

## Statement

### Our approach to SLAPPs cases

24 March 2025

Concerns remain about solicitors getting involved in abusive litigation aimed at silencing legitimate criticism – known as SLAPPs (strategic litigation against public participation).

Our decision to not take enforcement action following a complaint against Discreet Law has attracted widespread interest. We have decided it is in the public interest to clarify some of the key principles underpinning our approach to SLAPPs and publish our reasoning in this case.

#### Our approach to SLAPPs

The court has a key role in identifying and taking action on SLAPPs – this includes striking out SLAPP claims and protecting parties from costs and other consequences in such cases.

Our role is distinct from the court's. It does not depend on defining a case as a SLAPP. Instead, our role is to make sure a solicitor has acted properly and ethically, and does not facilitate or further abuse of the legal system. We have [warned solicitors and law firms about this](https://rules.sra.org.uk/solicitors/guidance/slapps-warning-notice/) [\[https://rules.sra.org.uk/solicitors/guidance/slapps-warning-notice/\]](https://rules.sra.org.uk/solicitors/guidance/slapps-warning-notice/).

We require solicitors to take steps to satisfy themselves that cases they bring are properly arguable. That means there are facts or arguments to test before the court. Solicitors must make sure they properly scrutinise a claimant's case and instructions in order to do this. And where necessary decline instructions to act where they are not satisfied that there is an arguable case.

Despite this, a claimant could still seek to abuse the system, even if a solicitor is acting competently and in good faith. In summary, solicitors must bring cases properly and seek to challenge and scrutinise what their client is telling them, but it is the court's role to identify and strike-out SLAPPs. The main way to address the problem of SLAPPs is through a robust legislative solution that gives the courts more powers.

#### Taking action

We will take action where we find solicitors acting inappropriately. Last year, we successfully prosecuted a case before the Solicitors Disciplinary Tribunal (SDT), resulting in a £50,000 fine, relating to a solicitor seeking to improperly prevent publication of correspondence.

We have other ongoing investigations into abuse of the litigation process, with another case due to be heard before the Tribunal, and four where we have concluded our investigations and decisions on next steps are imminent.

## **The Prigozhin case and Discreet Law**

We received a complaint in 2022 that the law firm Discreet Law had inappropriately progressed defamation proceedings against a journalist for tweets referring to links between Mr Prigozhin and the Wagner Group, a Russian mercenary force.

After careful review of the evidence, our conclusion was the firm did not act improperly.

We have set out our reasoning for this decision, as well as further information about our approach to SLAPPs, and ongoing investigations, [in a recent letter \(PDF 3 pages, 122KB\) in response to queries about our approach](https://rules.sra.org.uk/globalassets/documents/sra/news/baroness-stowell-beeston.pdf) [<https://rules.sra.org.uk/globalassets/documents/sra/news/baroness-stowell-beeston.pdf>].