

News release

SRA finds firms are aware of SLAPP issues, but need to be clearer when instructing third parties

19 April 2024

We have published a [thematic review](https://upgrade.sra.org.uk/sra/research-publications/strategic-lawsuits-against-public-participation-thematic-review/) [https://upgrade.sra.org.uk/sra/research-publications/strategic-lawsuits-against-public-participation-thematic-review/] looking at law firm understanding of best practice to avoid getting involved in strategic lawsuits against public participation (SLAPPs).

The term SLAPP is commonly used to describe a misuse of the legal system to prevent or discourage scrutiny of matters in the public interest or freedom of expression.

This thematic review involved visits and file inspections across a range of regulated firms which did not include those currently subject to an investigation. We found amongst those firms we visited good overall awareness on the issues of SLAPPs.

In particular, the review found most firms we visited were aware of a warning notice issued on the subject in 2022, with more than half saying they had changed working practices since its publication. The majority of firms visited were also found to be delivering a good standard of training on both SLAPPs and conduct in disputes to their fee earners.

We did identify some concerns around the lack of processes and controls regarding the use of third parties instructed by firms to work on their behalf. When instructing public relations companies or private investigators to work on a case, firms need to have checks and balances in place to make sure they are acting ethically and within the law.

Paul Philip, Chief Executive of the SRA, said: 'It is good to see that during our review we found good understanding of SLAPPs and widespread awareness of our guidance. But we also identified several areas where there is room for improvement. As the professional regulator we must not be complacent so we will continue to update our advice to the profession.'

SLAPPs have risen to prominence since Russia's invasion of Ukraine. Since then, we have received some 60 reports that firms were involved SLAPPs.

The review did uncover indicators of a SLAPP on one of the 40 files reviewed where the conduct of the firm acting on the other side appeared to include excessive and disproportionate correspondence, and

potentially pursuing a meritless claim. We are investigating this matter. And the review did not look further into cases that we are already investigating. Those existing cases raise questions about the use of SLAPPs that we are continuing to pursue.

Using the findings from [this thematic review](https://upgrade.sra.org.uk/sra/research-publications/strategic-lawsuits-against-public-participation-thematic-review/) [https://upgrade.sra.org.uk/sra/research-publications/strategic-lawsuits-against-public-participation-thematic-review/] and the feedback from a wider range of stakeholders through separate engagement, we will soon be publishing an updated version of our warning notice.