

FW: Al Sweady Inquiry - Letter from Paul Philip (SRA)

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>, [REDACTED]
Sent: May 20, 2016 1:13:42 PM BST
Received: May 20, 2016 1:13:53 PM BST
Attachments: 2016-05-19 - Letter to MOJ.pdf

[REDACTED] and [REDACTED]

Please note that I will confirm publication at 16.00, subject to representations.

We are not planning to publish a proactive statement, in accordance with our standard approach to publishing allegations.

Many thanks

Jane

From: Jane Malcolm
Sent: 19 May 2016 12:30
To: [REDACTED]; [REDACTED]
Subject: FW: Al Sweady Inquiry - Letter from Paul Philip (SRA)

[REDACTED] and [REDACTED]

Please see attached.

Many thanks

Jane
Sent from my Windows Phone

From: [REDACTED]@sra.org.uk>
Sent: 19/05/2016 11:33
To: [REDACTED]@justice.gsi.gov.uk' [REDACTED]@justice.gsi.gov.uk>
Subject: Al Sweady Inquiry - Letter from Paul Philip (SRA)

Good morning Mr Goodwin

Please find attached from Paul Philip.

Yours sincerely

[REDACTED]
[REDACTED]

[REDACTED]

Solicitors Regulation Authority

Ext. [REDACTED] | DDI: [REDACTED] | M: [REDACTED]

E-mail: [REDACTED]@sra.org.uk> [REDACTED]@sra.org.uk

AI Sweady Inquiry - Letter from Paul Philip (SRA)

From: [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk [REDACTED]@justice.gsi.gov.uk>
Sent: May 19, 2016 11:33:54 AM BST
Received: May 19, 2016 11:33:56 AM BST

Good morning Mr Goodwin

Please find attached from Paul Philip.

Yours sincerely

[REDACTED]
[REDACTED]

[REDACTED]

Solicitors Regulation Authority

Ext. [REDACTED] | DDI: [REDACTED] | M: [REDACTED]
E-mail: [REDACTED]@sra.org.uk> [REDACTED]@sra.org.uk

Our ref: TRI/1157033-2016
Your ref: IRAQ/AL-SWEADY



**Solicitors
Regulation
Authority**
The Cube
199 Wharfside Street
Birmingham B1 1RN

From the Chief Executive

Private & Confidential

Mr Nick Goodwin
Ministry of Justice
102 Petty France
London
SW1H 9AJ

DX: 720293 BIRMINGHAM 47
UK 0370 606 2555
Int + 44 (0)121 329 6800
F + 44 (0)121 616 1999
www.sra.org.uk

By email only: [REDACTED]@justice.gsi.gov.uk

19 May 2016

Dear Mr Goodwin

Al Sweady Inquiry – Leigh Day

I indicated in my previous letters that I would keep you updated on the course of our investigation.

Proceedings have now been lodged at the Solicitors Disciplinary Tribunal (SDT) making allegations in respect of the conduct of Leigh Day, Mr Martyn Day, Ms Sapna Malik and Ms Anna Crowther. The SDT has certified that there is a case to answer in respect of the allegations which have been made. As previously set out, the SDT is an independent Tribunal which will reach its own decision after considering all the evidence, including any evidence put forward by the Respondents.

We have advised the Respondents that we are considering publication and allowed them 14 days to make representations. We have considered the representations carefully and decided to publish. That means we will publish our decision and a summary of our allegations on Friday 20 May 2016. I have attached the text for your information. I should emphasise that at this stage, the allegations are unproven.

Please note that there is one further allegation against Anna Crowther only which is not included in the summary. That is because media coverage around the steps we have taken have apparently led to concerns regarding the safety and well-being of Leigh Day's staff.

Now that the Tribunal has certified that there is a case to answer, it will make directions for the future conduct of this matter. No directions have yet been made, however, and no date has yet been set for a substantive hearing.

The regulator of solicitors and law firms in England and Wales

I will of course keep you up to date on progress.

Yours sincerely



Paul Philip
Chief Executive
Solicitors Regulation Authority

RE: Al-Sweady statement - SRA timing of investigations

From: [REDACTED] [REDACTED]@justice.gsi.gov.uk>
To: Jane Malcolm [REDACTED]
[REDACTED]@sra.org.uk>
Cc: Crispin Passmore [REDACTED]
[REDACTED]@sra.org.uk>,
Sent: January 30, 2015 10:25:39 AM GMT
Received: January 30, 2015 10:25:48 AM GMT

Yes fine - will call that number.

[REDACTED]
[REDACTED]
A2J Strategy and Specialist Policy,
Access to Justice Directorate
Law and Access to Justice Group
Ministry of Justice
4.38 4th Floor
102 Petty France
London
SW1H 9AJ

Tel: [REDACTED]
Mobile: [REDACTED]
email: [REDACTED]@justice.gsi.gov.uk

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 30 January 2015 10:20
To: [REDACTED]
Cc: Crispin Passmore; [REDACTED]
Subject: RE: Al-Sweady statement - SRA timing of investigations

[REDACTED]
Would 10.30 suit? Crispin is keen to join our call – perhaps we can use a BT telecon?

United Kingdom Freephone: [REDACTED]

Participant passcode: [REDACTED]

Many thanks

Jane

From: [REDACTED] [REDACTED]@justice.gsi.gov.uk]
Sent: 30 January 2015 10:06

To: Jane Malcolm
Cc: Crispin Passmore; [REDACTED]
Subject: RE: Al-Sweady statement - SRA timing of investigations

Jane

Free to take a call for the rest of the morning, so if that is convenient for you, please call me when you are free.

[REDACTED]

[REDACTED]

[REDACTED]

A2J Strategy and Specialist Policy,
Access to Justice Directorate
Law and Access to Justice Group
Ministry of Justice
4.38 4th Floor
102 Petty France
London
SW1H 9AJ

Tel: [REDACTED]
Mobile: [REDACTED]
email: [REDACTED]@justice.gsi.gov.uk

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 29 January 2015 17:31
To: [REDACTED]
Cc: Crispin Passmore [REDACTED]
Subject: RE: Al-Sweady statement - SRA timing of investigations

[REDACTED]

Of course - happy to discuss.

When would work best for you?

Many thanks

Jane

Sent from my Windows Phone

From: [REDACTED]@justice.gsi.gov.uk>
Sent: 29/01/2015 17:29
To: Jane Malcolm [REDACTED]@sra.org.uk>
Cc: Crispin Passmore [REDACTED]@sra.org.uk>; [REDACTED]
[REDACTED]@justice.gsi.gov.uk>

Subject: RE: AI-Sweady statement - SRA timing of investigations

Jane

I wonder if we can speak on the phone tomorrow. (I have to leave the office now). Following leaving a message with Crispin, David Middleton (I think) phoned me and very helpfully talked me through the timescale that SRA is estimating from the investigations you announced - as below.

It would be helpful if we can speak so that I can discussed some of the issues surrounding the wider context.

Thanks

[REDACTED]

[REDACTED]

[REDACTED]

A2J Strategy and Specialist Policy,
Access to Justice Directorate
Law and Access to Justice Group
Ministry of Justice
4.38 4th Floor
102 Petty France
London
SW1H 9AJ

Tel: [REDACTED]
Mobile: [REDACTED]
email: [REDACTED]@justice.gsi.gov.uk

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 12 January 2015 19:44
To: [REDACTED]
Subject: AI-Sweady statement

[REDACTED]

Just to let you know that we have put up a statement on the AI-Sweady Inquiry – please see
<http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page>

Many thanks

Jane

Jane Malcolm
Executive Director - External Affairs
Solicitors Regulation Authority

Mobile: [REDACTED]

The Cube, Birmingham: [REDACTED]

www.sra.org.uk

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RE: Al-Sweady statement - SRA timing of investigations

From: [REDACTED] [REDACTED]@justice.gsi.gov.uk>
To: Jane Malcolm <[REDACTED]>
[REDACTED]@sra.org.uk>
Cc: Crispin Passmore [REDACTED]
[REDACTED]@sra.org.uk> [REDACTED]@justice.gsi.gov.uk>
Sent: January 30, 2015 10:06:17 AM GMT
Received: January 30, 2015 10:06:22 AM GMT

Jane

Free to take a call for the rest of the morning, so if that is convenient for you, please call me when you are free.

[REDACTED]

[REDACTED]

[REDACTED]

A2J Strategy and Specialist Policy,
Access to Justice Directorate
Law and Access to Justice Group
Ministry of Justice
4.38 4th Floor
102 Petty France
London
SW1H 9AJ

Tel: [REDACTED]
Mobile: [REDACTED]
email: [REDACTED]@justice.gsi.gov.uk

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 29 January 2015 17:31
To: [REDACTED]
Cc: Crispin Passmore; [REDACTED]
Subject: RE: Al-Sweady statement - SRA timing of investigations

[REDACTED]

Of course - happy to discuss.

When would work best for you?

Many thanks

Jane

Sent from my Windows Phone

From: [REDACTED]@justice.gsi.gov.uk>
Sent: 29/01/2015 17:29
To: Jane Malcolm<[REDACTED]@sra.org.uk>
Cc: Crispin Passmore<[REDACTED]@sra.org.uk>; [REDACTED]
[REDACTED]
Subject: RE: Al-Sweady statement - SRA timing of investigations

Jane

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It would be helpful if we can speak so that I can discussed some of the issues surrounding the wider context.

Thanks

[REDACTED]

[REDACTED]

[REDACTED]

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Access to Justice Directorate
Law and Access to Justice Group
Ministry of Justice
4.38 4th Floor
102 Petty France
London
SW1H 9AJ

Tel: [REDACTED]
Mobile: [REDACTED]
email: [REDACTED]@justice.gsi.gov.uk

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 12 January 2015 19:44
To: [REDACTED]
Subject: Al-Sweady statement

[REDACTED]

Just to let you know that we have put up a statement on the Al-Sweady Inquiry – please see
<http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page>

Many thanks

Jane

Jane Malcolm
Executive Director - External Affairs
Solicitors Regulation Authority

Mobile: [REDACTED]

The Cube, Birmingham: [REDACTED]

www.sra.org.uk

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RE: AI-Sweady statement - SRA timing of investigations

From: [REDACTED] [REDACTED]@justice.gsi.gov.uk>
To: Jane Malcolm [REDACTED]@sra.org.uk>, [REDACTED]
Cc: [REDACTED] Crispin Passmore
[REDACTED]@sra.org.uk>, [REDACTED]@justice.gsi.gov.uk>
Sent: January 29, 2015 5:29:17 PM GMT
Received: January 29, 2015 5:29:20 PM GMT

Jane

I wonder if we can speak on the phone tomorrow. (I have to leave the office now). Following leaving a message with Crispin, David Middleton (I think) phoned me and very helpfully talked me through the timescale that SRA is estimating from the investigations you announced - as below.

It would be helpful if we can speak so that I can discussed some of the issues surrounding the wider context.

Thanks

[REDACTED]

[REDACTED]

[REDACTED]

A2J Strategy and Specialist Policy,
Access to Justice Directorate
Law and Access to Justice Group
Ministry of Justice
4.38 4th Floor
102 Petty France
London
SW1H 9AJ

Tel: [REDACTED]
Mobile: [REDACTED]
[REDACTED]@justice.gsi.gov.uk

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 12 January 2015 19:44
To: [REDACTED]
Subject: AI-Sweady statement

[REDACTED]

Just to let you know that we have put up a statement on the AI-Sweady Inquiry
– please see

<http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page>

Many thanks

Jane

Jane Malcolm
Executive Director - External Affairs
Solicitors Regulation Authority

Mobile: [REDACTED]

The Cube, Birmingham: [REDACTED]

www.sra.org.uk

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RE: Article re LD today

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>, Crispin Passmore [REDACTED]
[REDACTED]@sra.org.uk>
Sent: April 11, 2016 1:09:54 PM BST
Received: April 11, 2016 1:09:55 PM BST

[REDACTED]
I'll give you a quick call...

Thanks

Jane

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 11 April 2016 13:08
To: Jane Malcolm; Crispin Passmore
Subject: Article re LD today

Hi both,

Can I just check the facts behind the article in the Gazette today that the SRA hasn't yet made the referral of LD to the SDT?

Is this true? If yes, have the SRA notified the SDT of the impending referral, and when do you expect the papers to be given to the SDT?

I have a meeting with Ministers at 2pm and am likely to be challenged as to the accuracy of the reporting and progress in the cases, so a quick update would be appreciated.

[REDACTED]
[REDACTED]
[REDACTED] | Strategy and Specialist Policy Portfolio |
Justice and Courts Policy Group | Ministry of Justice | 102 Petty France (4.37)
| tel: [REDACTED] | BB [REDACTED]

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RE: Follow up to your conversation with [REDACTED] last week

From: Crispin Passmore [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Sent: March 1, 2015 7:25:45 AM GMT
Received: March 1, 2015 7:26:32 AM GMT

Thanks [REDACTED] Our media teams have spoken.

We will continue lines of reviewing, investigating etc etc

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 28 February 2015 22:44
To: Crispin Passmore
Subject: Re: Follow up to your conversation with [REDACTED] last week

Crispin,

To be aware - assuming you pick up email at weekends. We've been made aware there is to be some further media on this case tomorrow.

If you want to speak, feel free to get in touch.

[REDACTED]

"This Message has been sent from a Blackberry Device"

From: Crispin Passmore [REDACTED]@sra.org.uk>
To: [REDACTED]
Sent: Wed Feb 11 20:58:21 2015
Subject: RE: Follow up to your conversation with [REDACTED] last week

Great - will call as soon as out of first meeting

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 11 February 2015 20:48
To: Crispin Passmore
Subject: Re: Follow up to your conversation with [REDACTED] last week

Crispin, thanks.

9.30am tomorrow would work for me. I am working at home tomorrow, but my phone is forwarded so you can call either number.

Thanks.

[REDACTED]

"This Message has been sent from a Blackberry Device"

From: Crispin Passmore

[REDACTED]@sra.org.uk [REDACTED]

To: [REDACTED]

Sent: Wed Feb 11 18:55:53 2015

Subject: RE: Follow up to your conversation with [REDACTED] last week

Hi [REDACTED] – sorry again. Just finished meetings. Am on [REDACTED] but have to get 7:30 train.

Im in London tomorrow – have meeting at 8:30 but could call you at 9:30 when walking to my 10am meeting. Or I could call you between 3:30 and 4:30

From: [REDACTED]@justice.gsi.gov.uk]

Sent: 11 February 2015 17:57

To: Crispin Passmore

Subject: RE: Follow up to your conversation with [REDACTED] last week

Crispin,

Are you around now? What is your number?

[REDACTED]

From: Crispin Passmore [REDACTED]@sra.org.uk]

Sent: 10 February 2015 20:30

To: [REDACTED]

Subject: RE: Follow up to your conversation with [REDACTED] last week

No problem. I have nightmare diary at present sorry. I can do mid afternoon tomorrow. Probably something like 2pm. Does that work for you? Failing that, after about 5:30 pm?

From: [REDACTED]@justice.gsi.gov.uk]

Sent: 10 February 2015 17:22

To: Crispin Passmore

Subject: RE: Follow up to your conversation with [REDACTED] last week

Crispin,

Sorry, I only just saw this. Can I call tomorrow?

[REDACTED]

From: Crispin Passmore [REDACTED]@sra.org.uk]

Sent: 10 February 2015 15:11

To: [REDACTED]

Subject: RE: Follow up to your conversation with [REDACTED] last week

Hi

I'm interviewing all afternoon. Hope to finish by 5ish. Shall I give you a call then? I have another meeting 5:15 through to 7 unfortunately!

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 10 February 2015 12:29
To: Crispin Passmore
Subject: RE: Follow up to your conversation with [REDACTED] last week

Hi,

Any chance of a quick word this afternoon? If yes, what number could I reach you on?

Thanks

[REDACTED]

From: [REDACTED]@sra.org.uk]
Sent: 04 February 2015 16:13
To: [REDACTED]
Subject: RE: Follow up to your conversation with [REDACTED] last week

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Ministers can rest assured we know how important it is that we do a very good job on this and that public has to have confidence in our investigation and outcome of it. That doesn't lead to any particular answer but it does mean that we know how important it is.

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 04 February 2015 16:09
To: Crispin Passmore
Subject: RE: Follow up to your conversation with [REDACTED] last week

To be honest, I think Ministers want to know that you are looking at everything from start to finish!

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Sent: 04 February 2015 16:04
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Version attached for your consideration,.

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Subject: RE: Follow up to your conversation with [REDACTED] last week

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I'm in various meetings for much of today, but perhaps we could speak at some point, if you prefer?

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[REDACTED]

[REDACTED]

[REDACTED] Access to Justice Strategy and Specialist Policy - Legal Services Policy | Law and Access to Justice Group | Ministry of Justice | 102 Petty France (4.37) | tel: [REDACTED] | BB [REDACTED]

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RE: Follow up to your conversation with [REDACTED] last week

From: [REDACTED]@justice.gsi.gov.uk>
To: Crispin Passmore [REDACTED]@sra.org.uk [REDACTED]
Sent: February 4, 2015 4:32:43 PM GMT
Received: February 4, 2015 4:32:54 PM GMT

That would be great, thanks. I'll look through the diary and come back to you.

[REDACTED]

From: Crispin Passmore [REDACTED]@sra.org.uk]
Sent: 04 February 2015 16:26
To: [REDACTED]
Subject: RE: Follow up to your conversation with [REDACTED] last week

February or early March is good. We could put a programme together where you spend most of time with policy and education teams, but also get to see a bit of operational stuff.

If you want to suggest some dates I will get someone to put a programme together for you.

Crispin

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 04 February 2015 16:21
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Subject: RE: Follow up to your conversation with [REDACTED] last week

And we are assuring them of that. I think they will be assured, both by the public statement, and the understanding that you are looking at everything. We fully understand that it is a detailed investigation and that you understand how important it is to get right, and that this means it can't be completed quickly. We are strongly advising that any further action on our or the LAA side has to follow the completion of your work, and reflect the evidence, and that they must be patient!

Thanks again for being so frank in setting out the parameters and timeframes. I'm sure we'll keep in touch as previously agreed, to confirm things are on track.

Separately, I would like to come up to Birmingham soon, for a more general visit (in the event I couldn't visit last Wednesday as I was busy with OLC Accounts and CMC launch issues) to both see the work of the SRA and also meet with relevant folk while there. If there are particular dates it would be good for me to be there for, do let me know.

Best wishes,

[REDACTED]

From: Crispin Passmore [REDACTED]@sra.org.uk]
Sent: 04 February 2015 16:13
To: [REDACTED]
Subject: RE: Follow up to your conversation with [REDACTED] last week

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[REDACTED]

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[Martyn Day - SRA ID 124223]
 [Sapna Malik - SRA ID 168442]
 [Leigh Day - SRA ID 67679]

Decision – prosecution

Outcome: Referral to Solicitors Disciplinary Tribunal

Outcome date: 4 December 2015

Published date: 20 May 2016

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Leigh Day

Address(es): Priory House, 25 St John's Lane, London EC1M 4LB

Firm ID: 67679

Outcome details

This outcome was reached by SRA decision.

Reasons/basis

This notification relates to a Decision to prosecute before the Solicitors Disciplinary Tribunal. This is an independent Tribunal which will reach its own decision after considering all the evidence, including any evidence put forward by the Respondents. The Tribunal has certified that there is a case to answer in respect of allegations which are or include that:

1. At a press conference on 22 February 2008, Mr Day made and personally endorsed, and Ms Malik permitted to be made and personally endorsed by Mr Day, allegations that the British Army had unlawfully killed, tortured and mistreated Iraqi civilians, in circumstances where it was improper to do so;
2. The Respondents failed during the period between September 2007 and August 2013 (in respect of Mr Day and Ms Malik) and the period between 31 March 2009 and August 2013 (in respect of Leigh Day) to provide a copy of a document known as the OMS Detainee List (or ensure that a copy was provided by their clients) to Public Interest Lawyers;
3. The Respondents failed during the period between September 2007 and July 2009 (in respect of Mr Day and Ms Malik) and the period between 31 March 2009 and July 2009 (in respect of Leigh Day) to ensure that a copy of the OMS Detainee List was provided by their clients to the Administrative Court;
4. The Respondents failed during the period between November 2009 and August 2013 to ensure that a copy of the OMS Detainee List was provided by their clients to the Al-Sweady Inquiry;
5. Mr Day and Ms Malik (in respect of the period between April 2008 and January 2015) and Leigh Day (in respect of the period between 31 March 2009 and January 2015)

made and maintained allegations of unlawful killing, torture and mistreatment and also took steps on behalf of the Al-Sweady claimants to seek settlement in the form of damages and costs in respect of those allegations and continued acting for them when it was improper to do so;

6. The Respondents failed during the period September 2007 and August 2013 (in respect of Mr Day and Ms Malik) and during the period 31 March 2009 to August 2013 (in respect of Leigh Day) to establish and maintain proper and effective arrangements for the management and identification of documents in relation to the Al-Sweady claims as a result of which they failed to identify the significance of the OMS Detainee List;
7. The Respondents failed during the period between June 2007 and August 2013 (in respect of Mr Day and Ms Malik) and during the period 31 March 2009 to August 2013 (in respect of Leigh Day) to establish and maintain proper and effective arrangements with Public Interest Lawyers for the sharing of information and documents held by Leigh Day on behalf of the Al-Sweady claimants (their mutual clients);
8. Mr Day and Ms Malik entered into on behalf of and/or approved the entry into by Leigh Day of an improper fee sharing arrangement with an individual, "Z", pursuant to an agreement dated 23 March 2009;
9. From 31 March 2009 onwards, Leigh Day remained a party to the improper agreement dated 23 March 2009 and/or financial arrangements and in making payments pursuant to that agreement to Z took steps to fulfil that improper agreement;
10. Leigh Day entered into and Mr Day and Ms Malik entered into on behalf of and/or approved the entry into by Leigh Day of an improper fee sharing arrangement with Z pursuant to an agreement dated in or around 27 April 2010 between Leigh Day, Z and others;
11. Mr Day and Ms Malik entered into on behalf of and/or approved the entry into by Leigh Day of an improper fee sharing arrangement with Z pursuant to an agreement dated 23 March 2009 which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of historic cases;
12. From 31 March 2009 onwards Leigh Day remained a party to the improper agreement of 23 March 2009 and/or financial arrangements and in making payments pursuant to that agreement to Z took steps to fulfil an improper agreement in that it was an arrangement for the payment of a referral fee in respect of historic cases;
13. Leigh Day entered into and Mr Day and Ms Malik entered into on behalf of and/or approved the entry into by Leigh Day of an improper fee sharing arrangement with Z pursuant to an agreement dated 27 April 2010 between Leigh Day, Z and others and which was, in respect of the arrangement between Leigh Day and Z, an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of historic cases;
14. Mr Day and Ms Malik authorised and/or approved the payment of a prohibited referral fee of £25,000 to Z on or around 23 December 2008. The payment was prohibited and improper in that it was (i) a contingency fee in respect of claims arising as a result of death or personal injury to a third party whose business, or part of whose business, was to support claims arising as a result of death or personal injury; (ii)

make pursuant to an agreement (constituting a financial arrangement) which was not compliant with Rule 9.02 of the Solicitors Code of Conduct 2007; and/or (iii) a referral fee in respect of historic cases.

15. Mr Day and Ms Malik authorised and/or approved payment by Leigh Day of a prohibited referral fee of £50,000 to Z on or around 30 March 2009. The payment was prohibited and improper in that it was (i) a contingency fee in respect of claims arising as a result of death or personal injury to a third party whose business, or part of whose business, was to support claims arising as a result of death or personal injury; (ii) a referral fee in respect of historic cases; and/or (iii) made in part on behalf of a third party in relation to publicly funded cases in circumstances where such a payment was prohibited.
16. Mr Day and Ms Malik deliberately acted so as to facilitate and conceal a regulatory breach by a third party alleged at Allegation 15 and failed to report that regulatory breach;
17. From 31 March 2009 onwards, Leigh Day continued the concealment of the third party's regulatory breach alleged at Allegation 15 by its failure to report the serious misconduct of that third party and of Mr Day and Ms Malik;
18. Mr Day and Ms Malik authorised and/or arranged the payment of sums of money by Leigh Day which they knew or suspected to be improper and failed to take proper steps to satisfy themselves that such disbursements were proper;
19. Mr Day and Ms Malik (in the period between August 2007 and December 2015) and Leigh Day (in the period between 31 March 2009 and December 2015) authorised and/or made payments to Z and another individual, Y, without ensuring that a proper system was maintained to account for the sums paid to each of individuals.

The allegations are subject to a Hearing before the Solicitors Disciplinary Tribunal and are as yet unproven.

RE: Contact for material

From: [REDACTED]@justice.gsi.gov.uk>

To: Crispin Passmore [REDACTED]@sra.org.uk [REDACTED]
[REDACTED]

Sent: February 24, 2015 11:06:51 AM GMT

Received: February 24, 2015 11:06:58 AM GMT

Thanks for this.

[REDACTED]

From: Crispin Passmore [REDACTED]@sra.org.uk]

Sent: 24 February 2015 10:58

To: [REDACTED]

Subject: RE: Contact for material

David Middleton

Executive Director, Legal and Enforcement

The Cube
199 Wharfside Street
Birmingham
B1 1RN

Crispin

From: [REDACTED]@justice.gsi.gov.uk]

Sent: 24 February 2015 10:42

To: Crispin Passmore

Subject: Contact for material

Crispin,

I know there is a central complaints team, but given the PIL/LD investigations are underway, can you share the contact details for whoever the additional materials should be sent to?

Thanks

[REDACTED]

[REDACTED]

[REDACTED] Access to Justice Strategy and Specialist
Policy - Legal Services Policy | Law and Access to Justice Group | Ministry of
Justice | 102 Petty France (4.37) | tel: [REDACTED] | BB [REDACTED]

Re: Material in respect of investigations

From: [REDACTED]@justice.gsi.gov.uk>

To: [REDACTED]@sra.org.uk [REDACTED]@sra.org.uk>, [REDACTED]

Sent: May 13, 2015 3:07:29 PM BST

Received: May 13, 2015 3:07:36 PM BST

Hi [REDACTED]

Yes, it is the al sweady related case.

[REDACTED]
"This Message has been sent from a Blackberry Device"

From: [REDACTED]@sra.org.uk>

To: [REDACTED]

Sent: Wed May 13 14:41:14 2015

Subject: RE: Material in respect of investigations

Hello [REDACTED]

David is away from the office until the 27 May, so yes, I will engage with colleagues to provide you with an update.

Can I just confirm with you that the case is Al Sweady.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Solicitors Regulation Authority

Ext. [REDACTED]

DDI: [REDACTED]

E-mail: [REDACTED]@sra.org.uk

From: [REDACTED]@justice.gsi.gov.uk]

Sent: 13 May 2015 12:31

To: David Middleton

Subject: RE: Material in respect of investigations

Hi [REDACTED]

We need an update this week, as we have to finalise the update first thing Monday. If he is away all week, is there anyone that can advise in his absence?

Thanks

[REDACTED]

From: [REDACTED]@sra.org.uk] On Behalf Of David Middleton
Sent: 13 May 2015 12:05
To: [REDACTED]
Subject: RE: Material in respect of investigations

Good afternoon [REDACTED]

David is currently on annual leave. When do you need to update Minister on progress please?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Solicitors Regulation Authority

Ext. [REDACTED]

DDI: [REDACTED]

E-mail: [REDACTED]@sra.org.uk

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 13 May 2015 11:42
To: David Middleton
Subject: RE: Material in respect of investigations

David,

Would it be possible to have a brief update on progress with the SRA investigation? Have any conclusions been reached on the initial investigations, or a firmer timeframe for the more extensive investigation?

We need to be ready to update Ministers on the progress made in this case.

Thanks

[REDACTED]

From: David Middleton [REDACTED]@sra.org.uk]
Sent: 25 February 2015 11:51
To: [REDACTED]

Subject: RE: Material in respect of investigations

[REDACTED]

Thanks – email is fine.

David

David J Middleton

Executive Director

Solicitors Regulation Authority

Tel [REDACTED]

Ext [REDACTED]

From: [REDACTED]@justice.gsi.gov.uk]

Sent: 25 February 2015 11:24

To: David Middleton

Subject: Material in respect of investigations

David,

Can I check whether you are content to receive material (as indicated to Crispin) by email, or whether you would prefer to receive in hard-copy? I have been asked by MoD colleagues if they can send by email.

Thanks

[REDACTED]

[REDACTED]

[REDACTED] Access to Justice Strategy and Specialist Policy - Legal Services Policy | Law and Access to Justice Group | Ministry of Justice | 102 Petty France (4.37) | tel: [REDACTED] | BB [REDACTED]

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RE: Material in respect of investigations

From: [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Sent: May 15, 2015 11:16:23 AM BST
Received: May 15, 2015 11:16:26 AM BST

Good morning [REDACTED]

We are working on our update briefing and will get this to you as soon as possible during the course of today. The senior team are aware of the deadline you are working to.

Best wishes..

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Solicitors Regulation Authority

Ext. [REDACTED]

DDI: [REDACTED]
E-mail: [REDACTED]@sra.org.uk

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 15 May 2015 09:46
To: [REDACTED]
Subject: Re: Material in respect of investigations

Hi [REDACTED]

I'm being pressed to finalise the briefing on this issue, so would really appreciate the update (I'm aware you've spoken with [REDACTED] as MoD have also been asking for updates - we are looking at how to ensure you only get asked once and only for what we might reasonably expect to be told).

Thanks

[REDACTED]

"This Message has been sent from a Blackberry Device"

From: [REDACTED]@sra.org.uk>
To: [REDACTED]
Sent: Wed May 13 14:41:14 2015
Subject: RE: Material in respect of investigations

Hello [REDACTED]

David is away from the office until the 27 May, so yes, I will engage with colleagues to provide you with an update.

Can I just confirm with you that the case is Al Sweady.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Solicitors Regulation Authority

Ext. [REDACTED]

DDI: [REDACTED]

E-mail: [REDACTED]@sra.org.uk

From: [REDACTED]@justice.gsi.gov.uk]

Sent: 13 May 2015 12:31

To: David Middleton

Subject: RE: Material in respect of investigations

Hi [REDACTED]

We need an update this week, as we have to finalise the update first thing Monday. If he is away all week, is there anyone that can advise in his absence?

Thanks

[REDACTED]

From: [REDACTED]@sra.org.uk] On Behalf Of David Middleton

Sent: 13 May 2015 12:05

To: [REDACTED]

Subject: RE: Material in respect of investigations

Good afternoon [REDACTED]

David is currently on annual leave. When do you need to update Minister on progress please?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Solicitors Regulation Authority

AI-Sweady update

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Sent: May 15, 2015 3:51:35 PM BST
Received: May 15, 2015 3:51:37 PM BST

[REDACTED]

Thank you for your query.

Please find update below, as helpfully provided by our General Counsel, Juliet Oliver.

Please don't hesitate to contact me if I can help further.

Regards

Jane Malcolm
Executive Director External Affairs

Sent from my Windows Phone

From: Juliet Oliver [REDACTED]@sra.org.uk>
Sent: 15/05/2015 15:47
To: Jane Malcolm [REDACTED]@sra.org.uk>
Subject:

The SRA's investigation into the conduct of Leigh Day and Public Interest Lawyers Ltd (PIL) is ongoing. The investigation is detailed and we are looking into a number of areas of potential misconduct. The most significant line of inquiry arose from the publication of the Inquiry's report in December 2014, which found that the very serious allegations put to the Inquiry were entirely without foundation, and relates to the firms' role in pursuing these allegations. This requires us to consider a very large volume of documentation (a single disclosure request resulted in approximately 172,000 electronic documents alone) and interview a number of individuals, as well as seek further evidence from third party organisations (including the Inquiry itself).

To assist us in progressing the case in a robust and timely manner, we have instructed regulatory experts at Simmons and Simmons LLP, and leading Counsel, Tim Dutton QC.

The issues we are investigating are interlinked, and our view is that these are best considered in the round so that we can build a full picture of any misconduct. We anticipate that our initial investigation will conclude in July 2015. At that stage, in accordance with our usual procedures, we will review our findings and draft any potential allegations which we must then put to the relevant firm/individual, to give them an opportunity to comment.

Given the volume of information that they are likely to need to consider, we

would expect around 6 to 8 weeks for their response, and that we would be in a position to make decision on whether to refer any solicitor or firm for a disciplinary hearing in the autumn.

Update on investigation progress

From: [REDACTED]@justice.gsi.gov.uk>
 To: [REDACTED]@sra.org.uk>, David Middleton
 Cc: [REDACTED] Crispin Passmore
 [REDACTED]@sra.org.uk>
 Sent: September 24, 2015 9:08:56 AM BST
 Received: September 24, 2015 9:09:00 AM BST

David,

Is there any chance I could have an urgent update on progress with the Leigh Day and PIL investigations?

As always, I understand there is a limit to what you can share, but if you could say where the investigation has reached, and timeframes for any further steps, it would be appreciated.

I've been asked for an update before 10.30am today (the request only came through a short while ago), so I'm hoping you can get something to be before then.

Thanks

[REDACTED]

[REDACTED]

[REDACTED], Access to Justice Strategy and Specialist Policy - Legal Services Policy | Law and Access to Justice Group | Ministry of Justice | 102 Petty France (4.37) | tel: [REDACTED] | BB [REDACTED]
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RE: Update on investigation progress

From: [REDACTED]@justice.gsi.gov.uk>
To: [REDACTED] Crispin Passmore
[REDACTED]@sra.org.uk>
Sent: September 24, 2015 3:05:01 PM BST
Received: September 24, 2015 3:05:08 PM BST

Crispin, thank you.

This is much appreciated.

[REDACTED]

From: Crispin Passmore [REDACTED]@sra.org.uk]
Sent: 24 September 2015 15:01
To: [REDACTED] David Middleton
Subject: RE: Update on investigation progress

[REDACTED]

This is our official/public line at present: "Our investigations into Leigh Day and PIL are in their final stages. As is normal with SRA investigations, we expect to put the allegations to the parties before the end of October. A decision on next steps will be made following receipt of the parties response to the allegations."

Crispin

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 24 September 2015 09:09
To: David Middleton
Cc: Crispin Passmore
Subject: Update on investigation progress

David,

Is there any chance I could have an urgent update on progress with the Leigh Day and PIL investigations?

As always, I understand there is a limit to what you can share, but if you could say where the investigation has reached, and timeframes for any further steps, it would be appreciated.

I've been asked for an update before 10.30am today (the request only came through a short while ago), so I'm hoping you can get something to be before then.

Thanks

[REDACTED]

[REDACTED]

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RE: update to MoD

From: [REDACTED] [REDACTED]@justice.gsi.gov.uk>

To: [REDACTED]
[REDACTED]@sra.org.uk>, [REDACTED] Jane Malcolm

Sent: October 23, 2015 6:52:51 AM BST

Received: October 23, 2015 6:52:54 AM BST

Jane

Thanks very much.

[REDACTED]

[REDACTED]

[REDACTED]

A2J Strategy and Specialist Policy,
Access to Justice Directorate
Law and Access to Justice Group
Ministry of Justice
3.32 3rd Floor
102 Petty France
London
SW1H 9AJ

Tel: [REDACTED]

Mobile: [REDACTED]

email: [REDACTED]@justice.gsi.gov.uk

From: Jane Malcolm [REDACTED]@sra.org.uk]

Sent: 22 October 2015 21:08

To: [REDACTED] [REDACTED]@justice.gsi.gov.uk>; [REDACTED]

[REDACTED]@justice.gsi.gov.uk>

Subject: update to MoD

Both

Please note that we have confirmed to the MoD today, in response to their request for progress on AS, as below:

'I can confirm that our investigations are largely complete. Reaching a decision will be affected by the time required by the firms to provide their explanations.

Having said which, we are hoping to make the decision on referral to a disciplinary hearing in the next two months.'

Many thanks

Jane



From the Chief Executive

Strictly Private & Confidential

[REDACTED]
 Ministry of Justice
 102 Petty France
 London
 SW1H 9AJ
 By email: [REDACTED]@justice.gsi.gov.uk

The Cube
 199 Wharfside Street
 Birmingham B1 1RN

DX: 720293 BIRMINGHAM 47

UK 0370 606 2555
 Int + 44 (0)121 329 6800

www.sra.org.uk

23 December 2015

Dear [REDACTED]

AI Sweady Inquiry – Leigh Day

I write to update you on the course of our investigation.

We have now made a decision to prosecute the following before the Solicitors Disciplinary Tribunal (the Respondents):

Mr Martyn Day
 Ms Sapna Malik
 Ms Anna Crowther
 Leigh Day (a firm).

We wrote to the Respondents in August 2015 seeking their formal explanations in relation to allegations of misconduct. We asked for explanations upon further allegations in October 2015. We have received, and taken into account, the only explanation received, from Ms Crowther. The other Respondents have indicated that they will not respond until February 2016 although they have recently suggested that some responses will be made by the end of January 2016. We consider such a timescale to be unacceptable.

A brief summary of the essential allegations put to the Respondents for explanation are set out below in brief terms and without distinguishing between varying allegations put to different Respondents. We emphasise that the Respondents may well deny some or all of the allegations and whether or not they are made out will be determined by the SDT.

- In relation to the OMS detainee list, allegations include that they failed to identify its significance, failed to advise their clients upon it, failed to provide it to the AI Sweady Inquiry until September 2013, failed to provide it to Public Interest Lawyers, and failed to supervise the work of Ms Anna Crowther.

More generally, it is alleged that they made and maintained false allegations of unlawful killings by the British Army, that they failed to properly assess the reliability and credibility of the allegations made in circumstances where there was a very high risk that allegations had or would be falsely made and indeed that they made extremely serious allegations about Iraqi people being tortured and executed at the press conference on 22 February 2008 when they had insufficient evidence to justify them.

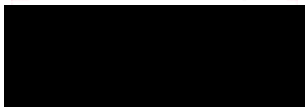
- The allegations also include reference to the payment of a prohibited referral fee and improper fee sharing agreements.

We are now preparing proceedings to be issued before the SDT. We will take into account any explanations received from the Respondents and, as is common, we will also be reviewing the formal allegations to include in those proceedings.

Once the allegations are fully formulated and disciplinary proceedings filed, the SDT will be required to certify under its Rules that there is a case to answer or otherwise dismiss the case. Our policy provides that a decision to bring proceedings before the SDT may be published (effectively on our website) once the SDT has certified a case. We may publish before certification if we consider it is in the public interest for us to do so. At present we have not decided to publish generally in advance of certification but simply to update relevant government ministries upon progress of the matter. We routinely publish on our website the allegations made, or a summary, in cases that have been certified by the SDT.

We provide this information on the basis that we consider it necessary and appropriate in the public interest to inform you of progress in our investigation. We will not be proactively publicising the position but our usual approach is, if asked, to confirm that the Respondents have been referred to the SDT.

Yours sincerely



Paul Philip

**Chief Executive
Solicitors Regulation Authority**

The independent regulator of solicitors and law firms in England and Wales



SRA media line

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED] [REDACTED]@justice.gsi.gov.uk>
Sent: January 5, 2016 12:49:23 PM GMT
Received: January 5, 2016 12:49:25 PM GMT

[REDACTED]

We have provided the following line in response to queries from the Sun and Daily Mail.

Paul Philip, SRA Chief Executive, said: "Our investigation into the two law firms involved in the AI –Sweady inquiry has meant the review of very significant amounts of complex evidence. We have now referred one of the firms and a number of individual solicitors to the independent Solicitors Disciplinary Tribunal.

"We will be making a decision on the other firm in the near future."

Many thanks

Jane

Jane Malcolm
Executive Director - External Affairs
Solicitors Regulation Authority

Mobile: [REDACTED]

The Cube, Birmingham: [REDACTED]

www.sra.org.uk

SRA media line

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED] [REDACTED]@justice.gsi.gov.uk>
Sent: January 5, 2016 7:27:33 PM GMT
Received: January 5, 2016 7:27:34 PM GMT

[REDACTED]

We have given the following reactive line in response to enquiries from the press.

Many thanks

Jane

Paul Philip, SRA Chief Executive, said: " We have been looking into the serious issues arising from the Inquiry Report since its publication in December 2014. Leigh Day has been closely involved in the detail for some years before that.

Our investigation has involved the review of a huge amount of complex and detailed evidence.

The firm has had more than four months to respond to our allegations, and then a further seven weeks to respond to additional allegations. In our view there is no duplication between the two sets of allegations. They have not as yet responded to either set.

These are serious allegations and there is a clear public interest in resolving this matter as quickly as possible. Therefore we have referred Leigh Day, and a number of individual solicitors, to the independent Solicitors Disciplinary Tribunal. It is now for the Tribunal to decide to hear the allegations and decide what course of action to take.

Jane Malcolm
Executive Director - External Affairs
Solicitors Regulation Authority

Mobile: [REDACTED]

The Cube, Birmingham: [REDACTED]

www.sra.org.uk

RE: SDT process query

From: [REDACTED]@justice.gsi.gov.uk>
 To: [REDACTED]
 [REDACTED]@sra.org.uk>
 Cc: [REDACTED] Jane Malcolm
 [REDACTED]@sra.org.uk>
 Sent: January 6, 2016 1:01:23 PM GMT
 Received: January 6, 2016 1:01:42 PM GMT

[REDACTED] thank you.

One further question (apologies, queries are coming out from Ministers in stages):

Is there anyone else at PIL that could respond to the allegations put to the firm, or are they put to the individual himself? If the allegations are against the firm, it seems odd that only one person can respond, or is it specifically allegations against the individual? Could any case against the firm go forward in advance of any case against the individual or are the two intrinsically linked to the extent that separation would damage the cases?

I am guessing it is allegations against the individual and the two are so linked that it makes no sense to separate, but have to ask to confirm this.

Thanks

[REDACTED]

From: [REDACTED]@sra.org.uk]
 Sent: 06 January 2016 10:39
 To: [REDACTED]
 Cc: Jane Malcolm
 Subject: RE: SDT process query

[REDACTED]

We made a decision to refer Leigh Day to the SDT and informed the firm of that decision accordingly, as is our procedure. The firm has since taken the unusual step of putting the details of the matter into the public domain and we have issued a statement accordingly.

The paperwork is with our lawyers and will follow in the coming weeks. However, given the profile of the issue, we have informed the SDT of the decision to refer.

[REDACTED]

From: [REDACTED]@justice.gsi.gov.uk>
 [REDACTED]@justice.gsi.gov.uk]

Sent: 06 January 2016 09:11
To: [REDACTED]
Cc: Jane Malcolm
Subject: RE: SDT process query

Thanks – so you have notified the SDT of the case already?

From: [REDACTED]@sra.org.uk>
[REDACTED]@sra.org.uk]
Sent: 06 January 2016 09:07
To: [REDACTED]
Cc: Jane Malcolm
Subject: RE: SDT process query

Morning [REDACTED]

It's the latter; we have decided to prosecute at the SDT and the paperwork will follow in due course (expected to be early February).

[REDACTED]

From: [REDACTED]@justice.gsi.gov.uk>
[REDACTED]@justice.gsi.gov.uk]
Sent: 06 January 2016 08:51
To: [REDACTED]
Cc: Jane Malcolm
Subject: RE: SDT process query

[REDACTED]

Just one point of clarification. Does this mean the case hasn't gone to the SDT, or it has but the paperwork follows in February?

[REDACTED]

From: [REDACTED]@sra.org.uk>
[REDACTED]@sra.org.uk]
Sent: 05 January 2016 17:46
To: [REDACTED]
Cc: Jane Malcolm
Subject: SDT process query

[REDACTED]

Here is the further detail I promised you,

[REDACTED]

We have made a decision to prosecute Leigh Day before the SDT and we now have to prepare our formal case, which we expect to file with the SDT in early February.

The SDT then decides whether to certify a case to answer – in our experience that usually takes a week or two.

There is no appeal against a refusal to certify because a case could be re-submitted with any necessary amendments. We could judicially review a refusal by the SDT to accept a case, but that has never been a practical issue.

However, we believe that there is little probability that the SDT would refuse to certify the case to answer.

[REDACTED]
[REDACTED]

Communications Unit

Solicitors Regulation Authority

[REDACTED]
[REDACTED]

The Cube, 199 Wharfside Street, Birmingham B1 1RN

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RE: SDT process query

From: [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Cc: [REDACTED] Jane Malcolm
[REDACTED]@sra.org.uk>
Sent: January 6, 2016 10:38:48 AM GMT
Received: January 6, 2016 10:38:49 AM GMT

[REDACTED]

We made a decision to refer Leigh Day to the SDT and informed the firm of that decision accordingly, as is our procedure. The firm has since taken the unusual step of putting the details of the matter into the public domain and we have issued a statement accordingly.

The paperwork is with our lawyers and will follow in the coming weeks. However, given the profile of the issue, we have informed the SDT of the decision to refer.

[REDACTED]

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 06 January 2016 09:11
To: [REDACTED]
Cc: Jane Malcolm
Subject: RE: SDT process query

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From: [REDACTED]@sra.org.uk]
Sent: 06 January 2016 09:07
To: [REDACTED]
Cc: Jane Malcolm
Subject: RE: SDT process query

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[REDACTED]

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 06 January 2016 08:51
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Cc: Jane Malcolm
Subject: RE: SDT process query

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[REDACTED]

From: [REDACTED]@sra.org.uk]

Sent: 05 January 2016 17:46

To: [REDACTED]

Cc: Jane Malcolm

Subject: SDT process query

[REDACTED]

Here is the further detail I promised you,

[REDACTED]

We have made a decision to prosecute Leigh Day before the SDT and we now have to prepare our formal case, which we expect to file with the SDT in early February.

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However, we believe that there is little probability that the SDT would refuse to certify the case to answer.

[REDACTED]

[REDACTED]

Communications Unit

Solicitors Regulation Authority

[REDACTED]

[REDACTED]

The Cube, 199 Wharfside Street, Birmingham B1 1RN

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SDT process query

From: [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Cc: [REDACTED] Jane Malcolm
[REDACTED]@sra.org.uk>
Sent: January 5, 2016 5:46:28 PM GMT
Received: January 5, 2016 5:46:30 PM GMT

[REDACTED]

Here is the further detail I promised you,

[REDACTED]

We have made a decision to prosecute Leigh Day before the SDT and we now have to prepare our formal case, which we expect to file with the SDT in early February.

The SDT then decides whether to certify a case to answer – in our experience that usually takes a week or two.

There is no appeal against a refusal to certify because a case could be re-submitted with any necessary amendments. We could judicially review a refusal by the SDT to accept a case, but that has never been a practical issue.

However, we believe that there is little probability that the SDT would refuse to certify the case to answer.

[REDACTED]
[REDACTED]
[REDACTED]

Solicitors Regulation Authority

[REDACTED]
[REDACTED]

The Cube, 199 Wharfside Street, Birmingham B1 1RN

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www.sra.org.uk

RE: AI-Sweady work information

From: [REDACTED]@justice.gsi.gov.uk>

To: [REDACTED]
[REDACTED]@sra.org.uk>

Sent: January 7, 2016 12:19:19 PM GMT

Received: January 7, 2016 12:19:22 PM GMT

Hi,

Thank you for this, I look forward to seeing it, and appreciate the extra effort you and colleagues have had to go to in order to answer my stream of questions.

On the statement, having considered again, I've been told by Comms that it isn't going out at this point.

[REDACTED]

From: [REDACTED]@sra.org.uk]

Sent: 07 January 2016 11:53

To: [REDACTED]

Subject: AI-Sweady work information

Morning [REDACTED]

A detailed report is in the final throes of sign-off here, it will be with you shortly. We don't usually audit the work carried out on a case until the end (should it require a costs decision), that's why it's taken a while. There's also copious amounts to record.

Did your SPADs ever allow your proposed statement to see the light of day?

[REDACTED]

[REDACTED]

[REDACTED]

Communications Unit

Solicitors Regulation Authority

[REDACTED]

[REDACTED]

The Cube, 199 Wharfside Street, Birmingham B1 1RN

<<http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653>>
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AI-Sweady work information

From: [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Sent: January 7, 2016 11:52:54 AM GMT
Received: January 7, 2016 11:52:55 AM GMT

Morning [REDACTED]

A detailed report is in the final throes of sign-off here, it will be with you shortly. We don't usually audit the work carried out on a case until the end (should it require a costs decision), that's why it's taken a while. There's also copious amounts to record.

Did your SPADs ever allow your proposed statement to see the light of day?

[REDACTED]

[REDACTED]
[REDACTED]

Communications Unit

Solicitors Regulation Authority

[REDACTED]

[REDACTED]

The Cube, 199 Wharfside Street, Birmingham B1 1RN

<<http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653>>
www.sra.org.uk

16 01 07 AS investigation summary.docx

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Cc: [REDACTED]
[REDACTED]@sra.org.uk>
Sent: January 7, 2016 1:08:24 PM GMT
Received: January 7, 2016 1:08:25 PM GMT
Attachments: 16 01 07 AS investigation summary.docx

[REDACTED]

You asked for some detail on timelines and resources applied to the AS investigation by the SRA

Please find attached.

I hope this is what you are looking for.

Best wishes

[REDACTED]

Strictly private and confidential – subject to legal professional privilege



SRA misconduct investigations

We regulate in the public interest by ensuring solicitors uphold the highest standards as laid out in the Code of Conduct. When we solicitors appear to fall short of these standards, we look at any evidence of misconduct and investigate accordingly.

We receive more than 10,000 reports of misconduct every year from clients, solicitor firms, the courts and other sources. We deal with, on average, more than 200 live disciplinary matters, leading to ten new cases per month at the Solicitors Disciplinary Tribunal. The case load is varied, wide and complicated. More than 90 per cent are dealt with inside 12 months.

These investigations would have been concluded well within these timelines, had it not been for the delays and issues in dealing with these firms. Leigh Day argue in their public statement that we have acted “prematurely”. We disagree. The pace of the investigation has been appropriately prompt in the context of very substantial documentation.

Timelines of SRA Al Sweady Inquiry

1. The Inquiry Report was published on 17 December 2014. We were already investigating a very discrete issue regarding the destruction of a document by one person within Leigh Day, but otherwise our investigation started then. We issued a public statement in January 2015 disclosing what we were investigating.
2. We have been investigating two law firms and several individuals. The scale of the investigation has meant we engaged a City law firm and Leading Counsel to oversee the work, including extensive electronic document review, and investigation work generally.
3. The scope of the investigation is very wide, including that the firms pursued false allegations for their clients. That is an unusual and difficult allegation to investigate because lawyers will argue that they act on their clients’ instructions. It is necessary to ascertain whether, in the context of developing litigation and the Inquiry, the law firms were guilty of misconduct in that they did or should have realised that the claims of unlawful killing were potentially unfounded and should have taken proper steps to satisfy themselves of the propriety of the claims.
4. So far, this matter has involved well over 2,000 hours of our staff time, as well as 1,500 hours invested by the external law firm and Leading Counsel engaged to support the investigation. At the last count, more than 172,000 documents are believed to have been reviewed, and the estimated current cost of external work is around £360,000.

Strictly private and confidential – subject to legal professional privilege



Leigh Day & Co

5. To ensure promptness, we carried out one strand of investigation ourselves (the OMS detainee list) and had the City law firm carry out the other (wider investigation including bringing false allegations).

Timeline - OMS detainee list

17 December 2014 – Inquiry Report published. The SRA considered the report's content and the scope of the SRA investigation was widened.

From 29 January 2015 to 7 February 2015 inclusive, we attended the firm's offices to review files.

26 February 2015 – Statutory notice served requiring the production of evidence.

29 February - 29 May 2015 - Documents received throughout this period in various tranches and reviewed by an SRA Forensic Investigation Officer. Interviews of relevant people also carried out in this period.

6 August 2015 – Final report completed regarding the OMS detainee list.

13 August 2015 – Formal allegations put to Leigh Day.

11 September 2015 – Original deadline for response.

30 September 2015 – Extended deadline for response.

9 October 2015 – Further extension of deadline for response.

30 October 2015 – Further, final, deadline for Leigh Day to respond to allegations regarding the OMS detainee list.

4 December 2015 – in the absence of a response within the (agreed) timescale, we decided to prosecute Leigh Day and individuals at the SDT regarding the OMS detainee list allegations.

Timeline - wider investigation including bringing false allegations

26 February 2015 - Statutory notice served requiring the production of evidence.

March 2015 - 57 lever arch folders of documents received.

Up to 28 May 2015 - four tranches of electronic disclosure, 21,000 electronic documents received. Documents were reviewed by an experienced legal team.

June 2015 – formal interview of two partners.

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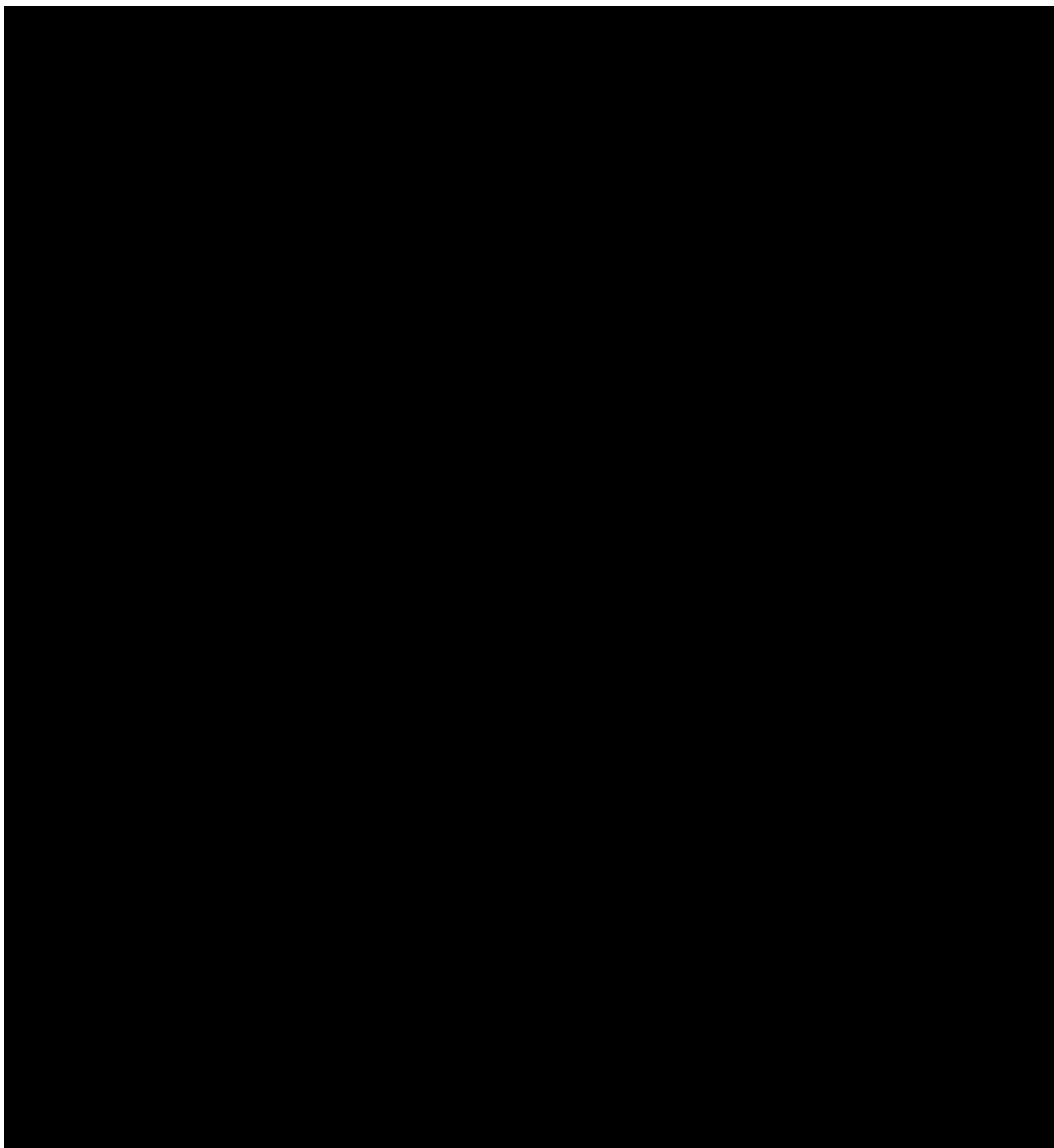


15 September 2015 - report finalised.

19 October 2015 – formal allegations put to the firm, with four weeks to respond.

17 December 2015 - in the absence of a response within the (extended) time of seven weeks provided for reply, we decided to prosecute the firm and individuals at the SDT.

Public Interest Lawyers



RE: 16 01 07 AS investigation summary.docx

From: [REDACTED]@justice.gsi.gov.uk>

To: [REDACTED] Jane Malcolm
[REDACTED]@sra.org.uk>

Cc: [REDACTED]
[REDACTED]@sra.org.uk>

Sent: January 7, 2016 4:25:27 PM GMT

Received: January 7, 2016 4:25:30 PM GMT

Jane,

I realised I failed to acknowledge this earlier – thank you both, and colleagues, very much.

[REDACTED]

From: Jane Malcolm [REDACTED]@sra.org.uk]

Sent: 07 January 2016 13:08

To: [REDACTED]

Cc: [REDACTED]

Subject: 16 01 07 AS investigation summary.docx

[REDACTED]

You asked for some detail on timelines and resources applied to the AS investigation by the SRA

Please find attached.

I hope this is what you are looking for.

Best wishes

Jane

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RE: Investigations following Al Sweady Inquiry

From: Paul Philip [REDACTED]@sra.org.uk>
To: [REDACTED] [REDACTED]@justice.gsi.gov.uk>
Cc: [REDACTED] [REDACTED]@justice.gsi.gov.uk>, Jane Malcolm [REDACTED]
[REDACTED]
[REDACTED]@sra.org.uk>, [REDACTED]@justice.gsi.gov.uk>,
[REDACTED]@sra.org.uk>
Sent: January 14, 2016 1:18:47 PM GMT
Received: January 14, 2016 1:18:48 PM GMT

Dear [REDACTED]

Thank you for this.

In the light of the clear public interest in these serious issues, the publication by Leigh Day of a selection of the allegations and the role of the MoJ as you have so helpfully set out, we are minded to share a summary of the allegations as soon as we reasonably can.

In order to do that, we have to notify Hodge, Jones and Allen, who are acting for Leigh Day and allow them sufficient time to make representations. We plan to ask for representations by 4.00 on Monday. I hope the timeframe does not present any difficulties.

Thank you for mentioning that you may wish to share the summary with other Departments, that is of course a matter for you.

It's probably worth mentioning that the allegations are unproven and subject to change in the light of further evidence.

We will be giving careful consideration to your point on public disclosure and I should be back in touch on Monday

Regards

Paul

Paul Philip

Chief Executive

[REDACTED]

Email: [REDACTED]@sra.org.uk> [REDACTED]@sra.org.uk

Solicitors Regulation Authority

The Cube, 199 Wharfside Street, Birmingham B1 1RN

From: [REDACTED] [REDACTED]@justice.gsi.gov.uk]

Sent: 13 January 2016 18:12

To: Paul Philip

Cc: [REDACTED]

Subject: Investigations following Al Sweady Inquiry

Dear Paul,

Thank you for your letter to [REDACTED] of 23 December 2015, advising the department that the SRA had taken the decision to prosecute Leigh Day and three individuals before the Solicitors Disciplinary Tribunal, and setting out a brief summary of the allegations against them.

Following a partial disclosure by Leigh Day of the referral, this matter has, as you will be aware, given rise to significant public concern.

The Ministry of Justice has a significant interest in this matter. The MoJ is the Department with policy responsibility for legal services regulation and so has a role in dealing with wider (including Parliamentary) interest in the progress of this matter and in maintaining trust and confidence in the regulatory regime more generally. It is also responsible for the administration of legal aid. Leigh Day has a contract with the Department for the provision of legal aid services to members of the public. The Department is considering what if any action should be taken in relation to Leigh Day in light of your decision to prosecute the firm and connected individuals before the Tribunal.

To enable the Department to exercise effectively its public functions in this area, can I ask the SRA to provide us with the full details of the allegations against this firm and individuals. Given the wider public interest and the significant interest of the Ministry of Defence in this matter, the department may share this information with the Ministry of Defence.

I note that the firm has since published a statement on their website, giving what I understand to be an incomplete and potentially misleading disclosure of the more detailed allegations. Given the public concern about this case, you are no doubt considering whether it would be in the public interest to make a public disclosure giving further details of the allegations in this matter.

Yours,

[REDACTED]

[REDACTED]

[REDACTED]

Ministry of Justice

102 Petty France, London SW1H 9AJ

Tel [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Investigations following Al Sweady Inquiry

From: [REDACTED] [REDACTED]@justice.gsi.gov.uk>
 To: [REDACTED] Paul Philip [REDACTED]
 Cc: [REDACTED] [REDACTED]@justice.gsi.gov.uk>, Paul Philip
 ([REDACTED]@sra.org.uk>, [REDACTED]
 [REDACTED]@justice.gsi.gov.uk>
 Sent: January 13, 2016 6:11:41 PM GMT
 Received: January 13, 2016 6:11:45 PM GMT

Dear Paul,

Thank you for your letter to [REDACTED] of 23 December 2015, advising the department that the SRA had taken the decision to prosecute Leigh Day and three individuals before the Solicitors Disciplinary Tribunal, and setting out a brief summary of the allegations against them.

Following a partial disclosure by Leigh Day of the referral, this matter has, as you will be aware, given rise to significant public concern.

The Ministry of Justice has a significant interest in this matter. The MoJ is the Department with policy responsibility for legal services regulation and so has a role in dealing with wider (including Parliamentary) interest in the progress of this matter and in maintaining trust and confidence in the regulatory regime more generally. It is also responsible for the administration of legal aid. Leigh Day has a contract with the Department for the provision of legal aid services to members of the public. The Department is considering what if any action should be taken in relation to Leigh Day in light of your decision to prosecute the firm and connected individuals before the Tribunal.

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Yours,

[REDACTED]

[REDACTED]

[REDACTED]

Ministry of Justice
 102 Petty France, London SW1H 9AJ

Tel [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Your ref:



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The Cube
199 Wharfside Street
Birmingham B1 1RN

Ministry of Justice
102 Petty France
London SW1H 9AJ

DX: 720293 BIRMINGHAM 47
UK 0370 606 2555
Int + 44 (0)121 329 6800
F + 44 (0)121 616 1999
www.sra.org.uk

19 January 2016

Dear [REDACTED]

Investigations arising from the AI Sweady Inquiry

We refer to our letter of 23 December 2015 and thank you for your email of 13 January 2016. We are responding in light of your role in maintaining trust and confidence in the regulatory regime as well as being responsible for the administration of legal aid.

You ask for details of the allegations made against Leigh Day and three individuals. The core allegations to be answered are summarised below, bearing in mind that we have yet to receive explanations from the firm or the individuals (save for Anna Crowther) and allegations may change in light of any further evidence we receive. Allegations we take forward will ultimately be adjudicated by the independent Solicitors Disciplinary Tribunal.

1. During the period August 2004 to August 2013 you failed to identify the significance of the OMS detainee list.
2. During retainers with your clients, up to August 2013, you failed to advise your clients as to the significance of the OMS detainee list.
3. You failed to provide a copy of the OMS detainee list to the AI Sweady Inquiry until September 2013.
4. You failed to provide a copy of the OMS detainee list to Public Interest Lawyers who were acting in (publicly funded) judicial review proceedings and in the AI Sweady Inquiry.
5. You failed to take account of the content or significance of the OMS detainee list in sending letters of claim dated 2 November 2007, 4 February 2008 and 14 January 2009 to the Treasury Solicitor.
6. During the period August 2004 to August 2013, you failed to operate effective document management systems to ensure identification of the OMS detainee list and/or failed to establish proper information sharing arrangements with Public Interest Lawyers.

The independent regulator of solicitors and law firms in England and Wales

7. You failed to ensure thorough searches were carried out during the period August 2013 to March 2014 to correctly establish how your firm came to be in possession of the OMS detainee list and consequently provided or permitted to be provided inaccurate or incomplete information to the ASI, leading the ASI to conclude wrongly that it came from Dr Khudur Al Sweady.
8. You failed to supervise or ensure that the work of Ms Anna Crowther was properly supervised from August 2007 to August 2013.
9. Leigh Day made and maintained false allegations of unlawful killings by the British Army. These allegations were made publicly and, inter alia, in letters of claim sent to the Treasury Solicitor on the 19 October 2007, 4 February 2008 and 14 January 2009, and maintained until January 2015. You failed to properly assess the reliability and credibility of the allegations made in circumstances where there was a very high risk that allegations had or would be falsely made.
10. You made, in connection with a press conference held on 22 February 2008, extremely serious allegations about Iraqi people being tortured and executed by the British Army as a result of the "Battle of Danny Boy" conflict, when you had insufficient evidence to justify, on a sound factual basis, those allegations.

Mr Martyn Day and Ms Sapna Malik have been asked to respond to all 10 allegations. Ms Anna Crowther has been asked to respond to allegations 1 and 7 together with another allegation:

You destroyed, on 27 August 2013, an original document comprising of a handwritten English translation of the Arabic version of the OMS detainee list and which had evidential significance to the Al Sweady Inquiry.

The firm as an entity has been asked to respond to allegations 1 - 10.

As indicated in my letter of 23 December 2015, there are also various allegations arising from the alleged financial payments such as referral fees and the sharing of legal fees. We do not provide details at this stage since other people are potentially involved in those matters. Those allegations are strongly contested by the firm.

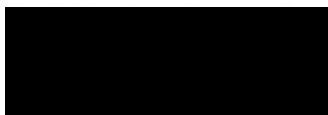
We have received representations from solicitors acting on behalf of the firm asking that information should not be disclosed to the Ministry of Defence because of the risk of public disclosure. It may be that restricting disclosure to senior people would minimise that risk.

When we file proceedings with the SDT and they certify a prima facie case, we usually publish further details of the allegations in the particular case on our website.

In this case, that will be an important stage since it will crystallise the allegations as certified by the SDT. Further public interest disclosure may be considered then. We currently aim to file papers with the SDT in February 2016 but that may be affected by any substantial responses the firm or the individuals choose to provide.

We are giving careful consideration to your comment about whether it is in the public interest to make a public disclosure. We will also keep the question of public interest disclosure under review during this process.

Yours sincerely



Paul Philip
Chief Executive

**RE: e-mail on behalf of Paul Philip (SRA) | correspondence relating to
investigations following AI Sweady Inquiry**

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Sent: January 21, 2016 12:25:32 PM GMT
Received: January 21, 2016 12:25:33 PM GMT

Thanks [REDACTED]

Jane

Sent from my Windows Phone

From: [REDACTED]@justice.gsi.gov.uk>
Sent: 21/01/2016 12:21
To: Jane Malcolm [REDACTED]@sra.org.uk>
Subject: Re: e-mail on behalf of Paul Philip (SRA) | correspondence relating
to investigations following AI Sweady Inquiry

Thanks for this - I'll discuss with LAA colleagues.

[REDACTED]
"This Message has been sent from a Blackberry Device"

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED]
Sent: Thu Jan 21 12:05:39 2016
Subject: RE: e-mail on behalf of Paul Philip (SRA) | correspondence relating
to investigations following AI Sweady Inquiry

Thanks [REDACTED] – we provided the further detail on the allegations for the
oversight reasons in [REDACTED] email.

If the LAA wish to consider a formal decision, it would be sensible for them
to write to us with a formal request, preferably specifying how much
information they seek. We have an Memorandum of Understanding in place for
information sharing purposes.

In case it is being overlooked, they may wish to bear in mind that the firms
have copies of our formal letters containing full allegations and supporting
facts and copies of our investigation reports that have been sent with those
letters.

The LAA may have power under its contracts to ask the firms to produce them.
If that is not the case, a request under the MoU would be sensible.

I suggest it goes to David Middleton, Executive Director, Legal Case
Direction here at The Cube. We would then need to consider potentially complex
issues about privilege and make such disclosure as we properly can in the

public interest.

Many thanks

Jane

Sent from my Windows Phone

From: [REDACTED]@justice.gsi.gov.uk>
Sent: 20/01/2016 17:32
To: Jane Malcolm [REDACTED]@sra.org.uk>; [REDACTED]
[REDACTED]@justice.gsi.gov.uk>
Subject: RE: e-mail on behalf of Paul Philip (SRA) | correspondence relating
to investigations following Al Sweady Inquiry

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convinced there is sufficient detail for the LAA to consider whether to take
any further actions in advance of the SDT case (the LAA have provisions in
contracts in relation to firms under investigation).

Help?

[REDACTED]

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 19 January 2016 17:23
To: [REDACTED]
Subject: FW: e-mail on behalf of Paul Philip (SRA) | correspondence relating
to investigations following Al Sweady Inquiry
Importance: High

Both

FYI

Jane

From: [REDACTED]
Sent: 19 January 2016 16:40
To: [REDACTED]@justice.gsi.gov.uk'
Subject: e-mail on behalf of Paul Philip (SRA) | correspondence relating to
investigations following Al Sweady Inquiry
Importance: High

Dear [REDACTED]

Please find attached a letter from Paul Philip relating to the above matter.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Solicitors Regulation Authority

Ext. [REDACTED]

DDI: [REDACTED]

E-mail: [REDACTED]@sra.org.uk [REDACTED]@sra.org.uk>

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Re: e-mail on behalf of Paul Philip (SRA) | correspondence relating to investigations following Al Sweady Inquiry

From: [REDACTED]@justice.gsi.gov.uk>
To: [REDACTED]@sra.org.uk [REDACTED]@sra.org.uk>, Jane Malcolm [REDACTED]
Sent: January 21, 2016 12:21:13 PM GMT
Received: January 21, 2016 12:21:17 PM GMT

Thanks for this - I'll discuss with LAA colleagues.

[REDACTED]
"This Message has been sent from a Blackberry Device"

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED]
Sent: Thu Jan 21 12:05:39 2016
Subject: RE: e-mail on behalf of Paul Philip (SRA) | correspondence relating to investigations following Al Sweady Inquiry

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I suggest it goes to David Middleton, Executive Director, Legal Case Direction here at The Cube. We would then need to consider potentially complex issues about privilege and make such disclosure as we properly can in the public interest.

Many thanks

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any further actions in advance of the SDT case (the LAA have provisions in
contracts in relation to firms under investigation).

Help?

[REDACTED]

From: Jane Malcolm [REDACTED]@sra.org.uk]

Sent: 19 January 2016 17:23

To: [REDACTED] [REDACTED] [REDACTED]

Subject: FW: e-mail on behalf of Paul Philip (SRA) | correspondence relating
to investigations following AI Sweady Inquiry

Importance: High

Both

FYI

Jane

From: [REDACTED]

Sent: 19 January 2016 16:40

To: [REDACTED]@justice.gsi.gov.uk'

Subject: e-mail on behalf of Paul Philip (SRA) | correspondence relating to
investigations following AI Sweady Inquiry

Importance: High

Dear [REDACTED]

Please find attached a letter from Paul Philip relating to the above matter.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Solicitors Regulation Authority

Ext. [REDACTED]

DDI: [REDACTED]

E-mail: [REDACTED]@sra.org.uk>

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**RE: e-mail on behalf of Paul Philip (SRA) | correspondence relating to
investigations following Al Sweady Inquiry**

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED] [REDACTED]@justice.gsi.gov.uk>, [REDACTED]
@justice.gsi.gov.uk>
Sent: January 21, 2016 12:05:39 PM GMT
Received: January 21, 2016 12:05:40 PM GMT

Thanks [REDACTED] – we provided the further detail on the allegations for the oversight reasons in [REDACTED] email.

If the LAA wish to consider a formal decision, it would be sensible for them to write to us with a formal request, preferably specifying how much information they seek. We have an Memorandum of Understanding in place for information sharing purposes.

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I suggest it goes to David Middleton, Executive Director, Legal Case Direction here at The Cube. We would then need to consider potentially complex issues about privilege and make such disclosure as we properly can in the public interest.

Many thanks

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[REDACTED]@justice.gsi.gov.uk>
Subject: RE: e-mail on behalf of Paul Philip (SRA) | correspondence relating to investigations following Al Sweady Inquiry

Hi Jane,

Thank you for this.

I have been asked to press for more detail, as private office are not convinced there is sufficient detail for the LAA to consider whether to take any further actions in advance of the SDT case (the LAA have provisions in contracts in relation to firms under investigation).

Help?

[REDACTED]

From: Jane Malcolm [REDACTED]@sra.org.uk]

Sent: 19 January 2016 17:23

To: [REDACTED] [REDACTED]

Subject: FW: e-mail on behalf of Paul Philip (SRA) | correspondence relating
to investigations following Al Sweady Inquiry

Importance: High

Both

FYI

Jane

From: [REDACTED]

Sent: 19 January 2016 16:40

To: [REDACTED]@justice.gsi.gov.uk'

Subject: e-mail on behalf of Paul Philip (SRA) | correspondence relating to
investigations following Al Sweady Inquiry

Importance: High

Dear [REDACTED]

Please find attached a letter from Paul Philip relating to the above matter.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Solicitors Regulation Authority

[REDACTED]

[REDACTED]

E-mail: [REDACTED]@sra.org.uk [REDACTED]@sra.org.uk>

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RE: latest on investigations?

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Sent: February 24, 2016 3:26:40 PM GMT
Received: February 24, 2016 3:26:44 PM GMT

[REDACTED]

We are finalising the case regarding LD and will be filing the formal papers in the next few weeks. The Tribunal will then decide whether to certify that there is a case to answer. At that point we usually publish further details of the allegations on our website.

We are concluding our investigation into the other firm and anticipate making a decision on whether or not to make a referral to the SDT shortly.

I hope this is sufficient for your purposes.

Many thanks

Jane

Sent from my Windows Phone

From: [REDACTED]@justice.gsi.gov.uk>
Sent: 24/02/2016 13:35
To: Jane Malcolm [REDACTED]@sra.org.uk>
Subject: RE: latest on investigations?

Hi,

Sorry – I was at a meeting. My deadline is 3.30pm today, as the PQ is for answer on Tuesday.

Sorry!

[REDACTED]

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 24 February 2016 13:02
To: [REDACTED]
Subject: RE: latest on investigations?

[REDACTED]

Happy to help – what is your timeline for your PQ prep, please?

Thanks

Jane

From: [REDACTED]@justice.gsi.gov.uk]

Sent: 24 February 2016 12:48

To: Jane Malcolm

Subject: latest on investigations?

Hi Jane,

I've flagged the need for LAA to ask specific questions if they want details on the allegations.

I've separately been asked for an update for an oral PQ on related issues, in case there is a follow up on what we're doing to deal with the potential misconduct of the two firms.

Have the SDT given their view on LD yet? Have SRA taken any further decisions in relation to PIL. I recall you said you would review in Feb/March?

Thanks

[REDACTED]

[REDACTED]

[REDACTED] | Strategy and Specialist Policy Portfolio |
Justice and Courts Policy Group | Ministry of Justice | 102 Petty France (4.37)
| tel: [REDACTED] | BB [REDACTED]

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RE: latest on investigations?

From: [REDACTED]@justice.gsi.gov.uk>
To: Jane Malcolm [REDACTED]
[REDACTED]@sra.org.uk>
Sent: February 24, 2016 1:35:06 PM GMT
Received: February 24, 2016 1:35:11 PM GMT

Hi,

Sorry – I was at a meeting. My deadline is 3.30pm today, as the PQ is for answer on Tuesday.

Sorry!

[REDACTED]

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 24 February 2016 13:02
To: [REDACTED]
Subject: RE: latest on investigations?

[REDACTED]

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Thanks

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Sent: 24 February 2016 12:48
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Subject: latest on investigations?

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Thanks

[REDACTED]

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| tel: [REDACTED] | BB [REDACTED]

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RE: latest on investigations?

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED] [REDACTED]@justice.gsi.gov.uk>
Sent: February 24, 2016 1:02:05 PM GMT
Received: February 24, 2016 1:02:06 PM GMT

[REDACTED]

Happy to help – what is your timeline for your PQ prep, please?

Thanks

Jane

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 24 February 2016 12:48
To: Jane Malcolm
Subject: latest on investigations?

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RE: notification timing query

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Sent: March 24, 2016 2:41:34 PM GMT
Received: March 24, 2016 2:41:36 PM GMT

Just spoke with [REDACTED]

Will be next week, as we have to write to firm first

Many thanks (running for train)

Jane

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 24 March 2016 14:38
To: Jane Malcolm
Subject: notification timing query

Jane,

Any chance you could let me know when you're planning to write to MoD on the issue we discussed? Ministers want to know when they will be able to mention to colleagues in the knowledge they won't be sharing in advance of SRA notification.

I'm assuming publication won't happen until a while later (if at all), as the SDT won't consider for some time.

[REDACTED]

[REDACTED]

[REDACTED] | Strategy and Specialist Policy Portfolio |
Justice and Courts Policy Group | Ministry of Justice | 102 Petty France (4.37)
| tel: [REDACTED] | BB [REDACTED]

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notification timing query

From: [REDACTED]@justice.gsi.gov.uk>
To: [REDACTED] Jane Malcolm
[REDACTED]@sra.org.uk>
Sent: March 24, 2016 2:38:05 PM GMT
Received: March 24, 2016 2:38:10 PM GMT

Jane,

Any chance you could let me know when you're planning to write to MoD on the issue we discussed? Ministers want to know when they will be able to mention to colleagues in the knowledge they won't be sharing in advance of SRA notification.

I'm assuming publication won't happen until a while later (if at all), as the SDT won't consider for some time.

[REDACTED]

[REDACTED]

[REDACTED] | Strategy and Specialist Policy Portfolio |
Justice and Courts Policy Group | Ministry of Justice | 102 Petty France (4.37)
| tel: [REDACTED] | BB [REDACTED]

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recorded for legal purposes.

RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED] [REDACTED] [REDACTED]@justice.gsi.gov.uk>
Sent: March 23, 2016 8:21:41 PM GMT
Received: March 23, 2016 8:21:43 PM GMT

Thanks [REDACTED] I'll call around 9.30, hope OK.

Have a peaceful evening.

Jane

Sent from my Windows Phone

From: [REDACTED] [REDACTED] [REDACTED]@justice.gsi.gov.uk>
Sent: 23/03/2016 19:58
To: Jane Malcolm [REDACTED]@sra.org.uk>
Subject: Re: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS

Jane

Yes fine. Am working from home, so phone either landline or mobile phone. I have a meeting at 11am.

[REDACTED]
"This Message has been sent from a Blackberry Device"

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED] [REDACTED]
Sent: Wed Mar 23 19:09:46 2016
Subject: RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS

[REDACTED]
Any chance of a quick word in the morning?

Many thanks

Jane

From: [REDACTED] [REDACTED] [REDACTED]@justice.gsi.gov.uk]
Sent: 22 March 2016 14:49
To: Jane Malcolm
Subject: RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS

Thanks. Yes I have a copy.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A2J Strategy and Specialist Policy,
Access to Justice Directorate
Justice and Courts Policy Group
Ministry of Justice
3.32 3rd Floor
102 Petty France
London
SW1H 9AJ

Tel: [REDACTED]
Mobile: [REDACTED]
email: [REDACTED]@justice.gsi.gov.uk

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 22 March 2016 14:37
To: [REDACTED] [REDACTED] [REDACTED]@justice.gsi.gov.uk>
Subject: RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS

[REDACTED]

I assume you have it – just back in office and was about to send over to you.

And yes, Ministers are fine, as you say you cannot keep in any case.

Thanks

Jane

From: [REDACTED] [REDACTED] [REDACTED]@justice.gsi.gov.uk]
Sent: 22 March 2016 14:36
To: Jane Malcolm
Subject: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS
Importance: High

Jane

Letter from Paul to Nick Goodwin arrived re PIL. It says not to share more widely, but we now need to share with ministers. Are you OK with that? We cannot as officials keep something from ministers.

[REDACTED]

[REDACTED]

Deputy Director
A2J Strategy and Specialist Policy,
Access to Justice Directorate
Justice and Courts Policy Group

Ministry of Justice
3.32 3rd Floor
102 Petty France
London
SW1H 9AJ

Tel: [REDACTED]
Mobile: [REDACTED]
email: [REDACTED]@justice.gsi.gov.uk

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Re: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS

From: [REDACTED] [REDACTED]@justice.gsi.gov.uk>
To: [REDACTED]@sra.org.uk [REDACTED] Jane Malcolm [REDACTED]
Sent: March 23, 2016 7:58:34 PM GMT
Received: March 23, 2016 7:58:36 PM GMT

Jane

Yes fine. Am working from home, so phone either landline or mobile phone. I have a meeting at 11am.

[REDACTED]
"This Message has been sent from a Blackberry Device"

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED] [REDACTED]
Sent: Wed Mar 23 19:09:46 2016
Subject: RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS

[REDACTED]
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Many thanks

Jane

From: [REDACTED] [REDACTED]@justice.gsi.gov.uk]
Sent: 22 March 2016 14:49
To: Jane Malcolm
Subject: RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS

Thanks. Yes I have a copy.

[REDACTED]

[REDACTED]

[REDACTED]
Deputy Director
A2J Strategy and Specialist Policy,
Access to Justice Directorate
Justice and Courts Policy Group
Ministry of Justice
3.32 3rd Floor
102 Petty France

London
SW1H 9AJ

Tel: [REDACTED]
Mobile: [REDACTED]
email: [REDACTED]@justice.gsi.gov.uk

From: Jane Malcolm [REDACTED]@sra.org.uk]
Sent: 22 March 2016 14:37
To: [REDACTED] h [REDACTED]@justice.gsi.gov.uk>
Subject: RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS

[REDACTED]

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[REDACTED]

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Fwd: Defence sub-Committee letter

From: Jane Malcolm [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Sent: December 16, 2016 5:08:33 PM GMT
Received: December 16, 2016 5:08:35 PM GMT
Attachments: 2016 12 16 Letter to Johnny Mercer MP from Paul Philip SRA Chief Executive
Submission to Sub-Committee Inquiry.pdf

[REDACTED]

Please see letter attached as sent to Defence Select Inquiry today, for information.

Many thanks

Jane

Jane Malcolm
Executive Director External Affairs
Solicitors Regulation Authority

Begin forwarded message:

From: [REDACTED]@sra.org.uk [REDACTED]@sra.org.uk>>
Date: 16 December 2016 at 17:04:40 GMT
To: Jane Malcolm [REDACTED]@sra.org.uk [REDACTED]@sra.org.uk>>
Subject: Defence sub-Committee letter

From the Chief Executive

Johnny Mercer MP
Chair, Defence sub-Committee
House of Commons
London
SW1A 0AA



The Cube
199 Wharfside Street
Birmingham B1 1RN

DX: 720293 BIRMINGHAM 47

UK 0370 606 2555
Int + 44 (0)121 329 6800

www.sra.org.uk

16 December 2016

Dear Mr Mercer

Submission to Defence Select Committee inquiry on MoD support for former and serving personnel subject to judicial processes

We regulate of some 170,000 solicitors and 10,400 law firms in England and Wales, setting the high standards for the profession, standards that we and the public expect from solicitors. We regulate and enforce compliance against these standards.

That means we are responsible for investigating and prosecuting law firms involved in activity related to the armed services, when there are concerns that the firms have fallen short of the standards we set. You will be aware that we have referred several solicitors from Leigh Day and Public Interest Lawyers to the Solicitors Disciplinary Tribunal, in relation to issues that prompted the Al-Sweady Inquiry.

It is clear that there is a strong public interest in cases that involve former and serving troops and we all want to see firm, fast and fair resolution. The Government is looking at what changes it might make to ensure that British troops engaged in future conflicts have the right framework within which to work. However, the reality is that any future allegations of improper conduct are likely to be brought by lawyers and law firms, so part of that framework has to be a system that warrants real public confidence in how the activity of solicitors and law firms are regulated.

When looking at how law firms can be held to account in a way that commands public confidence in the long term, we see two key difficulties in the current arrangements.

Firstly, public confidence is undermined by the fact that we are the regulatory arm of the Law Society of England and Wales. The Society is the body that, as its strategy says, represents, promotes and supports solicitors. We know from our day to day work that members of the public are genuinely concerned that we are part of the trade association – an average of 20 people tell us so every day. There have been repeated calls for us to be made independent, not least from the Competition and Markets Authority and the oversight regulator, the Legal Services Board. But the conflict of interest remains.

Secondly, our own ability to apply swift, robust sanctions when things go wrong is very limited. We can impose low-level fines, but in order to impose fines above £2,000 (except for a minority of firms with non lawyer involvement in ownership) or to seek more serious sanctions, such as suspension or striking off a solicitor, we must refer cases to the Solicitors Disciplinary Tribunal (SDT).

The regulator of solicitors and law firms in England and Wales

We have significant concerns about the operation of the Tribunal. The most serious difficulty is that the SDT uses the criminal standard of proof, which means that matters have to be proved beyond all reasonable doubt. This is out of step with general practice at tribunals and in professional regulation, and is widely seen as placing the interests of the member of the profession ahead of public protection. The Tribunal also uses solicitor majorities on its panels, so the public voice is in minority. And finally, the perception point is compounded by the appointment of a former President of the Law Society as Chair of the SDT.

It is perhaps unsurprising that, taken together, the status of the SRA as part of the trade association and the perception that the Tribunal operates in a way that could potentially work in the solicitor's interest, risks undermining public protection and confidence in the system.

That is a real problem when the concerns about law firms or solicitors are of very significant public interest, as is the case with those connected to the Al Sweady Inquiry and as will surely be the case in future conflicts and future inquiries. We understand that the work of the Defence Select Committee inquiry on MoD support for former and serving personnel subject to judicial processes, is looking at how arrangements can be improved for the future.

We recommend taking steps to secure public confidence in how law firms and solicitors are held to account through modern up to date regulation.

Ensuring regulatory independence from the representative body is key. And a move to the widely used civil standard of proof would be a major step forward. Using the First Tier Tribunal Service, or developing a service like the well regarded Medical Practitioner Tribunal Service – operated by the General Medical Council – would also increase public confidence and indeed be more efficient.

Enforcing standards is a key part of regulation, putting things right when they do go wrong but also, importantly, acting as a deterrent to poor practice. Modernising the regulation of solicitors and law firms would make a positive contribution to how judicial processes affect the serving personnel of the future.

Yours sincerely



Paul Philip
Chief Executive
Solicitors Regulation Authority

RE: quick query

From: [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Sent: January 5, 2016 5:01:26 PM GMT
Received: January 5, 2016 5:01:27 PM GMT

[REDACTED]

We might be sending you a little more detail on this, so can you hold fire on sharing my response with anyone for now?

Thanks,

[REDACTED]

From: [REDACTED]@justice.gsi.gov.uk]
Sent: 05 January 2016 16:55
To: [REDACTED]
Subject: RE: quick query

[REDACTED] thank you for your swift response, and for covering my query so fully.

Best wishes,

[REDACTED]

From: [REDACTED]@sra.org.uk]
Sent: 05 January 2016 16:54
To: [REDACTED]
Subject: FW: quick query

[REDACTED]

We don't have a timescale for the SDT to respond to us about whether or not they agree there's a case to answer.

There's no right of appeal if they say no, but we can provide further evidence and resubmit a case. There's no double jeopardy clause.

[REDACTED]

[REDACTED]
[REDACTED]

Communications Unit

Solicitors Regulation Authority

[REDACTED]

[REDACTED]
The Cube, 199 Wharfside Street, Birmingham B1 1RN

<<http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653>>
www.sra.org.uk

From: Jane Malcolm
Sent: 05 January 2016 16:45
To: [REDACTED]
Subject: FW: quick query

Sent from my Windows Phone

From: [REDACTED]@justice.gsi.gov.uk>
Sent: 05/01/2016 16:35
To: Jane Malcolm [REDACTED]@sra.org.uk>
Subject: quick query

Jane,

Can I ask what is hopefully a very quick and easy question. In relation to the Leigh Day case, the SRA has referred the case to the SDT, and you are waiting for the SDT to decide whether there is a case to answer. How long does this step usually take? And does the SRA have a right of appeal if the SDT decides not to certify the case?

[REDACTED]

[REDACTED]

[REDACTED] | Strategy and Specialist Policy Portfolio |
Justice and Courts Policy Group | Ministry of Justice | 102 Petty France (4.37)
| tel: [REDACTED] | BB [REDACTED]

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FW: quick query

From: [REDACTED]@sra.org.uk>
To: [REDACTED]@justice.gsi.gov.uk>
Sent: January 5, 2016 4:53:45 PM GMT
Received: January 5, 2016 4:53:46 PM GMT

[REDACTED]

We don't have a timescale for the SDT to respond to us about whether or not they agree there's a case to answer.

There's no right of appeal if they say no, but we can provide further evidence and resubmit a case. There's no double jeopardy clause.

[REDACTED]

[REDACTED]
[REDACTED]

Communications Unit

Solicitors Regulation Authority

[REDACTED]

[REDACTED]

The Cube, 199 Wharfside Street, Birmingham B1 1RN

<<http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653>>
www.sra.org.uk

From: Jane Malcolm
Sent: 05 January 2016 16:45
To: [REDACTED]
Subject: FW: quick query

Sent from my Windows Phone

From: [REDACTED]
Sent: 05/01/2016 16:35
To: Jane Malcolm [REDACTED]@sra.org.uk>
Subject: quick query

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[REDACTED]

[REDACTED]

[REDACTED] | Strategy and Specialist Policy Portfolio |
Justice and Courts Policy Group | Ministry of Justice | 102 Petty France (4.37)
| tel: [REDACTED] | BB [REDACTED]

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quick query

From: [REDACTED]@justice.gsi.gov.uk>

To: [REDACTED]@sra.org.uk [REDACTED]@sra.org.uk> [REDACTED]
[REDACTED]

Sent: January 5, 2016 4:35:32 PM GMT

Received: January 5, 2016 4:35:34 PM GMT

Jane,

Can I ask what is hopefully a very quick and easy question. In relation to the Leigh Day case, the SRA has referred the case to the SDT, and you are waiting for the SDT to decide whether there is a case to answer. How long does this step usually take? And does the SRA have a right of appeal if the SDT decides not to certify the case?

[REDACTED]

[REDACTED]

[REDACTED] | Strategy and Specialist Policy Portfolio |
Justice and Courts Policy Group | Ministry of Justice | 102 Petty France (4.37)
| tel: [REDACTED] | BB [REDACTED]

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Letter to the Secretary of State from Paul Philip (SRA)

From: [REDACTED]@sra.org.uk>
To: [REDACTED]@mod.uk [REDACTED]@mod.uk>
Sent: June 6, 2016 3:52:23 PM BST
Received: June 6, 2016 3:52:25 PM BST
Attachments: 2016 06 06 Secretary of State Rt Hon Michael Fallon MP.pdf

Good afternoon

Please find attached a pdf. letter to the Secretary of State from our Chief Executive, Paul Philip.

A hard copy is also in the post.

Yours faithfully

[REDACTED]
[REDACTED]

[REDACTED]

Solicitors Regulation Authority

Ext. [REDACTED] | DDI: [REDACTED] | M: [REDACTED]

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<<https://www.linkedin.com/company/solicitors-regulation-authority>>

From the Chief Executive

Rt Hon Michael Fallon MP
Secretary of State for Defence
Ministry of Defence
Floor 5, Main Building
Whitehall
London
SW1A 2HB

6 June 2016



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Dear Secretary of State

Thank you and the Minister for taking the time to meet with myself and my colleague Jane Malcolm last week.

As I set out, we believe that to ensure real public confidence the regulator should be fully independent from the Law Society. That is all the more important when there is a sharp public focus on holding law firms and solicitors to account on high profile matters, a focus we fully support. And we consider that the current Tribunal arrangements require root and branch overhaul.

We appreciate your support on this issue. At risk of taking up too much of your time, I would like to write to you again with the details of any MoJ consultation on next steps, once the consultation is live. We will also keep your staff up to date on developments with any relevant cases.

As indicated at our meeting, we will also write to the Armed Services Minister directly, with a view to providing more information to feed in to her ongoing review.

If we can provide any further information or assistance, please do not hesitate to contact myself or Jane Malcolm (Executive Director of External Affairs [REDACTED] [@sra.org.uk](mailto:[REDACTED]@sra.org.uk)) directly.

With best wishes

Paul Philip
Chief Executive
Solicitors Regulation Authority

The regulator of solicitors and law firms in England and Wales

CHRIS PHILP MP
Member of Parliament for Croydon South



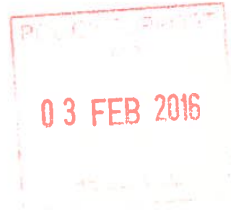
HOUSE OF COMMONS
LONDON SW1A 0AA

RECEIVED

- 2 FEB 2016

CHIEF EXECUTIVE SRA

Mr Paul Philip
CEO
Solicitors Regulation Authority
The Cube
199 Wharfside Street
Birmingham, B1 1RN



1st February 2016

Dear Mr Philip

I am writing in regards to the recent referral of Leigh Day Solicitors to the Solicitors Regulation Authority (SRA) and in relation to allegations that have been made against Public Interest Lawyers, both with regards to the al-Sweady enquiry.

If the allegations are true, these law firms knowingly withheld or destroyed crucial evidence and caused soldiers who have fought for their country to be needlessly dragged through a legal process. In doing so, the partners at the law firms concerned enriched themselves at public expense.

May I enquire as to the current status of the investigation, and if this will include the Public Interest Lawyers law firm as well? Can I confirm that individual solicitors as well as the firms concerned are under investigation? And can I ask why it has taken since December 2014 for your investigation to get under way and when the investigation will be concluded? It seems like there has been a long delay already.

I hope and expect that the SRA will fully investigate both firms and the individual solicitors responsible, and that the toughest possible action taken (including individuals being struck off) if the allegations are found to be true.

Yours sincerely,

Chris Philp MP

Telephone: 020 7219 8026
Email: chris.philp.mp@parliament.uk

From the Chief Executive



Strictly Private & Confidential

Addressee Only

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Member of Parliament for Croydon South
House of Commons
London SW1A 0AA

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08 February 2016

Dear Mr Philp

Confidential and privileged: The Al Sweady Inquiry

Thank you for your letter of 1 February 2016 and for your interest in our work.

The Inquiry reported in December 2014, leading to the Ministerial Statement on the 17th of that month. We issued a public statement dated 12 January 2015 confirming that we were investigating the concerns expressed by the Secretary of State about the two firms involved, Leigh Day and Public Interest Lawyers.

During 2015 we have carried out extensive and thorough investigations into this large scale, highly complex and sensitive matter. As part of that we have reviewed more than 172,000 documents, documentation that reached us in tranches over the first six months of the year. It is usual practice to put formal allegations to firms and individuals so that their responses can inform our considerations. Accordingly, we put formal allegations to Leigh Day in summer. Despite several extensions to deadlines, they did not respond.

We have a clear commitment to pursuing this matter as swiftly as possible in the public interest. We therefore made the decision to prosecute three individuals in the firm before the independent Solicitors Disciplinary Tribunal. It is important to note that Leigh Day have said that they strongly contest the allegations and you may be aware from media coverage that at the time of our decision to prosecute them, and as I have set out above, they had not provided their answers to our allegations.

Our investigation into Public Interest Lawyers continues and is expected to conclude shortly. We will give careful consideration to any responses provided by both firms.

If I can be of further help please do not hesitate to contact me. I am of course happy to meet up to discuss our regulatory model and our wider work.

Yours sincerely



Paul Philip

**Chief Executive
Solicitors Regulation Authority**

The independent regulator of solicitors and law firms in England and Wales



TELEPHONE ATTENDANCE NOTE

Our Reference:	AI-Sweady Investigation	
Time:		Date: 28 January 2015
Attendance:	David Middleton telephoning [REDACTED] of MoJ	

I received an e-mail from Crispin Passmore at 15.55 headed "urgent" indicating that [REDACTED] of the MoJ was seeking an update in relation to an investigation. I telephoned at about 16.05.

As expected, she wished to check the position in relation to the AI-Sweady enquiry. She made clear that there is no intention to influence the SRA's independent investigation. She said there is huge interest within government in the fact that the SRA is investigating.

She was having difficulty in hearing because of background noise at her end.

I explained that there are various strands. The allegation that Leigh Day made very late disclosure of the detainee list late is the subject of a well advanced investigation and we aim to have an investigation report by the end of February. She pressed on when there will be a public decision and I indicated that that will be affected by the level of contest from the firm but not before the end of April at the earliest because of the need to seek explanations from the firm. In terms of public information, if we make a finding, it may be published. If we refer to the SDT, that too can be published. She indicated that presumably we cannot publish if there is no finding. I said that we could consider doing so in the public interest in the same way that we published the fact of the investigation. Indeed, the firm(s) may want publication in such circumstances.

I said that investigating the allegation of late concession in relation to unlawful killing is more complex but we are also hoping to have our investigation report done by the end of February. I would expect Public Interest Lawyers to contest this more strongly than Leigh Day will argue about the detainee list and therefore although in theory there could be a decision by the end of April that seems unlikely.

The third strand, pursuing false allegations is much more complex given that lawyers will normally consider they can rely on what their clients tell them. To prove that would involve evidence that they were aware that the allegations were false or failed to take proper steps to check them. I said we had instructed external lawyers on this and I would not expect a report before May given that there may be a huge number of documents. I would expect this to be heavily contested and therefore to take most of 2015. She asked if this would also involve Leigh Day and I said that there is a possibility of that since they were bringing civil claims.

She was very sensible about the uncertainty of investigations which may or may not be contested and said she will be clear that we are talking about ball park estimates.

DJM

Letter to Rt Hon Michael Fallon MP from Paul Philip CEO of the SRA

From: [REDACTED]@sra.org.uk>
To: [REDACTED]@mod.uk>
Sent: April 5, 2016 9:44:10 AM BST
Received: April 5, 2016 9:44:14 AM BST
Attachments: 2016 04 05 Letter from Paul Philip to Michael Fallon MP.pdf

Letter attached herewith.

[REDACTED]
[REDACTED]

[REDACTED]

Solicitors Regulation Authority

Ext. [REDACTED] | DDI: [REDACTED] | M: [REDACTED]
E-mail: [REDACTED]@sra.org.uk



From the Chief Executive

Rt Hon Michael Fallon MP
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5 April 2016

Dear Mr Fallon

I write to you as the Chief Executive of the Solicitors Regulation Authority, the independent regulator of 167,000 solicitors and 10,400 law firms in England and Wales.

We have a role in investigating and prosecuting law firms involved in activity related to the armed services, when there are concerns that the firms have fallen short of the standards we set. As you will be aware, we have written to the department on our decision to refer a solicitor at Public Interest Lawyers (PIL) to the independent Solicitors Disciplinary Tribunal (SDT). This follows on from our earlier decision to refer solicitors at Leigh Day to the Tribunal. In our view, the allegations we have put forward are serious and there is a clear public interest in resolving this matter as quickly as possible.

I am aware that in the last couple of months there have been comments made in Parliament and by the Prime Minister on the issue, and that a joint MoJ and MoD working group, chaired by Ministers Penny Mordaunt and Dominic Raab is looking at a range of questions including "disciplinary sanctions against law firms found to be abusing the system." There have been suggestions that enforcement powers might be strengthened, something which we would support.

I wrote to the Ministry of Justice in December 2015 outlining our concerns about the way the Tribunal operates. We believe that the criminal standard of proof, solicitor majorities on panels and a willingness to hear matters in private are not appropriate and do not serve the public interest. I am also keen to explore how we could impose meaningful sanctions for less serious cases, such as fines, without the inevitable delays and costs incurred by referral to the Tribunal.

I appreciate how busy your diary will be but hope we can arrange to meet to discuss these important issues. Our Public Affairs team [REDACTED] or [REDACTED]@sra.org.uk can provide your office with more information and help make arrangements for a meeting.

Yours sincerely

[REDACTED]

Paul Philip
Chief Executive
Solicitors Regulation Authority

The regulator of solicitors and law firms in England and Wales



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MINISTRY OF DEFENCE
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E-mail: defencesecretary-group@mod.uk

4.7.4

29th April 2016

Dear Mr. Philip,

Thank you for your letter of 5 April, in which you expressed concerns about the manner in which the Solicitors Disciplinary Tribunal (SDT) operates and your interest in exploring the imposition of sanctions on law firms where there has been minor breaches in standards.

I welcome your recent decision to refer a solicitor at Public Interest Lawyers (PIL) to the SDT. As you will be aware, for some time now I have been deeply concerned about the conduct of both PIL and Leigh Day. Where professional legal standards have not been met, I believe it is only right that appropriate action should be taken. I wish to thank you for taking our concerns seriously, and I await with keen interest the outcome of the SDT's deliberations.

Your concern about the manner in which the SDT operates was of particular interest given the points above, and I am pleased to hear that you have already been in discussions with the Ministry of Justice on proposals to address this. Thank you for your offer to discuss further; I would welcome this. My office will be in touch to make the necessary arrangements.

Yours sincerely

Michael Fallon

THE RT HON MICHAEL FALLON MP

Paul Philip
Chief Executive
Solicitors Regulation Authority
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