



Hearings Before the Faculty of Advocates Disciplinary Tribunal

Faculty of Advocates

What time will the Tribunal start?

The Tribunal usually starts at 10am. The parties will have been given notice of the start time at least three weeks before the hearing date.

Where does the Hearing take place?

The Tribunal usually sits in the Mackenzie Building, Edinburgh. Parties will have this information provided to them when the date for the hearing is set.

Are Hearings held in public?

Hearings are held in public unless the Tribunal agrees that it is appropriate to hold the hearing in private.

Who sits on the Tribunal?

The Tribunal comprises three legal members (one being the Chair) and three lay members. A Clerk is also present but only advises on procedure and takes no part in the decision process.

What is the difference between procedural hearing, preliminary hearing and hearing?

A procedural hearing is a short hearing which is set in order to ascertain whether or not the facts in the case are in dispute, what evidence will be required and whether there are any preliminary issues to be decided before a full hearing can be fixed. If legal matters are raised, it may be that a preliminary hearing/debate is required to deal with these issues. A full hearing (also referred to as a substantive hearing) is fixed in most cases. This may involve the leading of evidence or the Tribunal may hear submissions from both parties and then go on to either make a finding or not.

Lodging of Productions.

A List of Productions and the Productions themselves must be lodged at least 14 days prior to the hearing unless otherwise directed by the Chair of the Tribunal. If you require any witnesses then a List of Witnesses must be produced at least 7 days prior to the hearing. These should also be sent to the other parties.

Witnesses.

It is important for you contact the witness prior to the hearing to ascertain whether they can attend informing them of the date, time and venue.

Arriving at the Tribunal.

It is important you arrive at least 10 minutes before the hearing is due to start. If you are delayed then please call the venue at which the hearing is taking place to advise.

The lodging of Productions late is dissuaded but if it is necessary please bring the



original and five copies for the Tribunal and a copy for the other parties.

The Bar Officer will be there to greet you. They will show you where to wait and will direct you when the case is to be called. If you have any queries, please do not hesitate to ask them.

What happens at a Hearing?

The Bar Officer will take you into the hearing room and advise where to sit. The Chair will manage the hearing. Evidence may be led by every party followed by submissions.

Questions can be asked by any of the Tribunal members.

Parties and any members of the public retire whilst the Tribunal makes its deliberations. Parties and any members of the public return to hear the Tribunal's decision.

Submissions are invited from parties on publicity and expenses.

How long will a hearing last?

This will depend on the complexity of the case. Generally cases last a few hours but may take longer if there are witnesses and evidence requires to be led.

The Written Decision.

The Decision of the Tribunal is sent out to all parties usually within twenty-eight days of the Tribunal Hearing, although it may take longer depending on the intricacies of the case.

Contacting the Faculty Office.

If you have any further queries on the procedure of the Tribunal, please contact us on:

Telephone: 0131 260 5689 Email: complaints@advocates.org.uk