



Solicitors  
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**From SRA General Counsel**

Mr Dan Neidle  
Tax Policy Associates Limited  
6 Print House  
32 Aylesbury Street  
London  
EC1R 0ET

The Cube  
199 Wharfside Street  
Birmingham B1 1RN

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

Sent by email only to: [dan@taxpolicy.org.uk](mailto:dan@taxpolicy.org.uk)

19 August 2022

Dear Mr Neidle

**Re: SLAPPs and purported confidential letters before claim**

Thank you for your letter of 25 July 2022 and for raising the issue of the use of labels such as “private and confidential” and / or “without prejudice” in correspondence seeking to pressure individuals and organisations into withdrawing allegations they have made.

As you have highlighted, we take seriously the issue of SLAPPs and the various types of misconduct which may be perpetuated by those we regulate contrary to the public interest in open debate. We would agree that breaches of our standards can arise from oppressive litigation behaviour and tactics including making exaggerated claims of adverse consequences or sending letters using an intimidating or aggressive tone or language.

In addition to our March 2022 guidance on Conduct in Disputes, of which you are aware, our recent work includes investigations into alleged breaches of our standards and regulations arising from SLAPP conduct and responding constructively to the government’s consultation on possible reform of the law relating to SLAPPs.

As part of our work, we are currently developing further specific guidance to the profession on the topic of SLAPPs, highlighting the issues arising from our casework. Further to your letter, we plan (amongst other things) specifically to address the practice of labelling correspondence as “private and confidential” and / or “without prejudice”, and to address the conditions under which doing so may be a breach of our requirements. We think that this approach will help solicitors to comply with our existing standards and regulations and to use those labels only when appropriate. We can update you as and when we publish this guidance.

We are also to carry out a thematic review of a targeted sample of firms, looking at the steps taken by firms to address the issues raised in our Conduct in Disputes guidance. The outcomes of this review, as well as our enforcement work and the work currently being done by the government on reform of the law relating to SLAPPs, may in due course inform further updates to our guidance.

We are the regulator of solicitors and law firms in England and Wales.

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Our registered offices are: The Cube, 199 Wharfside Street, Birmingham, B1 1RN.  
Our company registration number is: 12608059.

Lastly, we note that you do not wish to make a complaint about Osborne Clarke, or the individual solicitors involved in the correspondence. You will appreciate that as a regulator we do consider whether information which is provided to us warrants further investigation, even if it does not come by way of a formal complaint. Should you wish to receive updates on the progress of any investigation, please let us know.

Yours sincerely



  
**General Counsel**  
**Solicitors Regulation Authority**