

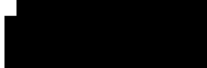
**THE SOLICITORS (SCOTLAND) ACT 1980
THE SCOTTISH SOLICITORS' DISCIPLINE TRIBUNAL
(PROCEDURE RULES 2008)**

INTERLOCUTOR

in Section 42ZA Appeal

by

REHAM EL MENSRAWY, 

 (hereinafter referred to as "the Appellant")

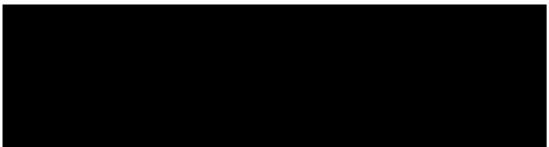
against

THE COUNCIL OF THE LAW SOCIETY OF
SCOTLAND, Atria One, 144 Morrison Street, Edinburgh
(hereinafter referred to as "the First Respondents")

and

JOSEPH HANN, Solicitor, Hann & Co, 1 Bridgend, High
Street, Annan (hereinafter referred to as "the Second
Respondent")

By Video Conference, 3 August 2021. The Tribunal, having considered the written submissions for the Appellant and the oral and written submissions for the First Respondent in the Section 42ZA Appeal at the instance of Reham El Menshawy; Grants the Appellant's motion to adjourn the Procedural Hearing; On the motion of the First Respondents, fixes a Preliminary Hearing to take place by way of video conference in December 2021 on a date to be afterwards fixed; and continues the written motion for the First Respondents to that date.


Catherine Hart
Vice Chair

NOTE

This Appeal had been set down for a virtual procedural hearing. The Appellant was absent but had submitted a letter from her doctor explaining her inability to participate in the hearing on this date. The First Respondents were represented by Grant Knight, Solicitor, Edinburgh. The Second Respondent had previously intimated to the Tribunal that he did not intend to enter the process.

The Appellant had lodged a motion to adjourn the procedural hearing due to the medical treatment she was currently receiving. The First Respondents had lodged a motion inviting the Tribunal to (a) dismiss the appeal; or alternatively (b) order the Appellant to find caution; or alternatively (c) order the Appellant to sist a mandatory. Both parties had lodged written submissions with the Tribunal. The Fiscal invited the Tribunal to deal with his motion in the absence of the Appellant and made oral submissions in support thereof.

The Tribunal gave careful consideration to all of the information before it. It considered that the content of the notice of procedural hearing would not have alerted the Appellant to the possibility that her appeal could be dismissed at the procedural hearing. Nor was the Tribunal satisfied that the Appellant understood the First Respondents' motion in relation to caution and/or sist a mandatory and the possible ultimate effect this could have on her appeal. The Tribunal noted that English was not the first language of the Appellant. Her reason for not participating in the procedural hearing was because she was receiving medical treatment. In all of the circumstances, the Tribunal considered that in the interests of justice and fairness to all, it could not fairly deal with the First Respondents' motion in the absence of the Appellant. The Tribunal considered it appropriate to adjourn the procedural hearing.

The Tribunal heard further submissions from the Fiscal on his motion, and continued the appeal to a preliminary hearing for his motion to be considered in full. Given the content of the letter from the Appellant's doctor, it appeared reasonable and fair to the Tribunal that this preliminary hearing should take place in the course of December 2021. The parties both confirmed that the hearing was capable of being dealt with virtually.



Catherine Hart
Vice Chair