

News release

SRA updates SLAPPs warning

31 May 2024

We have updated our [warning to solicitors](https://higher-rights.sra.org.uk/solicitors/guidance/slapps-warning-notice/) [https://higher-rights.sra.org.uk/solicitors/guidance/slapps-warning-notice/] about getting involved in abusive litigation aimed at silencing legitimate critics, known as strategic lawsuits against public participation (SLAPPs).

We published a warning notice in November 2022 outlining behaviours that were viewed as abusive litigation, and warning firms not to engage in such.

The new notice has further detail on the Government's definition of a SLAPP, as outlined in the Economic Crime and Corporate Transparency Act 2023, and also builds in information gleaned from our casework and recent [thematic review](https://higher-rights.sra.org.uk/sra/research-publications/strategic-lawsuits-against-public-participation-thematic-review/) [https://higher-rights.sra.org.uk/sra/research-publications/strategic-lawsuits-against-public-participation-thematic-review/] on the issue. In developing the updated notice, we have engaged widely with individuals and groups representing both sides of the discussion around SLAPPs.

The updated notice provides more detailed guidance and examples of circumstances in which we might take regulatory action, and also covers scenarios such as the contentious 'right to reply' process.

Paul Philip, SRA Chief Executive, said: 'SLAPPs pose a significant threat to the rule of law, free speech and a free press. Client's rights and interests must be balanced against a solicitor's duties as an officer of the court and to uphold the rule of law.'

'We have engaged widely with a number of groups and individuals and we believe we've struck the right balance. Solicitors will have a better understanding when acting in this area of where they might be at risk of crossing the line. If they do so, we will take action.'

Solicitors need to be alert to clients' instructions and be competent enough to properly recognise red flags. The notice makes it clear that solicitors are expected to be able to identify abusive litigation tactics and decline to act in this way.

The notice repeats and expands upon key areas of concern including making claims or assertions without merit, bringing cases in an oppressive manner, and pursuing cases for an improper purpose.

We also repeat the warning against incorrect or misleading labelling of correspondence, for example as 'private and confidential', or 'without

prejudice'.

We have received more than 70 reports of potential SLAPPs, as well as discovering other potential misconduct when investigating other concerns. It has already made the decision to refer two matters to the independent Solicitors Disciplinary Tribunal (SDT).