the name of the chairperson of the division of the Tribunal]*

.....

[Signature of the chairperson of the division of the Tribunal]

[In the case of an application by the Complaints Committee of the Legal Services Regulation Authority in respect of a solicitor

To: The Registrar of Solicitors]

[In the case of an application by the Law Society in respect of a solicitor

To: The Legal Services Regulation Authority]

Signed for the LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL
4 July 2022

TOM COUGHLAN,
Chairperson of the Legal Practitioners Disciplinary Tribunal

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
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