



Association of Women Solicitors

Essential for Success

Solicitors Disciplinary Tribunal

**CONSULTATION ON THE MAKING OF PROCEDURAL RULES
IN RELATION TO APPLICATIONS TO THE TRIBUNAL**

Response by Association of Women Solicitors, London

About Association of Women Solicitors, London

Association of Women Solicitors, London was founded in 1992 and its aims include representing, supporting and developing the interests of women solicitors. Membership is open to women solicitors and trainees and associate membership to other women lawyers including barristers, chartered legal executives and paralegals. For further information please visit our website www.awslondon.co.uk

RESPONSE

Having read the Consultation including Appendix B - Equality Impact Assessment we agree with your view that it is unlikely the proposed new rules would affect solicitors appearing before the Tribunal disproportionately because of gender, pregnancy or maternity.

However we are greatly concerned about proposed new Rule 5 reciting that the standard of proof that will be applied to Tribunal proceedings will be the standard of balance of probabilities applied in civil proceedings.

Thus in disciplinary proceedings with potential to impose a massive fine or end a solicitor's career altogether would be no longer subject to the criminal requirement of beyond reasonable doubt.

We do not believe that the proposed changes will result in greater protection for either the public or women solicitors as complainants (for example in cases of alleged sexual harassment) and could instead prejudice accused but innocent individuals.

In conclusion, we believe that the disciplinary proceedings should remain subject to the criminal requirement of "beyond a reasonable doubt".

