



Ministry  
of Defence

Ministry of Defence  
Main Building  
Whitehall  
London  
SW1A 2HB  
United Kingdom

Telephone: 020 7218 9000  
E-mail: [djep-jrs@mod.gov.uk](mailto:djep-jrs@mod.gov.uk)  
Reference: FOI2018/14074

Mr Tim Bullimore  
By email to:  
[request-530820-e9a8758a@whatdotheyknow.com](mailto:request-530820-e9a8758a@whatdotheyknow.com)

9 January 2019

Dear Mr Bullimore,

Thank you for your email of 7 November 2018 requesting the following information:

*Please send me a copy of the correspondence between the Solicitors Regulation Authority ("the SRA") (of the one part) and the MOD or the Ministry of Justice or the Iraq Historic Allegations Team (of the other part) which the Solicitors Disciplinary Tribunal ("the SDT") directed/ordered the SRA to disclose to the respondents in case no. 11502/2016 (SRA v Day and Others).*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence (MOD), and I can confirm that some information in scope of your request is held. The information you have requested is enclosed.

I should emphasise that the MOD was not a party to the legal proceedings between the Solicitors Regulation Authority (SRA) and Leigh Day. In February 2015, the MOD lodged a formal complaint with the SRA alleging that solicitors from the law firms Public Interest Lawyers and Leigh Day had breached the SRA Code of Conduct during the Al Sweady Public Inquiry. It was this complaint that led to the SRA investigation into the conduct of these two law firms and the subsequent misconduct proceedings before the Solicitors Disciplinary Tribunal (SDT). The MOD's role in these proceedings is therefore limited to that of a complainant and the MOD has never been, nor would it expect to be, provided with a copy of the full correspondence bundle which the SDT ordered the SRA to disclose to Leigh Day.

Dr Benjamin Sanders was the MOD official who submitted the complaint to the SRA in 2015 and later gave evidence before the SDT misconduct hearing. To assist with his preparation for giving evidence, the solicitors acting for the SRA provided Dr Sanders with a bundle containing relevant items from the wider body of correspondence disclosed to Leigh Day. The MOD has reviewed this bundle of relevant extracts as it falls in scope of your request and the information which is now enclosed has been identified from within that same bundle.

The enclosed documents are replicas of those which were provided to Dr Sanders. You will see that the four pages of handwritten notes attached to the email of 3 February 2017 (numbered 229 – 232 in the bottom right-hand corner) are of particularly poor quality so I have located and enclose a typed version of the document.

Some of the enclosed information falls entirely within the scope of the absolute exemption provided for at section 40 (personal data) and has been redacted.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.gov.uk](mailto:CIO-FOI-IR@mod.gov.uk)). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

Directorate of Judicial Engagement Policy  
Ministry of Defence

## ANNEX B

### TYPED VERSION OF PAUL MCNAB'S MANUSCRIPT NOTE

On Friday 26 June I met with Mazin Younis. This was a pre-arranged meeting which took place at the business address of Mazin's company, OSW at Greenheys, Manchester Science Park Manchester.

The purpose of the meeting was to clarify some discrepancies arising from some information that Mazin had provided to PIL as part of a response to question 15 is an SRA S.44B notice dated 23.11.15 (The notice).

In order to enable Mazin to see the context of the discrepancies, I showed him a copy of Phil Shiner's response to question 10 of the same notice. As I handed Mazin a typed copy of the response to Q10, I outlined the two major discrepancies which were; the date at which Mazin first refers to any dialogue between himself and PIL regarding the 'Danny boy' incident, and the time at which Mazin refers to being instructed by Phil Shiner to trace and find the people involved in the incident.

Mazin's initial response was to say that he was sure about the date as he had been in Basra in 2004 and 2005 for PIL and had only been twice. He recalls the security situation as being so bad that he could only really conduct most of his business by telephone.

I explained that the response to question 10 had been produced following a careful review of all PIL's time recording and attendance notes for the relevant period and therefore, to the best of my knowledge, it was a very accurate record. At this point Mazin picked up the question 10 response and appeared to read it carefully. Mazin then put the note down and said that he was going to speak frankly about matters.

Mazin then made a number of very serious allegations, all of which are noted below.

Mazin said that "we found all of these cases"... He said that they had been knocking doors to find clients and he said that Phil Shiner knew about this.

I raised the matter of Mazin's training and the written notification for PIL about what was and wasn't permitted.

Mazin responded by saying that realistically it is impossible to sit in Basra waiting for people to make approaches as he would be shot and killed, so the only way to find clients was to knock on doors.

At this point I made the observation that Phil couldn't possibly have known about this and if it had come to his attention he would have had to put an immediate stop to it.

Mazin responded by saying "of course Phil knew", he then went on to say that it wasn't just the Al-Sweady clients that this applied to, he said that it was "nearly all of the cases", he gave a couple of named examples which were Kammash and Abdul-Razak and said "we found them all". He then made the most concerning revelation which was "we even paid people".

I was completely horrified at being told this, I immediately said that there was absolutely no way that Phil would have allowed that to happen or be a party to such actions. He said that Phil was aware. I immediately asked him whether or not he had paid people to give false statements. Mazin said that there were people who did have legitimate cases but who were wary about coming forward. Mazin said that they were very poor people so they paid them some money to come forward and tell their story, he said "call it charity". I reiterated that Phil couldn't possibly have known about this. Mazin said that he did.

Mazin then went on to say that “also I told Phil that Khuder was a member of the Mahdi Army and so were some of the clients”, I clarified that by this he meant Al-Sweady clients.

I had absolutely no idea why Mazin was telling me this, I did not believe it for one moment but I did not make any robust challenges or rebuttals to what was being said as I wanted to see where all of this was going.

Mazin then said that one of the things that he couldn't work out was why we (meaning PIL) had changed from the “old way of working”. Mazin said that things worked well previously when all client matters were dealt with via PIL, Mazin and Abu Jamal. Mazin said that he wasn't able to understand why was that from 2012 Usama appeared to have replaced Mazin IOSW. He said that he wanted arrangements for the Iraqi clients to go back to the old way.

I responded by saying that the current situation whereby Usama was engaged in lots of work in relation to these clients had come about almost by accident following our meeting with Abu Jamal in 2012 and that there hadn't been any conscious decision to stop using Mazin IOSW

At this point I asked Mazin if he was sure about all of the things that he had told me. He said that he was. I also asked Mazin what the practices were that he referred to in respect of Khuder Al-Sweady and Phil King. Mazin said that they had a very heavy handed approach with the clients including trying to bully them into being interviewed at Basra airport, which was a military base. Mazin said that any client seen entering or leaving would be very likely to be killed as people would think that they were giving information to the British. Mazin said that this approach was highly insensitive and had caused a great deal of stress and [unease]. Mazin then said that they (Mazin and Abu) were aware of at least two witnesses that Khuder had brought forward to the Al-Sweady Inquiry who were not involved in the incident (Danny boy) or did not have any family involved in the incident. I asked him if he was aware that these witnesses had given any live evidence to the Inquiry, he said that he was not. He went on to add that PIL did not know about this until now.

I asked him if he was sure about all of those things as they were very concerning, he said that he was “but we can fix this”. He said that he wanted PIL to go back to the old way of working and to confirm this in writing. He then said at this point that “maybe it could have been a journalist who asked me to find people in 2005, it was a long time ago”, he then referenced Kim Sengupta. He then added that if we were back to the old way of working he “can have a clearer memory”.

By now it was becoming clear to me that Mazin was attempting to hold PIL to ransom in return for what I believe is the accurate and truthful answer as to how he came to be a contact with the Al-Sweady clients. The ransom was clearly the re-establishing of a lucrative commercial arrangement between OSW and PIL with OSW being the benefactor. I felt as though I was being blackmailed. I realised at this point that I had to leave the meeting on what would appear to be a positive note.

I gave Mazin a positive indication of returning to the old way of working. We then had a discussion about the Iraq work in general and I gave Mazin a general update following the judgement of Leggatt J and the pending hearing in November. We then shook each other's hands and thanked each other for our time.

I was very clear that it was not going to be in anyone's best interests to notify Phil Shiner of the above detail until after the weekend. There were a number of reasons for this.

I was also very clear that I had to share this information with Baker & McKenzie.

On Monday 28 June I informed Phil Shiner of all the above. We agreed that we would put in place the arrangement that Mazin Younis wanted before sending a full note to Baker & McKenzie.

**PAUL MCNAB'S MANUSCRIPT NOTE**

**RE: AI-Sweady update**

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From: Jane Malcolm <[REDACTED]@sra.org.uk>  
To: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) [REDACTED]  
[REDACTED]@mod.uk>  
Cc: DJEP-Judicial Reviews Co-ord [REDACTED]  
[REDACTED]@mod.uk>  
Sent: October 22, 2015 9:06:18 PM BST  
Received: October 22, 2015 9:06:53 PM BST

Ben and [REDACTED]

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.

I hope this is helpful.

Regards

Jane

From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) [REDACTED]@mod.uk]  
Sent: 21 October 2015 09:23  
To: Jane Malcolm  
Cc: DJEP-Judicial Reviews Co-ord [REDACTED]  
Subject: RE: AI-Sweady update

Thank you. Please copy my colleague [REDACTED] (cc-ed) in to the update as I will not be in the office tomorrow.

Regards,

Ben

From: Jane Malcolm [mailto:[REDACTED]@sra.org.uk]  
Sent: 21 October 2015 09:16  
To: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2)  
Subject: RE: AI-Sweady update

Dear Dr Sanders

Thank you for your query.

I'll get an update to you, probably tomorrow, as we are tied up with our Board meeting today.

Regards

Jane

From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) [REDACTED]@mod.uk]



From the Chief Executive

**Strictly Private & Confidential**

Dr Benjamin Sanders  
Ministry of Defence

By email: [REDACTED]@mod.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](http://www.sra.org.uk)

23 December 2015

Dear Dr Sanders

**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

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00033722\_RE\_Letters from Paul Phillip

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 Phillip

**Chief Executive  
Solicitors Regulation Authority**

Cc @mod.uk

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

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00033722\_RE\_Letters from Paul Phillip



## 20160229-Update

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From: DJEP-Historic Investigations AH (Sanders, Ben B2) [REDACTED]  
[REDACTED]@mod.uk>  
To: 'Jane Malcolm' <[REDACTED]@sra.org.uk>, Jane Malcolm </O=LAW  
SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP  
(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA>  
Sent: February 29, 2016 9:47:17 AM GMT  
Received: February 29, 2016 9:47:29 AM GMT

Jane,

We spoke some weeks ago, following the upsurge in media interest in the Iraq litigation and Iraq Historic Allegations Team (IHAT). While the reporting appears to have died down, we are still under significant scrutiny from Ministers and senior personnel. Ministers are meeting tomorrow to discuss progress addressing various issues in this area, and I have been asked to obtain an update on the SRA's investigation.

When we last spoke, you indicated that:

- the SRA was considering taking the unusual step of sharing with MoJ and MOD the charge sheet that was submitted to the Solicitors Disciplinary Tribunal. I presume that it has been decided not to do so.
- the SRA investigation into PIL was likely to be complete in February/March. Do you still expect to take a decision on whether or not to refer PIL to the SDT by the end of March?

Do you have any idea as to when the SDT is likely to confirm the charges, or decide not to proceed with a disciplinary hearing?

I would be grateful if you could provide an update on timescales today, please.

Regards,

Ben

Dr Benjamin Sanders

DJEP Assistant Head (Historic Investigations)

[REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB

Tel: [REDACTED]

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00033611\_20160229-Update

**FW: Solicitors Regulation Authority**

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From: DJEP-Public Inquiries Hd (Duke-Evans, Jonathan SCS1) [REDACTED]@mod.uk<  
To: [REDACTED]@sra.org.uk, [REDACTED]@sra.org.uk, [REDACTED]  
</O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PTBLON>  
Sent: March 30, 2016 2:35:02 PM BST  
Received: March 30, 2016 2:35:06 PM BST

Dear [REDACTED]

Thanks for your details; mine are below. I am Ben Sanders' line manager and am familiar with the work he has been doing with the SRA.

Jonathan

Jonathan Duke-Evans

Head of Claims, Judicial Reviews and Public Inquiries

Directorate of Judicial Engagement Policy

[REDACTED]  
Main Building MOD

[REDACTED]  
From: [REDACTED]@MOD.PSN360.FCOS.GSI.GOV.UK]  
Sent: 30 March 2016 14:23  
To: DJEP-Public Inquiries Hd (Duke-Evans, Jonathan SCS1)  
Cc: DJEP-Historic Investigations AH (Sanders, Ben B2)  
Subject: Solicitors Regulation Authority

Hi [REDACTED],

Thank you for your assistance today.

Please are you able to pass my details onto Jonathan Duke-Evans.

This is with regards to a letter that is addressed to Dr Benjamin Sanders (at his request). As he is not in the business until Monday, a senior member of staff will need to have sight of it – in the strictest confidence.

Please am I also able to request Jonathan's title to pass on to my Executive Director and CEO and for email purposes.

I look forward to hearing from you.

Best wishes

[REDACTED]

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00030627\_FW of Solicitors Regulation Authority

[REDACTED]

Executive PA to

Jane Malcolm - Executive Director of External Affairs

Juliet Oliver - General Counsel

Solicitors Regulation Authority

24 Martin Lane, London, EC4R 0DR

Direct Line: [REDACTED]

Mobile: [REDACTED]

[REDACTED]@sra.org.uk <mailto:Name.Surname@sra.org.uk>

Assistant to the Inspector | Iraq Judicial Investigations

HQ London District, Horse Guards, Whitehall, London, SW1A 2AX

Telephone: [REDACTED]

—

Customer Disclaimer Text

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**RE: 20170210-Matters arising from SDT hearing [RC-ACTIVE.FID108967]**

From: [REDACTED]@russell-cooke.co.uk, [REDACTED] </O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=STACEYM>  
To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) [REDACTED]@mod.uk, 'DJEP-JRs Asst Hd Casework (Sanders, Ben B2)'  
Cc: [REDACTED]@russell-cooke.co.uk, [REDACTED]@russell-cooke.co.uk  
Sent: March 1, 2017 5:04:41 PM GMT  
Received: March 1, 2017 5:04:42 PM GMT

Dear Dr Sanders

Thank you for your e-mail. I am awaiting instructions on your request from my client. I hope to be in a position to revert to you with a substantive response shortly.

Yours sincerely

[REDACTED]  
Associate | Russell-Cooke

Direct: [REDACTED] Fax: [REDACTED] | Main: [REDACTED]  
www.russell-cooke.co.uk | <mailto:[REDACTED]@russell-cooke.co.uk> [REDACTED]@russell-cooke.co.uk  
2 Putney Hill | London | SW15 6AB

From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) [mailto:[REDACTED]@mod.uk]  
Sent: 24 February 2017 10:42  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: 20170210-Matters arising from SDT hearing [RC-ACTIVE.FID108949]

[REDACTED]  
I would be grateful if you could indicate whether a decision has yet been made, and if not when one might be expected, in relation to the request below.

Having reviewed the transcript of the SDT hearing, our litigators at the Government Legal Department have requested that, in addition to the two documents referenced below (the note of the 2015 meeting, and the 2007 email), we also be provided with the witness statement of Paul McNab. We believe that the information contained in these documents is directly relevant to the ongoing litigation against MOD, including to two cases that proceed to trial next month. An early response would, therefore, be appreciated.

Regards,

Ben

Dr Benjamin Sanders

DJEP Assistant Head (Judicial Reviews Casework)

[REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB

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00033718\_RE\_20170210-Matters arising from SDT hearing  
[RC-ACTIVE.FID108967]

Tel: [REDACTED]

From: [REDACTED]@russell-cooke.co.uk  
Sent: 15 February 2017 17:58  
To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2)  
Cc: [REDACTED]  
Subject: RE: 20170210-Matters arising from SDT hearing [RC-ACTIVE.FID108949]

Dear Dr Sanders

Thank you for your e-mail below. We are considering your request with our client and will revert to you in due course.

Yours sincerely

[REDACTED]  
Associate | Russell-Cooke

Direct: [REDACTED] | Fax: [REDACTED] | Main: [REDACTED]  
www.russell-cooke.co.uk <[This communication contains information which is confidential and may also be privileged. It is for the exclusive use of the intended recipient\(s\). If you are not the intended recipient\(s\) please note that any distribution, copying or use of this communication or the information in it is strictly prohibited. If you have received this communication in error please notify us by e-mail or by telephone \(+44 \(0\)20 8789 9111\) and then delete the e-mail and any copies of it.](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.russell-2Dcooke.co.uk&d=CwMGaQ&c=SpkS68ZihjmrPEDEws428g&r=rQ-9dAowedjpN-eh7QGmuebUval4mu3717X4e6lwNac&m=Cbq9ZhbJyvVdrp89mneGk9LUpvGYhAG8LRCpdeXMTk&s=0SsVn-r8mb4eQirL16Nfd2BREbnng1DYYpU906EBOW0&e=> | <mailto:[REDACTED]@russell-cooke.co.uk><br/>[REDACTED]@russell-cooke.co.uk<br/>2 Putney Hill | London | SW15 6AB</p></div><div data-bbox=)

Russell-Cooke LLP is a limited liability partnership registered in England and Wales (registered number OC327450) and is authorised and regulated by the <[From: DJEP-JRs Asst Hd Casework \(Sanders, Ben B2\) \[mailto:\[REDACTED\]@mod.uk\]  
Sent: 10 February 2017 10:48  
To: \[REDACTED\]  
Subject: 20170210-Matters arising from SDT hearing](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.sra.org.uk_solicitors_code-2Dof-2Dconduct.page&d=CwMGaQ&c=SpkS68ZihjmrPEDEws428g&r=rQ-9dAowedjpN-eh7QGmuebUval4mu3717X4e6lwNac&m=Cbq9ZhbJyvVdrp89mneGk9LUpvGYhAG8LRCpdeXMTk&s=bV4s8lh4I10SnjVFmusUjPHTgRQgWb1yErMHZukyY9o&e=> Solicitors Regulation Authority. A list of members is available to view at our registered office at 2 Putney Hill, London SW15 6AB. Any reference to partner in relation to Russell-Cooke LLP is to a member of Russell-Cooke LLP.</p></div><div data-bbox=)

[REDACTED]

Our litigators (Government Legal Department) are trying to obtain copies of the documents referred to at the SDT hearings regarding payments made via Mazin Younis to claimants. These are likely to have a significant impact on the future conduct of the public law and private law claims against MOD. Jane Malcolm at the SRA has suggested that you might be able to assist.

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00033718\_RE\_20170210-Matters arising from SDT hearing [RC-ACTIVE.FID108967]

If you are unable to provide them to me directly, perhaps you would be kind enough to send them to [REDACTED] [REDACTED]@governmentlegal.gov.uk) and [REDACTED] [REDACTED]@governmentlegal.gov.uk) at GLD.

Regards,

Ben

Dr Benjamin Sanders

DJEP Assistant Head (Judicial Reviews Casework)

[REDACTED] [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB

Tel: [REDACTED]

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

Sent: 08 February 2017 18:08

To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2)

Subject: RE: 20170203-Operational note

Ben

Thank you for the enquiry.

We think that the best way forward is to make a formal approach to Russell Cook , who acted for us in this matter. Importantly, that will ensure consistency and clarity across what you will appreciate are multiple requests for disclosure of various documents.

I can confirm that the documents were both referenced at the Tribunal hearing – a note of a 2015 meeting with MY and the 2007 email from MY to PS.

I hope that this helps.

Many thanks

[REDACTED]  
From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) [mailto:[REDACTED]@mod.uk]

Sent: 03 February 2017 12:48

To: Jane Malcolm

Subject: 20170203-Operational note

Jane,

Our litigators are considering the implications of the SDT proceedings for the public law and private law claims against MOD. In particular, there are a number of private law cases involving Leigh day that are due to come to trial shortly, and in respect of which our litigators are currently framing requests for information.

The litigators are particularly keen to understand the source of the references in the SRA Operational Note to agents actively soliciting claimants and to payments made via Mazin Younis:

**1000**

00033718\_RE\_20170210-Matters arising from SDT hearing  
[RC-ACTIVE.FID108967]

Obtaining clients and the cover-up

Professor Phil Shiner obtained clients in Iraq through Mr Mazin Younis (MY) and his associates. Mr Younis himself told an employee of Prof Shiner's firm, Public Interest Lawyers Limited (PIL), that clients were obtained by knocking on doors and he said that "we even paid people". He said this applied not just to Al Sweady cases but to "nearly all" Iraq cases.

PIL did indeed provide payments to MY when he was trying to find clients although they were characterised as "expenses" of those tracking down the potential clients. On 25 May 2007 MY emailed Prof Shiner saying that "We also need to send at the same time the expenses for the people working on [this] case. Please allocate £300 for that, they are not moving on the case till we pay them!" PIL sent money for this purpose.

Are you able to identify in which documents this information is contained? As these have been referred to during the SDT proceedings, are you able to share these documents with MOD / Government Legal Department? If not, I shall instruct our litigators to write to the SDT to request them.

Regards,

Ben

Dr Benjamin Sanders

DJEP Assistant Head (Judicial Reviews Casework)

██████████ MOD Main Building, Whitehall, London, SW1A 2HB

Tel: ██████████

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Please note the author of this email is not authorised to conclude any contract on behalf of the Solicitors Regulation Authority by email.

**1001**

ACTIVE.FID108967

00033718\_RE\_20170210-Matters arising from SDT hearing  
[RC-ACTIVE.FID108967]

## Chronology of MoD correspondence

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<b>2015</b> .....	<b>3</b>
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January 2017 .....	183
February 2017 .....	196
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2014

October 2014

Date	Event
24 October 2014 00000001.00000036.000 00002  00033481	<p>re. Times on PIL review outcome</p> <p>From: [REDACTED]@justice.gsl.gov.uk&gt;</p> <p>To: [REDACTED]@sra.org.uk' [REDACTED]@sra.org.uk&gt;, [REDACTED]</p> <p>&lt;/O=LAW</p> <p>Cc: 'media@sra.org.uk' &lt;media@sra.org.uk&gt;, SRA Media &lt;/O=LAW</p> <p>Sent: October 24, 2014 6:32:03 PM BST</p> <p>Received: October 24, 2014 6:32:05 PM BST</p> <p>Hi [REDACTED]</p> <p>Thanks for your time on the phone just now - the statement we've given The Times is below fyl.</p> <p>A Legal Aid Agency spokesperson said: "The LAA have completed a rigorous review into the actions of Public Interest Lawyers in handling of evidence and documents relating to the Al-Sweady enquiry. This concluded that there are no legal grounds on which to take contract action against the firm at this stage, however we have referred some concerns to the Solicitors Regulation Authority.</p> <p>The LAA takes any allegations of wrongdoing extremely seriously and will continue to do so."</p> <p>Regards,</p> <p>[REDACTED]</p> <p>Senior Press Officer   Communication &amp; Information Directorate   Ministry of Justice 10.42, 102 Petty France, London, SW1H 9AJ   &lt;file:///C:/Documents%20and%20Settings/[REDACTED]/Application%20Data/Microsoft/Signatures/www.gov.uk/moj&gt; www.gov.uk/moj   @MoJGovUK   @MoJPress   t. [REDACTED]   m. [REDACTED]</p>
24 October 2014 00000001.00000036.000 00003  00033482	<p>RE: re. Times on PIL review outcome</p> <p>From: [REDACTED]@sra.org.uk&gt;</p> <p>To: [REDACTED]@justice.gsl.gov.uk&gt;</p> <p>Sent: October 24, 2014 7:00:52 PM BST</p> <p>Received: October 24, 2014 7:00:53 PM BST</p> <p>Thanks [REDACTED],</p> <p>[REDACTED]</p>

December 2014

Date	Event
17 December 2014 00000001.00000036.000 00004 00033483	MoJ contact  From: [REDACTED]@justice.gsi.gov.uk To: [REDACTED]@sra.org.uk' [REDACTED]@sra.org.uk>, [REDACTED] </O=LAW Sent: December 17, 2014 5:42:12 PM GMT Received: December 17, 2014 5:42:15 PM GMT  Hi [REDACTED],  My direct line is below. It's to do with a bit of media follow-up we've had on the Public Interest Lawyers/Al-Sweady inquiry stuff today. Regards, [REDACTED]   Press Officer External Comms   Ministry of Justice 10.41, 102 Petty France, London, SW1H 9AJ [REDACTED]   www.gov.uk/MoJ   @MoJGovUK   @MoJPress

2015

January 2015

Date	Event
8 January 2015 00000001.00000036.0000 0005 00033484	No 10 From: Crispin Passmore <[REDACTED]@sra.org.uk> To: [REDACTED]@justice.gsi.gov.uk [REDACTED]@justice.gsi.gov.uk> Sent: January 8, 2015 7:38:04 PM GMT Received: January 8, 2015 7:38:46 PM GMT  [REDACTED]  We have been liaising in recent months with LAA regarding an important case and possible investigation. Today we have spoken to [REDACTED] at length about what we are doing (so far as we can say) so that he is well informed for any questions he is asked.  I don't think it would be appropriate for us to write and set out what we are doing for Justice Ministers, but I do wonder if they might have concerns that we will not take seriously or are not able to handle properly? No basis for that, just checking. Were that to be the case we would happily respond to any enquiry from Ministers and would happily come and brief orally if that would help reassure.  If you'd like a word to discuss perhaps you could let me know?  Thanks

Date	Event
<p>12 January 2015 00000001.00000036.0000 0006  00033485</p>	<p>Crispin Al-Sweady statement From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED] [REDACTED]@justice.gsi.gov.uk&gt; Sent: January 12, 2015 7:43:39 PM GMT Received: January 12, 2015 7:43:41 PM GMT  [REDACTED]  Just to let you know that we have put up a statement on the Al-Sweady Inquiry – please see <a href="http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page">http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page</a>  Many thanks Jane Jane Malcolm Executive Director - External Affairs Solicitors Regulation Authority Mobile: [REDACTED] The Cube, Birmingham: [REDACTED] www.sra.org.uk</p>
<p>13 January 2015 00000001.00000036.0000 0007  00033486</p>	<p>RE: Al-Sweady statement From: [REDACTED]@justice.gsi.gov.uk&gt; To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW Cc: [REDACTED]@justice.gsi.gov.uk&gt;, [REDACTED] MOJ HQ [REDACTED]@justice.gsi.gov.uk&gt;  Sent: January 13, 2015 8:14:42 AM GMT Received: January 13, 2015 8:14:46 AM GMT  Jane  Very helpful.  [REDACTED] [REDACTED] Deputy Director A2J Strategy and Specialist Policy, Access to Justice Directorate Law and Access to Justice Group Ministry of Justice [REDACTED] 102 Petty France London SW1H 9AJ Tel [REDACTED] Mobile [REDACTED] email [REDACTED]@justice.gsi.gov.uk</p>
<p>28 January 2015 00000001.00000036.0000 0010</p>	<p>TELEPHONE ATTENDANCE NOTE Our Reference: Al-Sweady investigation Time:</p>

Date	Event
00033489	<p>Date: 28 January 2015 Attendance: David Middleton telephoning [REDACTED] of MoJ</p> <p>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.</p> <p>As expected, she wished to check the position in relation to the Al-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.</p> <p>She was having difficulty in hearing because of background noise at her end.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>DJM</p>
29 January 2015 00000001.00000036.0000 0008	<p>RE: Al-Sweady statement - SRA timing of investigations From: [REDACTED]@justice.gsi.gov.uk To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW</p>

Date	Event
00033487	<p>Cc: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED] [REDACTED] [REDACTED]@justice.gsi.gov.uk&gt;, Crispin Passmore &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;</p> <p>Sent: January 29, 2015 5:29:17 PM GMT  Received: January 29, 2015 5:29:20 PM GMT</p> <p>Jane</p> <p>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.</p> <p>It would be helpful if we can speak so that I can discuss some of the issues surrounding the wider context.</p> <p>Thanks</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Deputy Director  A2J Strategy and Specialist Policy,  Access to Justice Directorate  Law and Access to Justice Group  Ministry of Justice  [REDACTED] [REDACTED]  102 Petty France  London  SW1H 9AJ  Tel: [REDACTED]  Mobile: [REDACTED]  email: [REDACTED]@justice.gsi.gov.uk</p> <hr/> <p>From: Jane Malcolm (mailto:[REDACTED]@sra.org.uk)  Sent: 12 January 2015 19:44  To: [REDACTED]  Subject: Al-Sweady statement</p> <p>[REDACTED]</p> <p>Just to let you know that we have put up a statement on the Al-Sweady inquiry – please see</p> <p><a href="http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page">http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page</a></p> <p>Many thanks</p> <p>Jane</p>

Date	Event
	<p>Jane Malcolm  Executive Director - External Affairs  Solicitors Regulation Authority  Mobile: [REDACTED]  The Cube, Birmingham: [REDACTED]</p>
<p>29 January 2015  00000001.00000036.0000  0009  00033488</p>	<p>RE: Al-Sweady statement - SRA timing of investigations  From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;  To: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;  Cc: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;, Crispin Passmore &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;  Sent: January 29, 2015 5:31:24 PM GMT  Received: January 29, 2015 5:31:25 PM GMT  [REDACTED]  Of course - happy to discuss.  When would work best for you?  Many thanks  Jane  Sent from my Windows Phone</p>
<p>30 January 2015  00000001.00000036.0000  0011  00033490</p>	<p>RE: Al-Sweady statement - SRA timing of investigations  From: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;  To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW  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]  Deputy Director  A2J Strategy and Specialist Policy,  Access to Justice Directorate  Law and Access to Justice Group  Ministry of Justice  [REDACTED]  102 Petty France  London  SW1H 9AJ  Tel [REDACTED]  Mobile [REDACTED]  email [REDACTED]@justice.gsi.gov.uk</p>
<p>30 January 2015  00000001.00000036.0000</p>	<p>RE: Al-Sweady statement - SRA timing of investigations  From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;</p>

Date	Event
<p>0012</p> <p>00033491</p>	<p>To: [REDACTED] [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>Cc: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED] [REDACTED]</p> <p>&lt;[REDACTED]@justice.gsi.gov.uk&gt;, Crispin Passmore</p> <p>&lt;/O=LAWSOCIETY/OU=EXCHANGE ADMINISTRATIVE</p> <p>GROUP(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;</p> <p>[REDACTED]</p> <p>Would 10.30 suit? Crispin is keen to join our call – perhaps we can use a BT telecon?</p> <p>United Kingdom Freephone: [REDACTED]</p> <p>Participant passcode: [REDACTED]</p> <p>Many thanks</p> <p>Jane</p>
<p>30 January 2015</p> <p>00000001.00000036.0000</p> <p>0013</p> <p>00033492</p>	<p>RE: Al-Sweady statement - SRA timing of investigations</p> <p>From: [REDACTED] [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm</p> <p>&lt;/O=LAWSOCIETY/OU=EXCHANGE ADMINISTRATIVE</p> <p>GROUP(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p> <p>Cc: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED],</p> <p>[REDACTED]@justice.gsi.gov.uk&gt;, Crispin Passmore</p> <p>&lt;/O=LAWSOCIETY/OU=EXCHANGE ADMINISTRATIVE</p> <p>GROUP(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;</p> <p>Sent: January 30, 2015 10:25:39 AM GMT</p> <p>Received: January 30, 2015 10:25:48 AM GMT</p> <p>Yes fine - will call that number.</p> <p>[REDACTED]</p> <p>Deputy Director  A2J Strategy and Specialist Policy,  Access to Justice Directorate  Law and Access to Justice Group  Ministry of Justice</p> <p>[REDACTED]</p> <p>102 Petty France  London  SW1H 9AJ</p> <p>Tel [REDACTED]  Mobile [REDACTED]  email [REDACTED]@justice.gsi.gov.uk</p>

February 2015

Date	Event
<p>2 February 2015 00000001.00000036.0000 0014  00033493</p>	<div data-bbox="1002 387 1278 510"><p><b>Solicitors Regulation Authority</b></p></div> <p data-bbox="571 450 754 495">Our ref: ASI/WP/DISHA Your ref:</p> <p data-bbox="571 533 754 633"><b>Private &amp; Confidential</b> Sir Tony Batrix MP House of Commons London SW1A 0AA</p> <p data-bbox="1134 533 1326 689">17F Cube 188 Warwick Street Birmingham B1 1RN  DX 722221 BIRMINGHAM 47 UK Int F www.sra.org.uk</p> <p data-bbox="571 689 699 719">2 February 2015</p> <p data-bbox="571 734 683 763">Dear Sir Tony</p> <p data-bbox="571 779 930 824"><b>Al Sweady Inquiry</b> Public Interest Lawyers and Leigh Day &amp; Co</p> <p data-bbox="571 840 1209 920">I understand that you raised, in the House of Commons on 17 December 2014, a point regarding the Al Sweady Inquiry. This was in respect of how Public Interest Lawyers and Leigh Day &amp; Co acquired their clients who later became participants in the Inquiry.</p> <p data-bbox="571 943 1209 1003">According to the relevant House of Commons' Hansard record, you make reference to "There are suggestions that they were paying agents to go around Iraq to drum up business, often not knowing who their clients were."</p> <p data-bbox="571 1025 1209 1070">You may have subsequently seen our public statement about the 'Al Sweady Inquiry' which can be found on the SRA's website at the following location,</p> <p data-bbox="571 1081 1114 1104"><a href="http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page">http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page</a></p> <p data-bbox="571 1126 1209 1216">In our statement it is stated that "We have been investigating aspects of this matter during 2014, although the falsity of the allegations was established in the findings of the Inquiry published on 17 December 2014. We will be urgently concluding existing strands of investigation and reviewing the other concerns raised in the Ministerial Statement."</p> <p data-bbox="571 1238 1209 1305">To aid the enquiries the SRA are making into how the two law firms acquired clients for the purpose of the Inquiry, I would be grateful if you could provide any information you have that prompted the above statement.</p> <p data-bbox="571 1328 1209 1373">Your assistance would be appreciated and should you have any queries please do not hesitate to contact me.</p> <p data-bbox="571 1440 707 1462">Yours sincerely</p> <div data-bbox="587 1462 754 1529"></div> <div data-bbox="587 1529 707 1574"></div> <p data-bbox="587 1574 810 1597">Team Leader Solicitors Regulation Authority</p> <p data-bbox="635 1619 1169 1653">** Please quote our above reference whenever contacting us ** If corresponding by e-mail please quote our reference in the subject heading</p>
<p>4 February 2015 00000001.00000036.0000 0015  00033494</p>	<p data-bbox="531 1675 1129 1709">Follow up to your conversation with  last week</p> <p data-bbox="531 1709 1129 1742">From: @justice.gsi.gov.uk&gt;</p> <p data-bbox="531 1742 1351 1832">To: 'Crispin Passmore' @sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;</p> <p data-bbox="531 1865 962 1899">Sent: February 4, 2015 9:03:07 AM GMT</p> <p data-bbox="531 1899 1010 1933">Received: February 4, 2015 9:03:13 AM GMT</p>



Date	Event
	<p>Crispin,</p> <p>As you may be aware, [REDACTED] is on leave this week. In her absence, I am advising re the SRA Investigations into PIL and LD. I understand you agreed with her a quick update every 4 weeks, regarding the likely timescale for conclusion of your investigations.</p> <p>Clearly without wishing to influence the content or scope of your investigation, I wanted to get a bit of clarity on what the SRA is investigating. Specifically, whether you are investigating the entire timeframe of the case, however many years that goes back, rather than just the short period the LAA investigated.</p> <p>Would it be possible for me to run a few lines by you, for an accuracy check, as we are putting advice up and want to ensure we don't misrepresent what the SRA is doing.</p> <p>I'm in various meetings for much of today, but perhaps we could speak at some point, if you prefer?</p> <p>Thanks</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Head of Legal Services Policy, Access to Justice Strategy and Specialist Policy - Legal Services Policy   Law and Access to Justice Group   Ministry of Justice   102 Petty France [REDACTED]   tel: [REDACTED]   BB [REDACTED]</p>
<p>4 February 2015 00000001.00000036.0000 0016</p> <p>00033495</p>	<p>RE: Follow up to your conversation with [REDACTED] last week From: Crispin Passmore [REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk&gt; Sent: February 4, 2015 9:25:09 AM GMT Received: February 4, 2015 9:27:12 AM GMT</p> <p>Very happy to have a chat [REDACTED]. I'm in meetings most of day too but should have a few gaps in I can finish meetings early later in afternoon. Alternatively happy to check lines in writing – nothing to hid and would say if we can't answer something.</p> <p>Crispin</p>
<p>4 February 2015 00000001.00000036.0000 0017</p> <p>00033496</p>	<p>RE: Follow up to your conversation with [REDACTED] last week From: [REDACTED]@justice.gsi.gov.uk&gt; To: 'Crispin Passmore' [REDACTED]@sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt; Sent: February 4, 2015 9:32:26 AM GMT Received: February 4, 2015 9:32:30 AM GMT</p> <p>Crispin thanks for this.</p>

Date	Event
	<p>A chat would be good. In the meantime, here are the lines we have:</p> <p>The conduct of both firms (Public Interest Lawyers (PIL) and Leigh Day &amp; Co (LD)) is currently the subject of an investigation by the Solicitors Regulation Authority (SRA). I understand that this investigation is in three parts: one focussed on the actions of PIL; one on the actions of LD; and a third part scrutinising the conduct of both firms over the same allegation.</p> <p>The SRA investigation will be thorough. It will review the totality of actions in relation to this matter by both firms. The SRA is acutely aware of the wider public interest in these investigations and is focussed on carrying out a thorough job in the quickest time possible. I understand that they are devoting considerable resource to the investigation and have engaged additional external legal expertise to assist. The investigation will require the SRA to review millions of documents.</p> <p>The SRA has recognised, publicly, the importance of this investigation and have therefore, unusually, decided they will make their findings public. We expect the report to be published on the first two investigations around the end of April.</p> <p>The latter investigation is more complex and is therefore expected to take longer. Ministry of Justice officials will continue to speak regularly with SRA staff to obtain updates on the indicated timeframe for their investigations. It would not be appropriate, however, for them to share progress on the substance of their investigations.</p> <p>I'd appreciate if you could take a look and let me know if you are happy with us saying this to Ministers.</p>
<p>4 February 2015 00000001.00000036.0000 0018  00033497</p>	<p>Follow up to your conversation with [REDACTED] last week From: Crispin Passmore [REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk&gt; Sent: February 4, 2015 3:27:47 PM GMT Received: February 4, 2015 3:29:51 PM GMT Attachments: 15.02.04 Al-Sweady MoJ.docx</p> <p>[REDACTED]</p> <p>Do you mind if I just edit a little?</p> <p>Version attached for your consideration,.</p> <p>Crispin</p>

Date	Event
	<p>The conduct of both firms (Public Interest Lawyers (PIL) and Leigh Day &amp; Co (LD)) is currently the subject of an investigation by the Solicitors Regulation Authority (SRA). I understand that this investigation is essentially in three main parts, largely in regard to the issues raised in the Ministerial Statement: one focussed on the actions of PIL delay in disclosure of the list of detainees; another on the alleged late concession that allegations of unlawful killing were no longer being pursued, one on the actions of LD; and a third part regarding the bringing of allegations that were found by the Inquiry to be false, scrutinising the conduct of both firms over the same allegation.</p> <p>The SRA investigation will be thorough. It will review the totality-relevant evidence of actions in relation to this matter by both firms. The SRA operates in the public interest and is well acutely aware of the wider public interest-concern about the findings of the Inquiry. It in these investigations and is focussed on carrying out a thorough job in the quickest time possible. I understand that they are devoting considerable-significant resource to the investigation and have engaged additional external legal expertise to assist. The investigation will may require the SRA to review millions-very large number of documents.</p> <p>The SRA has recognised, publicly, the importance of this investigation by making a public statement and have therefore, unusually, decided they will make their findings public. We expect findings, the report to be published on the first two aspects of the investigations to be made at around the end of April at the earliest. The timescale will be affected by the level of contention in the investigations. Other strands of the latter investigation is are more complex, arise from the findings of the Inquiry Report itself published on 17 December 2014 and is are therefore expected to take longer. Ministry of Justice officials will continue to speak regularly with SRA staff to obtain updates on the indicated timeframe for their investigations. It would not be appropriate, however, for them to share progress on the substance of their investigations.</p>
<p>4 February 2015 00000001.00000036.0000 0019  00033498</p>	<p>RE: Follow up to your conversation with [REDACTED] last week From: [REDACTED]@justice.gsi.gov.uk&gt; To: 'Crispin Passmore' [REDACTED]@sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt; Sent: February 4, 2015 3:52:50 PM GMT Received: February 4, 2015 3:52:59 PM GMT</p> <p>Crispin thanks for this - I will pass the revisions to colleagues.</p> <p>Can I ask (as it was something specifically asked of me) whether you are investigating the matters relating to the start of the cases - how the firms found their clients and investigated the authenticity of their cases? And interactions between the firms as the cases progressed?</p> <p>Thanks [REDACTED]</p>
<p>4 February 2015 00000001.00000036.0000 0020  00033499</p>	<p>RE: Follow up to your conversation with [REDACTED] last week From: Crispin Passmore [REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk&gt; Sent: February 4, 2015 4:04:08 PM GMT Received: February 4, 2015 4:06:11 PM GMT</p> <p>I don't think that there is any problems with firms advertising or seeking clients proactively – but if anything comes up that suggests that they didn't act with integrity or undermined rule of law then yes we will deal with it. Limits on how clients are attracted is a legal aid rule in contract rather than a regulatory requirement. I think it is too early to say the scope of the investigation covers something narrow – we have really wide look at stuff like this.</p> <p>Does that make sense – sorry its not more specific</p>
<p>4 February 2015</p>	<p>RE: Follow up to your conversation with [REDACTED] last week</p>

Date	Event
<p>00000001.00000036.0000 0021</p> <p>00033500</p>	<p>From: [REDACTED]@justice.gsi.gov.uk&gt; To: 'Crispin Passmore' [REDACTED]@sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;</p> <p>Sent: February 4, 2015 4:08:47 PM GMT Received: February 4, 2015 4:08:50 PM GMT</p> <p>To be honest, I think Ministers want to know that you are looking at everything from start to finish!</p>
<p>4 February 2015</p> <p>00000001.00000036.0000 0022</p> <p>00033501</p>	<p>RE: Follow up to your conversation with [REDACTED] last week From: Crispin Passmore [REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk&gt; Sent: February 4, 2015 4:12:54 PM GMT Received: February 4, 2015 4:14:58 PM GMT</p> <p>We are! The challenge (as ever I suspect) is that the more we look at it widely and from start to finish the longer it takes and the harder we get challenged by the firms. That is inevitable but it is also incompatible with us doing it to a timescale that public and minister might prefer!</p> <p>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.</p>
<p>4 February 2015</p> <p>00000001.00000036.0000 0023</p> <p>00033502</p>	<p>RE: Follow up to your conversation with [REDACTED] last week From: [REDACTED]@justice.gsi.gov.uk&gt; To: 'Crispin Passmore' [REDACTED]@sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW</p> <p>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!</p> <p>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.</p> <p>Separately, I would like to come up to Birmingham soon, for a more general visit [REDACTED] [REDACTED] 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.</p> <p>Best wishes, [REDACTED]</p>
<p>4 February 2015</p>	<p>RE: Follow up to your conversation with [REDACTED] last week</p>

Date	Event
<p>00000001.00000036.0000 0024</p> <p>00033503</p>	<p>From: Crispin Passmore [REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk&gt; Sent: February 4, 2015 4:26:17 PM GMT Received: February 4, 2015 4:28:22 PM GMT</p> <p>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 blt of operational stuff.</p> <p>if you want to suggest some dates i will get someone to put a programme together for you.</p> <p>Crispin</p>
<p>4 February 2015</p> <p>00000001.00000036.0000 0025</p> <p>00033504</p>	<p>RE: Follow up to your conversation with [REDACTED] last week From [REDACTED]@justice.gsi.gov.uk&gt; To: 'Crispin Passmore' [REDACTED]@sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW</p> <p>That would be great, thanks. I'll look through the diary and come back to you.</p> <p>[REDACTED]</p>
<p>10 February 2015</p> <p>00000001.00000036.0000 0026</p> <p>00033505</p>	<p>RE: Follow up to your conversation with [REDACTED] last week From [REDACTED]@justice.gsi.gov.uk&gt; To: 'Crispin Passmore' [REDACTED]@sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW/SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;</p> <p>Sent: February 10, 2015 12:29:37 PM GMT Received: February 10, 2015 12:29:54 PM GMT Hi,</p> <p>Any chance of a quick word this afternoon? if yes, what number could i reach you on?</p> <p>Thanks</p> <p>[REDACTED]</p>
<p>10 February 2015</p> <p>00000001.00000036.0000 0027</p> <p>00033506</p>	<p>RE: Follow up to your conversation with [REDACTED] last week From: Crispin Passmore [REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk&gt; Sent: February 10, 2015 3:10:42 PM GMT Received: February 10, 2015 3:11:24 PM GMT</p> <p>Hi</p> <p>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</p>
<p>10 February 2015</p> <p>00000001.00000036.0000 0028</p> <p>00033507</p>	<p>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</p>

Date	Event
	<p>Crispin,</p> <p>Sorry, I only just saw this. Can I call tomorrow?</p> <p>██████████</p>
<p>10 February 2015 00000001.00000036.0000 0029</p> <p>00033508</p>	<p>RE: Follow up to your conversation with ██████████ last week From: Crispin Passmore ██████████@sra.org.uk&gt; To: ██████████@justice.gsi.gov.uk&gt; Sent: February 10, 2015 8:29:30 PM GMT Received: February 10, 2015 8:30:26 PM GMT</p> <p>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?</p>
<p>11 February 2015 00000001.00000036.0000 0030</p> <p>00033509</p>	<p>From: ██████████@justice.gsi.gov.uk] Sent: 11 February 2015 17:57 To: Crispin Passmore Subject: RE: Follow up to your conversation with ██████████ last week</p> <p>Crispin,</p> <p>Are you around now? What is your number?</p> <p>██████████</p>
<p>11 February 2015 00000001.00000036.0000 0031</p> <p>00033510</p>	<p>RE: Follow up to your conversation with ██████████ last week From: Crispin Passmore ██████████@sra.org.uk&gt; To: ██████████@justice.gsi.gov.uk&gt; Sent: February 11, 2015 6:55:53 PM GMT Received: February 11, 2015 6:57:56 PM GMT</p> <p>Hi ██████████ – sorry again. Just finished meetings. Am on ██████████ but have to get 7:30 train.</p> <p>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</p>
<p>11 February 2015 00000001.00000036.0000 0032</p> <p>00033511</p>	<p>Re: Follow up to your conversation with ██████████ last week From: ██████████@justice.gsi.gov.uk&gt; To: ██████████ Crispin Passmore Sent: February 11, 2015 8:48:18 PM GMT Received: February 11, 2015 8:48:22 PM GMT</p> <p>Crispin, thanks.</p> <p>9.30am tomorrow would work for me. I am working at home tomorrow, but my phone is forwarded so you can call either number.</p> <p>Thanks.</p> <p>██████████</p>
<p>11 February 2015</p>	<p>RE: Follow up to your conversation with ██████████ last week</p>

Date	Event
00000001.00000036.0000 0033  00033512	From: Crispin Passmore [REDACTED]@sra.org.uk> To: [REDACTED]@justice.gsi.gov.uk> Sent: February 11, 2015 8:58:21 PM GMT Received: February 11, 2015 8:58:46 PM GMT  Great - will call as soon as out of first meeting
24 February 2015 00000001.00000036.0000 0034  00033513	Contact for material From: [REDACTED]@justice.gsi.gov.uk> To: 'Crispin Passmore' [REDACTED]@sra.org.uk>, Crispin Passmore </O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA>  Sent: February 24, 2015 10:42:01 AM GMT Received: February 24, 2015 10:42:28 AM GMT  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] Head of Legal Services Policy, Access to Justice Strategy and Specialist Policy - Legal Services Policy   Law and Access to Justice Group   Ministry of Justice   102 Petty France [REDACTED]   tel: [REDACTED]   BB [REDACTED]
24 February 2015 00000001.00000036.0000 0035  00033514	RE: Contact for material From: Crispin Passmore [REDACTED]@sra.org.uk> To: [REDACTED]@justice.gsi.gov.uk> Sent: February 24, 2015 10:58:19 AM GMT Received: February 24, 2015 11:00:20 AM GMT  David Middleton  Executive Director, Legal and Enforcement  The Cube 199 Wharfside Street Birmingham B1 1RN  Crispin
24 February 2015 00000001.00000036.0000 0036  00033515	RE: Contact for material From: [REDACTED]@justice.gsi.gov.uk> To: 'Crispin Passmore' [REDACTED]@sra.org.uk>, Crispin Passmore </O=LAW Sent: February 24, 2015 11:06:51 AM GMT Received: February 24, 2015 11:06:58 AM GMT

Date	Event
	<p>Thanks for this.</p> <p>██████████</p>
<p>25 February 2015 00000001.00000036.0000 0037  00033516</p>	<p>Material in respect of investigations From: ██████████@justice.gsi.gov.uk&gt; To: ██████████@sra.org.uk' ██████████@sra.org.uk&gt;, David Middleton &lt;/O=LAW SOCIETY/OU=LeamingtonSpa/cn=Recipients/cn=D Middleton&gt;</p> <p>Sent: February 25, 2015 11:23:40 AM GMT Received: February 25, 2015 11:24:44 AM GMT</p> <p>David,</p> <p>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.</p> <p>Thanks</p> <p>██████████</p> <p>██████████</p> <p>Head of Legal Services Policy, Access to Justice Strategy and Specialist Policy - Legal Services Policy   Law and Access to Justice Group   Ministry of Justice   102 Petty France ██████████   tel: ██████████   BB ██████████</p>
<p>25 February 2015 00000001.00000036.0000 0038  00033517</p>	<p>RE: Material in respect of investigations From: David Middleton ██████████@sra.org.uk&gt; To: ██████████@justice.gsi.gov.uk&gt; Sent: February 25, 2015 11:51:21 AM GMT Received: February 25, 2015 11:51:23 AM GMT</p> <p>██████████</p> <p>Thanks – email is fine.</p> <p>David</p> <p>David J Middleton Executive Director Solicitors Regulation Authority Tel ██████████ Ext ██████████</p>
<p>25 February 2015 00000001.00000036.0000 0039  00033518</p>	<p>RE: Material in respect of investigations From: ██████████@justice.gsi.gov.uk&gt; To: 'David Middleton' ██████████@sra.org.uk&gt;, David Middleton &lt;/O=LAW SOCIETY/OU=LeamingtonSpa/cn=Recipients/cn=D Middleton&gt; Sent: February 25, 2015 11:55:18 AM GMT Received: February 25, 2015 11:55:22 AM GMT</p>



Date	Event
	<p>Thanks David. I haven't seen the pack that MoD have compiled, so no idea of the size of file, but will pass your email to them to come direct to you.</p> <p>Best wishes,</p> <p>██████████</p>
<p>25 February 2015 00000001.00000036.0000 0040  00033519</p>	<p>20150225-MoD to SRA re Investigation following Al-Sweady Inquiry From: DJEP-Public inquiries Asst Hd 3 (Sanders, Ben Mr) ██████████ ██████████@mod.uk&gt; To: ██████████@sra.org.uk, David Middleton &lt;/O=LAW SOCIETY/OU=LeamingtonSpa/cn=Recipients/cn=D Middleton&gt; Sent: February 25, 2015 12:03:28 PM GMT Received: February 25, 2015 12:05:37 PM GMT Attachments: MoD submissions to SRA_Final composite military witness list as at 27 Aug 14.xlsx, MoD submissions to SRA_28 Jun 13 submissions by MoD re military witnesses to ASI_Annex.xlsx, MoD submissions to SRA_25 Jun 14 letter from PIL to Iraq Fatality Investigations.pdf, MoD submissions to SRA_6 Feb 15 witness statement of PhillipShiner.pdf, MoD submissions to SRA_SMS between IHAT agent and IHAT Liaison re Fatality Investigation.doc, MoD submissions to SRA_email from QC Law to Fatality Investigations.doc, 20150225-MoD submissions to Solicitors Regulation Authority_Covering letter.doc, 20150224-MoD submissions to Solicitors Regulation Authority.doc, MoD submissions to SRA_28 Jun 13 submissions by TSol re military witnesses to ASI.pdf, MoD submissions to SRA_28 Jun 13 submissions by MoD re military witnesses to ASI.pdf, MoD submissions to SRA_Schedule of Iraq Public Law Claims as at 6 Feb 15.pdf, MoD submissions to SRA_Letter 1 from Public Interest Lawyers re IHAT delivered by agent.pdf, MoD submissions to SRA_Letter 2 from Public Interest Lawyers re IHAT delivered by agent.pdf</p> <p>Dear Sir,</p> <p>I have been advised by the Ministry of Justice that you are the correct person to whom to direct the attached information, which the Ministry of Defence believes may assist your investigation (announced in a press release dated 12 January 2015) into concerns over the conduct of the firm Public Interest Lawyers that were expressed in Parliament following publication of the Al-Sweady Inquiry report on 17 December 2014. Please let me know if I can be of further assistance in this matter.</p> <p>Yours faithfully,</p> <p>Ben Sanders</p> <p>Dr Benjamin Sanders Directorate of Judicial Engagement Policy – Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy) ██████████ MOD Main Building, Whitehall, London, SW1A 2HB Tel: ██████████</p>
<p>25 February 2015 00000001.00000036.0000</p>	<p>RE: 20150225-MoD to SRA re Investigation following Al-Sweady Inquiry From: David Middleton ██████████@sra.org.uk&gt;</p>



Date	Event
0041  00033520	<p>To: 'DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr)' [REDACTED] [REDACTED]@mod.uk&gt;</p> <p>Sent: February 25, 2015 12:18:04 PM GMT            Received: February 25, 2015 12:18:09 PM GMT</p> <p>Thank you for your email. I confirm receipt.</p> <p>David J Middleton</p> <p>Executive Director</p> <p>Solicitors Regulation Authority</p> <p>Tel [REDACTED]</p> <p>Ext [REDACTED]</p>
28 February 2015 00000001.00000036.0000 0042  00033521	<p>Al-sweady</p> <p>From: [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>To: [REDACTED]@sra.org.uk' [REDACTED]@sra.org.uk&gt;, [REDACTED]</p> <p>&lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=LS7RED&gt;</p> <p>Sent: February 28, 2015 10:15:12 PM GMT            Received: February 28, 2015 10:15:14 PM GMT</p> <p>Hi [REDACTED],</p> <p>As discussed we're expecting a follow up story on al-sweady tomorrow. Notably that HMG has submitted further info to SRA.</p> <p>No10 lines are below;</p> <p>A Number 10 spokesman said: "it is right that concerns about this case are properly and independently investigated by the SRA.</p> <p>"As the Defence Secretary said last year, British service personnel faced years of uncertainty and anxiety and the British taxpayer was left with a huge bill.</p> <p>"We owe our soldiers an enormous debt of gratitude and it is right that we defend them when they have had to endure what have been shown to be baseless and highly damaging accusations."</p>
28 February 2015 00000001.00000036.0000 0043  00033522	<p>Re: Follow up to your conversation with [REDACTED] last week</p> <p>From: [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>To: [REDACTED] Crispin Passmore&lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;</p> <p>Sent: February 28, 2015 10:44:41 PM GMT            Received: February 28, 2015 10:44:44 PM GMT</p> <p>Crispin,</p>

Date	Event
	<p>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.</p> <p>If you want to speak, feel free to get in touch.</p> <p>██████████</p> <p>"This Message has been sent from a Blackberry Device"</p> <p>From: Crispin Passmore ██████████@sra.org.uk&gt;  To: ██████████  Sent: Wed Feb 11 20:58:21 2015  Subject: RE: Follow up to your conversation with ██████████ last week</p> <p>Great - will call as soon as out of first meeting</p>
<p>28 February 2015  00000001.00000036.0000  0044</p> <p>00033523</p>	<p>RE: Al-sweady</p> <p>From: ██████████@sra.org.uk&gt;  To: ██████████@justice.gsi.gov.uk&gt;  Sent: February 28, 2015 11:50:23 PM GMT  Received: February 28, 2015 11:50:27 PM GMT</p> <p>Thanks ██████████</p> <p>Have a good weekend.</p> <p>██████████</p> <p>From: ██████████@justice.gsi.gov.uk&gt;  Sent: 28/02/2015 22:15  To: ██████████sra.org.uk&gt;  Subject: Al-sweady</p> <p>Hi ██████████</p> <p>As discussed we're expecting a follow up story on al-sweady tomorrow. Notably that HMG has submitted further info to SRA.</p>

March 2015

Date	Event
<p>1 March 2015  00000001.00000036.0000  0045</p> <p>00033524</p>	<p>RE: Follow up to your conversation with ██████████ last week</p> <p>From: Crispin Passmore ██████████@sra.org.uk&gt;  To: ██████████@justice.gsi.gov.uk&gt;  Sent: March 1, 2015 7:25:45 AM GMT  Received: March 1, 2015 7:26:32 AM GMT</p> <p>Thanks ██████████. Our media teams have spoken.</p> <p>We will continue lines of reviewing, investigating etc etc</p>
<p>1 March 2015  00000001.00000036.0000  0046</p>	<p>FW: Al-sweady</p> <p>From: ██████████@justice.gsi.gov.uk&gt;  To: ██████████@sra.org.uk' ██████████@sra.org.uk&gt;, ██████████  ██████████&lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP</p>

Date	Event
00033525	<p>(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=LS7RED&gt;            Sent: March 1, 2015 11:48:28 AM GMT            Received: March 1, 2015 11:48:29 AM GMT</p> <p>Hi [REDACTED]</p> <p>I have taken over from [REDACTED] on duty for the day. I've been asked to share our lines on the Al-Sweady case with you.</p> <p>These are the latest lines cleared from our end and Number 10,</p> <p>Many thanks</p> <p>[REDACTED]</p> <p>Number 10 spokesman said:</p> <p>"It is right that concerns about this case are properly and independently investigated by the SRA.</p> <p>"As the Defence Secretary said last year, British service personnel faced years of uncertainty and anxiety and the British taxpayer was left with a huge bill.</p> <p>"We owe our soldiers an enormous debt of gratitude and it is deeply unfortunate that they have had to endure what have been shown to be baseless and high damaging accusations."</p> <hr/> <p>From: [REDACTED]            Sent: 01 March 2015 09:21            To: [REDACTED]            Subject: Fw: Al-sweady</p> <p>FYI - SoS office asked me to share the al-sweady lines with the SRA. Just in case you need to contact them again today.</p> <p>"This Message has been sent from a Blackberry Device"</p>
1 March 2015 00000001.00000036.0000 0047 00033526	<p>RE: Al-sweady</p> <p>From: [REDACTED]@sra.org.uk&gt;            To: [REDACTED]@justice.gsi.gov.uk&gt;            Sent: March 1, 2015 9:16:04 PM GMT            Received: March 1, 2015 9:16:07 PM GMT</p> <p>Thanks [REDACTED]</p> <p>This only just came through, sorry for not responding earlier.</p> <p>[REDACTED]</p>

Date	Event
<p>Letter dated: 26 February 2015  Received date: 2 March 2015  Document date: 3 March 2015 – perhaps date of scan?  00000001.00000036.00000048  00033527</p>	<p style="text-align: center;">The Rt. Hon. Sir Tony Baldry M.P.</p> <div style="text-align: center;">   HOUSE OF COMMONS  LONDON SW1A 0AA </div> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <p>██████████ Esq.  Team Leader  Solicitors Regulation Authority  The Cube  188 Warwick Street  Birmingham B1 1RN</p> <p>26 February 2016</p> </div> <div style="width: 35%; text-align: right;"> <div style="border: 1px dashed black; padding: 5px; display: inline-block;"> RECEIVED  07 MAR 2015 </div> </div> </div>  <div style="text-align: center;">  ██████████  Thank you for your letter dated 26 February.  Let me look into this with those outside of the House who raised these concerns with me and I will come back to you just as soon as I am able. </div> <div style="text-align: center; margin-top: 10px;">   ██ </div>
<p>11 March 2015  00000001.00000036.00000049  00033528</p>	<p>FAO Dr B. Sanders: Al Sweady inquiry - information requests - CONFIDENTIAL</p> <p>From: ██████████@sra.org.uk&gt;  To: ██████████@mod.uk' ██████████  ██████████@mod.uk&gt;</p> <p>Sent: March 11, 2015 12:07:35 PM GMT  Received: March 11, 2015 12:07:38 PM GMT  Attachments: 140513 Witness Statement of ██████████.pdf</p> <p>CONFIDENTIAL</p> <p>Dear Mr Sanders</p> <p>I am involved with the SRA's investigation into the professional conduct of two regulated firms of solicitors – Public Interest Lawyers Limited and Leigh Day &amp; Co – that have been involved with the Al Sweady Inquiry (ASI). In connection with that investigation, I am seeking various items of information – detailed below - that would assist with progressing our inquiries and consequently I would appreciate any assistance that can be provided.</p> <p>Firstly, I am trying to determine whether the annex 2, containing a complete set of the Notices of Potential Criticisms of the Iraqi witnesses, as referred to in paras 31 and 32 (page 13) of the closing submissions made by the counsel for the military core participants (11 April 2014) is publicly available? If yes, please could a copy be provided to me. It is stated in the previously mentioned para 32, "The TSol military witnesses are entirely content either that they should be made available to the other core participants and the</p>


Date	Event
	<p>public, or kept for the Chairman's use alone." – so it may have been the case that the Chairman has decided not make such NPCs publicly available.</p> <p>The archived ASI website  <a href="http://webarchive.nationalarchives.gov.uk/20150115114702/http://www.alsweadyinquiry.org/linkedfiles/alsweadyinquiry/key_documents/closingsubmissions-treasurysolicitorsdepartment.pdf">http://webarchive.nationalarchives.gov.uk/20150115114702/http://www.alsweadyinquiry.org/linkedfiles/alsweadyinquiry/key_documents/closingsubmissions-treasurysolicitorsdepartment.pdf</a>  <a href="http://webarchive.nationalarchives.gov.uk/20150115114702/http://www.alsweadyinquiry.org/linkedfiles/alsweadyinquiry/key_documents/closingsubmissions-treasurysolicitorsdepartment.pdf">http://webarchive.nationalarchives.gov.uk/20150115114702/http://www.alsweadyinquiry.org/linkedfiles/alsweadyinquiry/key_documents/closingsubmissions-treasurysolicitorsdepartment.pdf</a> ) only refers to Annex Part 1, Part 2, Part 3 – these do not contain any NPCs.</p> <p>in addition there are a number of information requests focusing on the administrative work of the ASI, which are as follows –</p> <ol style="list-style-type: none"> <li>1. Details (i.e. any relevant documents inclusive of emails) of the arrangements between the Inquiry and Public interest Lawyers, and also that with Leigh Day, regarding the attendance at some of the inquiry's overseas visits made during 2010 and 2011 [referred to in ██████████ statement (copy attached) para 5, dated 13 May 2014, provided to the SRA].</li> <li>2. Details (i.e. names of personnel, dates, purpose of the visit inclusive of the names of any iraqi personnel to be met/interviewed, outcome of the visit including whether an indication of whether any documents or other items were obtained) of what such – as referred to in '1' above - overseas visits were made by staff from Public Interest Lawyers and also from Leigh Day.</li> <li>3. List of all formal and informal requests for disclosure of relevant information to the Inquiry that have been made, by the ASI, to Public Interest Lawyers and also to Leigh Day, that are in addition to that information provided in ██████████ statement (copy attached), dated 13 May 2014. If there have been any such disclosure requests made additional to those detailed in ██████████ statement, details of what responses/information were subsequently supplied to the inquiry.</li> <li>4. Clarification as to whether any staff from Public interest Lawyers and/or Leigh Day were 'seconded', or similar, to the inquiry to undertake specific tasks. If this did occur, please provide details of what work was requested of such individuals and the dates involved.</li> <li>5. If lists of persons who attended the Inquiry's preliminary and/or directions hearings have been compiled/retained, please provide copies.</li> <li>6. If transcripts of the preliminary and/or directions hearings have been sent to Public Interest Lawyers and/or to Leigh Day by the inquiry, please would you provide details of when such correspondence took place and the names of the recipients at those 2 firms. In addition, please would it be indicated as to whether Public Interest Lawyers and/or Leigh Day were involved in any consultation in 'approving' such transcripts prior to their release to the</li> </ol>

Date	Event
	<p>public.</p> <p>7. Details of the process of how relevant costs incurred by Public Interest Lawyers and Leigh Day – albeit that firm did not represent the Iraqi Core Participants at the inquiry – were submitted to the inquiry.</p> <p>8. Indication of the detail contained on any costs invoices, or similar, submitted by Public Interest Lawyers and/or Leigh Day to the inquiry – e.g. does an invoice, or similar, contain detail such as 'reviewed documents provided by Dr K. Al-Sweady on xx/xx/2012, 2hrs'.</p> <p>Thank you for any assistance that can be offered, and if it would be useful to discuss the best way to take forward the above requests, please do not hesitate to phone me.</p> <p>Yours sincerely</p> <p>[REDACTED]</p> <p>Team Leader</p> <p>Supervision</p> <p>Solicitors Regulation Authority</p> <p>[REDACTED]</p>
<p>24 March 2015 00000001.00000036.0000 0050</p> <p>00033529</p>	<p>20150320-Al Sweady Inquiry - Information requests</p> <p>From: [REDACTED]@sra.org.uk</p> <p>To: [REDACTED]@mod.uk'</p> <p>[REDACTED]@mod.uk&gt;</p> <p>Sent: March 24, 2015 1:01:49 PM GMT Received: March 24, 2015 1:01:52 PM GMT</p> <p>Dear Dr Sanders</p> <p>Thank you for the information supplied below, and offering further assistance if we have additional questions.</p> <p>Yours sincerely</p> <p>[REDACTED]</p> <p>Team Leader</p> <p>Supervision</p> <p>Solicitors Regulation Authority</p> <p>{ [REDACTED]</p> <p>: &lt;<a href="http://www.sra.org.uk">http://www.sra.org.uk</a>&gt; www.sra.org.uk</p> <p>Supervision proactively engages with firms, promoting risk management within the regulated community to help improve standards and to provide the right outcome for consumers.</p> <p>From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr) [REDACTED] [REDACTED]@mod.uk]</p> <p>Sent: 20 March 2015 15:44</p>

Date	Event
	<p>To: [REDACTED]  Subject: 20150320-AI Sweady Inquiry - information requests</p> <p>Dear [REDACTED]</p> <p>Let me begin by apologising for the delay in responding to your questions. The Inquiry is now complete, their team has been disbanded, and their data holdings are in the process of being archived. This has significantly complicated the task of providing answers. It will also, I fear, complicate the process of getting you access to the information you seek.</p> <p>To take your questions in turn:</p> <ul style="list-style-type: none"> <li>· Notices of Potential Criticism – The NPCs in Annex 2 to the Closing Submissions were not published to the inquiry’s website, as the Chairman considered that they had originally been provided in confidence to the inquiry. There will certainly be copies among the inquiry’s electronic files. However, all of the drives and servers have been passed to TNA, which estimate that it will take 6 months (i.e. until approximately September) to process them. Even then, the Inquiry Secretary believes it is likely that these will have been designated closed records as they will have been filed with other legal correspondence relating to witnesses. Although it is likely that the Treasury Solicitor’s Department (TSol) or Counsel for the military witnesses will have retained a copy, I am advised by the inquiry Solicitor that for them to provide them to the SRA would undermine the Chairman’s decision. The inquiry Solicitor recommends that the SRA requests copies from PIL, although she recognises that they may raise arguments against disclosure. If you would prefer to request these from TSol or Counsel, please let me know, and I will direct your request to the relevant person.</li> <li>· Arrangements for overseas visits in 2010-2011 – Any such information would be on the drives and servers transferred to TNA, and so is currently unavailable.</li> <li>· Details of overseas visits in 2010-2011 by PIL/Leigh Day &amp; Co – Any such information would be on the drives and servers transferred to TNA, and so is currently unavailable.</li> <li>· Lists of formal or informal requests for disclosure – Any such information would be on the drives and servers transferred to TNA, and so is currently unavailable.</li> <li>· Secondment of PIL / Leigh Day &amp; Co staff – The Inquiry Secretary has confirmed that no personnel from either PIL or Leigh Day &amp; Co were seconded to the inquiry team for any period or to undertake defined tasks.</li> <li>· Lists of personnel who attended the Inquiry’s preliminary or directions hearings – I do not know whether such information will have been retained in electronic format. If so, it would be on the drives and servers transferred to TNA, and so is currently unavailable. The Inquiry Secretary believes that these lists may have been among the hard-copy files destroyed at the Inquiry’s conclusion.</li> <li>· Transcripts of preliminary or directions hearings – I do not believe that</li> </ul>



Date	Event
	<p>transcripts will have been sent to PIL or Leigh Day &amp; Co, as they were not sent to either MOD or the Treasury Solicitor's Department. Transcripts were published to the Inquiry's website by the evening of the day on which such hearings took place. Transcripts were not formally approved prior to publication; however, core participants were able to request that sensitive information (if it had been inadvertently disclosed) be redacted prior to the transcript being published and that any errors in the transcript be corrected.</p> <ul style="list-style-type: none"> <li>· Process for notifying the Inquiry of costs – I believe that PIL submitted invoices to the inquiry at regular intervals to cover any costs incurred – whether fees relating to work undertaken by PIL or their Counsel, or disbursements for other expenses. These were scrutinised by the Inquiry to ensure that the costs fell within the terms of the Chairman's s40 determination, and to enable any disputes to be resolved. The agreed invoices were then passed to MOD for payment. MOD has no record of Leigh Day &amp; Co submitting any invoices to the Inquiry.</li> <li>· Detail contained on invoices – The invoices submitted were necessarily quite detailed to enable the Deputy Solicitor [REDACTED] to verify whether the costs incurred were within the terms of the s40 determination. The cover pages of PIL invoices summarised the total charges and provided a brief description, e.g. "Agreed Fees for Counsel for September 2012", while the backing pages provided detail of the QC or solicitor, together with a breakdown of individual activities and timings making up the total charge (e.g. review documents from x, draft documents for x. = x hours/minutes and x cost)</li> </ul> <p>i am sorry that I have been unable to be more helpful. Please let me know if you have any additional questions, with which you require assistance.</p> <p>Yours sincerely,</p> <p>Ben Sanders</p> <p>Dr Benjamin Sanders</p> <p>DJEP Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy) [REDACTED]  [REDACTED], MOD Main Building, Whitehall, London, SW1A 2H8  Tel: [REDACTED]</p>

Date	Event
<p>24 March 2015  Received: 25 March 2015  00000001.00000036.0000  0051    00033530</p>	<p style="text-align: center;">The Rt. Hon. Sir Tony Nataray M.P.</p> <div style="display: flex; justify-content: space-between;">  <p>25 MAR 2015 PP/2862</p> </div> <p style="text-align: center;">HOUSE OF COMMONS LONDON SW1A 0AA</p> <p>Paul Philip, Esq.,  Chief Executive  The Solicitors Regulation Authority  The Cube,  199 Wharfedale Street,  Birmingham, B1 1RN</p> <p>24 March 2015</p> <p><i>Dear Mr Philip</i></p> <p>Thank you for your recent letter asking for evidence to support my assertion in the House of Commons on 17<sup>th</sup> December that the Law Firms Public Interest Lawyers and Leigh Day &amp; Co. were using agents to tout for business in Iraq and elsewhere in contravention of the Code of Conduct.</p> <p>I understand that the Ministry of Defence has submitted a dossier of evidence to the Solicitors Regulation Authority on 25<sup>th</sup> February, which detailed a number of breaches of the Code of Conduct by the firm Public Interest Lawyers, including using an agent to make unsolicited approaches to Iraqi citizens with a view to bringing claims in the High Court.</p> <div style="background-color: black; width: 100px; height: 20px; margin: 10px auto;"></div>

April 2015

Date	Event
<p>8 April 2015  00000001.00000036.0000  0052    00033531</p>	<p>SRA investigation into Leigh Day [SIMS-LE1.FID1575767]  From: [REDACTED]@simmons-simmons.com&gt;  To: [REDACTED]@mod.uk' &lt;[REDACTED]@mod.uk&gt;, [REDACTED]@mod.uk'  Cc: [REDACTED]@sra.org.uk &lt;[REDACTED]@sra.org.uk&gt;  Sent: April 8, 2015 4:19:08 PM BST  Attachments: FW: Urgent - Al-Sweady matters/SRA investigation, image001.gif</p> <p>Dear Dr Sanders</p> <p>As you know the SRA are carrying out an investigation into Leigh Day and PIL in relation to their conduct when acting for Iraqi clients in the Al Sweady inquiry.</p> <p>We have been instructed by the SRA to assist the investigation and provide legal and technical advice.</p> <p>A section 44B Notice (a compulsory production notice) has been served on</p>

Date	Event
	<p>Leigh Day requiring them to produce a broad range of electronic documents over the relevant period. We are at the point when Leigh Day has harvested data responsive to the Notice from their electronic system – It is a significant quantity of data. They are concerned that without reviewing each document there may be documents contained within the data provided to us and the SRA which may be subject to specific undertakings given to the MoD/FCO/DFID or subject to CPR 31.12. A document by document review of this amount of data would take months. They have therefore sought release from the undertakings from the High Court and the GLD/TSol. The High Court lifted the undertaking by way of an Order on 31 March for the purpose of allowing the disclosure of documents to us. Leigh Day has yet to hear from the GLD. Leigh Day has been corresponding with [REDACTED] at the GLD.</p> <p>We wondered whether you or someone in your department may be able to contact the GLD to move this process along. I understand that the fire in Kingsway has had an effect on the GLD email system.</p> <p>I attach some of the recent correspondence between their solicitor with conduct – [REDACTED]. There are a number of other undertakings that they have more recently contacted [REDACTED] about.</p> <p>Yours sincerely</p> <p>[REDACTED]</p> <p>Supervising Associate  Simmons &amp; Simmons LLP  DD [REDACTED]  M [REDACTED]  [REDACTED]@simmons-simmons.com</p> <p>From: [REDACTED] [mailto:[REDACTED]@leighday.co.uk]  Sent: 07 April 2015 19:49  To: [REDACTED]  Cc: [REDACTED]  Subject: FW: Urgent - Al-Sweady matters/SRA investigation  Importance: High</p>
00000001.00000036.0000 0052_001	
00000001.00000036.0000 0052_002	
00000001.00000036.0000 0052_003	Dear [REDACTED]
00000001.00000036.0000 0052_004	I attach the first email sent last Wednesday together with letter and enclosures.
00000001.00000036.0000 0052_005	<p>I have been liaising with the GLD/TSol as the MOD/FCO/DFID representatives in the relevant claims. In addition to those individuals below, I have also been corresponding today with [REDACTED], as you are aware.</p> <p>I will forward on the emails sent to her to follow (these relate to the</p>

Date	Event
	<p>additional undertakings).</p> <p>Kind regards</p> <p>██████████</p> <hr/> <p>From: ██████████  Sent: 01 April 2015 16:24  To: ██████████  Cc: ██████████@TSOL.GSI.GOV.UK; ██████████  ██████████@tsol.gsi.gov.uk); ██████████  Subject: Urgent - Al-Sweady matters/SRA investigation</p> <p>Dear ██████████</p> <p>Please see attached our letter of today's date and enclosures thereto.</p> <p>As you will note, we have requested a response by the close of business tomorrow. In the circumstances, we should be grateful of your best efforts in turning this around at short notice.</p> <p>Please note that I am on annual leave tomorrow, returning Tuesday. I will have some access to emails however should you require anything urgently to assist in responding, please address emails or calls to ██████████, our Managing Partner, who is copied in (and on ██████████)</p> <p>Kind regards</p> <p>██████████</p> <p>██████████, Solicitor assisting ██████████  Leigh Day Priory House, 25 St John's Lane, London EC1M 4LB  Tel: ██████████ Fax: ██████████ DX 53326 Clerkenwell</p>
<p>8 April 2015  00000001.00000036.0000  0053</p> <p>00033532</p>	<p>RE: SRA Investigation into Leigh Day [SIMS-LE1.FID1575767]  From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr) &lt;██████████@mod.uk&gt;  To: ██████████@simmons-simmons.com&gt;  Cc: ██████████@sra.org.uk &lt;██████████@sra.org.uk&gt;, ██████████@governmentlegal.gov.uk &lt;██████████@governmentlegal.gov.uk&gt;, DJEP-JRs Casework 1 &lt;██████████@mod.uk&gt;</p> <p>Sent: April 8, 2015 4:27:00 PM BST  Received: April 8, 2015 4:27:28 PM BST  Attachments: image001.gif</p> <p>Dear ██████████</p> <p>Thank you for your email. We are aware of the impact of the fire on the GLD email system. MOD was notified yesterday of Leigh Day's request, and confirmed to the GLD that we would be content for the Leigh Day to be</p>

Leigh

Date	Event
	<p>released from the undertakings for the purpose of assisting the SRA investigation. I imagine that Leigh Day will receive official confirmation of this within the next few days.</p> <p>Yours sincerely,</p> <p>Ben Sanders</p> <p>Dr Benjamin Sanders            DJEP Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy) [REDACTED]            [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB            Tel: [REDACTED]</p>
<p>8 April 2015            00000001.00000036.0000            0054</p> <p>00033533</p>	<p>RE: SRA investigation into Leigh Day [SIMS-LE1.FID1575767]            From: [REDACTED]@simmons-simmons.com&gt;            To: 'DJEP-Public inquiries Asst Hd 3 (Sanders, Ben Mr)' &lt;[REDACTED]            [REDACTED]@mod.uk&gt;</p> <p>Cc: [REDACTED]@sra.org.uk' &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED]@governmentlegal.gov.uk' &lt;[REDACTED]@governmentlegal.gov.uk&gt;, 'DJEP-JRs Casework 1' &lt;[REDACTED]@governmentlegal.gov.uk&gt;, [REDACTED]@mod.uk&gt;, [REDACTED]@sra.org.uk', [REDACTED]@governmentlegal.gov.uk'</p> <p>Sent: April 8, 2015 5:13:54 PM BST            Attachments: image001.gif</p> <p>Dear Ben</p> <p>Thank you for your prompt response.            [REDACTED] – I was intending to confirm the position with Leigh Day today.</p> <p>Will this cause you a problem?</p> <p>Kind regards            [REDACTED]</p>
<p>15 April 2015            00000001.00000036.0000            0055</p> <p>00033534</p>	<p>RE: 20150320-AI Sweady Inquiry - information requests            From: [REDACTED]@sra.org.uk&gt;            To: [REDACTED]@mod.uk' &lt;[REDACTED]@mod.uk&gt;</p> <p>Sent: April 15, 2015 5:33:50 PM BST            Received: April 15, 2015 5:33:55 PM BST</p> <p>Dear Dr Sanders</p> <p>It's been noted that the Inquiry's website is now being maintained by TNA. I would consequently appreciate being informed as to whether this means that any part of the information currently available to the public, on the archived Inquiry website, will subsequently be removed. If this may be the case is it possible to be made aware prior to any such event?</p>

Date	Event
	<p>Thank you for any assistance which you may be able to offer with responding to the above queries.</p> <p>Yours sincerely</p> <p>[REDACTED]</p> <p>Team Leader Supervision Solicitors Regulation Authority</p> <p>[REDACTED]</p>
<p>20 April 2015 00000001.00000036.0000 0056</p> <p>00033535</p>	<p>From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr) &lt;[REDACTED]@mod.uk&gt;</p> <p>To: [REDACTED]@sra.org.uk&gt;</p> <p>Sent: April 20, 2015 10:16:32 AM BST</p> <p>Received: April 20, 2015 10:17:08 AM BST</p> <p>Dear [REDACTED]</p> <p>Responsibility for the Al-Sweady Inquiry website has been transferred to The National Archives as part of the requirement in the Inquiry Rules for a record of a public inquiry to be transferred to the relevant archive for permanent preservation. TNA will maintain public access to all information that was available on the website at the point of transfer – i.e. nothing further will be added, and nothing will be removed. I trust that this will reassure you on this point.</p> <p>Yours sincerely,</p> <p>Ben Dr Benjamin Sanders DJEP Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy) [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB Tel: [REDACTED]</p>

May 2015

Date	Event
<p>13 May 2015 00000001.00000036.0000 0057</p> <p>00033536</p>	<p>20150513-Al-Sweady Inquiry: SRA investigation</p> <p>From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr) &lt;[REDACTED]@mod.uk&gt;</p> <p>To: [REDACTED]@sra.org.uk&gt;</p> <p>Sent: May 13, 2015 10:39:55 AM BST</p> <p>Received: May 13, 2015 10:40:20 AM BST</p> <p>Dear [REDACTED]</p> <p>I have been asked by senior managers here to ascertain when the SRA is likely to complete its investigation into matters connected with the Al-Sweady Inquiry. While I realise that you do not comment publicly on ongoing investigations, I was wondering whether you are able to provide an</p>

Date	Event
	<p>indication as to what stage the investigation has reached, and consequently when it might be completed.</p> <p>The International Criminal Court's Office of The Prosecutor informed officials last week that it is aware of, and interested in your investigation, in the context of its preliminary examination of allegations communicated to them by Public Interest Lawyers in case this has any bearing on their assessment of the credibility of those allegations. It would be helpful if, in responding to their requests for information in connection with the preliminary examination, we could provide an estimate of when the SRA might report on its findings.</p> <p>Yours sincerely,  Ben Sanders  Dr Benjamin Sanders  DJEP Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy)  ██████████, MOD Main Building, Whitehall, London, SW1A 2HB  Tel: ██████████</p>
<p>13 May 2015  00000001.00000036.00000058  00033537</p>	<p>RE: Material in respect of investigations  From: ██████████@justice.gsi.gov.uk&gt;  To: 'David Middleton' &lt;██████████@sra.org.uk&gt;, David Middleton &lt;/O=LAW SOCIETY/OU=LeamingtonSpa/cn=Recipients/cn=D Middleton&gt;</p> <p>Sent: May 13, 2015 11:41:32 AM BST  Received: May 13, 2015 11:41:36 AM BST</p> <p>David,</p> <p>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?</p> <p>We need to be ready to update Ministers on the progress made in this case.</p> <p>Thanks  ██████████</p> <p>From: David Middleton [mailto:██████████@sra.org.uk]  Sent: 25 February 2015 11:51  To: ██████████  Subject: RE: Material in respect of investigations</p> <p>██████████</p> <p>Thanks – email is fine.</p> <p>David  David J Middleton  Executive Director  Solicitors Regulation Authority  Tel ██████████</p>

Date	Event
<p>13 May 2015 00000001.00000036.0000 0059  00033538</p>	<p>RE: Material in respect of investigations From: David Middleton &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk Sender: [REDACTED]@sra.org.uk Sent: May 13, 2015 12:05:17 PM BST Received: May 13, 2015 12:05:21 PM BST</p> <p>Good afternoon [REDACTED]</p> <p>David is currently on annual leave. When do you need to update Minister on progress please?</p> <p>[REDACTED]</p> <p>PA to David Middleton - Executive Director, Legal, Enforcement and Client Protection</p> <p>PA to Robert Loughlin - Executive Director, Operations and Quality</p> <p>Solicitors Regulation Authority [REDACTED]</p>
<p>13 May 2015 00000001.00000036.0000 0060  00033539</p>	<p>RE: Material in respect of investigations From: [REDACTED]@justice.gsi.gov.uk To: 'David Middleton' &lt;[REDACTED]@sra.org.uk&gt;, David Middleton &lt;/O=LAW SOCIETY/OU=LeamingtonSpa/cn=Recipients/cn=D Middleton&gt;  Sent: May 13, 2015 12:30:56 PM BST Received: May 13, 2015 12:31:01 PM BST</p> <p>Hi [REDACTED]</p> <p>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?</p> <p>Thanks [REDACTED]</p>
<p>13 May 2015 00000001.00000036.0000 0061  00033540</p>	<p>RE: Material in respect of investigations From: [REDACTED]@sra.org.uk To: [REDACTED]@justice.gsi.gov.uk Sent: May 13, 2015 2:41:14 PM BST Received: May 13, 2015 2:41:17 PM BST</p> <p>Heilo [REDACTED]</p> <p>David is away from the office until the 27 May, so yes, I will engage with colleagues to provide you with an update.</p> <p>Can I just confirm with you that the case is Al Sweady.</p>



Date	Event
	<p>██████████</p> <p>PA to David Middleton - Executive Director, Legal, Enforcement and Client Protection</p> <p>PA to Robert Loughlin - Executive Director, Operations and Quality</p> <p>Solicitors Regulation Authority</p> <p>Ext. ██████████</p> <p>DDI: ██████████</p> <p>E-mail: ██████████@sra.org.uk</p>
<p>13 May 2015</p> <p>00000001.00000036.00000062</p> <p>00033541</p>	<p>Re: Material in respect of investigations</p> <p>From: ██████████@justice.gsi.gov.uk&gt;</p> <p>To: ██████████@sra.org.uk' &lt;██████████@sra.org.uk&gt;, ██████████</p> <p>&lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JT4SPA&gt;</p> <p>Sent: May 13, 2015 3:07:29 PM BST</p> <p>Received: May 13, 2015 3:07:36 PM BST</p> <p>Hi ██████████</p> <p>Yes, it is the al sweady related case.</p> <p>██████████</p> <p>"This Message has been sent from a Blackberry Device"</p>
<p>15 May 2015</p> <p>00000001.00000036.00000063</p> <p>00033542</p>	<p>Re: Material in respect of investigations</p> <p>From: ██████████@justice.gsi.gov.uk&gt;</p> <p>To: ██████████@sra.org.uk' &lt;██████████@sra.org.uk&gt;, ██████████</p> <p>&lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JT4SPA&gt;</p> <p>Sent: May 15, 2015 9:46:14 AM BST</p> <p>Received: May 15, 2015 9:46:19 AM BST</p> <p>Hi ██████████</p> <p>I'm being pressed to finalise the briefing on this issue, so would really appreciate the update (I'm aware you've spoken with ██████████ as MoD have also been asking for updates - we are looking at how to ensure you only get asked once and <b>only for what we might reasonably expect to be told</b>).</p> <p>Thanks</p> <p>██████████</p> <p>"This Message has been sent from a Blackberry Device"</p>
<p>15 May 2015</p> <p>00000001.00000036.00000064</p> <p>00033543</p>	<p>RE: Material in respect of investigations</p> <p>From: ██████████@sra.org.uk&gt;</p> <p>To: ██████████@justice.gsi.gov.uk&gt;</p> <p>Sent: May 15, 2015 11:16:23 AM BST</p> <p>Received: May 15, 2015 11:16:26 AM BST</p> <p>Good morning ██████████</p> <p>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.</p>

Date	Event
	<p>Best wishes..  ██████████</p> <p>PA to David Middleton - Executive Director, Legal, Enforcement and Client Protection</p> <p>PA to Robert Loughlin - Executive Director, Operations and Quality</p> <p>Solicitors Regulation Authority  Ext ██████████  DDI: ██████████  E-mail: ██████████@sra.org.uk</p>
<p>15 May 2015  00000001.00000036.0000  0065  00033544</p>	<p>Out of Office: Material in respect of investigations  From: ██████████@justice.gsi.gov.uk&gt;  To: ██████████@sra.org.uk&gt;, ██████████  &lt;/O=LAWSOOCIETY/OU=EXCHANGE ADMINISTRATIVE  GROUP(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JT4SPA&gt;  Sent: May 15, 2015 11:16:54 AM BST  Received: May 15, 2015 11:23:49 AM BST</p> <p>I will be working remotely in the morning of Friday 15 May, returning to the office on Monday 18 April.</p> <p>Best wishes,  ██████████  Head of Legal Services Policy, Law and Access to Justice Group, Tel: ██████████  ██████████ Blackberry: ██████████</p>
<p>15 May 2015  00000001.00000036.0000  0066  00033545</p>	<p>Al-Sweady update  From: Jane Malcolm &lt;██████████@sra.org.uk&gt;  To: ██████████@justice.gsi.gov.uk&gt;  Sent: May 15, 2015 3:51:35 PM BST  Received: May 15, 2015 3:51:37 PM BST</p> <p>██████████</p> <p>Thank you for your query.</p> <p>Please find update below, as helpfully provided by our General Counsel, Juliet Oliver.</p> <p>Please don't hesitate to contact me if I can help further.</p> <p>Regards  Jane Malcolm  Executive Director External Affairs  Sent from my Windows Phone</p> <hr/> <p>From: Juliet Oliver &lt;mailto:██████████@sra.org.uk&gt;  Sent: 15/05/2015 15:47  To: Jane Malcolm &lt;mailto:██████████@sra.org.uk&gt;</p>

Date	Event
	<p><b>Subject:</b></p> <p>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).</p> <p>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.</p> <p>The issues we are investigating are <b>interlinked</b>, and our view is that these are best considered <b>in the round</b> so that we can build a <b>full picture</b> 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.</p> <p>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.</p>
<p>15 May 2015 00000001.00000036.0000 0067  00033546</p>	<p>Out of Office: Al-Sweady update</p> <p>From: [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAWSOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p> <p>Sent: May 15, 2015 3:52:03 PM BST Received: May 15, 2015 3:59:02 PM BST</p> <p>i will be working remotely in the morning of Friday 15 May, returning to the office on Monday 18 April.</p> <p>Best wishes,</p> <p>[REDACTED]</p> <p>Head of Legal Services Policy, Law and Access to Justice Group, Tel: [REDACTED] [REDACTED], Blackberry: [REDACTED]</p>
<p>15 May 2015 00000001.00000036.0000 0068  00033547</p>	<p>Al-Sweady update</p> <p>From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;</p> <p>To: [REDACTED]@mod.uk &lt;[REDACTED]@mod.uk&gt;</p>

Date	Event
	<p>Sent: May 15, 2015 3:56:21 PM BST Received: May 15, 2015 3:56:24 PM BST</p> <p>Dear Dr Sanders</p> <p>Thank you for your query.</p> <p>Please find below an update on progress with our investigation, as provided by our General Counsel, Juliet Oliver.</p> <p>Please, don't hesitate to contact me if i can help further.</p> <p>Regards Jane Malcolm Executive Director External Affairs Sent from my Windows Phone</p>
<p>15 May 2015 00000001.00000036.0000 0069  00033548</p>	<p>FW: Al-Sweady update From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt; Cc: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt; Sent: May 15, 2015 4:03:20 PM BST Received: May 15, 2015 4:03:22 PM BST</p> <p>[REDACTED]</p> <p>I see [REDACTED] is out of the office so am forwarding through just to make sure of receipt.</p> <p>Many thanks Jane Sent from my Windows Phone</p>
<p>15 May 2015 00000001.00000036.0000 0070  00033549</p>	<p>RE: Al-Sweady update From: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt; To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM035RA&gt; Cc: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt; Sent: May 15, 2015 4:04:26 PM BST Received: May 15, 2015 4:04:31 PM BST</p> <p>Thanks very much.</p> <p>[REDACTED]</p> <p>Deputy Director A2J Strategy and Specialist Policy, Access to Justice Directorate Law and Access to Justice Group Ministry of Justice [REDACTED] 102 Petty France London SW1H 9AJ</p>

Date	Event
	Tel [REDACTED] Mobile [REDACTED] email [REDACTED]@justice.gsi.gov.uk
15 May 2015 00000001.00000036.0000 0071  00033550	RE: Al-Sweady update From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr) <[REDACTED]@mod.uk> To: Jane Malcolm <[REDACTED]@sra.org.uk>, Jane Malcolm </O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA> Sent: May 15, 2015 4:08:03 PM BST Received: May 15, 2015 4:08:12 PM BST  Dear Ms Malcolm, Thank you for the update. Regards, Ben Dr Benjamin Sanders DJEP Assistant Head 3 (Public Inquiries & Judicial Reviews Strategy) [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB Tel [REDACTED]
15 May 2015 00000001.00000036.0000 0072  00033551	Re: Al-Sweady update From: [REDACTED]@justice.gsi.gov.uk> To: [REDACTED]@sra.org.uk' <[REDACTED]@sra.org.uk>, Jane Malcolm </O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA> Sent: May 15, 2015 4:26:13 PM BST Received: May 15, 2015 4:26:20 PM BST  Jane, thank you. I forwarded to [REDACTED] also.  [REDACTED] "This Message has been sent from a Blackberry Device"
15 May 2015 00000001.00000036.0000 0073  00033552	RE: Al-Sweady update From: Jane Malcolm <[REDACTED]@sra.org.uk> To: [REDACTED]@justice.gsi.gov.uk> Sent: May 15, 2015 4:46:11 PM BST Received: May 15, 2015 4:46:14 PM BST  Thanks [REDACTED], thought it was best to err on side of caution.  Have a good weekend. Jane Sent from my Windows Phone

June 2015

Date	Event
24 June 2015 00033726	<p><b>FW: Re Al-Sweady matters/SRA investigation</b></p> <p>[REDACTED]</p> <p>From: [REDACTED] (governmentlegal.gov.uk) Sent: 24 June 2015 17:49 To: [REDACTED] Cc: [REDACTED] Subject: Re Al-Sweady matters/SRA investigation Importance: High</p> <p>Dear [REDACTED]</p> <p>I refer to [REDACTED] letter of 1st April 2015 and subsequent e-mails requesting MOJ, FCO and DFID agreement to a limited release of Leigh Day from all undertakings given over the period 14th May 2001 – 21st January 2015 regarding disclosure provided in the Inco Civilian and Inco Civilian Employees Litigation, such release to be solely for the purpose of the SRA's investigation. Please direct all correspondence to me instead of Alan [REDACTED] since the undertakings relate to private law proceedings. I apologise for the delay in responding which has arisen out of the substantial time we were out of the office due to the Hobourn fire and the time it has taken to agree a position with FCO and DFID.</p> <p>Our clients are keen to assist the SRA investigation. However, as you will appreciate, they need to ensure the substantial amount of information they are agreeing to allow provision of without any review by themselves or Leigh Day is dealt with in a suitably secure manner. Further to that, I confirm the MOJ, DFID and FCO are prepared to release Leigh Day from the above undertakings on the basis of the attached undertaking which we must stress the balance between the above mentioned factors. In light of the fact Simmons &amp; Simmons will be holding the information in question, we consider it reasonable for them to be a party to this as well. In that light, could you please fill in the square brackets with regard to the various claim forms which we have been unable to track down and (using [REDACTED]) confirm you are content or we have any concerns. The draft can then be finalised and the information provided to Simmons &amp; Simmons.</p> <p>I look forward to hearing from you and [REDACTED] as soon as possible.</p> <p>Best regards,</p> <p>[REDACTED] [REDACTED]</p> <p>Grade 6 Lawyer Litigation A2   MOJ Private Law Team (Government Legal Department)   One Rombold Street, London WC2B 4TS   Tel: [REDACTED]   [REDACTED]@governmentlegal.gov.uk</p>

Date	Event
	<p style="text-align: center;"><b>Undertaking</b></p> <p><b>WHEREAS</b></p> <ol style="list-style-type: none"> <li>1. Over the period 14<sup>th</sup> May 2004 -21<sup>st</sup> January 2015             <ol style="list-style-type: none"> <li>a. The Ministry of Defence (<i>the MOD</i>) disclosed documents to Leigh Day Solicitors (<i>Leigh Day</i>) in claims HQ00901226, HQ00909730, HQ10X00096, HQ13X01908, HQ13X01908, HQ16X000863 [<i>Leigh Day to add any other ones</i>] (<i>Iraqi Civilian Litigation Documents</i>), and</li> <li>b. The MOD, Foreign &amp; Commonwealth Office (<i>the FCO</i>) and Department for International Development (<i>DFID</i>) disclosed documents to Leigh Day in claims HQ09X01187, HQ10X04891, HQ11X00335 and HQ11X01516 (<i>Iraqi LEC Litigation Documents</i>);</li> <li>c. together <i>"Iraqi Litigation Documents"</i></li> </ol> </li> </ol> <p><b>AND</b></p> <ol style="list-style-type: none"> <li>2. Pursuant to the duties of Leigh Day under CPR 31.22 (including various undertakings in respect of those duties, <i>"the Undertakings"</i>).</li> </ol> <p><b>AND UPON</b></p> <ol style="list-style-type: none"> <li>3. Leigh Day being served with a notice by the Solicitor's Regulatory Authority (<i>the SRA</i>) under s44B of the Solicitor's Act 1974 dated 26<sup>th</sup> February 2015 (<i>the SRA Investigation</i>) requesting documentation relating to their instruction in the following matters:             <ol style="list-style-type: none"> <li>a. 8 claims issued under claim form [<i>Leigh Day to add</i>] with unique identifying numbers HJ68896, HJ69096, HJ71014, HJ68077, HJ68015, HJ69054, HJ69063 as well as HJ68914; and</li> <li>b. The investigative stages of the <i>Al Steady Inquiry</i>.</li> </ol> </li> <li>4. A search being undertaken by Leigh Day for documents relevant to the SRA investigation and the documents retrieved as a result of that search (<i>the "SRA Investigation Documentation"</i>) potentially containing Iraq Litigation Documents which do not relate to the SRA investigation.</li> <li>5. The solicitors for the SRA investigation (<i>Simmons &amp; Simmons</i>) requesting that Leigh Day provide the SRA Investigation Documentation without first reviewing it to avoid any delay that review may cause.</li> </ol> <p><b>AND UPON</b></p> <ol style="list-style-type: none"> <li>6. Leigh Day agreeing to transfer any Iraq Litigation Documents to Simmons &amp; Simmons in accordance with Schedule 1 of this undertaking.</li> <li>7. Simmons &amp; Simmons and any counsel they have instructed undertaking to take the steps set out below regarding any Iraq Litigation Documents (whether they are</li> </ol>

Date	Event
	<p>relevant to the SRA investigation or not); and to explain to the SRA the importance of doing so</p> <ol style="list-style-type: none"> <li>a. To keep them confidential and not to use them for any other purposes save the SRA investigation.</li> <li>b. Not to disclose all or any part of them to any persons or to publish, reproduce, or otherwise place them or any part of them into the public domain (whether for the purposes of the SRA investigation or otherwise) without the written consent of the parties set out below. Such consent not to be unreasonably withheld and to be sought by Simmons &amp; Simmons in writing from the Government Legal Department ("GLD") no later than 14 working days prior to the proposed disclosure of the document. <ol style="list-style-type: none"> <li>i. The MOD, if that document relates to the Iraq Civilian Litigation, or</li> <li>ii. FCO, DFID and the MOD as appropriate if that document relates to the Iraq IEC Litigation.</li> </ol> </li> <li>c. Handle and store them as required in accordance with Schedule 1 of the undertaking.</li> <li>d. To return to Leigh Day (as set out at Schedule 1 (1) or destroy (in accordance with Schedule 1 (3(f))) any of them which are irrelevant to the SRA investigation in accordance with the procedure set out at Schedule 1 of this undertaking.</li> <li>e. Notify the GLD forthwith in writing if there has been any actual or suspected breach of this undertaking so steps can be taken to minimize the potential impact of such breaches.</li> </ol> <p><b>THE MOD, FCO &amp; DFID</b></p> <p>Agree, solely for the purposes of the SRA investigation and on the basis of this undertaking, to release Leigh Day from the Undertakings and to not otherwise raise any objection under CPR 31.22 arising from the provision of any Iraq Litigation Documents pursuant to this undertaking. Aside from this limited release, the duties of Leigh Day (and the Claimants referred to at paragraph 3(a) above) under CPR 31.22, including with regard to the Undertakings, remain unchanged.</p> <p>.....</p> <p>Government Legal Department On behalf of the MOD, FCO and DFID</p> <p>.....</p> <p>Leigh Day</p>



Date	Event
	<p>Simmons &amp; Simmons</p> <p>Counsel on behalf of Simmons &amp; Simmons</p> <p>Schedule 1</p> <ol style="list-style-type: none"> <li>1. Leigh Day are to transfer any Iraqi Litigation Documents to Simmons &amp; Simmons and Simmons &amp; Simmons are to return any Iraqi Litigation Documents to Leigh Day, solely by means of placing them on encrypted CD's with the passwords to be provided separately.</li> <li>2. Upon receipt of any Iraqi Litigation Documents by Simmons &amp; Simmons, these are to be reviewed by them and GLD are to be notified within 2 working days of any unredacted document that is marked as Confidential, Secret or Top Secret. Simmons &amp; Simmons will then deal with these documents in accordance with such further instructions to be provided by the MDD. No use will be made of that document by Simmons &amp; Simmons until those instructions have been received.</li> <li>3. Any Iraqi Litigation Documents other than those referred to at (2) above, are to be dealt with as follows: <ol style="list-style-type: none"> <li>a. Upon receipt of the Iraqi Litigation Documents in accordance with Schedule 1(1), hard copies of those documents may be printed. When not in use, these are to be stored in such a manner that they are physically protected by at least one barrier e.g. a locked cabinet.</li> <li>b. Electronic copy documents are to be stored on the Simmons &amp; Simmons internal system in such a manner that they can only be accessed by Simmons &amp; Simmons employees who are working on the SRA investigation.</li> <li>c. No Iraqi Litigation Documents are to be stored on a USB stick or other portable electronic storage device. The encrypted CD's received by Simmons &amp; Simmons in accordance with Schedule 1, Paragraph 1 are to be destroyed by Simmons &amp; Simmons in accordance with the procedure set out at Schedule 1 Paragraph 3(f) as soon as their contents have been stored on the Simmons &amp; Simmons internal system.</li> <li>d. Where any hard copy Iraqi Litigation Documents are posted or otherwise taken out of Simmons &amp; Simmons premises they should be placed in an inner sealed envelope; and a second sealed envelope must include a return address in case of loss or failed delivery. Postage should be effected by recorded delivery; and the destination of any hard copy documents posted or otherwise taken out of Simmons &amp; Simmons premises should be logged on a register set up for this purpose.</li> <li>e. Any Iraqi Litigation Documents may be e-mailed internally within Simmons &amp; Simmons subject to the access restrictions set out in Schedule 1, Paragraph 3(b). They cannot be e-mailed or faxed externally other than to the SRA (using Simmons &amp; Simmons as well as SRA e-mail addresses and fax numbers).</li> </ol> </li> <li>i. If any Iraqi Litigation Documents are to be destroyed then hard copy documents should be shredded, electronic copy documents should be deleted from Simmons &amp; Simmons internal system and any discs are to be broken and not reused.</li> </ol>

July 2015


Date	Event
<p>3 July 2015 00000001.00000036.0000 0074  00033553</p>	<p>FW: 20150420-AI Sweady inquiry - information requests From: [REDACTED]@sra.org.uk&gt; To: [REDACTED]@mod.uk' [REDACTED] [REDACTED]@mod.uk&gt; Sent: July 3, 2015 1:39:29 PM BST Received: July 3, 2015 1:39:33 PM BST</p> <p>Dear Dr Sanders I would be grateful for any assistance that can be offered in respect of the following –</p>

Date	Event
	<p>a. Any details of when TNA will have either completed the archiving of the Inquiry's material or when specific stages for this particular project will have been completed. On completion of the archiving, what would be the preferred method for requesting copies of documents should the SRA wish to obtain certain information, if it exists?</p> <p>b. "Detail contained on invoices – The invoices submitted were necessarily quite detailed to enable the Deputy Solicitor [REDACTED] to verify whether the costs incurred were within the terms of the s40 determination. The cover pages of PIL invoices summarised the total charges and provided a brief description, e.g. "Agreed Fees for Counsel for September 2012", while the backing pages provided detail of the QC or solicitor, together with a breakdown of individual activities and timings making up the total charge (e.g. review documents from x, draft documents for x. = x hours/minutes and x cost)" [extract from your email (20 March) below]: would copies of the submitted invoices, previously mentioned, be available now to the SRA? If yes, please would you provide details of the procedure to use.</p> <p>Thank you for your help with the above queries.</p> <p>Yours sincerely</p> <p>[REDACTED]</p> <p>Team Leader Supervision Solicitors Regulation Authority ( [REDACTED] ) : &lt;<a href="http://www.sra.org.uk">http://www.sra.org.uk</a>&gt; <a href="http://www.sra.org.uk">www.sra.org.uk</a> Supervision proactively engages with firms, promoting risk management within the regulated community to help improve standards and to provide the right outcome for consumers.</p> <p>From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr) [mailto:[REDACTED]@mod.uk] Sent: 20 April 2015 10:17 To: [REDACTED] Subject: 20150420-AI 5weady Inquiry - information requests</p> <p>Dear [REDACTED]</p> <p>Responsibility for the AI-5weady Inquiry website has been transferred to The National Archives as part of the requirement in the Inquiry Rules for a record of a public Inquiry to be transferred to the relevant archive for permanent preservation. TNA will maintain public access to all information that was available on the website at the point of transfer – i.e. nothing further will be added, and nothing will be removed. I trust that this will reassure you on this point.</p> <p>Yours sincerely,</p> <p>Ben</p>

Date	Event
	<p>Dr Benjamin Sanders            DJEP Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy) [REDACTED]            [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB            Tel: [REDACTED]</p> <p>From: [REDACTED]@sra.org.uk]            Sent: 15 April 2015 17:34            To: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr)            Subject: RE: 20150320-AI Sweady inquiry - information requests</p> <p>Dear Dr Sanders</p> <p>It's been noted that the inquiry's website is now being maintained by TNA. I would consequently appreciate being informed as to whether this means that any part of the information currently available to the public, on the archived inquiry website, will subsequently be removed. If this may be the case is it possible to be made aware prior to any such event?</p> <p>Thank you for any assistance which you may be able to offer with responding to the above queries.</p> <p>Yours sincerely</p> <p>[REDACTED]            Team Leader            Supervision            Solicitors Regulation Authority            ([REDACTED] [REDACTED])            : www.sra.org.uk</p>
<p>3 July 2015            00000001.00000036.0000            0075</p> <p>00033554</p>	<p>20150703-AI Sweady Inquiry - information requests            From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr) &lt;[REDACTED]@mod.uk&gt;            To: [REDACTED]@sra.org.uk&gt;            Sent: July 3, 2015 2:04:02 PM BST            Received: July 3, 2015 2:04:35 PM BST            Attachments: 20150605-ASI_Inquiry Record and the National Archives.doc</p> <p>Dear [REDACTED]</p> <p>There has been a delay in completing the archival of the inquiry's record. As the attached letter explains, a sample of the material has identified some documents that should either have been redacted or included in the closed rather than open part of the record. MOD is awaiting a response from PIL regarding how to handle these documents, which contain their clients' personal details. I am currently unable to estimate when the archival of the record will be complete. However, if there are specific items or categories of information to which you need access, we may be able to facilitate that with TNA.</p> <p>Depending on what information you require, there may be alternative ways of providing this to you. MOD has retained copies of all materials we</p>

Date	Event
	<p>disclosed to the inquiry, and PIL has recently requested authorisation to pass materials contained within the core participant version of the Inquiry's document management system (Lextranet) to Simmons &amp; Simmons. We sent them a draft undertaking to cover this on 26 June.</p> <p>With regard to Invoices, these are unlikely to have been included within the inquiry record. They should have been provided to MOD for payment and local archival. If you are able to indicate which invoices you require, I will ask our Finance team to locate and make these available to you.</p> <p>Yours sincerely,</p> <p>Ben</p> <p>Dr Benjamin Sanders  DJEPA Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy) [REDACTED]  [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB  Tel: [REDACTED]</p> <p>From: [REDACTED]@sra.org.uk  Sent: 03 July 2015 13:39  To: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr)  Subject: FW: 20150420-AI Sweady inquiry - information requests  Dear Dr Sanders</p> <p>i would be grateful for any assistance that can be offered in respect of the following –</p> <p>a. Any details of when TNA will have either completed the archiving of the inquiry's material or when specific stages for this particular project will have been completed. On completion of the archiving, what would be the preferred method for requesting copies of documents should the SRA wish to obtain certain information, if it exists?</p> <p>b. "Detail contained on invoices – The invoices submitted were necessarily quite detailed to enable the Deputy Solicitor ([REDACTED]) to verify whether the costs incurred were within the terms of the s40 determination. The cover pages of PIL invoices summarised the total charges and provided a brief description, e.g. "Agreed Fees for Counsel for September 2012", while the backing pages provided detail of the QC or solicitor, together with a breakdown of individual activities and timings making up the total charge (e.g. review documents from x, draft documents for x. = x hours/minutes and x cost)" [extract from your email (20 March) below]: would copies of the submitted invoices, previously mentioned, be available now to the SRA? If yes, please would you provide details of the procedure to use.</p> <p>Thank you for your help with the above queries.</p> <p>Yours sincerely  [REDACTED]</p>

Date	Event
	<p>Team Leader Supervision Solicitors Regulation Authority * [REDACTED] * <a href="http://www.sra.org.uk">www.sra.org.uk</a> Supervision proactively engages with firms, promoting risk management within the regulated community to help improve standards and to provide the right outcome for consumers.</p> <p>From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben Mr) [mailto:[REDACTED]@mod.uk] Sent: 20 April 2015 10:17 To: [REDACTED] Subject: 20150420-AI Sweady Inquiry - information requests</p> <p>Dear [REDACTED]</p> <p>Responsibility for the AI-Sweady Inquiry website has been transferred to The National Archives as part of the requirement in the inquiry Rules for a record of a public inquiry to be transferred to the relevant archive for permanent preservation. TNA will maintain public access to all information that was available on the website at the point of transfer – i.e. nothing further will be added, and nothing will be removed. I trust that this will reassure you on this point.</p> <p>Yours sincerely, Ben Dr Benjamin Sanders DJEP Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy) [REDACTED] [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB</p>

Date	Event
	<div style="text-align: center;">  <p>From: Ben Sanders, OJEP Assistant Head (Public Inquiries &amp; Judicial Reviews Strategy)  <b>MINISTRY OF DEFENCE</b>  Main Building, Whitehall, London, SW1A 2HD  Tel: [REDACTED] Telephone: [REDACTED]</p> </div> <hr/> <p>Public Interest Lawyers Ltd  Eight Hylton Street  Birmingham, B15 6HN  (Oy e-mail)</p> <p style="text-align: right;">Our Ref: OJEP/IR/2015/00000001  Date: 5 June 2015</p> <hr/> <p>Dear Sirs,</p> <p><b><u>AL-SWEADY INQUIRY: INQUIRY RECORD AND THE NATIONAL ARCHIVES</u></b></p> <p>Further to your letters of 10 February, 1 May, 19 May and 28 May, I am writing to provide an update on how the work by The National Archives (TNA) to make publicly available those materials that constitute the open part of the Al-Sweady Inquiry record is progressing.</p> <p>TNA received the inquiry record at the start of the year, and have been working to make publicly available those materials through their online catalogue that have been designated open records. A quality control process is in place to ensure that they do not release any materials that should be closed records. This has led TNA staff to identify a small number of materials within the inquiry record that raised issues on which they wanted advice. As the inquiry is complete, TNA approached MOD as the sponsoring Department. MOD has had discussions with TNA in order to understand the nature of these concerns and to identify a resolution that will address them while adhering as far as possible with the Chairman's intention. TNA have halted the upload of the inquiry record until these issues are resolved.</p> <p>The first area of concern identified by TNA was the photographs that [REDACTED] took of the deceased. You will recall that, during the hearings, these were not shown in the media room. TNA were concerned that these photographs had been included, unredacted, in the open part of the inquiry record. It has been agreed that these photographs should remain in the open part of the record, but that an advisory message warning that they may cause distress should be attached to them.</p> <p>The second area of concern identified by TNA was the copies of your clients' passports that your firm provided to the inquiry. These have also been included, unredacted, in the open part of the inquiry record and TNA are concerned that this may be contrary to the Data Protection Act. MOD is reluctant without your agreement either to advise TNA to apply any redactions that have not been agreed by the Chairman, or to move these materials from the open to the closed part of the record, as this would be contrary to the Chairman's intention. Consequently, no solution has yet been agreed for these materials. I have spoken to the Inquiry Secretary [REDACTED] who agreed with my proposal that MOD should seek your views on this matter. I would be grateful if you could indicate what actions, if any, you would wish TNA to take in relation to these materials.</p> <p>The final concern expressed by TNA is that they have only reviewed a small percentage of the materials, and that the open part of the record may contain other items in which these or other issues also arise. This is because the inquiry chose, for reasons of proportionality, not to undertake a full DPA sensitivity review before transferring the record to TNA but rather designated classes of material open or closed according to their location (and, thus, likely content) in their electronic filing system. Neither TNA nor MOD has the resources to undertake such a sensitivity review now, and in any case any decision to redact or move any items would conflict with the Chairman's intention. Consequently, with the possible exception of the copies of your clients' passports, we intend to advise TNA to proceed with making the open part of the inquiry record publicly available.</p> <p>Yours faithfully,  [REDACTED]</p>

August 2015

Date	Event
26 August 2015 00000001.00000036.0000 0076	RE: Sorry. From: Crispin Passmore [REDACTED]@sra.org.uk> To: [REDACTED] <[REDACTED]@justice.gsi.gov.uk> Sent: August 26, 2015 5:30:58 PM BST

Date	Event
00033555	<p>Received: August 26, 2015 5:33:00 PM BST</p> <p>Very little .</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>· He also asked about a current major Investigation/MoD and I said lots to do – we have kept you updated, next staging post September review of where are but loads of evidence to review etc</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Please delete!</p> <p>Crispin</p> <p>From: [REDACTED] [mailto:[REDACTED]@justice.gsi.gov.uk]  Sent: 26 August 2015 14:41  To: Crispin Passmore  Subject: RE: Sorry.</p> <p>Let me know if [REDACTED] covers all this, if you speak to him.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Deputy Director  A2J Strategy and Specialist Policy,  Access to Justice Directorate  Law and Access to Justice Group  Ministry of Justice  [REDACTED]  102 Petty France  London  SW1H 9AJ  Tel: [REDACTED]  Mobile [REDACTED]  email: [REDACTED]@justice.gsi.gov.uk</p> <p>From: Crispin Passmore [mailto:[REDACTED]@sra.org.uk]  Sent: 26 August 2015 14:11  00033555_RE_Sorry_  To: [REDACTED]  Subject: Sorry.</p>

Date	Event
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Give me a call if you want to discuss – I am on London DDI this afternoon other than between 3.30 and 4.45</p> <p>Crispin</p> <p>Crispin Passmore Executive Director Solicitors Regulation Authority Ext. [REDACTED] Birmingham DDI: [REDACTED] London DDI: [REDACTED] Mobile: [REDACTED] E-mail: [REDACTED]@sra.org.u</p>

September 2015

Date	Event
<p>24 September 2015 00000001.00000036.0000 0077  00033556</p>	<p>Update on investigation progress</p> <p>From: [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>To: [REDACTED]@sra.org.uk [REDACTED]@sra.org.uk&gt;, David Middleton</p> <p>Cc: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW/O=LAW SOCIETY/OU=LeamingtonSpa/cn=Recipients/cn=D Middleton&gt; SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;</p> <p>Sent: September 24, 2015 9:08:56 AM BST Received: September 24, 2015 9:09:00 AM BST</p> <p>David,</p> <p>is there any chance I could have an urgent update on progress with the Leigh Day and PIL investigations?</p> <p>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.</p> <p>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.</p> <p>Thanks [REDACTED]</p>



Date	Event
	<p>[REDACTED]</p> <p>Head of Legal Services Policy, Access to Justice Strategy and Specialist Policy - Legal Services Policy   Law and Access to Justice Group   Ministry of Justice   102 Petty France [REDACTED]   tel: [REDACTED]   BB [REDACTED]</p> <p>I am not authorised to bind the Ministry of Justice contractually, nor to make representations or other statements which may bind the Ministry of Justice in any way via electronic means</p>
<p>24 September 2015 00000001.00000036.0000 0078  00033557</p>	<p>RE: Update on investigation progress From: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk, David Middleton &lt;[REDACTED]@sra.org.uk&gt; Sent: September 24, 2015 12:18:12 PM BST Received: September 24, 2015 12:20:13 PM BST</p> <p>[REDACTED] – sorry I’ve been out of office this morning and have just picked this up. David is at airport in Verona so wont see email. Ill try and find out for you asap.</p> <p>Crispin</p>
<p>24 September 2015 00000001.00000036.0000 0079  00033558</p>	<p>RE: Update on investigation progress From: [REDACTED]@justice.gsi.gov.uk To: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt;, David Middleton &lt;[REDACTED]@sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;, David Middleton &lt;/O=LAW SOCIETY/OU=LeamingtonSpa/cn=Recipients/cn=D Middleton&gt; Sent: September 24, 2015 12:40:59 PM BST Received: September 24, 2015 12:41:21 PM BST</p> <p>Crispin, thank you.</p> <p>The 10.30 deadline was for a pre-brief, in advance of a meeting at 4.30, so anything you can provide by 4pm would be very much appreciated.</p> <p>Thanks [REDACTED]</p>
<p>24 September 2015 00000001.00000036.0000 0080  00033559</p>	<p>RE: Update on investigation progress From: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk Sent: September 24, 2015 12:50:34 PM BST Received: September 24, 2015 12:52:35 PM BST</p> <p>I’ve got someone finding out for me – ill give you a call as soon as I have something and certainly before 3:00 as I’m of to speak at conference then!</p> <p>Crispin</p>
<p>24 September 2015 00000001.00000036.0000 0081</p>	<p>RE: Update on investigation progress From: [REDACTED]@justice.gsi.gov.uk To: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt;, Crispin Passmore</p>

Date	Event
00033560	<p>&lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;            Sent: September 24, 2015 12:54:12 PM BST            Received: September 24, 2015 12:54:19 PM BST</p> <p>Thank you. I hope the speech goes well</p>
24 September 2015 00000001.00000036.0000 0082  00033561	<p>RE: Update on investigation progress            From: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt;            To: [REDACTED]@justice.gsl.gov.uk, David Middleton &lt;[REDACTED]@sra.org.uk&gt;</p> <p>Sent: September 24, 2015 3:00:42 PM BST            Received: September 24, 2015 3:02:47 PM BST</p> <p>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."</p> <p>Crispin</p>
24 September 2015 00000001.00000036.0000 0083  00033562	<p>RE: Update on investigation progress            From: [REDACTED]@justice.gsl.gov.uk            To: Crispin Passmore &lt;[REDACTED]@sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;</p> <p>Sent: September 24, 2015 3:05:01 PM BST            Received: September 24, 2015 3:05:08 PM BST</p> <p>Crispin, thank you.</p> <p>This is much appreciated.</p> <p>[REDACTED]</p>

October 2015

Date	Event
21 October 2015 00000001.00000036.0000 0084  00033563	<p>RE: Al-Sweady update            From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt;            To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p> <p>Sent: October 21, 2015 8:45:35 AM BST            Received: October 21, 2015 8:45:45 AM BST</p> <p>Dear Ms Malcolm,</p> <p>I am aware that there have been delays in providing to Simmons &amp; Simmons</p>

Date	Event
	<p>documents disclosed on a confidential basis during the Al-Sweady Inquiry, and that this will have had an impact on the timescales outlined below. I would be grateful, therefore, if you could provide me with a further update regarding the likely timescales for completing the SRA's investigation into the conduct of Leigh Day and Public Interest Lawyers.</p> <p>Regards,</p> <p>Ben Sanders</p> <p>Dr Benjamin Sanders          DJEP Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy)          [REDACTED], MOD Main Building, Whitehall, London, SW1A 2HB          Tel: [REDACTED]</p>
<p>21 October 2015          00000001.00000036.0000          0085</p> <p>00033564</p>	<p>RE: Al-Sweady update          From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;          To: 'DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2)' &lt;[REDACTED]@mod.uk&gt;          Sent: October 21, 2015 9:16:17 AM BST          Received: October 21, 2015 9:16:18 AM BST</p> <p>Dear Dr Sanders</p> <p>Thank you for your query.</p> <p>I'll get an update to you, probably tomorrow, as we are tied up with our Board meeting today.</p> <p>Regards          Jane</p>
<p>21 October 2015          00000001.00000036.0000          0086</p> <p>00033565</p>	<p>RE: Al-Sweady update          From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt;          To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAWSONSOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;          Cc: DJEP-Judicial Reviews Co-ord ([REDACTED] [REDACTED] [REDACTED]) &lt;[REDACTED]@mod.uk&gt;          Sent: October 21, 2015 9:22:42 AM BST          Received: October 21, 2015 9:22:52 AM BST</p> <p>Thank you. Please copy my colleague [REDACTED] (cc-ed) in to the update as I will not be in the office tomorrow.</p> <p>Regards,</p> <p>Ben</p>
<p>22 October 2015          00000001.00000036.0000          0087</p>	<p>RE: Al-Sweady update          From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;          To: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt;</p>



Date	Event
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>Deputy Director A2J Strategy and Specialist Policy, Access to Justice Directorate Law and Access to Justice Group Ministry of Justice [REDACTED] 102 Petty France London SW1H 9AJ Tel: [REDACTED] Mobile [REDACTED] email [REDACTED]@justice.gsi.gov.uk</p>
<p>26 October 2015 00000001.00000036.0000 0090</p> <p>00033569</p>	<p>RE: Al-Sweady update From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt; To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Cc: DJEP-Judicial Reviews Co-ord [REDACTED] &lt;[REDACTED]@mod.uk&gt; Sent: October 26, 2015 8:48:55 AM GMT Received: October 26, 2015 8:49:01 AM GMT</p> <p>Jane,</p> <p>Many thanks for the update. It is helpful to know how this investigation is progressing.</p> <p>Regards,</p> <p>Ben</p> <p>Dr Benjamin Sanders DJEP Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy) [REDACTED] [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB Tel: [REDACTED]</p>
<p>26 October 2015 00000001.00000036.0000 0091</p> <p>00033570</p>	<p>RE: Al-Sweady update From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt; Sent: October 26, 2015 9:33:10 AM GMT Received: October 26, 2015 9:33:12 AM GMT</p> <p>Ben</p> <p>Good to know that this is of some help.</p> <p>Regards</p>

Date	Event
	Jane

December 2015

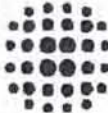
Date	Event
23 December 2015 00000001.00000036.0000 0092  00033571	<p>Letters from Paul Philip, Chief Executive of the Solicitors Regulation Authority</p> <p>From: [REDACTED]@sra.org.uk</p> <p>To: [REDACTED]@justice.gsl.gov.uk' &lt;[REDACTED]@justice.gsl.gov.uk&gt;</p> <p>Cc: Paul Philip &lt;[REDACTED]@sra.org.uk&gt;, Paul Philip &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Pp01sra1&gt;</p> <p>Sent: December 23, 2015 2:21:32 PM GMT</p> <p>Received: December 23, 2015 2:21:33 PM GMT</p> <p>Attachments: Ltr to [REDACTED] 23 12 15 (2).pdf, Ltr to [REDACTED] 23 12 2015 (2).pdf</p> <p>Dear [REDACTED]</p> <p>Please see attached two letters from Paul Phillip, Chief Executive of the Solicitors Regulation Authority. The password for both documents will follow in a separate email.</p> <p>Yours sincerely</p> <p>[REDACTED]</p> <p>Executive PA to Enid Rowlands Chair of the SRA Board Paul Phillip Chief Executive Ext [REDACTED]   DDI: [REDACTED]   M: [REDACTED] Email: &lt;mailto:[REDACTED]@sra.org.uk&gt; [REDACTED]@sra.org.uk Solicitors Regulation Authority The Cube, 199 Wharfside Street, Birmingham B1 1RN</p>

Date	Event
<p>23 December 00033725</p>	<p>From: [REDACTED]@sra.org.uk  To: [REDACTED]@justice.gsi.gov.uk; [REDACTED]@justice.gsi.gov.uk  Cc: Paul Philip [REDACTED]@sra.org.uk, Paul Philip &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Pp01sra1&gt;  Sent: December 23, 2015 2:22:52 PM GMT  Received: December 23, 2015 2:22:54 PM GMT</p> <p>Dear [REDACTED]</p> <p>The password for the correspondence is [REDACTED]</p> <p>Regards</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Executive PA to</p> <p>Erin Rowlands Chair of the SRA Board</p> <p>Paul Philip Chief Executive</p>
<p>23 December 2015 00033724</p>	<p>From: [REDACTED]@sra.org.uk  To: [REDACTED]@justice.gsi.gov.uk; [REDACTED]@justice.gsi.gov.uk  Cc: Paul Philip &lt;DJEJ-PublicInquiriesAssist@justice.gsi.gov.uk&gt;, [REDACTED]@sra.org.uk, [REDACTED]@sra.org.uk  Sent: December 23, 2015 2:26:19 PM GMT  Received: December 23, 2015 2:26:20 PM GMT  Attachments: Ltr to Dr Benjamin Sanders Ministry of Defence 23 12 2015.pdf, Ltr to Dr Benjamin Sanders Ministry of Defence 23 12 15 (2).pdf</p> <p>Dear Dr Sanders</p> <p>Please see attached two letters from Paul Philip, Chief Executive of the Solicitors Regulation Authority. The password for both documents will follow in a separate email.</p> <p>Yours sincerely</p> <p>[REDACTED]</p> <p>Executive PA to</p> <p>Erin Rowlands Chair of the SRA Board</p> <p>Paul Philip Chief Executive</p> <p>Ex: [REDACTED]   DD: +44 [REDACTED]   M: [REDACTED]</p>

Date	Event
<p>23 December 2015 00033723</p>	<p>From: [REDACTED]@sra.org.uk Sent: 23 December 2015 14:28 To: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) Cc: Paul Philip; DJEP-Judicial Reviews Co-ord [REDACTED] Subject: Letters from Paul Philip</p> <p>Dear Dr Sanders</p> <p>The password for the correspondence is [REDACTED]</p> <p>Regards</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Executive PA to</p> <p>Enid Rowlands Chair of the SRA Board</p> <p>Paul Philip Chief Executive</p>
<p>23 December 2015 00033721</p>	<p>From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) [mailto:[REDACTED]@mod.uk] Sent: 23 December 2015 14:39 To: [REDACTED] Subject: RE: Letters from Paul Philip</p> <p>Dear [REDACTED]</p> <p>Thank you for your e-mail. Unfortunately, the attachment has been removed by our firewall, which does not allow encrypted attachments to pass through. Are you able to send me an unencrypted version instead?</p> <p>Regards,</p> <p>Ben</p> <p>Dr Benjamin Sanders</p> <p>DJEP Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy)</p> <p>[REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB</p> <p>Tel: [REDACTED]</p>



Date	Event
<p>23 December 2015 00033722</p>	<p>From: [REDACTED]@sra.org.uk  Sent: 23 December 2015 14:46  To: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2)  Subject: RE: Letters from Paul Philip</p> <p>WARNING: An attachment to this email may contain a potentially harmful file. If this email is unsolicited DO NOT open the attachment and advise your local help desk immediately. If you requested the attachment ensure that a virus scan is carried out before the file is opened</p> <p>Dear Dr Sanders</p> <p>Thank you. Unencrypted versions attached. Please acknowledge safe receipt.</p> <p>Kind regards</p> <p>[REDACTED]</p> <p>Executive PA to</p> <p>Erin Rowlands Chair of the SRA Board</p> <p>Paul Philip Chief Executive</p> <div style="text-align: right;">  <p><b>Solicitors Regulation Authority</b></p> <p>The Gate 10 Watlington Street Beverlyton D1 1RN</p> <p>DN 72222 BIRMINGHAM 47</p> <p>UK 0379 606 2555  UK +44 (0)121 623 6000</p> <p>www.sra.org.uk</p> </div> <p>From the Chief Executive</p> <p><b>Strictly Private &amp; Confidential</b>  Dr Benjamin Sanders  Ministry of Defence  By email: [REDACTED]@mod.uk</p> <p>23 December 2015</p> <p>Dear Dr Sanders</p> <p>Al Sweedy Inquiry – Public Interest Lawyers</p> <p>I write to update you on the course of our investigation.</p> <p>Our investigation into the conduct of Public Interest Lawyers has been affected by the illness of Professor Philip Shiner who has been absent from work since June 2015 and is currently signed off until February 2016.</p> <p>We have however completed our investigation so far as we reasonably can and have put formal allegations for explanation. Once we have formal explanations or consider it necessary to come to a view in their absence, we will update you further. We would anticipate February/March 2016.</p> <p>Yours sincerely</p> <p>[REDACTED]</p> <p>Paul Philip  Chief Executive  Solicitors Regulation Authority</p> <p>Cc: [REDACTED]@mod.uk</p>

Date	Event
	<div style="text-align: right; margin-bottom: 20px;">  <p><b>Solicitors Regulation Authority</b></p> </div> <p><b>From the Chief Executive</b></p> <p><b>Strictly Private &amp; Confidential</b>  <b>Dr Benjamin Sanders</b>  <b>Ministry of Defence</b>  <b>By email: [REDACTED]@mod.uk</b></p> <p><b>23 December 2015</b></p> <p><b>Dear Dr Sanders</b></p> <p><b>Al Sweady Inquiry – Leigh Day</b></p> <p>I write to update you on the course of our investigation.</p> <p>We have now made a decision to prosecute the following before the Solicitors Disciplinary Tribunal (the Respondents):</p> <p><b>Mr Martin Day</b>  <b>Ms Sapna Mehta</b>  <b>Ms Anna Crowther</b>  <b>Leigh Day (a firm).</b></p> <p>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.</p> <p>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.</p> <ul style="list-style-type: none"> <li>• 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 Al Sweady Inquiry until September 2013, failed to provide it to Public Interest Lawyers, and failed to supervise the work of Ms Anna Crowther.</li> </ul> <p>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</p>

Date	Event
	<p>allegations had or would be falsely made and indeed that they made extremely serious allegations about Iraq people being tortured and executed at the press conference on 22 February 2008 when they had insufficient evidence to justify them.</p> <ul style="list-style-type: none"> <li>The allegations also include reference to the payment of a prohibited referral fee and improper fee sharing agreements.</li> </ul> <p>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.</p> <p>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.</p> <p>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 this position but our usual approach is, if asked, to confirm that the Respondents have been referred to the SDT.</p> <p>Yours sincerely</p> <p>[REDACTED]</p> <p>Paul Philip</p> <p>Chief Executive Solicitors Regulation Authority</p> <p>Cc: [REDACTED]@mod.uk</p>
<p>23 December 2015 00033720</p>	<p><b>RE: Letters from Paul Phillip</b></p> <hr/> <p>From: DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt;</p> <p>To: [REDACTED]@sra.org.uk&gt;</p> <p>Sent: December 23, 2015 2:48:01 PM GMT</p> <p>Received: December 23, 2015 2:48:16 PM GMT</p> <p>Dear [REDACTED]</p> <p>Thank you. I have received the unencrypted versions.</p> <p>Regards,</p> <p>Ben</p> <p>Dr Benjamin Sanders</p> <p>DJEP Assistant Head 3 (Public Inquiries &amp; Judicial Reviews Strategy)</p> <p>[REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB</p> <p>Tel: [REDACTED]</p>
<p>23 December 2015 00000001.00000036.0000 0093 00033572</p>	<p><b>RE: Letters from Paul Phillip, Chief Executive of the Solicitors Regulation Authority</b></p> <p>From: [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>To: [REDACTED]@sra.org.uk&gt;</p> <p>Cc: Paul Phillip &lt;[REDACTED]@sra.org.uk&gt;, Paul Phillip &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Pp01sra1&gt;</p>

Date	Event
	<p>Sent: December 23, 2015 6:09:25 PM GMT  Received: December 23, 2015 6:09:28 PM GMT</p> <p>Thanks very much, safely received.</p> <p>Best wishes</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Deputy Director  A2J Strategy and Specialist Policy,  Access to Justice Directorate  Justice and Courts Policy Group  Ministry of Justice  [REDACTED]  102 Petty France  London  SW1H 9AJ  Tel: [REDACTED]  Mobile [REDACTED]  email [REDACTED]@justice.gsi.gov.uk</p>

2016

January 2016

Date	Event
<p>5 January 2016  00000001.00000036.0000  0094  00033573</p>	<p>SRA media line  From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;  To: [REDACTED]@justice.gsi.gov.uk&gt;  Sent: January 5, 2016 12:49:23 PM GMT  Received: January 5, 2016 12:49:25 PM GMT</p> <p>[REDACTED]</p> <p>We have provided the following line in response to queries from the Sun and Daily Mail.</p> <p>Paul Phillip, 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.</p> <p>"We will be making a decision on the other firm in the near future."</p> <p>Many thanks</p>

Date	Event
	<p>Jane</p> <p>Jane Malcolm Executive Director - External Affairs Solicitors Regulation Authority</p> <p>Mobile: [REDACTED]</p> <p>The Cube, Birmingham: [REDACTED] www.sra.org.uk</p>
<p>5 January 2016 00000001.00000036.0000 0095</p> <p>00033574</p>	<p>RE: SRA media line</p> <p>From: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;</p> <p>To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p> <p>Sent: January 5, 2016 12:56:49 PM GMT Received: January 5, 2016 12:56:53 PM GMT</p> <p>Thanks very much</p> <p>[REDACTED]</p> <p>Deputy Director A2J Strategy and Specialist Policy, Access to Justice Directorate Justice and Courts Policy Group Ministry of Justice</p> <p>[REDACTED]</p> <p>102 Petty France London SW1H 9AJ</p> <p>Tel: [REDACTED] Mobile: [REDACTED] email: [REDACTED]@justice.gsi.gov.uk</p>
<p>5 January 2016 00000001.00000036.0000 0096</p> <p>00033575</p>	<p>quick query</p> <p>From: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;</p> <p>To: [REDACTED] &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p> <p>Sent: January 5, 2016 4:35:32 PM GMT Received: January 5, 2016 4:35:34 PM GMT</p> <p>Jane,</p> <p>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?</p> <p>[REDACTED]</p>

Date	Event
	<p>[REDACTED]</p> <p>Head of Legal Services Policy   Strategy and Specialist Policy Portfolio   Justice and Courts Policy Group   Ministry of Justice   102 Petty France [REDACTED]   tel: [REDACTED]   B8 [REDACTED]</p>
<p>5 January 2016 00000001.00000036.0000 0097</p> <p>00033576</p>	<p>FW: quick query</p> <p>From: [REDACTED]@sra.org.uk&gt;</p> <p>To: [REDACTED]@justice.gsi.gov.uk' &lt;[REDACTED]@justice.gsi.gov.uk&gt;</p> <p>Sent: January 5, 2016 4:53:45 PM GMT</p> <p>Received: January 5, 2016 4:53:46 PM GMT</p> <p>[REDACTED]</p> <p>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.</p> <p>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.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Media Relations Officer Communications Unit Solicitors Regulation Authority</p> <p>[REDACTED]</p> <p>The Cube, 199 Wharfedale Street, Birmingham B1 1RN &lt;<a href="http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653">http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653</a>&gt; www.sra.org.uk</p> <p>From: Jane Malcolm Sent: 05 January 2016 16:45 To: [REDACTED] Subject: FW: quick query Sent from my Windows Phone</p>
<p>5 January 2016 00000001.00000036.0000 0098</p> <p>00033577</p>	<p>RE: quick query</p> <p>From: [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>To: [REDACTED]@sra.org.uk, [REDACTED] &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=LS7RED&gt;</p> <p>Sent: January 5, 2016 4:54:51 PM GMT</p> <p>Received: January 5, 2016 4:54:56 PM GMT</p> <p>[REDACTED] thank you for your swift response, and for covering my query so fully.</p> <p>Best wishes,</p> <p>[REDACTED]</p>
<p>5 January 2016 00000001.00000036.0000 0099</p>	<p>RE: quick query</p> <p>From: [REDACTED]@sra.org.uk&gt;</p> <p>To: [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>Sent: January 5, 2016 4:55:28 PM GMT</p>

Date	Event
00033578	<p>Received: January 5, 2016 4:55:30 PM GMT</p> <p>All part of the service, [REDACTED]</p> <p>If you need anything more, please let me know.</p> <p>[REDACTED]</p>
<p>5 January 2016 00000001.00000036.0000 0100</p> <p>00033579</p>	<p>RE: quick query From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsl.gov.uk&gt; Sent: January 5, 2016 4:57:58 PM GMT Received: January 5, 2016 4:57:59 PM GMT</p> <p>[REDACTED]</p> <p>Thanks for this, will get straight back to you.</p> <p>Jane</p> <p>Sent from my Windows Phone</p>
<p>5 January 2016 00000001.00000036.0000 0101</p> <p>00033580</p>	<p>RE: quick query From: [REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsl.gov.uk&gt; Sent: January 5, 2016 5:01:26 PM GMT Received: January 5, 2016 5:01:27 PM GMT</p> <p>[REDACTED]</p> <p>We might be sending you a little more detail on this, so can you hold fire on sharing my response with anyone for now?</p> <p>Thanks,</p> <p>[REDACTED]</p>
<p>5 January 2016 00000001.00000036.0000 0102</p> <p>00033581</p>	<p>SDT process query From: [REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsl.gov.uk&gt; Cc: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: January 5, 2016 5:46:28 PM GMT Received: January 5, 2016 5:46:30 PM GMT</p> <p>[REDACTED]</p> <p>Here is the further detail I promised you,</p> <p>[REDACTED]</p> <p>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.</p>

Date	Event
	<p>The SDT then decides whether to certify a case to answer – in our experience that usually takes a week or two.</p> <p>There is no appeal against a refusal to certify because a case could be re-submitted with any necessary amendments.</p> <p>We could judicially review a refusal by the SDT to accept a case, but that has never been a practical issue.</p> <p>However, we believe that there is little probability that the SDT would refuse to certify the case to answer.</p> <p>[REDACTED] Media Relations Officer</p> <p>Communications Unit</p> <p>Solicitors Regulation Authority [REDACTED] [REDACTED] The Cube, 199 Wharfside Street, Birmingham B1 1RN &lt;<a href="http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653">http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653</a>&gt; <a href="http://www.sra.org.uk">www.sra.org.uk</a></p>
<p>5 January 2016 00000001.00000036.0000 0103  00033582</p>	<p>SRA media line From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED] &lt;[REDACTED]@justice.gsl.gov.uk&gt; Sent: January 5, 2016 7:27:33 PM GMT Received: January 5, 2016 7:27:34 PM GMT</p> <p>[REDACTED]</p> <p>We have given the following reactive line in response to enquiries from the press.</p> <p>Many thanks</p> <p>Jane</p> <p>Paul Phillip, 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.</p> <p>Our investigation has involved the review of a huge amount of complex and detailed evidence.</p> <p>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.</p>



Date	Event
	<p>These are serious allegations and there is a clear public interest in resolving this matter as quickly as possible.</p> <p>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.</p> <p>Jane Malcolm Executive Director - External Affairs Solicitors Regulation Authority Mobile: [REDACTED] The Cube, Birmingham: [REDACTED] www.sra.org.uk</p>
<p>6 January 2016 00000001.00000036.0000 0104  00033583</p>	<p>RE: SDT process query From: [REDACTED]@justice.gsi.gov.uk&gt; To: [REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=L57RED&gt; Cc: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: January 6, 2016 8:50:39 AM GMT Received: January 6, 2016 8:50:42 AM GMT</p> <p>[REDACTED]</p> <p>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?</p> <p>[REDACTED]</p>
<p>6 January 2016 00000001.00000036.0000 0105  00033584</p>	<p>RE: SDT process query From: [REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk&gt; Cc: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: January 6, 2016 9:06:54 AM GMT Received: January 6, 2016 9:06:54 AM GMT</p> <p>Morning [REDACTED]</p> <p>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).</p> <p>[REDACTED]</p>
<p>6 January 2016 00000001.00000036.0000 0106  00033585</p>	<p>RE: SDT process query From: [REDACTED]@justice.gsi.gov.uk&gt; To: [REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=L57RED&gt; Cc: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP</p>

Date	Event
	<p>(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;            Sent: January 6, 2016 9:10:48 AM GMT            Received: January 6, 2016 9:10:51 AM GMT</p> <p>Thanks – so you have notified the SDT of the case already?</p>
<p>6 January 2016            00000001.00000036.0000            0107</p> <p>00033586</p>	<p>RE: SDT process query            From: [REDACTED]@sra.org.uk&gt;            To: [REDACTED]@justice.gsi.gov.uk&gt;            Cc: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW            SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP            (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;            Sent: January 6, 2016 10:38:48 AM GMT            Received: January 6, 2016 10:38:49 AM GMT</p> <p>[REDACTED]</p> <p>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.</p> <p>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.</p> <p>[REDACTED]</p>
<p>6 January 2016            00000001.00000036.0000            0108</p> <p>00033587</p>	<p>RE: SDT process query            From: [REDACTED]@justice.gsi.gov.uk&gt;            To: [REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;/O=LAW            SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP            (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=LS7RED&gt;            Cc: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW            SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP            (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;            Sent: January 6, 2016 1:01:23 PM GMT            Received: January 6, 2016 1:01:42 PM GMT</p> <p>[REDACTED] thank you.</p> <p>One further question (apologies, queries are coming out from Ministers in stages):</p> <p>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?</p> <p>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.</p>

Date	Event
<p>6 January 2016 00000001.00000036.0000 0109  00033588</p>	<p>Thanks [REDACTED]</p> <p>short SRA statement FYI From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk, [REDACTED] [REDACTED]@justice.gsi.gov.uk Sent: January 6, 2016 1:24:19 PM GMT Received: January 6, 2016 1:24:20 PM GMT</p> <p>[REDACTED] and [REDACTED]</p> <p>Please see a short statement as placed on our website. <a href="http://www.sra.org.uk/sra/news/press/al-sweady-statement-january-2016.page">http://www.sra.org.uk/sra/news/press/al-sweady-statement-january-2016.page</a></p> <p>many thanks</p> <p>Jane</p> <p>Jane Malcolm Executive Director - External Affairs Solicitors Regulation Authority</p> <p>Mobile: [REDACTED]</p> <p>The Cube, Birmingham: [REDACTED]</p> <p><a href="http://www.sra.org.uk">www.sra.org.uk</a></p>
<p>6 January 2016 00000001.00000036.0000 0110  00033589</p>	<p>RE: Al-Sweady update From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: 'DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2)' &lt;[REDACTED] [REDACTED]@mod.uk&gt; Cc: DJEP-Judicial Reviews Co-ord [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]@mod.uk&gt; Sent: January 6, 2016 1:26:13 PM GMT Received: January 6, 2016 1:26:15 PM GMT</p> <p>Dear Ben</p> <p>Please see, via link, a short statement that we have placed on our website today.</p> <p><a href="http://www.sra.org.uk/sra/news/press/al-sweady-statement-january-2016.page">http://www.sra.org.uk/sra/news/press/al-sweady-statement-january-2016.page</a></p> <p>many thanks</p> <p>Jane</p> <p>Jane Malcolm Executive Director - External Affairs</p>

Date	Event
	<p>Solicitors Regulation Authority</p> <p>Mobile: [REDACTED]</p> <p>The Cube, Birmingham: [REDACTED]</p> <p>www.sra.org.uk</p>
<p>7 January 2016 00000001.00000036.0000 0111</p> <p>00033590</p>	<p>Al-Sweady work information</p> <p>From: [REDACTED]@sra.org.uk&gt;</p> <p>To: [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>Sent: January 7, 2016 11:52:54 AM GMT</p> <p>Received: January 7, 2016 11:52:55 AM GMT</p> <p>Morning [REDACTED]</p> <p>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.</p> <p>Did your SPADs ever allow your proposed statement to see the light of day?</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Media Relations Officer</p> <p>Communications Unit</p> <p>Solicitors Regulation Authority</p> <p>[REDACTED]</p> <p>The Cube, 199 Wharfside Street, Birmingham B1 1RN &lt;http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653&gt; www.sra.org.uk</p>
<p>7 January 2016 00000001.00000036.0000 0112</p> <p>00033591</p>	<p>RE: Al-Sweady work information</p> <p>From: [REDACTED]@justice.gsi.gov.uk&gt;</p> <p>To: [REDACTED]@sra.org.uk, [REDACTED] &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=LS7RED&gt;</p> <p>Sent: January 7, 2016 12:19:19 PM GMT</p> <p>Received: January 7, 2016 12:19:22 PM GMT</p> <p>Hi,</p> <p>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.</p> <p>On the statement, having considered again, i've been told by Comms that it isn't going out at this point.</p>

Date	Event
<p>7 January 2016 00000001.00000036.0000 0113 00033592</p>	<p>16 01 07 AS investigation summary.docx From: Jane Malcolm [REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsl.gov.uk&gt; Cc: [REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=LS7RED&gt; 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</p> <p>[REDACTED]</p> <p>You asked for some detail on timelines and resources applied to the AS Investigation by the SRA</p> <p>Please find attached.</p> <p>I hope this is what you are looking for.</p> <p>Best wishes</p> <p>Jane</p> <p>Strictly private and confidential – subject to legal professional privilege SRA misconduct investigations</p> <p>We regulate in the public interest by ensuring solicitors uphold the highest standards as laid out in the Code of Conduct. When we see solicitors appear to fall short of these standards, we look at any evidence of misconduct and investigate accordingly.</p> <p>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.</p> <p>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.</p> <p>Timelines of SRA Al Sweady inquiry</p> <p>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.</p>

Date	Event
	<p>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.</p> <p>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.</p> <p>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.</p> <p>Leigh Day &amp; Co</p> <p>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).</p> <p>Timeline - OMS detainee list</p> <p>17 December 2014 – Inquiry Report published. The SRA considered the report's content and the scope of the SRA investigation was widened.</p> <p>From 29 January 2015 to 7 February 2015 inclusive, we attended the firm's offices to review files.</p> <p>26 February 2015 – Statutory notice served requiring the production of evidence.</p> <p>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.</p> <p>6 August 2015 – Final report completed regarding the OMS detainee list.</p> <p>13 August 2015 – Formal allegations put to Leigh Day.</p> <p>11 September 2015 – Original deadline for response.</p> <p>30 September 2015 – Extended deadline for response.</p> <p>9 October 2015 – Further extension of deadline for response.</p> <p>30 October 2015 – Further, final, deadline for Leigh Day to respond to allegations regarding the OMS detainee list.</p>

Date	Event
	<p>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.</p> <p>Timeline - wider investigation including bringing false allegations</p> <p>26 February 2015 - Statutory notice served requiring the production of evidence.</p> <p>March 2015 - 57 lever arch folders of documents received.</p> <p>Up to 28 May 2015 - four tranches of electronic disclosure, 21,000 electronic documents received. Documents were reviewed by an experienced legal team.</p> <p>June 2015 – formal interview of two partners.</p> <p>15 September 2015 - report finalised.</p> <p>19 October 2015 – formal allegations put to the firm, with four weeks to respond.</p> <p>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.</p> <p>Public Interest Lawyers</p> <p>6. As with Leigh Day, to ensure promptness, we carried out one strand of investigation ourselves (the late concession made by PIL at the Inquiry regarding its allegations of executions) and had the City law firm carry out the other strand (wider investigation including bringing false allegations).</p> <p>21 January 2015 – First Statutory notice issued to PIL requiring the production of evidence.</p> <p>23 April 2015 – Second Statutory notice issued to PIL, requiring the production of evidence.</p> <p>Documents pursuant to both notices were received throughout Spring/Summer 2015. For example, CDs and approximately 38,000 emails were received in tranches in the period to July 2015. A further 9,000 documents were provided in August 2015.</p> <p>Summer 2015 – The SRA sought to interview Professor Shiner, who was signed off from work. Arranged to take place following his return to work.</p> <p>1 September 2015 – Professor Shiner due to return to work.</p> <p>2 September 2015 – SRA notified that Professor Shiner signed off for a further 2 months (and remains signed off to date).</p>

Date	Event
	<p>21 September 2015 – formal interview of the fee earner who dealt with the case in PIL</p> <p>18 November 2015 – A further 500 emails were received by way of disclosure.</p> <p>10 December 2015 – Final report completed regarding late concession.</p> <p>14 December 2015 – Final report completed regarding wider issues.</p> <p>18 December 2015 – Formal allegations put to PIL regarding late concession</p> <p>7 January 2016</p>
<p>7 January 2016 00000001.00000036.0000 0114  00033593</p>	<p>RE: 16 01 07 AS investigation summary.docx From: [REDACTED]@justice.gsi.gov.uk&gt; To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SDCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Cc: [REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;/O=LAW SDCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=LS7RED&gt;  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]</p>
<p>7 January 2016 00000001.00000036.0000 0115  00033594</p>	<p>RE: 16 01 07 AS investigation summary.docx From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk&gt; Cc: [REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=LS7RED&gt; Sent: January 7, 2016 4:26:42 PM GMT Received: January 7, 2016 4:26:43 PM GMT  Thanks [REDACTED]  Let us know if you need more.  Best wishes  Jane  Sent from my Windows Phone</p>
<p>13 January 2016 00000001.00000036.0000 0116</p>	<p>investigations following Al Sweady inquiry From: Gallagher, Shaun &lt;[REDACTED]@justice.gsi.gov.uk&gt; To: [REDACTED]@sra.org.uk &lt;[REDACTED]@sra.org.uk&gt;, Paul Phillip &lt;/O=LAW</p>



Date	Event
00033595	<p>SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Pp01sra1&gt;  Cc: [REDACTED] &lt;[REDACTED]@justice.gsl.gov.uk&gt;, [REDACTED] &lt;[REDACTED]@justice.gsl.gov.uk&gt;, Paul Phillip &lt;[REDACTED]@sra.org.uk&gt; &lt;[REDACTED]@sra.org.uk&gt;  Sent: January 13, 2016 6:11:41 PM GMT  Received: January 13, 2016 6:11:45 PM GMT</p> <p>Dear Paul,</p> <p>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.</p> <p>Following a partial disclosure by Leigh Day of the referral, this matter has, as you will be aware, given rise to significant public concern.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Yours,  Shaun</p> <p>Shaun Gallagher  Director, Access to Justice  Ministry of Justice  102 Petty France, London SW1H 9AJ  Tel [REDACTED]</p>

Date	Event
	Executive Assistant: [REDACTED] [REDACTED]@justice.gsi.gov.uk Tel: [REDACTED]
14 January 2016 00000001.00000036.0000 0117 00033596	RE: Investigations following Al Sweady inquiry From: Paul Philip [REDACTED]@sra.org.uk> To: 'Gallagher, Shaun' <[REDACTED]@justice.gsi.gov.uk> Cc: [REDACTED] <[REDACTED]@justice.gsi.gov.uk>, [REDACTED] [REDACTED]@justice.gsi.gov.uk>, [REDACTED] [REDACTED]@sra.org.uk>, Jane Malcolm [REDACTED]@sra.org.uk>, Jane Malcolm </O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA>  Sent: January 14, 2016 1:18:47 PM GMT Received: January 14, 2016 1:18:48 PM GMT  Dear Shaun  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: <mailto:[REDACTED]@sra.org.uk> [REDACTED]@sra.org.uk Solicitors Regulation Authority The Cube, 199 Wharfside Street, Birmingham B1 1RN
19 January 2016 00000001.00000036.0000 0118 00033597	e-mail on behalf of Paul Philip (SRA)   correspondence relating to investigations following Al Sweady inquiry From: [REDACTED]@sra.org.uk> To: [REDACTED]@justice.gsi.gov.uk'

Date	Event
<p>00000001.00000036.0000 0118_001</p>	<p>&lt;[REDACTED]@justice.gsi.gov.uk&gt;  Sent: January 19, 2016 4:40:10 PM GMT  Received: January 19, 2016 4:40:13 PM GMT  Attachments: 2016 01 19 Letter to MoJ.pdf</p> <p>Dear Mr Gallagher</p> <p>Please find attached a letter from Paul Philip relating to the above matter.</p> <p>Kind regards,</p> <p>[REDACTED]  PA to David Middleton - Executive Director, Legal Case Direction</p> <p>PA to Robert Loughlin - Executive Director, Operations and Quality  PA to Juliet Oliver - General Counsel  Solicitors Regulation Authority  [REDACTED]  DDI: [REDACTED]  E-mail: &lt;mailto:[REDACTED]@sra.org.uk&gt; [REDACTED]@sra.org.uk</p> <p>PRIVATE AND CONFIDENTIAL  Sent by e-mail only</p> <p>Mr Shaun Gallagher  Director, Access to Justice  Ministry of Justice  102 Petty France  London SW1H 9AJ</p> <p>19 January 2016</p> <p>Dear Mr Gallagher</p> <p>Investigations arising from the Al Sweady Inquiry</p> <p>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.</p> <p>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.</p> <p>1. During the period August 2004 to August 2013 you failed to identify the</p>

Date	Event
	<p>significance of the OMS detainee list.</p> <p>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.</p> <p>3. You failed to provide a copy of the OMS detainee list to the Al Sweady Inquiry until September 2013.</p> <p>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 Al Sweady Inquiry.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>8. You failed to supervise or ensure that the work of Ms Anna Crowther was properly supervised from August 2007 to August 2013.</p> <p>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.</p> <p>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.</p> <p>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:</p> <p>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.</p>

Date	Event
	<p>The firm as an entity has been asked to respond to allegations 1 - 10.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Yours sincerely</p> <p>Paul Philip Chief Executive</p>
<p>19 January 2016 00000001.00000036.0000 0119  00033598  00000001.00000036.0000 0119_001</p>	<p>FW: e-mail on behalf of Paul Philip (SRA)   correspondence relating to investigations following Al Sweady Inquiry From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk, [REDACTED] Sent: January 19, 2016 5:23:06 PM GMT Received: January 19, 2016 5:23:08 PM GMT Attachments: 2016 01 19 Letter to MoJ.pdf</p> <p>Both</p> <p>FYI</p> <p>Jane</p>
<p>19 January 2016 00000001.00000036.0000 0120  00033599</p>	<p>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, [REDACTED] [REDACTED]@justice.gsi.gov.uk, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p>



Date	Event
	<p>Sent: January 19, 2016 8:34:50 PM GMT Received: January 19, 2016 8:34:53 PM GMT</p> <p>Jane,</p> <p>Thank you for this, which is much appreciated.</p> <p>██████████</p> <p>"This Message has been sent from a Blackberry Device"</p>
<p>20 January 2016 00000001.00000036.0000 0121</p> <p>00033600</p>	<p>RE: e-mail on behalf of Paul Phillip (SRA)   correspondence relating to investigations following Al Sweady Inquiry</p> <p>From: ██████████@justice.gsi.gov.uk&gt;</p> <p>To: Jane Malcolm ██████████@sra.org.uk&gt;, ██████████@justice.gsi.gov.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p> <p>Sent: January 20, 2016 5:32:07 PM GMT Received: January 20, 2016 5:32:11 PM GMT</p> <p>Hi Jane,</p> <p>Thank you for this.</p> <p>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).</p> <p>Help?</p> <p>██████████</p>
<p>20 January 2016 00000001.00000036.0000 0122</p> <p>00033601</p>	<p>RE: e-mail on behalf of Paul Phillip (SRA)   correspondence relating to investigations following Al Sweady Inquiry</p> <p>From: Jane Malcolm &lt;██████████@sra.org.uk&gt;</p> <p>To: ██████████@justice.gsi.gov.uk&gt;, ██████████@justice.gsi.gov.uk&gt;</p> <p>Sent: January 21, 2016 12:05:39 PM GMT Received: January 21, 2016 12:05:40 PM GMT</p> <p>Thanks ██████████ – we provided the further detail on the allegations for the oversight reasons in Shaun Gallagher's email.</p> <p>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.</p> <p>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.</p>

Date	Event
	<p>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.</p> <p>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.</p> <p>Many thanks</p> <p>Jane</p> <p>Sent from my Windows Phone</p>
<p>21 January 2016 00000001.00000036.0000 0123</p> <p>00033602</p>	<p>Re: e-mail on behalf of Paul Phillip (SRA)   correspondence relating to investigations following Al Sweady inquiry</p> <p>From: [REDACTED]@justice.gsi.gov.uk</p> <p>To: [REDACTED]@sra.org.uk' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p> <p>Sent: January 21, 2016 12:21:13 PM GMT</p> <p>Received: January 21, 2016 12:21:17 PM GMT</p> <p>Thanks for this - I'll discuss with LAA colleagues.</p> <p>[REDACTED]</p> <p>"This Message has been sent from a Blackberry Device"</p>
<p>20 January 2016 00000001.00000036.0000 0124</p> <p>00033603</p>	<p>RE: e-mail on behalf of Paul Phillip (SRA)   correspondence relating to investigations following Al Sweady inquiry</p> <p>From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;</p> <p>To: [REDACTED]@justice.gsi.gov.uk</p> <p>Sent: January 21, 2016 12:25:32 PM GMT</p> <p>Received: January 21, 2016 12:25:33 PM GMT</p> <p>Thanks [REDACTED]</p> <p>Jane</p> <p>Sent from my Windows Phone</p>

February 2016

Date	Event
<p>1 February 2016 00000001.00000036.0000 0125  00033604</p>	<p style="text-align: center;"><b>CHRIS PHILP MP</b> Member of Parliament for Crayke South</p> <p style="text-align: center;"> <b>HOUSE OF COMMONS</b> LONDON SW1A 2AA</p> <p style="text-align: right;">REC'D - 2 FEB 2016 14:15:00</p> <p>Mr Paul Philip CEO Solicitors Regulation Authority The Cube 199 Wharfside Street Birmingham, B1 1RN</p> <p style="text-align: right;">01 FEB 2016  1<sup>st</sup> February 2016</p> <p>Dear Mr Philip</p> <p>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.</p> <p>If the allegations are true, these law firms knowingly withheld or destroyed crucial evidence and caused solicitors 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.</p> <p>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 last I ask why it has taken almost 2016 for your investigation to get under way and when the investigation will be concluded? It seems like there has been a long delay already.</p> <p>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.</p> <div style="background-color: black; width: 200px; height: 40px; margin: 10px auto;"></div> <p style="text-align: center;">Tel: +44 (0) 121 470 1000 Email: <a href="mailto:chris.philp@parliament.uk">chris.philp@parliament.uk</a></p>



Date	Event
<p>8 February 2016 00000001.00000036.0000 0126</p> <p>00033605</p>	<p>From the Chief Executive</p>  <p><b>Solicitors Regulation Authority</b></p> <p>The Cube 159 Whitehall Street Embankment B1 1RN</p> <p>DX 700291 BRIMCOMM 47</p> <p>LK 3373 605 2525 rt - 44 (0) 21 23 5800</p> <p>www.sra.org.uk</p> <p>08 February 2016</p> <p>Dear Mr Philip</p> <p><b>Confidential and privileged: The AJ Beauty Inquiry</b></p> <p>Thank you for your letter of 1 February 2016 and for your interest in our work.</p> <p>The inquiry reported in December 2014, leading to the Ministerial Statement on the 17<sup>th</sup> 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.</p> <p>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 batches 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.</p> <p>We have a clear commitment to pursuing this matter as quickly 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.</p> <p>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.</p> <p>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.</p> <p>Yours sincerely</p>  <p>Paul Philip Chief Executive Solicitors Regulation Authority</p>
<p>24 February 2016 00000001.00000036.0000 0127</p> <p>00033606</p>	<p>latest on investigations?</p> <p>From: [redacted]@justice.gsi.gov.uk&gt; To: Jane Malcolm &lt;[redacted]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: February 24, 2016 12:47:51 PM GMT Received: February 24, 2016 12:47:55 PM GMT</p> <p>Hi Jane,</p> <p>I've flagged the need for LAA to ask specific questions if they want details on the allegations.</p> <p>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.</p> <p>Have the SDT given their view on LD yet? Have SRA taken any further</p>

Date	Event
	<p>decisions in relation to PIL. I recall you said you would review in Feb/March?</p> <p>Thanks</p> <p>██████████</p> <p>██████████</p> <p>Head of Legal Services Policy   Strategy and Specialist Policy Portfolio   Justice and Courts Policy Group   Ministry of Justice   102 Petty France (██████████)   tel: ██████████   BB ██████████</p>
<p>24 February 2016 00000001.00000036.0000 0128</p> <p>00033607</p>	<p>RE: latest on Investigations?</p> <p>From: Jane Malcolm ██████████@sra.org.uk&gt;</p> <p>To: ██████████@justice.gsi.gov.uk&gt;</p> <p>Sent: February 24, 2016 1:02:05 PM GMT</p> <p>Received: February 24, 2016 1:02:06 PM GMT</p> <p>██████████</p> <p>Happy to help – what is your timeline for your PQ prep, please?</p> <p>Thanks</p> <p>Jane</p>
<p>24 February 2016 00000001.00000036.0000 0129</p> <p>00033608</p>	<p>RE: latest on investigations?</p> <p>From: ██████████@justice.gsi.gov.uk&gt;</p> <p>To: Jane Malcolm &lt;██████████@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p> <p>Sent: February 24, 2016 1:35:06 PM GMT</p> <p>Received: February 24, 2016 1:35:11 PM GMT</p> <p>Hi,</p> <p>Sorry – I was at a meeting. My deadline is 3.30pm today, as the PQ is for answer on Tuesday.</p> <p>Sorry!</p> <p>██████████</p>
<p>24 February 2016 00000001.00000036.0000 0130</p> <p>00033609</p>	<p>RE: latest on Investigations?</p> <p>From: Jane Malcolm ██████████@sra.org.uk&gt;</p> <p>To: ██████████@justice.gsi.gov.uk&gt;</p> <p>Sent: February 24, 2016 2:41:37 PM GMT</p> <p>Received: February 24, 2016 2:41:39 PM GMT</p> <p>Thanks ██████████, I'll see what I can do!</p> <p>Jane</p> <p>Sent from my Windows Phone</p>
<p>24 February 2016 00000001.00000036.0000 0131</p>	<p>RE: latest on investigations?</p> <p>From: Jane Malcolm ██████████@sra.org.uk&gt;</p> <p>To: ██████████@justice.gsi.gov.uk&gt;</p>

Date	Event
00033610	<p>Sent: February 24, 2016 3:26:40 PM GMT Received: February 24, 2016 3:26:44 PM GMT</p> <p>██████████</p> <p>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.</p> <p>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.</p> <p>I hope this is sufficient for your purposes.</p> <p>Many thanks Jane Sent from my Windows Phone</p>
<p>29 February 2016 00000001.00000036.0000 0132</p> <p>00033611</p>	<p>20160229-Update From: DJEP-Historic Investigations AH (Sanders, Ben B2) &lt;██████████@mod.uk&gt; To: 'Jane Malcolm' &lt;██████████@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: February 29, 2016 9:47:17 AM GMT Received: February 29, 2016 9:47:29 AM GMT</p> <p>Jane,</p> <p>We spoke some weeks ago, following the upsurge in media interest in the Iraq litigation and Iraq Historic Allegations Team (IHAT). While the reporting appears to have died down, we are still under significant scrutiny from Ministers and senior personnel. Ministers are meeting tomorrow to discuss progress addressing various issues in this area, and I have been asked to obtain <b>an update</b> on the SRA's investigation.</p> <p>When we last spoke, you indicated that:</p> <ul style="list-style-type: none"> <li>· the SRA was considering taking the unusual step of sharing with MoJ and MOD the charge sheet that was submitted to the Solicitors Disciplinary Tribunal. I presume that it has been decided not to do so.</li> <li>· the SRA investigation into PIL was likely to be complete in February/March. Do you still expect to take a decision on whether or not to refer PIL to the SDT by the end of March?</li> </ul> <p>Do you have any idea as to when the SDT is likely to confirm the charges, or decide not to proceed with a disciplinary hearing?</p> <p>I would be grateful if you could provide <b>an update on timescales</b> today, please.</p>

Date	Event
	<p>Regards, Ben Dr Benjamin Sanders DJEP Assistant Head (Historic Investigations) [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB Tel: [REDACTED]</p>
<p>29 February 2016 00000001.00000036.0000 0133  00033612</p>	<p>RE: 20160229-Update From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: DJEP-Historic Investigations AH (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt; Sent: February 29, 2016 11:02:02 AM GMT Received: February 29, 2016 11:04:12 AM GMT</p> <p>Ben</p> <p>I am travelling this morning but can call once into the office this afternoon.</p> <p>I hope that works for you.</p> <p>Many thanks</p> <p>Jane Sent from my Windows Phone</p>
<p>29 February 2016 00000001.00000036.0000 0134  00033613</p>	<p>RE: 20160229-Update From: DJEP-Historic Investigations AH (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt; To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: February 29, 2016 11:05:38 AM GMT Received: February 29, 2016 11:05:48 AM GMT</p> <p>That will be fine, thanks</p>

March 2016

Date	Event
<p>22 March 2016 00000001.00000036.0000 0135  00033614</p>	<p>Private &amp; Confidential - Addressee Only From: [REDACTED]@sra.org.uk To: 'Nick Goodwin' &lt;[REDACTED]@justice.gsi.gov.uk&gt; Cc: Paul Phillip &lt;[REDACTED]@sra.org.uk&gt;, Paul Phillip &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Pp01sra1&gt; Sent: March 22, 2016 1:45:53 PM GMT Received: March 22, 2016 1:45:56 PM GMT Attachments: Ltr to Nick Goodwin 22.3.16.pdf</p> <p>Dear Mr Goodwin</p> <p>Please find attached letter from Paul Phillip, Chief Executive of the Solicitors</p>

Date	Event
<p>00000001.00000036.0000 0135_001</p>	<p>Regulation Authority.</p> <p>Regards</p> <p>██████████</p> <p>Executive PA to</p> <p>Enid Rowlands Chair of the SRA Board</p> <p>Paul Phillip Chief Executive</p> <p>Ext: ██████   DDI: ████████████████████   M: ██████████</p> <p>Email: &lt;mailto:██████████@sra.org.uk&gt; ██████████@sra.org.uk</p> <p>Solicitors Regulation Authority</p> <p>The Cube, 199 Wharfside Street, Birmingham B1 1RN</p> <p>From the Chief Executive</p> <p>The regulator of solicitors and law firms in England and Wales</p> <p>The Cube 199 Wharfside Street Birmingham B1 1RN</p> <p>DX: 720293 BIRMINGHAM 47 UK 0370 606 2555 Int + 44 (0)121 329 6800 F + 44 (0)121 616 1999 www.sra.org.uk</p> <p>Strictly Private &amp; Confidential Nick Goodwin Ministry of Justice 102 Petty France London SW1H 9AJ by email ██████████@justice.gsi.gov.uk</p> <p>22 March 2016</p> <p>Dear Nick</p> <p>AI Sweady Inquiry – Public Interest Lawyers Professor Phillip Shiner</p> <p>I write to update you on the course of our investigation.</p>


Date	Event
	<p>We have now made a decision to prosecute Professor Philip Shiner before the Solicitors Disciplinary Tribunal (SDT). We have also decided to prosecute another solicitor, formerly working in the firm, and will write to you about that shortly.</p> <p>We wrote to Professor Shiner in December 2015 seeking his formal explanation in relation to allegations of misconduct, but he has not provided his explanation for health reasons. His solicitors have told us that they intend to apply to the SDT for any hearing to be heard in private. They will also be asking us to reconsider our decision to prosecute.</p> <p>A brief summary of the essential allegations put to Professor Shiner for explanation are set out below in outline terms. We emphasise that he has not yet provided a response to those allegations and whether or not they are made out will be determined by the Tribunal.</p> <p><input type="checkbox"/> That he failed to inform his clients of the merits of their respective cases;</p> <p><input type="checkbox"/> That he acted for several Iraqi clients where there was a conflict of interest or a significant risk of a conflict of interests;</p> <p><input type="checkbox"/> That he used an individual as the point of contact for those clients when he was aware of information of concern about that individual and entered into an improper arrangement with another individual whom he allowed to exercise inappropriate influence over his independence;</p> <p><input type="checkbox"/> That he failed to uphold the rule of law or the administration of justice, behaved in a way likely to diminish the trust the public places in him or the legal profession and/or failed to act in his clients' best interests by not making the concession ultimately made to the Al Sweady Inquiry (the ASI) on 20 March 2014 at a much earlier stage;</p> <p><input type="checkbox"/> That he made and maintained false allegations of torture and unlawful killing by the British Army publicly, as part of judicial review proceedings and as part of the ASI without properly assessing the reliability and credibility of those allegations;</p> <p><input type="checkbox"/> That he failed to comply with his duties to the Court in the Judicial Review Proceedings, and with his duties to the Legal Services Commission and the ASI;</p> <p><input type="checkbox"/> That he improperly generated and deployed purported evidence that was false; and</p> <p><input type="checkbox"/> That he was a party to potential clients being solicited improperly in Iraq or, alternatively, that he failed to ensure or properly check that clients were not being solicited improperly in Iraq.</p> <p>The allegations also include reference to the payment of a prohibited referral fee, improper payments and improper fee-sharing arrangements.</p> <p>We are now preparing proceedings to be issued before the Tribunal. We will</p>


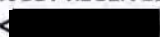

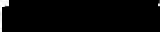
Date	Event
	<p>take into account any explanations or representations received from Professor Shiner and, as is usual, we will also be reviewing the formal allegations to include in those proceedings, which may differ from those summarised above. Any representations received from Professor Shiner may also affect the allegations.</p> <p>Once the allegations are fully formulated and disciplinary proceedings are filed, the Tribunal will be required to certify under its rules whether there is a case to answer. Our policy provides that a decision to bring proceedings before the Tribunal may be published (effectively on our website) once the Tribunal has certified a case. We routinely publish on our website the allegations made (or a summary) in cases that have been certified by the Tribunal.</p> <p>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 you on progress of the matter.</p> <p>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. In the meantime, we ask that you treat the contents of this letter as confidential and do not share it more widely. We have received representations from Professor Shiner's solicitors asking that this information should not be disclosed to you or the Ministry of Defence because of the risk of public disclosure. We decided that it was appropriate to keep you informed although we have not as yet written to the Ministry of Defence. It may be that restricting disclosure to senior people would minimise the risk perceived by Professor Shiner's solicitors.</p> <p>Yours sincerely</p> <p>Paul Philip Chief Executive Solicitors Regulation Authority</p>
<p>22 March 2016 00000001.00000036.0000 0136  00033615</p>	<p>URGENT - LETTER JUST RECEIVED BY MY NEW BOSS</p> <p>From: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt; To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW Sent: March 22, 2016 2:35:31 PM GMT Received: March 22, 2016 2:35:35 PM GMT</p> <p>Jane</p> <p>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.</p> <p>[REDACTED] Deputy Director A2J Strategy and Specialist Policy, Access to Justice Directorate</p>

Date	Event
	<p>Justice and Courts Policy Group  Ministry of Justice  ██████████  102 Petty France  London  SW1H 9AJ  Tel: ██████████  Mobile ██████████  email ██████████@justice.gsi.gov.uk</p>
<p>22 March 2016  00000001.00000036.0000  0137    00033616</p>	<p>RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS  From: Jane Malcolm ██████████@sra.org.uk&gt;  To: ██████████ &lt;██████████@justice.gsi.gov.uk&gt;  Sent: March 22, 2016 2:36:51 PM GMT  Received: March 22, 2016 2:36:54 PM GMT</p> <p>██████████</p> <p>i assume you have it – just back in office and was about to send over to you.</p> <p>And yes, Ministers are fine, as you say you cannot keep in any case.</p> <p>Thanks</p> <p>Jane</p>
<p>22 March 2016  00000001.00000036.0000  0138    00033617</p>	<p>RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS  From: ██████████ &lt;██████████@justice.gsi.gov.uk&gt;  To: Jane Malcolm ██████████@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW  SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP  (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;  Sent: March 22, 2016 2:49:08 PM GMT  Received: March 22, 2016 2:49:20 PM GMT</p> <p>Thanks. Yes I have a copy.</p> <p>██████████ ██████████ ██████████</p> <p>██████████</p> <p>Deputy Director  A2J Strategy and Specialist Policy,  Access to Justice Directorate  Justice and Courts Policy Group  Ministry of Justice  ██████████  102 Petty France  London  SW1H 9AJ  Tel ██████████  Mobile ██████████  email ██████████@justice.gsi.gov.uk</p>
<p>22 March 2016</p>	<p>RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS</p>



Date	Event
<p>00000001.00000036.0000 0139</p> <p>00033618</p>	<p>From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;  To: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;  Sent: March 22, 2016 3:08:45 PM GMT  Received: March 22, 2016 3:08:47 PM GMT</p> <p>Thanks [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>J</p>
<p>23 March 2016</p> <p>00000001.00000036.0000 0140</p> <p>00033619</p>	<p>20160323-MOD to SRA_IFI report</p> <p>From: DJEP-Historic investigations AH (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt;  To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;  Cc: [REDACTED]@sra.org.uk' &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;/O=LAW SOCIETY/OU=Leamingtonspa/cn=recipients/cn=jc1spa&gt;  Sent: March 23, 2016 4:19:31 PM GMT  Received: March 23, 2016 4:31:57 PM GMT  Attachments: 20160323-MOD to SRA_Publication of IFI report.pdf</p> <p>Jane,</p> <p>Please find attached a letter regarding the publication of Sir George Newman's report into the death of Muhammad Abdul Ridha Salim. Although this incident is unrelated to your investigation into Public Interest Lawyers, Sir George's investigation has yielded information that <b>may be relevant</b> to your investigation into the firm's use of agents in Iraq.</p> <p>if I can be of further assistance, please let me know.</p> <p>Regards,</p> <p>Ben</p> <p>Dr Benjamin Sanders</p> <p>DJEP Assistant Head (Historic Investigations)</p> <p>[REDACTED] [REDACTED], MOD Main Building, Whitehall, London, SW1A 2HB  Tel: [REDACTED]</p>

Date	Event
<p>00000001.00000036.0000 0140_001</p>	<div data-bbox="582 318 734 443" style="display: inline-block; vertical-align: top;">  </div> <div data-bbox="774 318 1189 392" style="display: inline-block; vertical-align: top; margin-left: 20px;"> <p>From: Ben Sanders, DfEP Assistant Head (Historic Investigations)  <b>MINISTRY OF DEFENCE</b>  Main Building, Whitehall, London, SW1A 2HB  Telephone: [REDACTED]</p> </div> <hr/> <div data-bbox="582 465 798 577" style="display: inline-block; vertical-align: top; margin-bottom: 20px;"> <p>Jane Malcolm  Solitors Regulation Authority  The Cube  109 Wharfedale Street  Birmingham, B1 1RN  (by e-mail)</p> </div> <div data-bbox="901 465 1101 542" style="display: inline-block; vertical-align: top; margin-bottom: 20px;"> <p>Our Ref: IRACIAL-SWEADY  Date: 23 March 2016</p> </div> <hr/> <p>Dear Jane,</p> <p>I am writing to let you know that Sir George Newman has today published a report<sup>1</sup> of his third investigation, and that this contains information that may be relevant to your investigation into how the firm Public Interest Lawyers (PIL) uses agents to obtain instructions and other information from Iraqi claimants. You will recall from our submissions of 25 February 2015 that MOD is concerned that they may have contravened Chapter 6 of the SRA Code of Conduct 2011, which prohibits regulated persons from actively soliciting clients either directly or via agents.</p> <p>Sir George has been appointed to conduct the inquest-style investigations that the Divisional Court held in 2013 to be essential in certain cases in order to comply fully with the procedural requirements under the European Convention on Human Rights. The report of his first two investigations was published in March 2015.</p> <p>This third investigation relates to the fatal shooting of Muhammad Abdul Fikha Salim in November 2003. The deceased's family instructed PIL to initiate judicial review proceedings in 2004. The case was joined to five others, which progressed together (as <i>Al-Skeir &amp; Others</i>) via the Court of Appeal (2006) and House of Lords (2007) to the Grand Chamber of the European Court of Human Rights (2011) on the basis of assumed facts. The European Court held that there had not been an ECHR-compliant investigation into Mr Salim's death.</p> <p><b>Agents</b></p> <p>PIL's use of agents was touched upon during Sir George's hearing on 30 November 2015. At pages 66-67 of the transcript, Sir George notes that – with the sole exception of Fatima Zuboon Daheesh, Mr Salim's widow – none of the witnesses to the incident gave a signed statement until 2013, and explains that he wishes to ascertain "when instructions were given to PIL, how instructions were given to PIL and how the matter came to be in the English courts, in the Administrative Court by way of an application for judicial review."<sup>2</sup></p> <p><sup>1</sup> <a href="http://www.hq-mo-df-ep-ops.com/newsroom.aspx">http://www.hq-mo-df-ep-ops.com/newsroom.aspx</a>  <sup>2</sup> <a href="http://www.parliament.uk/briefing-papers/snpp/08-11-15-0001">http://www.parliament.uk/briefing-papers/snpp/08-11-15-0001</a></p>

Date	Event
	<p>Mrs Dahesh states that Abu Jamal visited her at her home some months after Mr Salim's death, that she had not sought him out and believes he had learned of the incident from the media. She informed her that he was dealing with complaints against UK Armed Forces, and that she accepted his offer of assistance.<sup>3</sup> After a period of some months Mr Jamal again visited her and informed her that 'the matter is being dealt with and followed by a firm of solicitors abroad'.<sup>4</sup></p> <p>Mrs Dahesh had not herself been present during the incident. She does not recall Mr Jamal asking her to identify the family members who had witnessed it.<sup>5</sup> Nevertheless, it appears that she completed a questionnaire in February 2004 in which she gave their names, although this was not provided to PIL until 2013.<sup>6</sup> Sir George's report provides no explanation for this delay.</p> <p>Although Mrs Dahesh signed various papers in the period following 2004, she did not recall providing a witness statement until 2013.<sup>7</sup> An unsigned witness statement dated 23 February 2004<sup>8</sup> was lodged with the Divisional Court. Philip Shiner of PIL explained this error – which was rectified when a signed statement dated 21 June 2004 was lodged with the Court – in a witness statement dated 18 May 2004.<sup>9</sup></p> <p>This witness statement also deals with Mr Shiner's use of two agents, although he adopts the term 'caseworker'. It appears that Mr Shiner employed Fahim Mazhary, and subsequently Mazin Younis, to undertake work on his behalf in Beers. Mr Mazhary used standard form questionnaires, from which witness statements were subsequently drafted in the UK.<sup>10</sup> Mr Younis appears to have taken witness statements <i>in situ</i>.<sup>11</sup> No reference is made in that statement to Mr Jamal, and it is not clear what interaction (if any) he had with the two caseworkers, or whether he was employed by Mr Shiner.</p> <p><u>Other matters</u></p> <p>In case it is relevant to your investigation, I would also draw your attention to two further areas of Sir George's report.</p> <p>i. Sir George remarks that 'The disclosure given by PIL has not been smooth'<sup>12</sup> and reproduces his public statement of 7 August 2016 in which he expresses an expectation 'those who have the information in their possession or control relevant to the circumstances of a death which has become the subject of an investigation' should supply it 'without any request having to be made ... for that material to be disclosed'.<sup>13</sup> Despite this, he had to make a further</p> <p><sup>3</sup> Transcript, pp.70-71  <sup>4</sup> Transcript, p.72  <sup>5</sup> Transcript, pp.76-78.  <sup>6</sup> Report, p.34 at paragraph 5.9  <sup>7</sup> Transcript, pp. 73-74 and 76-78.  <sup>8</sup> Report, pp.35-38  <sup>9</sup> Report, pp.38-39.  <sup>10</sup> Report, p.37.  <sup>11</sup> Report, p.38.  <sup>12</sup> Report, p.20 at paragraph 3.4  <sup>13</sup> Report, p.21.</p> <p>disclosure request of PIL in January 2016.<sup>14</sup> These materials were disclosed on 3 February 2016.</p> <p>ii. In his concluding remarks, Sir George says 'Unfortunately, the family did not have the benefit of any measured and balanced legal advice' and suggests that Mr Salim's brother-in-law may have hesitated to bring legal proceedings had he been aware of the weight of evidence.<sup>15</sup></p> <p>I hope that you will find the information that I have set out helpful. Please do not hesitate to contact me, if I can be of any further assistance.</p> <p>I look forward to learning the outcome of your investigation, and would be grateful if you could keep me informed of the likely timescales.</p> <p>Yours sincerely,  </p>
<p>23 March 2016  00000001.00000036.0000  0141</p>	<p>RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS  From: Jane Malcolm &lt;@sra.org.uk&gt;  To:  &lt;@justice.gsi.gov.uk&gt;</p>

Date	Event
00033620	<p>Sent: March 23, 2016 7:09:46 PM GMT  Received: March 23, 2016 7:09:47 PM GMT</p> <p>[REDACTED]</p> <p>Any chance of a quick word in the morning?</p> <p>Many thanks</p> <p>Jane</p>
<p>23 March 2016  00000001.00000036.0000  0142</p> <p>00033621</p>	<p>Re: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS  From: [REDACTED]@justice.gsi.gov.uk&gt;  To: [REDACTED]@sra.org.uk' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm  &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP  (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;  Sent: March 23, 2016 7:58:34 PM GMT  Received: March 23, 2016 7:58:36 PM GMT</p> <p>Jane</p> <p>Yes fine. Am working from home, so phone either landline or mobile phone.  I have a meeting at 11am.</p> <p>[REDACTED]</p> <p>"This Message has been sent from a Blackberry Device"</p>
<p>23 March 2016  00000001.00000036.0000  0143</p> <p>00033622</p>	<p>RE: URGENT - LETTER JUST RECEIVED BY MY NEW BOSS  From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;  To: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;  Sent: March 23, 2016 8:21:41 PM GMT  Received: March 23, 2016 8:21:43 PM GMT</p> <p>Thanks [REDACTED], I'll call around 9.30, hope OK.</p> <p>Have a peaceful evening.</p> <p>Jane  Sent from my Windows Phon</p>
<p>24 March 2016  00000001.00000036.0000  0144</p> <p>00033623</p>	<p>notification timing query  From: [REDACTED]@justice.gsi.gov.uk&gt;  To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW  SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP  (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;  Sent: March 24, 2016 2:38:05 PM GMT  Received: March 24, 2016 2:38:10 PM GMT</p> <p>Jane,</p> <p>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.</p>

Date	Event
	<p>I'm assuming publication won't happen until a while later (if at all), as the SDT won't consider for some time.</p> <p>██████████</p> <p>████████████████████</p> <p>Head of Legal Services Policy   Strategy and Specialist Policy Portfolio   Justice and Courts Policy Group   Ministry of Justice   102 Petty France  ██████████   tel: ██████████   BB ██████████</p>
<p>24 March 2016  00000001.00000036.0000  0145</p> <p>00033624</p>	<p>RE: notification timing query</p> <p>From: Jane Malcolm ██████████@sra.org.uk&gt;</p> <p>To: ██████████@justice.gsi.gov.uk&gt;</p> <p>Sent: March 24, 2016 2:41:34 PM GMT</p> <p>Received: March 24, 2016 2:41:36 PM GMT</p> <p>Just spoke with ██████████...</p> <p>Will be next week, as we have to write to firm first</p> <p>Many thanks ( running for train)</p> <p>Jane</p>
<p>24 March 2016  00000001.00000036.0000  0146</p> <p>00033625</p>	<p>RE: 20160323-MOD to SRA_IFI report</p> <p>From: Jane Malcolm ██████████@sra.org.uk&gt;</p> <p>To: DJEP-Historic Investigations AH (Sanders, Ben B2) &lt;██████████@mod.uk&gt;</p> <p>Sent: March 24, 2016 4:06:14 PM GMT</p> <p>Received: March 24, 2016 4:06:15 PM GMT</p> <p>Dear Ben</p> <p>This is very helpful,thank you.</p> <p>I called and missed you. But i anticipate that we will be in touch,next week.</p> <p>Best wishes for the Easter weekend.</p> <p>Thanks</p> <p>Jane</p> <p>Sent from my Windows Phone</p>
<p>30 March 2016  00000001.00000036.0000  0147</p> <p>00033626</p>	<p>Re: In confidence: Contact details required</p> <p>From: ██████████@iraq-judicial-investigations.org &lt;██████████@iraq-judicial-investigations.org&gt;</p> <p>To: ██████████ &lt;██████████@sra.org.uk&gt;</p> <p>Sent: March 30, 2016 2:23:02 PM BST</p> <p>Received: March 30, 2016 2:23:02 PM BST</p> <p>Hi ██████████</p> <p>I've emailed your message on to Mr Duke-Evans.</p>

Date	Event
	<p>Kind regards,</p> <p>█</p> <p>On 30 March 2016 at 14:19 █ █ █  █@sra.org.uk&gt; wrote:</p> <p>Hi █</p> <p>Thank you for your assistance today.</p> <p>Please are you able to pass my details onto Jonathan Duke-Evans.</p> <p>This is with regards to a letter that is addressed to Dr Benjamin Sanders (at his request). As he is not in the business until Monday, a senior member of staff will need to have sight of it – in the strictest confidence.</p> <p>Please am I also able to request Jonathan's title to pass on to my Executive Director and CEO and for email purposes.</p> <p>I look forward to hearing from you.</p> <p>Best wishes</p> <p>█  █  Executive PA to  Jane Malcolm - Executive Director of External Affairs  Juliet Oliver - General Counsel</p> <p>Solicitors Regulation Authority  24 Martin Lane, London, EC4R 0DR  Direct Line: █ █  Mobile: █ █</p>
<p>30 March 2016  00000001.00000036.0000  0148</p> <p>00033627</p>	<p>FW: Solicitors Regulation Authority  From: DJEP-Public Inquiries Hd (Duke-Evans, Jonathan SCS1) &lt;█  █@mod.uk&gt;  To: █@sra.org.uk' &lt;█@sra.org.uk&gt;,  █</p> <p>&lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP  (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PTBLON&gt;  Sent: March 30, 2016 2:35:02 PM BST  Received: March 30, 2016 2:35:06 PM BST</p> <p>Dear █</p> <p>Thanks for your details; mine are below. I am Ben Sanders' line manager and am familiar with the work he has been doing with the SRA.</p> <p>Jonathan</p> <p>Jonathan Duke-Evans</p>

Date	Event
	<p>Head of Claims, Judicial Reviews and Public Inquiries            Directorate of Judicial Engagement Policy            [REDACTED]            Main Building MOD            [REDACTED]</p>
<p>30 March 2016            00000001.00000036.0000            0149            00033628</p>	<p>RE: Solicitors Regulation Authority            From: [REDACTED]@sra.org.uk&gt;            To: 'DJEP-Public inquiries Hd (Duke-Evans, Jonathan SCS1)' &lt;[REDACTED]@mod.uk&gt;            Sent: March 30, 2016 3:08:21 PM BST            Received: March 30, 2016 3:08:23 PM BST</p> <p>Hi Jonathan,</p> <p>Thank you for getting in touch so quickly – this is much appreciated.</p> <p>The letter will be sent across shortly</p> <p>Best wishes</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Executive PA to</p> <p>Jane Malcolm - Executive Director of External Affairs</p> <p>Juliet Oliver - General Counsel</p> <p>Solicitors Regulation Authority            24 Martin Lane, London, EC4R 0DR            Direct Line: [REDACTED]            Mobile: [REDACTED]</p>
<p>30 March 2016            00000001.00000036.0000            0150            00033629</p>	<p>Private &amp; Confidential: 30 March 2016 SRA Letter from Paul Philip CEO            From: [REDACTED]@sra.org.uk&gt;            To: [REDACTED]@mod.uk&gt;            Cc: [REDACTED]@mod.uk' [REDACTED]@mod.uk&gt;            Sent: March 30, 2016 3:16:42 PM BST            Received: March 30, 2016 3:16:45 PM BST            Attachments: 300316 Letter from SRA CEO to Dr Benjamin Sanders.pdf</p> <p>Dear Dr Sanders</p> <p>Please see attached letter from Paul Philip CEO - SRA response to your query.</p> <p>Best wishes</p> <p>[REDACTED]</p>

Date	Event
<p>0000001.00000036.0000 0150_001</p>	<p>Executive PA to</p> <p>Jane Malcolm - Executive Director of External Affairs</p> <p>Juliet Oliver - General Counsel</p> <p>Solicitors Regulation Authority Direct Line: [REDACTED] Mobile: [REDACTED]</p> <p>Our ref: TRI/1157033-2016 Your ref: IRAQ/AL-SWEADY</p> <p>The regulator of solicitors and law firms in England and Wales</p> <p>The Cube 199 Wharfside Street Birmingham B1 1RN</p> <p>DX: 720293 BIRMINGHAM 47 UK 0370 606 2555 Int + 44 (0)121 329 6800 F + 44 (0)121 616 1999 www.sra.org.uk</p> <p>Strictly Private &amp; Confidential</p> <p>Dr Benjamin Sanders DJEP Assistant Head (Historic Investigations) Ministry of Defence [REDACTED] Main Building Whitehall London SW1A 2HB</p> <p>By email:</p> <p>30 March 2016</p> <p>Dear Dr Sanders</p> <p>Al Sweady Inquiry – Public Interest Lawyers Professor Phillip Shiner</p> <p>Thank you for your letter dated 23 March 2016 to my colleague Jane Malcolm. In response to your query on the outcome of our investigation and likely timescales, I write to update you on the course of our investigation.</p> <p>We have now made a decision to prosecute Professor Phillip Shiner before the Solicitors Disciplinary Tribunal. We have also decided to prosecute</p>



Date	Event
	<p>another solicitor, formerly working in the firm, and will write to you about that shortly.</p> <p>We wrote to Professor Shiner in December 2015 seeking his formal explanations in relation to allegations of misconduct, but he has not provided his explanations for health reasons. His solicitors have told us that they intend to apply to the SDT for any hearing to be heard in private. They will also be asking us to reconsider our decision to prosecute.</p> <p>A brief summary of the essential allegations put to Professor Shiner for explanation are set out below in outline terms. We emphasise that he has not yet provided a response to those allegations and whether or not they are made out will be determined by the Tribunal.</p> <p><input type="checkbox"/> That he failed to inform his clients of the merits of their respective cases;</p> <p><input type="checkbox"/> That he acted for several Iraqi clients where there was a conflict of interest or a significant risk of a conflict of interests;</p> <p><input type="checkbox"/> That he used an individual as the point of contact for those clients when he was aware of information of concern about that individual and entered into an improper arrangement with another individual whom he allowed to exercise inappropriate influence over his independence;</p> <p><input type="checkbox"/> That he failed to uphold the rule of law or the administration of justice, behaved in a way likely to diminish the trust the public places in him or the legal profession and/or failed to act in his clients' best interests by not making the concession ultimately made to the Al Sweady Inquiry (the ASI) on 20 March 2014 at a much earlier stage;</p> <p><input type="checkbox"/> That he made and maintained false allegations of torture and unlawful killing by the British Army publicly, as part of Judicial Review proceedings and as part of the ASI without properly assessing the reliability and credibility of those allegations;</p> <p><input type="checkbox"/> That he failed to comply with his duties to the Court in the Judicial Review Proceedings, and with his duties to the LSC and the ASI;</p> <p><input type="checkbox"/> That he improperly generated and deployed purported evidence that was false; and</p> <p><input type="checkbox"/> That he was a party to potential clients being solicited improperly in Iraq or, alternative, that he failed to ensure or properly check that clients were not being solicited improperly in Iraq.</p> <p>The allegations also include reference to the payment of a prohibited referral fee, improper payments and improper fee-sharing arrangements.</p> <p>We are now preparing proceedings to be issued before the Tribunal. We will take into account any explanations or representations received from Professor Shiner and, as is usual, we will also be reviewing the formal allegations to include in those proceedings, which may well differ</p>

Date	Event
	<p>from those summarised above. Any representations received from Professor Shiner may also affect the allegations.</p> <p>Once the allegations are fully formulated and disciplinary proceedings are filed, the Tribunal will be required to certify under its rules whether there is a case to answer. Our policy provides that a decision to bring proceedings before the Tribunal may be published (effectively on our website) once the Tribunal has certified a case. We routinely publish on our website the allegations made (or a summary) in cases that have been certified by the Tribunal.</p> <p>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 you on progress of the matter.</p> <p>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. In the meantime, we ask that you treat the contents of this letter as confidential and do not share it more widely. We have received representations from Professor Shiner's solicitors asking that this information should not be disclosed to you because of the risk of public disclosure. We decided that it was appropriate to keep you informed, but it may be that restricting disclosure to senior people would minimise the risk perceived by Professor Shiner's solicitors.</p> <p>Yours sincerely</p> <p>Paul Philip</p> <p>Chief Executive Solicitors Regulation Authority</p>
<p>30 March 2016 00000001.00000036.0000 0151</p> <p>00033630</p> <p>00000001.00000036.0000 0151_001</p>	<p>FW: Private &amp; Confidential: 30 March 2016 SRA Letter from Paul Philip CEO to Dr Benjamin Sanders</p> <p>From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;</p> <p>To: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;</p> <p>Sent: March 30, 2016 3:32:21 PM BST</p> <p>Received: March 30, 2016 3:32:22 PM BST</p> <p>Attachments: 300316 Letter from SRA CEO to Dr Benjamin Sanders.pdf</p> <p>[REDACTED]</p> <p>Please see attached correspondence to MoD from Paul Philip, in response to a request from the department.</p> <p>Many thanks</p> <p>Jane Sent from my Windows Phone</p>
<p>30 March 2016 00000001.00000036.0000 0152</p>	<p>RE: Private &amp; Confidential: 30 March 2016 SRA Letter from Paul Philip CEO to Dr Benjamin Sanders</p>

Date	Event
00033631	<p>From: [REDACTED]@justice.gsi.gov.uk  To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;  Sent: March 30, 2016 4:15:00 PM BST  Received: March 30, 2016 4:16:03 PM BST</p> <p>Thanks very much.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Deputy Director  AZI Strategy and Specialist Policy,  Access to Justice Directorate  Justice and Courts Policy Group  Ministry of Justice  [REDACTED]  102 Petty France  London  SW1H 9AJ  Tel: [REDACTED]  Mobile [REDACTED]  email [REDACTED]@justice.gsi.gov.uk</p>
<p>30 March 2016  00000001.00000036.0000  0153</p> <p>00033632</p>	<p>RE: Private &amp; Confidential: 30 March 2016 SRA Letter from Paul Phillip CEO  From: DJEP-Public Inquiries Hd (Duke-Evans, Jonathan SCS1) &lt;[REDACTED]@mod.uk&gt;  To: [REDACTED]@sra.org.uk&gt;, [REDACTED] DJEP-HistoricInvestigationsA[REDACTED] &lt;[REDACTED]@mod.uk&gt;, [REDACTED] &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PTBLON&gt;  Sent: March 30, 2016 6:34:23 PM BST  Received: March 30, 2016 6:34:28 PM BST</p> <p>Many thanks to Mr Phillip for the letter. We'll contact him shortly to ensure we understand the confidentiality requirements properly.</p> <p>Jonathan Duke-Evans</p>
<p>31 March 2016  00000001.00000036.0000  0154</p> <p>00033633</p>	<p>RE: Private &amp; Confidential: 30 March 2016 SRA Letter from Paul Phillip CEO  From: [REDACTED]@sra.org.uk&gt;  To: 'DJEP-Public Inquiries Hd (Duke-Evans, Jonathan SCS1)' &lt;[REDACTED]@mod.uk&gt;  Sent: March 31, 2016 9:37:10 AM BST  Received: March 31, 2016 9:37:11 AM BST</p> <p>Morning Jonathan,</p> <p>Many thanks for your response.</p> <p>i have passed this on.</p>

Date	Event
	<p>Best wishes</p> <p>██████████</p> <p>Executive PA to Jane Malcolm - Executive Director of External Affairs Juliet Oliver - General Counsel Solicitors Regulation Authority Direct Line: ██████████ ██████████ ██████████ Mobile: ██████████ ██████████ ██████████ ██████████@sra.org.uk &lt;mailto:██████████@sra.org.uk&gt;</p>
<p>31 March 2016 00000001.00000036.0000 0155  00033634</p>	<p>Private &amp; Confidential: Chat with Jane Malcolm - Executive Director today From: ██████████@sra.org.uk To: 'DJEP-Public Inquiries Hd (Duke-Evans, Jonathan SCS1)' &lt;██████████@mod.uk&gt; Sent: March 31, 2016 11:15:44 AM BST Received: March 31, 2016 11:15:46 AM BST</p> <p>Hi Jonathan,</p> <p>Is it possible for Executive Director Jane Malcolm to have a telephone conversation with you today at 2.30pm, regarding this matter? She would like to speak to you in strict confidence.</p> <p>Look forward to hearing from you.</p> <p>Best wishes</p> <p>██████████</p>
<p>31 March 2016 00000001.00000036.0000 0156  00033635</p>	<p>RE: Private &amp; Confidential: Chat with Jane Malcolm - Executive Director today From: DJEP-Public Inquiries Hd (Duke-Evans, Jonathan SCS1) &lt;██████████@mod.uk&gt; To: ██████████@sra.org.uk, ██████████ &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PTBLON&gt; Cc: DJEP-D (Ryan, Peter SCS) &lt;██████████@mod.uk&gt;, DJEP-PS ██████████ &lt;██████████@mod.uk&gt;</p> <p>Sent: March 31, 2016 12:35:36 PM BST Received: March 31, 2016 12:35:38 PM BST</p> <p>Dear ██████████</p> <p>Unfortunately I'll be tied up in a meeting that I can't change at that time. What I suggest is that Jane talks to my boss, Peter Ryan (Director of Judicial Engagement Policy here in MOD), tomorrow morning. Peter is the only other person in MOD at the moment who has seen Paul Philip's letter and it will go no further before Peter has spoken to Jane, if they can talk tomorrow. Peter's PA ██████████ can set up the conversation with you I hope.</p>

Date	Event
<p>31 March 2016 00000001.00000036.0000 0157  00033636</p>	<p>Jonathan</p> <p>RE: Private &amp; Confidential: Chat with Jane Malcolm - Executive Director today</p> <p>From: [REDACTED]@sra.org.uk&gt;</p> <p>To: 'DJEP-Public Inquiries Hd (Duke-Evans, Jonathan SCS1)' &lt;[REDACTED]@mod.uk&gt;</p> <p>Cc: DJEP-D (Ryan, Peter SCS) &lt;[REDACTED]@mod.uk&gt;, DJEP-PS &lt;[REDACTED]@mod.uk&gt;</p> <p>Sent: March 31, 2016 12:56:56 PM BST Received: March 31, 2016 12:56:57 PM BST</p> <p>Hi Jonathan,</p> <p>Many thanks for your email and quick response.</p> <p>[REDACTED] would Peter be free tomorrow at 9am for a quick telcon with Jane?</p> <p>Best wishes</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Executive PA to Jane Malcolm - Executive Director of External Affairs Juliet Oliver - General Counsel Solicitors Regulation Authority Direct Line: [REDACTED]   [REDACTED] Mobile: [REDACTED] [REDACTED]@sra.org.uk &lt;mailto:Name.Surname@sra.org.uk&gt;</p>

April 2016

Date	Event
<p>5 April 2016 00000001.00000036.0000 0158  00033637</p>	<p>Letter to Rt Hon Michael Fallon MP from Paul Phillip CEO of the SRA</p> <p>From: [REDACTED]@sra.org.uk&gt;</p> <p>To: 'defencesecretary-group@mod.uk' &lt;defencesecretary-group@mod.uk&gt;</p> <p>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 Phillip to Michael Fallon MP.pdf</p> <p>Letter attached herewith.</p> <p>[REDACTED] PA to Enid Rowlands Chair of the SRA Board</p> <p>Paul Phillip Chief Executive</p> <p>Solicitors Regulation Authority</p> <p>Ext. [REDACTED]   DDI: [REDACTED]   M: [REDACTED] E-mail: &lt;mailto:[REDACTED]@sra.org.uk&gt; [REDACTED]@sra.org.uk</p>

Date	Event
<p>00000001.00000036.0000 0158_001</p>	<p>From the Chief Executive</p> <p>The Cube 199 Wharfside Street Birmingham B1 1RN</p> <p>DX: 720293 BIRMINGHAM 47</p> <p>UK 0370 606 2555 Int + 44 (0)121 329 6800</p> <p>www.sra.org.uk</p> <p><b>Rt Hon Michael Fallon MP</b> Secretary of State for Defence Ministry of Defence Floor 5, Main Building Whitehall London SW1A 2HB</p> <p>5 April 2016</p> <p>Dear Mr Fallon</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

Date	Event
	<p>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.</p> <p>I appreciate how busy your diary will be but hope we can arrange to meet to discuss these important issues. Our Public Affairs team (0207 621 3940 or publicaffairs@sra.org.uk) can provide your office with more information and help make arrangements for a meeting.</p> <p>Yours sincerely</p> <p>Paul Philip Chief Executive Solicitors Regulation Authority</p>
<p>5 April 2016 00000001.00000036.0000 0159</p> <p>00033638 00000001.00000036.0000 0159_001</p>	<p>FW: Letter to Rt Hon Michael Fallon MP from Paul Philip CEO of the SRA From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt; Sent: April 5, 2016 4:58:46 PM BST Received: April 5, 2016 4:58:47 PM BST Attachments: 2016 04 05 Letter from Paul Philip to Michael Fallon MP.pdf [REDACTED]</p> <p>Thank you for the helpful meeting this morning.</p> <p>I mentioned that we had written to SoS Defence – please see attached.</p> <p>Many thanks Jane</p>
<p>5 April 2016 00000001.00000036.0000 0160</p> <p>00033639</p> <p>00000001.00000036.0000 0160_001</p>	<p>FW: Letter to Rt Hon Michael Fallon MP from Paul Philip CEO of the SRA From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: 'DJEP-D [REDACTED]' &lt;[REDACTED]@mod.uk&gt; Cc: 'DJEP-Historic Investigations AH (Sanders, Ben B2)' &lt;[REDACTED]@mod.uk&gt; Sent: April 5, 2016 5:03:59 PM BST Received: April 5, 2016 5:04:00 PM BST Attachments: 2016 04 05 Letter from Paul Philip to Michael Fallon MP.pdf</p> <p>Dear Peter</p> <p>Please see attached correspondence from Paul Philip, SRA CEO, to the Secretary of State for Defence, Michael Fallon, for your information.</p> <p>Many thanks Jane</p>
<p>5 April 2016 00000001.00000036.0000 0161</p> <p>00033640</p>	<p>RE: Letter to Rt Hon Michael Fallon MP from Paul Philip CEO of the SRA From: DJEP-D (Ryan, Peter SCS) &lt;[REDACTED]@mod.uk&gt; To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED]@mod.uk' &lt;[REDACTED]@mod.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Cc: DJEP-Historic Investigations AH (Sanders, Ben B2) &lt;[REDACTED]&gt;</p>

Date	Event
	<p>██████████@mod.uk&gt;, DJEP-Private Office (MULTIUSER)          &lt;██████████@mod.uk&gt;          Sent: April 5, 2016 5:13:33 PM BST          Received: April 5, 2016 5:13:36 PM BST</p> <p>Jane</p> <p>Many thanks. I am sure Ministers here will wish to be supportive.</p> <p>Regards          Peter</p>
<p>5 April 2016          00000001.00000036.0000          0162           00033641</p>	<p>RE: Letter to Rt Hon Michael Fallon MP from Paul Philip CEO of the SRA          From: Jane Malcolm &lt;██████████@sra.org.uk&gt;          To: 'DJEP-D (Ryan, Peter SCS)' &lt;██████████@mod.uk&gt;, ██████████@mod.uk' &lt;██████████@mod.uk'&gt;          Cc: DJEP-Historic investigations AH (Sanders, Ben B2) &lt;██████████@mod.uk&gt;, DJEP-Private Office (MULTIUSER) &lt;██████████@mod.uk&gt;          Sent: April 5, 2016 5:18:52 PM BST          Received: April 5, 2016 5:18:53 PM BST</p> <p>Peter</p> <p>Thanks for this.</p> <p>Do let me know if you require any further information.</p> <p>Regards          Jane</p>
<p>6 April 2016          00000001.00000036.0000          0163           00033642</p>	<p>SRA statement          From: Jane Malcolm &lt;██████████@sra.org.uk&gt;          To: ██████████, ██████████ &lt;██████████@justice.gsi.gov.uk&gt;, ██████████ &lt;██████████@justice.gsi.gov.uk&gt;          Sent: April 6, 2016 3:33:36 PM BST          Received: April 6, 2016 3:33:37 PM BST</p> <p>██████████ and ██████████</p> <p>Please see below the statement we are issuing in response to queries from the Mail and Sun.</p> <p>Many thanks          Jane</p> <p>Al-Sweady inquiry          Media response</p> <p>Our investigation has involved the review of a huge amount of complex and detailed evidence contained in hundreds of thousands of documents. We</p>



Date	Event
	<p>recognise the need to deal with these matters as quickly as possible and we have engaged Leading Counsel to oversee this work.</p> <p>We have now decided to refer a second law firm to the Solicitors Disciplinary Tribunal. It is for the Tribunal to decide if there is a case to answer and we anticipate giving it the necessary information to do so in the coming weeks.</p> <p>If the Tribunal accepts the case, it will set a date for a hearing. It would only be at this hearing that the full details of our case would be made public.</p> <p>It is important to make it clear that these are presently only allegations; they are unproven at this point. We should also make it clear that we would not normally confirm such a decision unless the Tribunal agreed that there was a case to answer. It is only because others have put this information in the public domain that we have confirmed we will make a referral.</p> <p>Previous statements:  January 12, 2015 (<a href="http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page">http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page</a>)</p> <p>January 5, 2016 (<a href="http://www.sra.org.uk/sra/news/press/al-sweady-statement-january-2016.page">http://www.sra.org.uk/sra/news/press/al-sweady-statement-january-2016.page</a>)</p> <p>Jane Malcolm  Executive Director - External Affairs  Solicitors Regulation Authority  Mobile: [REDACTED]  The Cube, Birmingham: [REDACTED]  <a href="http://www.sra.org.uk">www.sra.org.uk</a></p>
<p>6 April 2016  00000001.00000036.0000  0164  00033643</p>	<p>SRA statement  From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;  To: 'DJEP-[REDACTED]' &lt;[REDACTED]@mod.uk&gt;  Sent: April 6, 2016 3:35:59 PM BST  Received: April 6, 2016 3:36:00 PM BST</p> <p>Peter</p> <p>Please see below a <b>statement</b> we are issuing in response to queries from the Sun and the Mail.</p> <p>Many thanks</p> <p>Jane</p> <p>Al-Sweady Inquiry</p> <p>Media response</p> <p>Our investigation has involved the review of a huge amount of complex and detailed evidence contained in hundreds of thousands of documents. We recognise the need to deal with these matters as quickly as possible and we</p>

Date	Event
	<p>have engaged Leading Counsel to oversee this work.  We have now decided to refer a second law firm to the Solicitors Disciplinary Tribunal. It is for the Tribunal to decide if there is a case to answer and we anticipate giving it the necessary information to do so in the coming weeks.</p> <p>If the Tribunal accepts the case, it will set a date for a hearing. It would only be at this hearing that the full details of our case would be made public.</p> <p>It is important to make it clear that these are presently only allegations; they are unproven at this point. We should also make it clear that we would not normally confirm such a decision unless the Tribunal agreed that there was a case to answer. It is only because others have put this information in the public domain that we have confirmed we will make a referral.</p> <p>Previous statements:</p> <p>January 12, 2015 (<a href="http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page">http://www.sra.org.uk/sra/news/press/al-sweady-inquiry-statement.page</a>)</p> <p>January 5, 2016 (<a href="http://www.sra.org.uk/sra/news/press/al-sweady-statement-january-2016.page">http://www.sra.org.uk/sra/news/press/al-sweady-statement-january-2016.page</a>)</p> <p>Jane Malcolm  Executive Director - External Affairs  Solicitors Regulation Authority  Mobile: [REDACTED]  The Cube, Birmingham: [REDACTED]  <a href="http://www.sra.org.uk">www.sra.org.uk</a></p>
<p>6 April 2016  00000001.00000036.0000  0165  00033644</p>	<p>RE: SRA statement  From: DJEP-D (Ryan, Peter SCS) &lt;[REDACTED]@mod.uk&gt;  To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW  Cc: DJEP-Private Office (MULTIUSER) &lt;[REDACTED]@mod.uk&gt;  Sent: April 6, 2016 3:57:31 PM BST  Received: April 6, 2016 3:57:54 PM BST</p> <p>Jane</p> <p>Many thanks.</p> <p>Peter</p>
<p>6 April 2016  00000001.00000036.0000  0166  00033645</p>	<p>Re: SRA statement  From: [REDACTED]@justice.gsi.gov.uk&gt;  To: [REDACTED]@sra.org.uk' &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED]  [REDACTED]@justice.gsi.gov.uk&gt;, Jane Malcolm &lt;/O=LAW  SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP  (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;  Sent: April 6, 2016 3:58:19 PM BST  Received: April 6, 2016 3:58:26 PM BST</p> <p>Jane,</p>

Date	Event
	<p>What have they asked you? Do you know what prompted their inquiry? Sorry if I've missed any headlines, as I've been in meetings all day.</p> <p>██████████</p> <p>"This Message has been sent from a Blackberry Device"</p>
<p>6 April 2016 00000001.00000036.0000 0167</p> <p>00033646</p>	<p>RE: SRA statement From: Jane Malcolm &lt;██████████@sra.org.uk&gt; To: ██████████ ██████████@justice.gsi.gov.uk, ██████████ ██████████@justice.gsi.gov.uk Sent: April 6, 2016 4:03:22 PM BST Received: April 6, 2016 4:03:24 PM BST</p> <p>██████████</p> <p>The journalists have asked us to comment on their understanding that we have made the decision to refer.</p> <p>Thanks Jane</p>
<p>11 April 2016 00000001.00000036.0000 0168</p> <p>00033647</p>	<p>Article re LD today From: ██████████@justice.gsi.gov.uk To: Jane Malcolm &lt;██████████@sra.org.uk&gt;, Crispin Passmore&lt;██████████@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;, Crispin Passmore &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt; Sent: April 11, 2016 1:07:57 PM BST Received: April 11, 2016 1:08:05 PM BST</p> <p>Hi both,</p> <p>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?</p> <p>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?</p> <p>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.</p> <p>██████████</p> <p>██████████</p> <p>Head of Legal Services Policy   Strategy and Specialist Policy Portfolio   Justice and Courts Policy Group   Ministry of Justice   102 Petty France ██████████   tel: ██████████   BB ██████████</p>
<p>11 April 2016 00000001.00000036.0000 0169</p>	<p>RE: Article re LD today From: Jane Malcolm &lt;██████████@sra.org.uk&gt; To: ██████████@justice.gsi.gov.uk, Crispin Passmore</p>

Date	Event
00033648	<p>&lt;[REDACTED]@sra.org.uk&gt;, Crispin Passmore &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PP01SRA&gt;            Sent: April 11, 2016 1:09:54 PM BST            Received: April 11, 2016 1:09:55 PM BST</p> <p>[REDACTED]</p> <p>I'll give you a quick call...</p> <p>Thanks</p> <p>Jane</p>
<p>11 April 2016            00000001.00000036.0000            0170</p> <p>00033649</p> <p>00000001.00000036.0000            0170_001</p>	<p>Al-Saadoon &amp; Others</p> <p>From [REDACTED]@justice.gsi.gov.uk&gt;            To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;            Sent: April 11, 2016 1:21:13 PM BST            Received: April 11, 2016 1:21:38 PM BST            Attachments: Al-Saadoon APPROVED judgment.doc</p> <p>Jane,</p> <p>We spoke. You will want to be aware of the judicial criticism at paras 129-131, in the context of current investigations.</p> <p>Thanks</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Head of Legal Services Policy   Strategy and Specialist Policy Portfolio   Justice and Courts Policy Group   Ministry of Justice   102 Petty France            [REDACTED]   tel: [REDACTED]   BB [REDACTED]</p>
<p>11 April 2016            00000001.00000036.0000            0171</p> <p>00033650</p>	<p>RE: Al-Saadoon &amp; Others</p> <p>From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;            To: [REDACTED]@justice.gsi.gov.uk&gt;            Sent: April 11, 2016 2:46:09 PM BST            Received: April 11, 2016 2:46:10 PM BST</p> <p>[REDACTED]</p> <p>Thanks for this. I can confirm, that we picked this up on Friday and have In hand.</p> <p>My mobile is [REDACTED] should you ever need it.</p> <p>Best wishes            Jane            Sent from my Windows Phon</p>
12 April 2016	RE: Al-Saadoon & Others

Date	Event
<p>00000001.00000036.0000 0172</p> <p>00033651</p>	<p>From: [REDACTED]@justice.gsl.gov.uk&gt;  To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;  Sent: April 12, 2016 9:43:10 AM BST  Received: April 12, 2016 9:43:12 AM BST</p> <p>Jane,</p> <p>Thanks for confirming – and for our discussion earlier. Both very helpful.</p> <p>[REDACTED]</p>
<p>12 April 2016</p> <p>00000001.00000036.0000 0173</p> <p>00033652</p> <p>00000001.00000036.0000 0173_001</p>	<p>Letter from Mr Paul Phillip (SRA)</p> <p>From: [REDACTED]@sra.org.uk&gt;  To: 'Nick.Goodwin' &lt;[REDACTED]@justice.gsl.gov.uk&gt;  Sent: April 12, 2016 4:05:00 PM BST  Received: April 12, 2016 4:05:01 PM BST  Attachments: 2016 04 12 letter to MOJ - Dickinson.pdf</p> <p>Dear Mr Goodwin</p> <p>Please find attached herewith a confidential letter from Paul regarding the AI Sweady Inquiry.</p> <p>[REDACTED] PA to  Enid Rowlands Chair of the SRA Board  Paul Phillip Chief Executive  Solicitors Regulation Authority  Ext [REDACTED]   DDI: [REDACTED]   M: [REDACTED]  E-mail: &lt;mailto:[REDACTED]@sra.org.uk&gt; [REDACTED]@sra.org.uk</p> <p>Our ref: TRI/11S7033-2016  Your ref:</p> <p>From the Chief Executive  Strictly Private &amp; Confidential  Mr Nick Goodwin  Ministry of Justice  102 Petty France  London  SW1H 9AJ</p> <p>The Cube  199 Wharfside Street  Birmingham B1 1RN</p> <p>DX: 720293 BIRMINGHAM 47  UK 0370 606 2555  int + 44 (0)121 329 6800  F + 44 (0)121 616 1999  www.sra.org.uk</p>

Date	Event
	<p>Sent by email only: [REDACTED]@justice.gsi.gov.uk</p> <p>12 April 2016</p> <p>Dear Nick</p> <p>Al Sweady Inquiry -- Public Interest Lawyers Mr John Dickinson</p> <p>I refer to my letter dated 22 March 2016 and confirm that we have now made a decision to prosecute Mr John Dickinson before the Solicitors Disciplinary Tribunal.</p> <p>We wrote to Mr Dickinson in December 2015 seeking his formal explanations in relation to allegations of misconduct. We have received, and have taken into account, his response.</p> <p>His solicitors have told us that they intend to apply to the SDT for any hearing to be heard in private. They will also be asking us to reconsider our decision to prosecute.</p> <p>A brief summary of the essential allegations put to Mr Dickinson for explanation are set out below in brief terms. We emphasise that he denies those allegations, and whether or not they are made out will be determined by the Tribunal.</p> <p><input type="checkbox"/> That he failed to act in the best interests of their Iraqi clients by failing to inform them of the merits of their respective cases;</p> <p><input type="checkbox"/> That he acted for several Iraqi clients where there was a conflict of interest or a significant risk of a conflict of interests;</p> <p><input type="checkbox"/> That he used an individual as the point of contact for those clients when he was aware of information of concern about that individual; and</p> <p><input type="checkbox"/> That he failed to uphold the rule of law or the administration of justice, behaved in a way likely to diminish the trust the public places in him or the legal profession and/or failed to act in his clients' best interests by not making the concession ultimately made to the Al Sweady inquiry on 20 March 2014 at a much earlier stage.</p> <p>1 "The Iraqi Core Participants will not submit that, on the balance of probabilities, live Iraqis captured during the course of the battle on 14 May 2004 died or were killed at Camp Abu Naji."</p> <p>We are now preparing proceedings to be issued before the Tribunal. We will take into account any further explanations or representations received from Mr Dickinson and, as is common, we will also be reviewing the formal allegations to include in those proceedings, which may differ from those summarised above.</p>

Date	Event
	<p>Once the allegations are fully formulated and disciplinary proceedings are filed, the Tribunal 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 Tribunal may be published (effectively on our website) once the Tribunal 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 on progress of the matter. We routinely publish on our website the allegations made in, or a summary of, cases that have been certified by the Tribunal.</p> <p>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. In the meantime, we ask that you treat the contents of this letter as confidential and do not share it more widely. We have received representations from Mr Dickinson's solicitors firm asking that this information should not be disclosed to you or the Ministry of Defence because of the risk of public disclosure. We decided that it was appropriate to keep you informed and will be writing to the Ministry of Defence in similar terms. It may be that restricting disclosure to senior people would minimise the risk perceived by Mr Dickinson's solicitors.</p> <p>Yours sincerely</p> <p>Paul Philip Chief Executive Solicitors Regulation Authority</p>
<p>12 April 2016 00000001.00000036.0000 0174</p> <p>00033653</p> <p>00000001.00000036.0000 0174_001</p>	<p>FW: Letter from Mr Paul Philip (SRA) From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk&gt;, [REDACTED] [REDACTED]@justice.gsi.gov.uk&gt; Sent: April 12, 2016 4:26:47 PM BST Received: April 12, 2016 4:26:48 PM BST Attachments: 2016 04 12 letter to MOJ - Dickinson.pdf</p> <p>Both</p> <p>As attached.</p> <p>Many thanks</p> <p>Jane Sent from my Windows Phone</p>
<p>13 April 2016 00000001.00000036.0000 0175</p> <p>00033654</p>	<p>Letter from Mr Paul Philip (SRA) From: [REDACTED]@sra.org.uk&gt; To: 'DJEP-HistoricInvestigationsAH [REDACTED] &lt;[REDACTED]@mod.uk&gt; [REDACTED]@mod.uk&gt; Sent: April 13, 2016 9:24:24 AM BST Received: April 13, 2016 9:24:25 AM BST Attachments: 2016 04 13 - letter to MOD - Dickinson.pdf</p>

Date	Event
	<p>Dear Dr Sanders</p> <p>Please find attached herewith a confidential letter from Paul regarding the Al Sweady inquiry.</p> <p>[REDACTED] PA to  Enid Rowlands Chair of the SRA Board  Paul Philip Chief Executive  Solicitors Regulation Authority  Ext. [REDACTED]   DDI: [REDACTED]   M: [REDACTED]  E-mail: &lt;mailto:[REDACTED]@sra.org.uk&gt; [REDACTED]@sra.org.uk</p> <p>Our ref: TRI/1157033-2016  Your ref:</p> <p>From the Chief Executive  Strictly Private &amp; Confidential  Dr Benjamin Sanders  DJEP Assistant Head (Historic Investigations)  Ministry of Defence  [REDACTED]  Main Building  Whitehall  London SW1A 2HB</p> <p>The Cube  199 Wharfside Street  Birmingham B1 1RN</p> <p>DX: 720293 BIRMINGHAM 47  UK 0370 606 2555  Int + 44 (0)121 329 6800  F + 44 (0)121 616 1999  www.sra.org.uk</p> <p>Sent by email only: [REDACTED]@mod.uk</p> <p>13 April 2016</p> <p>Dear Dr Sanders</p> <p>Al Sweady Inquiry – Public Interest Lawyers  Mr John Dickinson</p> <p>i refer to my letter dated 30 March 2016 and confirm that we have now made a decision to prosecute Mr John Dickinson before the Solicitors Disciplinary Tribunal.</p> <p>We wrote to Mr Dickinson in December 2015 seeking his formal explanations in relation to allegations of misconduct. We have received, and</p>


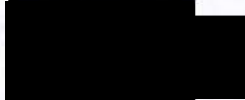


Date	Event
	<p>have taken into account, his response.</p> <p>His solicitors have told us that they intend to apply to the SDT for any hearing to be heard in private. They will also be asking us to reconsider our decision to prosecute.</p> <p>A brief summary of the essential allegations put to Mr Dickinson for explanation are set out below in brief terms. We emphasise that he denies those allegations, and whether or not they are made out will be determined by the Tribunal.</p> <p><input type="checkbox"/> That he failed to act in the best interests of their Iraqi clients by failing to inform them of the merits of their respective cases;</p> <p><input type="checkbox"/> That he acted for several Iraqi clients where there was a conflict of interest or a significant risk of a conflict of interests;</p> <p><input type="checkbox"/> That he used an individual as the point of contact for those clients when he was aware of information of concern about that individual; and</p> <p><input type="checkbox"/> That he failed to uphold the rule of law or the administration of justice, behaved in a way likely to diminish the trust the public places in him or the legal profession and/or failed to act in his clients' best interests by not making the concession ultimately made to the Al Sweady Inquiry on 20 March 2014 at a much earlier stage.</p> <p>1 "The Iraqi Core Participants will not submit that, on the balance of probabilities, live Iraqis captured during the course of the battle on 14 May 2004 died or were killed at Camp Abu Najl."</p> <p>We are now preparing proceedings to be issued before the Tribunal. We will take into account any further explanations or representations received from Mr Dickinson and, as is common, we will also be reviewing the formal allegations to include in those proceedings, which may differ from those summarised above.</p> <p>Once the allegations are fully formulated and disciplinary proceedings are filed, the Tribunal 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 Tribunal may be published (effectively on our website) once the Tribunal 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 on progress of the matter. We routinely publish on our website the allegations made in, or a summary of, cases that have been certified by the Tribunal.</p> <p>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. In the meantime, we ask that you treat the contents of this</p>



Date	Event
	<p>letter as confidential and do not share it more widely. We have received representations from Mr Dickinson's solicitors firm asking that this information should not be disclosed to you or the Ministry of Defence because of the risk of public disclosure. We decided that it was appropriate to keep you informed. We have also written to the Ministry of Justice in similar terms. It may be that restricting disclosure to senior people would minimise the risk perceived by Mr Dickinson's solicitors.</p> <p>Yours sincerely</p> <p>Paul Philip Chief Executive Solicitors Regulation Authority</p>
<p>13 April 2016 00000001.00000036.0000 0176</p> <p>00033655</p> <p>00000001.00000036.0000 0176_001</p>	<p>FW: Letter from Mr Paul Philip (SRA) From: Jane Malcolm [redacted]@sra.org.uk&gt; To: [redacted]@justice.gsi.gov.uk&gt;, [redacted] [redacted]@justice.gsi.gov.uk&gt; Sent: April 13, 2016 10:29:07 AM BST Received: April 13, 2016 10:29:08 AM BST Attachments: 2016 04 13 - letter to MOD - Dickinson.pdf</p> <p>Both</p> <p>For information.</p> <p>Many thanks</p> <p>Jane Sent from my Windows Phone</p>
<p>13 April 2016 00000001.00000036.0000 0177</p> <p>00033656</p>	<p>RE: Letter from Mr Paul Philip (SRA) From [redacted] &lt;[redacted]@justice.gsi.gov.uk&gt; To: Jane Malcolm &lt;[redacted]@sra.org.uk&gt;, [redacted] [redacted]@justice.gsi.gov.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: April 13, 2016 12:03:07 PM BST Received: April 13, 2016 12:03:11 PM BST</p> <p>Jane</p> <p>Thanks very much.</p> <p>[redacted]</p> <p>[redacted]</p> <p>Deputy Director A2J Strategy and Specialist Policy, Access to Justice Directorate Justice and Courts Policy Group Ministry of Justice [redacted]</p> <p>102 Petty France</p>

Date	Event
	<p>London SW1H 9AJ Tel: [REDACTED] Mobile [REDACTED] email: [REDACTED]@justice.gsi.gov.uk</p>
<p>13 April 2016 00000001.00000036.0000 0178  00033657</p>	<p>RE: Letter from Mr Paul Philip (SRA) From: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt; To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: April 13, 2016 12:04:29 PM BST Received: April 13, 2016 12:04:34 PM BST</p> <p>Jane</p> <p>Again – thanks very much.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Deputy Director A2J Strategy and Specialist Policy, Access to Justice Directorate Justice and Courts Policy Group Ministry of Justice [REDACTED] 102 Petty France London SW1H 9AJ Tel: [REDACTED] Mobile [REDACTED] email: [REDACTED]@justice.gsi.gov.uk</p>
<p>14 April 2016 00000001.00000036.0000 0179  00033658  00000001.00000036.0000 0179_001  00000001.00000036.0000 0179_002</p>	<p>RE: SRA statement From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: 'DJEP-D (Ryan, Peter SCS)' &lt;[REDACTED]@mod.uk&gt; Sent: April 14, 2016 11:11:36 AM BST Received: April 14, 2016 11:11:42 AM BST Attachments: Letter from Mr Paul Philip (SRA)</p> <p>Peter</p> <p>Please see attached for information.</p> <p>Many thanks</p> <p>Jane</p>
<p>15 April 2016 00000001.00000036.0000 0180  00033659</p>	<p>RE: Letter from Mr Paul Philip (SRA) From: Goodwin, Nick &lt;[REDACTED]@justice.gsi.gov.uk&gt; To: [REDACTED] &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JT4SPA&gt;</p>

Date	Event
	<p>Sent: April 15, 2016 8:22:12 AM BST  Received: April 15, 2016 8:22:16 AM BST</p> <p>Thank you. i acknowledge receipt.</p> <p>Nick</p> <p>Nick Goodwin</p> <p>Director, Access to Justice  Ministry of Justice  102 Petty France, London SW1H 9AJ  Tel: [REDACTED]  Executive Assistant: [REDACTED]  &lt;mailto:[REDACTED]@justice.gsi.gov.uk&gt; [REDACTED]@justice.gsi.gov.uk  Tel: [REDACTED]</p>
<p>18 April 2016  00000001.00000036.0000  0181</p> <p>00033660</p>	<p>RE: Letter from Mr Paul Philip (SRA)  From: DJEP-Historic Investigations AH (Sanders, Ben B2) &lt;[REDACTED]@[REDACTED]&gt;  To: [REDACTED]@sra.org.uk, [REDACTED] &lt;/O=LAW mod.uk&gt;  SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP  (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JT4SPA&gt;  Sent: April 18, 2016 10:24:11 AM BST  Received: April 18, 2016 10:25:17 AM BST</p> <p>[REDACTED],</p> <p>Thank you. i acknowledge receipt of the letter, and the confidential nature of its contents.</p> <p>Regards,</p> <p>Ben</p> <p>Dr Benjamin Sanders  DJEP Assistant Head (Historic Investigations)  [REDACTED] [REDACTED], MOD Main Building, Whitehall, London, SW1A  2HB  Tel: [REDACTED]</p>

Date	Event
<p>29 April 2016 00000001.00000036.0000 0232 00033711</p>	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">   <b>Ministry of Defence</b> </div> <div style="text-align: right;"> <p><b>SECRETARY OF STATE MINISTRY OF DEFENCE FLOOR 5, ZONE D, MAIN BUILDING WHITEHALL LONDON SW1A 2HB</b></p> <p>Telephone: 020 721 82111/2/3 Fax: 020 721 87140 E-mail: <a href="mailto:dotan@secretary.gov.uk">dotan@secretary.gov.uk</a></p> </div> </div> <p style="text-align: center;">4.7.4 <span style="float: right;">29th April 2016</span></p> <p style="text-align: center;"><i>Dear Mr. Phillip</i></p> <p>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.</p> <p>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.</p> <p>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.</p> <p style="text-align: center;"><i>Yours sincerely</i> </p> <p style="text-align: center;"><b>THE RT HON MICHAEL FALLON MP</b></p> <p style="text-align: center;">Paul Phillip Chief Executive Solicitors Regulation Authority The Cube, 100 Warwick Street Birmingham B1 1FN</p>

May 2016

Date	Event
<p>19 May 2016 00000001.00000036.0000 0182 00033661</p>	<p>AI Sweady inquiry - Letter from Paul Phillip (SRA)</p> <p>From: @sra.org.uk&gt;</p> <p>To: 'Nick.Goodwin' &lt;@justice.gsi.gov.uk&gt;</p> <p>Sent: May 19, 2016 11:33:54 AM BST</p> <p>Received: May 19, 2016 11:33:56 AM BST</p> <p>Attachments: 2016-05-19 - L publication.pdf, 2016-05-19 - Letter to MOJ.pdf</p> <p>Good morning Mr Goodwin</p>

Date	Event
<p>00000001.00000036.0000 0182_001</p>	<p>Please find attached from Paul Philip.</p> <p>Yours sincerely</p> <p>██████████ PA to</p> <p>Enid Rowlands Chair of the SRA Board Paul Philip Chief Executive Solicitors Regulation Authority Ext. ██████   DDI: ██████   M: ██████ E-mail: &lt;mailto:██████████@sra.org.uk&gt; ██████@sra.org.uk</p> <p>[Martyn Day - SRA ID 124223] [Sapna Malik - SRA ID 168442] [Leigh Day - SRA ID 67679]</p> <p>Decision – prosecution</p> <p>Outcome: Referral to Solicitors Disciplinary Tribunal Outcome date: 4 December 2015 Published date: 20 May 2016</p> <p>Firm details</p> <p>Firm or organisation at time of matters giving rise to outcome</p> <p>Name: Leigh Day Address(es): Priory House, 25 St John’s Lane, London EC1M 4LB Firm ID: 67679</p> <p>Outcome details This outcome was reached by SRA decision.</p> <p>Reasons/basis This notification relates to a Decision to prosecute before the Solicitors Disciplinary Tribunal.</p> <p>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:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> </ol>

Date	Event
	<p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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);</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p>

Date	Event
	<p>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;</p> <p>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;</p> <p>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) made 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.</p> <p>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.</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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</p>



Date	Event
<p>00000001.00000036.0000 0182_002</p>	<p>account for the sums paid to each of individuals.</p> <p>The allegations are subject to a Hearing before the Solicitors Disciplinary Tribunal and are as yet unproven.</p> <p>Our ref: TRI/1157033-2016 Your ref: IRAQ/AL-SWEADY</p> <p>From the Chief Executive</p> <p>Private &amp; Confidential</p> <p>Mr Nick Goodwin Ministry of Justice 102 Petty France London SW1H 9AJ</p> <p>The Cube 199 Wharfside Street Birmingham B1 1RN</p> <p>DX: 720293 BIRMINGHAM 47 UK 0370 606 2555 Int + 44 (0)121 329 6800 F + 44 (0)121 616 1999 www.sra.org.uk</p> <p>By email only [REDACTED]@justice.gsi.gov.uk</p> <p>19 May 2016</p> <p>Dear Mr Goodwin</p> <p>Al Sweady Inquiry – Leigh Day</p> <p>I indicated in my previous letters that I would keep you updated on the course of our investigation.</p> <p>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.</p> <p>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</p>



Date	Event
	<p>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</p> <p>Outcome details  This outcome was reached by SRA decision.</p> <p>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:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>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;</li> </ol>

Date	Event
	<p>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);</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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) 00033662_Al Sweady Inquiry - Letter from Paul Philip (SRA) made 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.</p> <p>15. Mr Day and Ms Malik authorised and/or approved payment by Leigh Day</p>

Date	Event
	<p>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.</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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.</p> <p>The allegations are subject to a Hearing before the Solicitors Disciplinary Tribunal and are as yet unproven.</p> <p>Our ref: TRI/1157033-2016 Your ref: IRAQ/AL-SWEADY</p> <p>From the Chief Executive</p> <p>Private &amp; Confidential</p> <p>Dr Benjamin Sanders DJEP Assistant Head (Historic Allegations) Ministry of Defence ██████████ Main Building Whitehall London SW1A 2HB</p> <p>The regulator of solicitors and law firms in England and Wales</p> <p>The Cube 199 Wharfside Street Birmingham B1 1RN</p>

Date	Event
<p>00000001.00000036.0000 0183_002</p>	<p>DX: 720293 BIRMINGHAM 47 UK 0370 606 2555 Int + 44 (0)121 329 6800 F + 44 (0)121 616 1999 www.sra.org.uk</p> <p>By email only: [REDACTED]@mod.uk</p> <p>19 May 2016</p> <p>Dear Dr Sanders</p> <p>AI Sweady Inquiry – Leigh Day</p> <p>i indicated in my previous letters that i would keep you updated on the course of our investigation.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>i will of course keep you up to date on progress.</p> <p>Yours sincerely</p> <p>Paul Phillip Chief Executive Solicitors Regulation Authority</p>

Date	Event
<p>19 May 2016 00000001.00000036.0000 0184  00033663</p> <p>00000001.00000036.0000 0184_001</p> <p>00000001.00000036.0000 0184_002</p>	<p>cc Mr Peter Ryan (by email - [REDACTED]@mod.uk)</p> <p>FW: Al Sweady Inquiry - Letter from Paul Phillip (SRA) From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED] &lt;[REDACTED]@justice.gsl.gov.uk&gt;, [REDACTED] [REDACTED]@justice.gsl.gov.uk&gt; Sent: May 19, 2016 12:29:32 PM BST Received: May 19, 2016 12:29:35 PM BST Attachments: 2016-05-19 - L publication.pdf, 2016-05-19 - Letter to MOJ.pdf</p> <p>[REDACTED] and [REDACTED]</p> <p>Please see attached.</p> <p>Many thanks Jane Sent from my Windows Phone</p> <hr/> <p>From: [REDACTED] &lt;mailto:[REDACTED]@sra.org.uk&gt; Sent: 19/05/2016 11:33 To: [REDACTED] &lt;mailto:[REDACTED]@justice.gsl.gov.uk &gt; Subject: Al Sweady inquiry - Letter from Paul Phillip (SRA)</p> <p>Good morning Mr Goodwin</p> <p>Please find attached from Paul Phillip.</p> <p>Yours sincerely</p> <p>[REDACTED] Enid Rowlands Chair of the SRA Board Paul Phillip Chief Executive Solicitors Regulation Authority Ext. [REDACTED]   DDI [REDACTED]   M: [REDACTED] E-mail: [REDACTED]@sra.org.uk &lt;mailto:[REDACTED]@sra.org.uk&gt;</p>
<p>20 May 2016 00000001.00000036.0000 0185  00033664</p>	<p>RE: Al Sweady Inquiry - Letter from Paul Phillip (SRA) From: DJEP-Historic Investigations AH (Sanders, Ben B2) &lt;[REDACTED] [REDACTED]@mod.uk&gt; SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JT4SPA&gt; To: [REDACTED] &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;/O=LAW Sent: May 20, 2016 8:28:22 AM BST Received: May 20, 2016 8:28:26 AM BST</p> <p>[REDACTED]</p> <p>Thank you for sending through the letter from Paul Phillip, the contents of which are noted.</p> <p>Regards,</p>

Date	Event
	<p>Ben</p> <p>Dr Benjamin Sanders  DJEP Assistant Head (Historic Investigations)  ██████████, MOD Main Building, Whitehall, London, SW1A  2HB  Tel: ██████████</p>
<p>20 May 2016  00000001.00000036.0000  0186</p> <p>00033665</p> <p>00000001.00000036.0000  0186_001</p> <p>00000001.00000036.0000  0186_002</p>	<p>FW: Al Sweady Inquiry - Letter from Paul Philip (SRA)  From: Jane Malcolm &lt;██████████@sra.org.uk&gt;  To: ██████████@justice.gsi.gov.uk, ██████████  ██████████@justice.gsi.gov.uk&gt;  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, 2016-05-19 - L publication.pdf</p> <p>██████████ and ██████████</p> <p>Please note that I will confirm publication at 16.00, subject to representations.</p> <p>We are not planning to publish a proactive statement, in accordance with our standard approach to publishing allegations.</p> <p>Many thanks  Jane</p>
<p>20 May 2016  00000001.00000036.0000  0187</p> <p>00033666</p>	<p>RE: Al Sweady Inquiry - Letter from Paul Philip (SRA)  From: Jane Malcolm &lt;██████████@sra.org.uk&gt;  To: 'DJEP-HistoricInvestigationsAH' ██████████ ██████████  ██████████@mod.uk&gt;  Cc: 'DJEP-D' ██████████ ██████████@mod.uk&gt;  Sent: May 20, 2016 1:18:17 PM BST  Received: May 20, 2016 1:18:19 PM BST</p> <p>Dear Ben</p> <p>Further to Paul Philip's correspondence, as sent yesterday, I will confirm publication at 16.00, subject to any representations that we may receive.</p> <p>Can i please note that , In accordance with our standard approach to publishing allegations, we are not planning to publish a proactive statement on this.</p> <p>Many thanks  Jane</p>
<p>20 May 2016  00000001.00000036.0000  0188</p> <p>00033667</p>	<p>RE: Al Sweady Inquiry - Letter from Paul Philip (SRA)  From: ██████████ &lt;██████████@justice.gsi.gov.uk&gt;  To: Jane Malcolm &lt;██████████@sra.org.uk&gt;, ██████████ ██████████  ██████████@justice.gsi.gov.uk&gt;, Jane Malcolm &lt;/O=LAW  SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP  (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;  Sent: May 20, 2016 1:52:19 PM BST  Received: May 20, 2016 1:52:23 PM BS</p>



Date	Event
	<p>Thanks very much Jane.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Deputy Director A2J Strategy and Specialist Policy, Access to Justice Directorate Justice and Courts Policy Group Ministry of Justice [REDACTED] 102 Petty France London SW1H 9AJ Tel: [REDACTED] Mobile [REDACTED] email [REDACTED]@justice.gsi.gov.uk</p>
<p>20 May 2016 00000001.00000036.0000 0189</p> <p>00033668</p>	<p>RE: Al Sweady Inquiry - Letter from Paul Phillip (SRA) From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk, [REDACTED] [REDACTED]@justice.gsi.gov.uk&gt; Sent: May 20, 2016 4:26:07 PM BST Received: May 20, 2016 4:26:10 PM BST</p> <p>[REDACTED] and [REDACTED]</p> <p>We have received no further representations and have duly published. Regards Jane</p>
<p>20 May 2016 00000001.00000036.0000 0190</p> <p>00033669</p>	<p>RE: Al Sweady Inquiry - Letter from Paul Phillip (SRA) From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: Jane Malcolm [REDACTED]@sra.org.uk&gt;, 'DJEP- HistoricInvestigationsAH [REDACTED] [REDACTED]@mod.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Cc: 'DJEP-[REDACTED]@mod.uk&gt; Sent: May 20, 2016 4:26:13 PM BST Received: May 20, 2016 4:26:16 PM BST</p> <p>Dear Ben</p> <p>We have received no further representations and have duly published. Regards Jane</p>
<p>20 May 2016 00000001.00000036.0000 0191</p>	<p>RE: Al Sweady inquiry - Letter from Paul Phillip (SRA) From: DJEP-Historic Investigations AH (Sanders, Ben B2) &lt;[REDACTED] [REDACTED]@mod.uk&gt; To: 'Jane Malcolm' [REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW</p>

Date	Event
00033670	<p>SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Cc: DJEP-D (Ryan, Peter SCS) &lt;[REDACTED]@mod.uk&gt; Sent: May 20, 2016 4:27:47 PM BST Received: May 20, 2016 4:27:52 PM BST</p> <p>Jane,</p> <p>Thank you for letting us know.</p> <p>Regards, Ben</p>

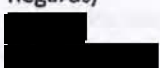




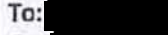
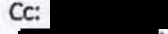


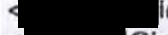

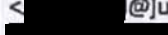







June 2016

Date	Event
6 June 2016 00000001.00000036.0000 0192  00033671	<p>Letter to the Secretary of State from Paul Philip (SRA)</p> <p>From: [REDACTED]@sra.org.uk&gt;</p> <p>To: 'defencesecretary-group@mod.uk' &lt;defencesecretary-group@mod.uk&gt;</p> <p>Sent: June 6, 2016 3:52:23 PM BST</p> <p>Received: June 6, 2016 3:52:25 PM BST</p> <p>Attachments: Image004.png, 2016 06 06 Secretary of State Rt Hon Michael Fallon MP.pdf, image001.png, image002.png, image003.png, image005.png</p> <p>Good afternoon</p> <p>Please find attached a pdf. letter to the Secretary of State from our Chief Executive, Paul Philip.</p> <p>A hard copy is also in the post.</p> <p>Yours faithfully</p>
00000001.00000036.0000 0192_006	<p>[REDACTED] PA to Enid Rowlands Chair of the SRA Board Paul Philip Chief Executive Solicitors Regulation Authority Ext: [REDACTED] DDI: [REDACTED]   M: [REDACTED]</p>
00000001.00000036.0000 0192_006	<p>From the Chief Executive</p> <p>Rt Hon Michael Fallon MP Secretary of State for Defence Ministry of Defence Floor S, Main Building Whitehall London SW1A 2HB</p> <p>6 June 2016</p> <p>Dear Secretary of State</p> <p>Thank you and the Minister for taking the time to meet with myself and my colleague Jane Malcolm last week.</p> <p>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.</p>

Date	Event
	<p>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.</p> <p>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.</p> <p>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 [REDACTED]) directly.</p> <p>With best wishes</p> <p>Paul Phillip  Chief Executive  Solicitors Regulation Authority</p>

August 2016

Date	Event
<p>2 August 2016  00000001.00000036.0000  0193  00033672</p>	<p>Public Interest Lawyers legal aid contract terminated</p> <p>From: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;  To: [REDACTED]@sra.org.uk &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW  Cc: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;, [REDACTED] SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; &lt;[REDACTED]@justice.gsi.gov.uk&gt;, [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt;, [REDACTED] &lt;[REDACTED]@legalaid.gsi.gov.uk&gt;</p> <p>Sent: August 2, 2016 3:13:02 PM BST  Received: August 2, 2016 3:13:05 PM BST</p> <p>Jane,</p> <p>Good to speak. As promised, please find below the Justice Secretary quote we've drafted to respond to any media calls on the above. The LAA GOV.UK article about this is at the link below.</p> <p>Justice Secretary Elizabeth Truss said:</p> <p>"Legal aid is designed to support some of the most vulnerable members of society – not to pursue spurious cases against our brave armed forces as they serve this country overseas.</p> <p>"The investigation by the Solicitors Regulation Authority has unearthed some very serious allegations and it will now be for the relevant authorities</p>

Date	Event
	<p>to decide whether further investigations are required.</p> <p>"But I am determined that public money should not be misused or wasted and I will not tolerate any abuse of the legal aid rules that are so vital to the proper functioning of our justice system."</p> <p><a href="http://www.gov.uk/government/news/civil-news-contract-termination-for-public-interest-lawyers">www.gov.uk/government/news/civil-news-contract-termination-for-public-interest-lawyers</a></p> <p>Regards,    Senior Press Officer  External Communications   Communication and Information Directorate    Ministry of Justice, , 102 Petty France,  London, SW1H 9AJ          &lt;<a href="http://www.gov.uk/moj">http://www.gov.uk/moj</a>&gt; <a href="http://www.gov.uk/moj">www.gov.uk/moj</a>   @MoJGovUK    &lt;<a href="http://www.facebook.com/ministryofjusticeuk">http://www.facebook.com/ministryofjusticeuk</a>&gt;  <a href="http://www.facebook.com/ministryofjusticeuk">www.facebook.com/ministryofjusticeuk</a></p>
<p>2 August 2016  00000001.00000036.0000  0194    00033673</p>	<p>RE: Public Interest Lawyers legal aid contract terminated  From: Jane Malcolm @sra.org.uk&gt;  To: @justice.gsi.gov.uk&gt;  Cc:  &lt;@justice.gsi.gov.uk&gt;,   &lt;@justice.gsi.gov.uk&gt;,   &lt;@justice.gsi.gov.uk&gt;,   &lt;@legalaid.gsi.gov.uk&gt;,   @sra.org.uk&gt;,  &lt;/O=LAW  SOCIETY/OU=EXCHANGE  ADMINISTRATIVE GROUP  (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BF1SSRA&gt;  Sent: August 2, 2016 3:30:32 PM BST  Received: August 2, 2016 3:30:34 PM BST</p> <p></p> <p>Many thanks for this.</p> <p>Our reactive line will be:  "We note the termination of contract by the Legal Aid Agency.</p> <p>"The decision taken by the LAA is a matter for the agency in dialogue with the firm concerned.</p> <p>"We have investigated Public Interest Lawyers and made a referral to the SDT, and cannot comment further on the particulars of the case."</p> <p>I have copied in  our Head of External Communications.</p> <p>Thanks</p> <p>Jane</p>

Date	Event
26 August 2016	<p>From: IHAT-HQ-LEGAD [REDACTED]</p> <p>Sent: 25 August 2016 18:18</p> <p>To: Contactcentre</p> <p>Subject: 20160826-Contact request for Crispin Passmore</p> <p>Dear Sir,</p> <p>I have been advised to email this address as I am trying to make contact with Crispin Passmore. We have been given his name by the LAA as the point of contact in the SRA dealing with Public Interest Lawyers (PIL).</p> <p>The Iraq Historic Allegations Team is tasked with conducting criminal investigations into allegations made by Iraq nationals against members of the UK Armed Forces. As such, we have no locus in any investigation into PIL, but if there are any issues relating to the credibility of the allegations being made, then clearly this could be significant to our investigations. We have already approached and met with the LAA. They are in the process of taking advice on the extent to which they are able to assist us. However the individual we have engaged with [REDACTED]</p> <p>informed us that the SRA may have more relevant information. It was [REDACTED] who gave us Crispin's name as the point of contact.</p> <p>I would be grateful if Crispin could contact me - the details are contained in the signature block below.</p> <p>Many thanks for your assistance in this matter.</p> <p>Kind regards</p> <p>[REDACTED]</p> <p>Legal Advisor   Iraq Historic Allegations Team   Building 396   Trenchard Lines   Upson   PEWSEY   Wiltshire   SN9 6BE</p> <p>[REDACTED]</p>
31 August 2016 00000001.00000036.0000 0195  00033674	<p style="text-align: center;"> SOPWELL HOUSE</p> <p style="text-align: right;">31-8-2016</p> <p>JTT asked that I get in a t/c with Rob to help with SDT process.</p> <p>Dr Ben Sanders 1-14 pm</p> <p>Question for Sec of State office re handling of case against PS. Concerned to case will be heard in private rather than in public. Question been asked: is there an order for the substance being or just temporary since case management being.</p> <p>Whether a final T/O can go about challenging.</p>

Date	Event
	<p>DJM - temporary order. Medical issues. Cannot say more about when next to SDT - will check what can say: media organisation has tried to find out when</p> <p>Quater - fr. PIC level before Aug 1? DJM - dynamic of procedural challenge, public coverage of a medical issue...</p> <p>" - SRA opposing privacy? DJM - answer at level of generality but we are very strong on open justice - see SRA v Spector.</p> <p>- would understand if do not want to commit</p> <p>- would SRA welcome or not MoD intervention - DJM - neutral on that.</p>
<p>31 August 2016 00000001.00000036.0000 0001</p> <p>00033480</p>	<p>Note of telephone conversation on 31 Aug 2016. DJM and JM responding to call from Dr Ben Sanders of MoD asking for help in understanding the SDT process</p> <p>BS said that he was looking for help with a question from the Secretary of State's office regarding the handling of the case regarding PS. They are concerned that the case will be heard in private rather than in public. The question that has been asked is: Is there an order for the substantive hearing to be heard in private or is it just temporary after the CMH? They are also interested in whether and how the MoD could go about challenging the position.</p> <p>DJM indicated that the order is temporary. Media coverage has noted that there is a medical issue. We cannot say more about when it is next before the SDT and will check what we can say: media organisations have tried to find out the timing but we do not recall what the SDT told them, if anything. The MoD can approach the SDT if it wishes.</p> <p>BS asked about timing of a final hearing re PS. DJM said that it is dynamic and depends on procedural issues such as the medical issue mentioned in the press.</p> <p>BS asked if SRA are opposing the privacy order. DJM said he would respond at a general level and we are very strong on protecting public justice: see SRA v Spector earlier this year.</p> <p>BS indicated that he would understand if we did not wish to commit, but would be interested if we would welcome or not MoD seeking to intervene. DJM said we are neutral.</p>

October 2016

Date	Event
10 October 2017	<p>From: IHAT-HQ-LEGAL [redacted] &lt;[redacted]@mod.uk&gt; Sent: 10 October 2016 12:17 To: Contactcentre Subject: 20161010-RE: Contact request for Crispin Pasmore</p> <p>Importance: High</p> <p>[redacted]</p> <p>Please see the email trail below. We have not yet had a response, and I would be very grateful for an update.</p> <p>Kind regards</p> <p>[redacted]</p> <p>D.A. [redacted] Captain Royal Navy   Legal Adviser   Iraq Historic Allegations Team   Building 298   Tranchard Lines   Weymouth, Dorset   Wiltshire   SN9 6SE</p> <p>[redacted] &lt;[redacted]@mod.uk&gt;</p> <p>From: Contactcentre [mailto:Contactcentre@SRA.Org.uk] Sent: 28 August 2016 17:31 To: IHAT-HQ-LEGAL [redacted] Subject: 20160828-Contact request for Crispin Pasmore</p> <p>Dear [redacted]</p> <p>Thank you for your email of 28 August 2016.</p> <p>I have forwarded your email. They will contact you should they require further information.</p> <p>If you have any further queries, please Contact us &lt;<a href="https://www.sra.org.uk/contact-us">https://www.sra.org.uk/contact-us</a>&gt; or <a href="mailto:Contactcentre@SRA.Org.uk">Contactcentre@SRA.Org.uk</a> or <a href="tel:03003300630">03003300630</a></p> <p>Yours sincerely</p> <p>[redacted] Contact Centre Officer</p>
10 October 2016	<p>On 10 Oct 2016, at 17:00, Contactcentre &lt;Contactcentre@SRA.Org.uk&gt; wrote:</p> <p>Dear [redacted]</p> <p>Thank you for your email of 10 October 2016.</p> <p>I have forwarded your email today. You will be contacted in due course.</p> <p>If you have any further queries please Contact Us &lt;<a href="http://www.sra.org.uk/contact-us/">http://www.sra.org.uk/contact-us/</a>&gt;.</p> <p>Yours sincerely</p> <p>[redacted] Contact Centre Officer Contact Centre Serious Fraud Authority [redacted] <a href="mailto:contactcentre@sra.org.uk">contactcentre@sra.org.uk</a></p>



10 October 2016

**Re: 20161010-RE Contact request for Crispin Pasmore**

From: Crispin Pasmore [redacted]@sra.org.uk  
To: IHAT-HQ-LEGAD [redacted]@mod.uk  
Sent: October 10, 2016 5:37:08 PM BST  
Received: October 10, 2016 6:38:00 PM BST

[redacted]

I'm sorry you haven't had reply. I don't appear to have received the earlier email back in August that is attached below. I will now ask one of the lawyers here to make contact. If you haven't heard within the week drop me an email.

Sorry again you didn't get immediate reply. I'm not sure why LAA didn't give you my email or mobile - both are publicly available.

Crispin

Crispin Pasmore

Executive Director

21 October 2016

**Correspondence from David Middleton, SRA**

From: [redacted]@sra.org.uk  
To: [redacted]@IHAT-HQ-LEGAD [redacted]  
Sent: October 21, 2016 2:48:37 PM BST  
Received: October 21, 2016 2:48:13 PM BST  
Attachments: Image001.png, [redacted]003.png, Image004.png, Image005.png, 2016-10-21 Letter to [redacted]

Date: [redacted]

Please see attached correspondence from David Middleton, Executive Director.

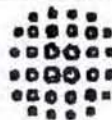
Kind regards

[redacted]  
Executive PA

PA to David Middleton - Executive Director, Legal Case Director

PA to Robert Loughlin - Executive Director, Operations and Quality  
Solicitors Regulation Authority

DOI: [redacted]



**Solicitors  
Regulation  
Authority**

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020 7066 1020

Our ref: CDT/177021-2016 & CDT/177010-2016  
Your ref:

**STRICTLY PRIVATE & CONFIDENTIAL**  
By email only – [thet-hq-regaid@srn.co.uk](mailto:thet-hq-regaid@srn.co.uk)

Legal Services – and Historic Allegations Team  
Building 030 Trenchard Lane  
Upper  
Penny  
Wickham  
BN9 6SE

21 October 2016

Dear [REDACTED]

Report by Sir David Covent-Smith

Thank you for your email in Crispin Passmore dated 28 August and 10 October 2016. I am sorry for the delay in responding. I am the SRA's Executive Director, Legal Case Division.

As you may be aware from information published on our website, and other media reports, we are bringing proceedings in the Solicitors Disciplinary Tribunal against solicitors in both Leigh Day and Public Interest Lawyers. The allegations before the Tribunal arise from material connected with the Al-Sweady inquiry.

A summary of the allegations which have been made against Leigh Day appears on our website at <http://www.sra.org.uk/our-regulation-and-enforcement-division/2016/10/21/leigh-day> article. You will see that they include allegations that the firm made and maintained allegations that the British Army had unlawfully killed, tortured and mistreated Iraqi children, in circumstances where it was improper to do so and failed to provide a document of particular importance (known as 'the OMS box') to the Administration Court and the Al-Sweady inquiry. I should add that the respondents deny the allegations which we have made against them.

Although we are not presently able to confirm the specific allegations which have been made in respect of Public Interest Lawyers, our investigation into that firm also arose from the Al-Sweady inquiry.

We have read with interest Sir David Covent-Smith's review of the Iraq Historic Allegations Team (IHAT) and the work of IHAT more widely. We have noted in particular that the majority (if not all) claims brought before IHAT have been corroborated by Leigh Day and Public Interest Lawyers and that, in Sir David's view, the quality of the information supplied from them has been very poor. He also suggests that, in some cases, there were serious inaccuracies in the account presented to IHAT by those legal representatives.

Sir David's report therefore gives rise to concerns that there may have been misconduct by those firms in connection with material referred to IHAT. I would welcome an opportunity to

meet with you and your colleagues to discuss these concerns and whether any further investigation by the SRA may be necessary.

Similarly, I note your concern that we may have information which affects the credibility of matters which have been referred to IHAT. The SRA has a policy on disclosure which is available on our website at <http://www.sra.org.uk/information-for-recipients/disclosure-policy.aspx>. Again, I think it may be useful if we were to meet to discuss whether we hold any information which may be relevant to your investigations and the extent to which we are able to disclose that information to you.

I will be happy to make arrangements for us to meet at our London office and hope that will be convenient for you.

Yours sincerely

David Middleton  
Executive Director, Legal Case Direction  
Solihull Regulation Authority

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

**\*\* Please quote our above reference whenever contacting us \*\***  
**If responding by e-mail please quote our reference in the subject heading**

26 October 2016

**20161026-RE Correspondence from David Middleton, SRA**

From: IHAT-HQ-LEGAD [REDACTED]@mod.uk  
To: [REDACTED]@sra.org.uk, [REDACTED]@sra.org.uk, David Middleton <D-LAW.SOCIETY@OU-LeamingtonBpa/cn=Recipients/cn=D.Middleton>  
Cc: [REDACTED]@sra.org.uk, [REDACTED]@sra.org.uk <D-LAW.SOCIETY@OU-EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JG01SRA>  
Sent: October 26, 2016 4:31:24 PM BST  
Received: October 26, 2016 4:31:28 PM BST  
Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, 2016-10-2 [REDACTED]

Dear David,

Thank you for your letter dated 21 October 2016. The Director of the IHAT, Mark Warwick, is currently out of office and will return next week. I will discuss the issues you raise in your letter with him on his return.

I am grateful for your offer of making arrangements to meet at your London office. Once I have had the opportunity to speak with the Director, I will contact you again to hopefully arrange a mutually convenient time.

Kind regards

[REDACTED]  
[REDACTED] Captain Royal Navy | Legal Adviser | Iraq Historic Allegations Team | Building 396 | Thornhard Lines | Upavon | PEWSEY | Wiltshire | SN9 8BE

MB: [REDACTED]  
[REDACTED]@mod.uk

November 2016

Date	Event
2 November 2016	<p><b><u>20161028-RE IHAT SRA Meeting</u></b></p> <p><b>From:</b> IHAT-HQ   ROAD [redacted] <b>To:</b> [redacted] @mod.uk [redacted] @sra.org.uk, David Middleton [redacted] @sra.org.uk, [redacted] @sra.org.uk, [redacted] @sra.org.uk, [redacted] @sra.org.uk <b>Cc:</b> [redacted] @sra.org.uk, [redacted] @sra.org.uk (FYDIBOHF23SPDLT)CN=RECIPIENTS/CN=KM018RA <b>Sent:</b> November 2, 2016 3:44:27 PM GMT <b>Received:</b> November 2, 2016 3:44:33 PM GMT <b>Attachments:</b> image001.png, image002.png, image003.png, image005.png, 2016-10-31 [redacted].doc</p> <p>Dear David,</p> <p>Thank you again for your response. I have spoken to Mark Warwick, and we would welcome the opportunity to meet at your London office.</p> <p>Mark is appearing before the sub-committee of the House of Commons Defence Select Committee on Tuesday 15 November. The only availability in London we have before that date is the afternoon of Thursday 10 November – any time after 2.15 pm. Would that be convenient for you?</p> <p>Kind regards</p> <p>[redacted]</p> <p>[redacted]   Captain Royal Navy   Legal Advisor   Iraq Historic Allegations Team   Building 306   Trenchard Lines   PO Box 324   Bovey Waterbury   Wiltshire   SN9 6BE</p> <p>[redacted] @sra.org.uk</p>
2 November 2016	<p><b><u>RE: 20161028-RE IHAT SRA Meeting</u></b></p> <p><b>From:</b> [redacted] @sra.org.uk <b>To:</b> [redacted] @mod.uk <b>Sent:</b> November 2, 2016 4:08:11 PM GMT <b>Received:</b> November 2, 2016 4:09:25 PM GMT <b>Attachments:</b> image001.png, image002.png, image003.png, image004.png, image005.png</p> <p>Dear [redacted]</p> <p>Thank you for your email address to David Middleton.</p> <p>Unfortunately, David is unable to meet with you on 10 November. Are there any convenient dates when David could attend at your offices? I should say at this stage that David is on annual leave from 11 November – 21 November inclusive.</p> <p>I look forward to hearing from you.</p> <p>Kind regards</p> <p>[redacted]</p> <p>Executive PA</p> <p>PA to David Middleton – Executive Director, Legal Case Direction</p> <p>PA to Robert Loughlin – Executive Director, Operations and Quality Solicitors Regulation Authority OD: [redacted]</p>

Date	Event
2 November 2016	<p><b>20161026-RE IHAT SRA Meeting</b></p> <p>From: <b>HAYHOLLEGAD</b> [redacted]@mod.uk  To: [redacted]@mod.uk  Sent: November 2, 2016 4:28:33 PM GMT  Received: November 2, 2016 4:26:48 PM GMT  Attachments: 2016-10-2 [redacted].tif, image001.png, image002.png, image003.png, image004.png, image005.png</p> <p>Dear [redacted]</p> <p>The best day would be Wednesday next week (8 Nov) – any time except 1300 to 1400. Would that be convenient?</p> <p>[redacted]</p> <p>[redacted] Captain Royal Navy   Legal Adviser   Iraq Historic Allegations Team   Building 306   Trenchard Lines   Upaven   PEWSEY   Wiltshire   SN9 6BE</p> <p>[redacted]@mod.uk</p> <p>From: [redacted]@mod.uk  Sent: 02 November 2016 16:10  To: IHAT-HQ-LEGAD [redacted]  Subject: RE: 20161026-RE IHAT SRA Meeting</p>
3 November 2016	<p><b>RE: 20161026-RE IHAT SRA Meeting</b></p> <p>From: [redacted]@mod.uk  To: IHAT-HQ-LEGAD [redacted]@mod.uk  Sent: November 3, 2016 3:37:53 PM GMT  Received: November 3, 2016 3:38:07 PM GMT  Attachments: image005.png, image001.png, image002.png, image003.png, image004.png</p> <p>Dear [redacted]</p> <p>Just to let you know, I am making enquiries to ascertain whether I can arrange for David to be able to meet with you on 8 November. At present, he has other commitments in his diary on this date.</p> <p>Is there a deadline for this meeting?</p> <p>Kind regards</p> <p>[redacted]  Executive PA</p> <p>PA to David Middleton - Executive Director, Legal Case Direction</p> <p>PA to Robert Laughlin - Executive Director, Operations and Quality  Solicitors Regulation Authority  DOI: [redacted]</p>

Date	Event
3 November 2016	<p><b>20161103-RE IHAT SRA Meeting</b></p> <p>From: IHAT-HQ-LEGAL [redacted]@sra.org.uk  To: [redacted]@mod.uk  (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=KGM018RA&gt;  Sent: November 3, 2016 3:53:11 PM GMT  Received: November 3, 2016 3:54:10 PM GMT  Attachments: image001.png, image002.png, image003.png, image004.png, image005.png</p> <p>Dear [redacted]</p> <p>Thank you for letting us know. Would it be possible to look for a convenient time as soon as practicable after David's return from leave on the 21st?</p> <p>Many thanks</p> <p>[redacted]  [redacted] Captain Royal Navy   Legal Adviser   Iraq Historic Allegations Team   Building 398   Trenchard Lines   Upavon   PEWSEY   Wiltshire   SN8 6BE</p>
3 November 2016	<p><b>RE: 20161103-RE IHAT SRA Meeting</b></p> <p>From: [redacted]@sra.org.uk  To: IHAT-HQ-LEGAL [redacted]@mod.uk  Sent: November 3, 2016 3:58:20 PM GMT  Received: November 3, 2016 3:58:21 PM GMT  Attachments: image004.png, image001.png, image002.png, image003.png, image005.png</p> <p>Dear [redacted]</p> <p>Is 9 December at 10.00 too far in advance? David is already scheduled to be in our London office on that date.</p> <p>Kind regards</p> <p>[redacted]  Executive PA</p> <p>PA to David Middleton – Executive Director, Legal Case Direction</p> <p>PA to Robert Loughlin – Executive Director, Operations and Quality  Solicitors Regulation Authority  DOI: [redacted]</p>

Date	Event
4 November 2016	<p><b>20161104-RE IHAT SRA Meeting</b></p> <p>From: IHAT-HQ-LEGAD [redacted]  To: [redacted]@mod.uk  [redacted]@sra.org.uk &lt;/O=LAW (FYDIBOHF23SPDLT)/CN=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM01SRA&gt;  Cc: IHAT-HQ-DIR (Warwick, Mark SCS1) [redacted]  Sent: November 4, 2016 11:18:51 AM GMT  Received: November 4, 2016 11:18:54 AM GMT  Attachments: image005.png, image001.png, image002.png, image003.png, image004.png</p> <p>[redacted]</p> <p>The 8th December will be fine. Both myself and Mark Warwick will attend.</p> <p>Many thanks</p> <p>[redacted]</p> <p>Captain Royal Navy   Legal Advisor   Iraq Historic Allegations Team   Building 398   Tranchard Lines   Upavon   PEWSEY   Wiltshire   SN9 6BE</p> <p>[redacted]</p>
4 November 2016	<p><b>RE: 20161104-RE IHAT SRA Meeting</b></p> <p>From: [redacted]@mod.uk  To: IHAT-HQ-LEGAD [redacted]  Cc: IHAT-HQ-DIR (Warwick, Mark SCS1) [redacted]  Sent: November 4, 2016 11:31:28 AM GMT  Received: November 4, 2016 11:31:30 AM GMT  Attachments: image001.png, image002.png, image003.png, image004.png, image005.png, Location Map - 24 Martin Lane London.doc</p> <p>Des [redacted]</p> <p>Many thanks for confirming.</p> <p>I will send an invite through shortly. Please see attached location map for our London office.</p> <p>Kind regards</p> <p>[redacted]  Executive PA</p> <p>PA to David Middleton – Executive Director, Legal Case Direction</p> <p>PA to Robert Loughlin – Executive Director, Operations and Quality  Solitaire Regulation Authority</p> <p>DD: [redacted]</p>
22 November 2016 00000001.00000036.0000 0196  00033675	<p>20161122-AI-Sweady update</p> <p>From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[redacted]@mod.uk&gt;  To: [redacted]@sra.org.uk, [redacted]@sra.org.uk, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;  Sent: November 22, 2016 12:32:45 PM GMT  Received: November 22, 2016 12:32:52 PM GMT</p> <p>Jane,</p> <p>I am aware from reporting that the SDT proceedings (for which it appears no date has yet been set) against Phil Shiner will now take place in public:</p>

Date	Event
	<p><a href="https://www.thesun.co.uk/news/2210342/shamed-lawyer-phil-shiner-sensationally-drops-demands-to-have-a-secret-trial-into-allegations-he-smearred-british-troops/">https://www.thesun.co.uk/news/2210342/shamed-lawyer-phil-shiner-sensationally-drops-demands-to-have-a-secret-trial-into-allegations-he-smearred-british-troops/</a></p> <p><a href="http://www.dailymail.co.uk/news/article-3947934/Victory-open-justice-iraq-witch-hunt-lawyer-face-charges-public-drops-bid-cases-heard-secret.html">http://www.dailymail.co.uk/news/article-3947934/Victory-open-justice-iraq-witch-hunt-lawyer-face-charges-public-drops-bid-cases-heard-secret.html</a></p> <p><a href="https://www.lawgazette.co.uk/practice/tabloids-claim-victory-as-phil-shiner-prosecution-to-go-public/5058873.article">https://www.lawgazette.co.uk/practice/tabloids-claim-victory-as-phil-shiner-prosecution-to-go-public/5058873.article</a></p> <p>This will come as a great relief to those members of the Armed Forces against whom false allegations were made during the Al-Sweady litigation and public inquiry.</p> <p>I was wondering whether the SRA is now planning to publish the basis of the referrals of Mr Shiner and John Dickinson? The referrals in respect of Leigh Day &amp; Co (<a href="http://www.sra.org.uk/consumers/solicitor-check/067679.article?decision-1">http://www.sra.org.uk/consumers/solicitor-check/067679.article?decision-1</a>) and two of that firm's solicitors (<a href="http://www.sra.org.uk/consumers/solicitor-check/124223.article?decision-1">http://www.sra.org.uk/consumers/solicitor-check/124223.article?decision-1</a>; <a href="http://www.sra.org.uk/consumers/solicitor-check/168442.article?decision-1">http://www.sra.org.uk/consumers/solicitor-check/168442.article?decision-1</a>) are already available online, although this latest development may necessitate republishing these partially anonymised versions.</p> <p>I look forward to hearing from you.</p> <p>Regards, Ben Dr Benjamin Sanders DJEP Assistant Head (Judicial Reviews Casework) [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB Tel: [REDACTED]</p>
<p>23 November 2016 00000001.00000036.0000 0197  00033676</p>	<p>RE: 20161122-Al-Sweady update From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: 'DJEP-JRs Asst Hd Casework (Sanders, Ben B2)' &lt;[REDACTED]@mod.uk&gt; Sent: November 23, 2016 1:27:48 PM GMT Received: November 23, 2016 1:28:50 PM GMT</p> <p>Ben</p> <p>Thank you for getting in touch.</p> <p>We welcome the commitment to a public hearing – but we cannot publish the detail of our referral until the Tribunal agrees that we can do so.</p> <p>I will let you know as soon as we can indeed move to publication.</p> <p>Regards Jane</p>



December 2016

Date	Event
1 December 2016 00000001.00000036.0000 0198  00033677	<p>public case management hearing</p> <p>From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED] &lt;[REDACTED]@justice.gsi.gov.uk&gt; Sent: December 1, 2016 2:29:10 PM GMT Received: December 1, 2016 2:30:41 PM GMT Attachments: Image004.png, image001.png, Image002.png, image003.png, image005.png</p> <p>[REDACTED]</p> <p>in the light of the public interest in this case, please note that the SDT has published a listing for a case management hearing for PIL. <a href="http://www.solicitortribunal.org.uk/content/documents/08.12.2016.pdf">http://www.solicitortribunal.org.uk/content/documents/08.12.2016.pdf</a></p> <p>Many thanks</p> <p>Jane</p> <p>Jane Malcolm</p> <p>Executive Director - External Affairs Solicitors Regulation Authority Mobile: [REDACTED] The Cube, Birmingham: [REDACTED]</p> <p>&lt;<a href="http://www.sra.org.uk/">http://www.sra.org.uk/</a>&gt; <a href="http://www.sra.org.uk">www.sra.org.uk</a> &lt;<a href="https://www.linkedin.com/company/solicitors-regulation-authority">https://www.linkedin.com/company/solicitors-regulation-authority</a>&gt; &lt;<a href="https://twitter.com/sra_solicitors">https://twitter.com/sra_solicitors</a>&gt; &lt;<a href="https://www.youtube.com/user/SRASolicitors">https://www.youtube.com/user/SRASolicitors</a>&gt; &lt;<a href="https://www.facebook.com/srasolicitors">https://www.facebook.com/srasolicitors</a>&gt; &lt;<a href="https://uk.pinterest.com/sra_solicitors/">https://uk.pinterest.com/sra_solicitors/</a>&gt;</p>
7 December 2016 00000001.00000036.0000 0199  00033678	<p>A quick word</p> <p>From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: DJEP-JRsAsstHdCasework [REDACTED] &lt;[REDACTED]@mod.uk&gt; Sent: December 7, 2016 1:52:42 PM GMT Received: December 7, 2016 1:52:44 PM GMT</p> <p>Dear Ben</p> <p>i wonder if you would be free for a quick word later this afternoon?</p> <p>Many thanks</p> <p>Jane</p> <p>Jane Malcolm Executive Director External Affairs</p>

Date	Event
<p>7 December 2016 00000001.00000036.0000 0200</p> <p>00033679</p>	<p>Solicitors Regulation Authority</p> <p>RE: A quick word From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt; To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: December 7, 2016 2:00:38 PM GMT Received: December 7, 2016 2:00:43 PM GMT</p> <p>Of course. Please call me on [REDACTED] whenever is convenient.</p> <p>Ben</p>
<p>7 December 2016 00000001.00000036.0000 0201</p> <p>00033680</p>	<p>Tribunal fines From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: Ben B2 DJEP-JRs Asst Hd Casework &lt;[REDACTED]@mod.uk&gt; Sent: December 7, 2016 10:06:59 PM GMT Received: December 7, 2016 10:07:01 PM GMT</p> <p>Ben</p> <p>Further to your query, I can confirm that any fines imposed by the SDT go to the Government.</p> <p>We believe the GLD collects.</p> <p>Many thanks Jane Jane Malcolm Executive Director External Affairs Solicitors Regulation Authority</p>
<p>8 December 2016 00000001.00000036.0000 0202</p> <p>00033681</p>	<p>allegations published in relation to John Dickinson and Philip Shiner From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: [REDACTED]@justice.gsi.gov.uk' [REDACTED]@justice.gsi.gov.uk&gt;, [REDACTED]@justice.gsi.gov.uk&gt; Sent: December 8, 2016 12:33:31 PM GMT Received: December 8, 2016 12:33:40 PM GMT Attachments: Final operational note - just about to go out</p> <p>[REDACTED]</p> <p>We are now able to publish the allegations and admissions in relation to the Phil Shiner and John Dickinson Case Management hearing at the SDT today. I have also attached a standard operational note that we are about to send out.</p> <p>Many thanks</p> <p>Jane</p> <p>From: [REDACTED] Sent: 08 December 2016 12:25</p>

Date	Event
	<p>To: Jane Malcolm  Subject: Decisions published against John Dickinson and Phillip Dickinson, John—98892 (<a href="http://www.sra.org.uk/consumers/solicitor-check/098892.article">http://www.sra.org.uk/consumers/solicitor-check/098892.article</a>)</p> <p>Outcome: Referral to Solicitors Disciplinary Tribunal  Outcome date: 4 March 2016  Published date: 8 December 2016</p> <p>Firm details  Firm or organisation at time of matters giving rise to outcome  Name: Public Interest Lawyers and Public Interest Lawyers Limited  Address(es): 8 Hylton Street, Birmingham, B18 6HN  Firm ID: 308226 and 520799</p> <p>Outcome details  This outcome was reached by SRA decision.</p> <p>Decision details  This outcome was reached by SRA decision.</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. Professor Shiner encouraged and authorised the making of unsolicited direct approaches to potential clients arising out of the Battle of Danny Boy, through the agency of an individual, 'Z', and three others, which he adopted when client instructions were forthcoming.</li> <li>2. Professor Shiner improperly authorised and procured Public Interest Lawyers Limited to enter into an agreement in June 2015 providing financial benefits to Z in order to cause or persuade him to change his evidence on the issue of how the Al-Sweady clients had been identified. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>3. Professor Shiner improperly presented the changed evidence from Z to the SRA without explanation as to the circumstances in which it had been obtained. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>4. Professor Shiner improperly sanctioned and approved the creation of emails dated 29 and 30 June 2015 which did not disclose the true reason for the agreement with Z, but falsely gave the impression that it was the product of a routine discussion. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>5. Professor Shiner authorised, procured and approved the payment to Z of</li> </ol>

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	<p>prohibited referral fees in or about September 2007.</p> <p>6. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 17-23 March 2009, which was an improper arrangement in that it was an improper contingency fee arrangement;</p> <p>7. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an improper contingency fee arrangement;</p> <p>B. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 17-23 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;</p> <p>9. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of historic cases;</p> <p>10. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 17-23 March 2009, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of publically funded cases.</p> <p>11. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of publically funded cases.</p> <p>12. Professor Shiner authorised, procured and approved the payment to Z of £25,000 in prohibited referral fees on or about 30 March 2009.</p> <p>13. Professor Shiner provided the SRA with a misleading and incomplete response to question 10 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>14. Professor Shiner provided the SRA with a misleading and incomplete response to question 15 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>15. Professor Shiner provided the SRA with a misleading and incomplete response to question 17 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p>

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	<p>The allegations are subject to a Hearing before the Solicitors Disciplinary Tribunal and are as yet unproven.</p> <p>On 7 December 2016, Professor Shiner made admissions to the allegations as follows:</p> <p><b>Allegation 1</b> This allegation is admitted including the allegation of acting without integrity.</p> <p><b>Allegations 2 to 4</b> These three allegations are admitted including the allegation of acting without integrity. The allegations of acting dishonestly or recklessly are not admitted.</p> <p><b>Allegations 5 to 9</b> These five allegations are admitted.</p> <p><b>Allegations 10 to 11</b> These two allegations are not admitted.</p> <p><b>Allegation 12</b> Allegation 1.12 is admitted including the allegation of acting without integrity save that it is not admitted that the payment related to publicly funded cases as alleged.</p> <p><b>Allegations 13 to 16</b> These four allegations are admitted including the allegations of acting without integrity. The allegations of acting dishonestly and recklessly are not admitted.</p> <p><b>Allegation 17</b> This allegation is admitted.</p> <p><b>Allegation 18</b> This allegation is not admitted.</p> <p><b>Allegation 19</b> This allegation is admitted.</p> <p><b>Allegations 20 to 21</b> These two allegations are not admitted.</p> <p><b>Allegation 22</b> This allegation is admitted including the allegation of acting recklessly. The allegation of acting without integrity is not admitted.</p> <p><b>Allegation 23</b> This allegation is not admitted.</p>

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	<p>Allegation 24 This allegation is admitted.</p> <p>Shiner, Phillip—124775 (<a href="http://www.sra.org.uk/consumers/solicitor-check/124775.article">http://www.sra.org.uk/consumers/solicitor-check/124775.article</a>)</p> <p>Outcome: Referral to Solicitors Disciplinary Tribunal Outcome date: 4 March 2016 Published date: 8 December 2016</p> <p>Firm details Firm or organisation at time of matters giving rise to outcome Name: Public Interest Lawyers and Public Interest Lawyers Limited Address(es): 8 Hylton Street, Birmingham, B18 6HN Firm ID: 308226 and S20799</p> <p>Outcome details This outcome was reached by SRA decision.</p> <p>Decision details This outcome was reached by SRA decision.</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. Professor Shiner encouraged and authorised the making of unsolicited direct approaches to potential clients arising out of the Battle of Danny Boy, through the agency of an individual, 'Z', and three others, which he adopted when client instructions were forthcoming.</li> <li>2. Professor Shiner improperly authorised and procured Public Interest Lawyers Limited to enter into an agreement in June 2015 providing financial benefits to Z in order to cause or persuade him to change his evidence on the issue of how the Al-Sweady clients had been identified. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>3. Professor Shiner improperly presented the changed evidence from Z to the SRA without explanation as to the circumstances in which it had been obtained. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>4. Professor Shiner improperly sanctioned and approved the creation of emails dated 29 and 30 June 2015 which did not disclose the true reason for the agreement with Z, but falsely gave the impression that it was the product of a routine discussion. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>5. Professor Shiner authorised, procured and approved the payment to Z of</li> </ol>

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<p>00000001.00000036.0000 0202_001</p>	<p>This allegation is admitted.</p> <p>= Attachment "Final operation note – just about to go out</p> <p><b>From:</b> [REDACTED] [REDACTED] [REDACTED]@sra.org.uk]  <b>Sent:</b> 08 December 2016 12:31  <b>To:</b> Jane Malcolm; [REDACTED]; Jane Malcolm; [REDACTED]  <b>Subject:</b> Final operational note - just about to go out</p> <p>Thursday 8 December, 2016</p> <p>Operational note - Al-Sweady inquiry</p> <p>As part of a case management hearing at The Solicitors Disciplinary Tribunal (SDT), the Solicitors Regulation Authority (SRA) is now able to publish the allegations it has made against Phil Shiner and John Dickinson, and for which the SDT believes there is a case to answer.</p> <p>The Tribunal will now set a date for a hearing. It would only be at this hearing that the full details of our case would be made public.</p> <p>It is important to make it clear that these are, presently, only allegations; they are unproven at this point.  The allegations are or include that:</p> <ol style="list-style-type: none"> <li>1. Professor Shiner encouraged and authorised the making of unsolicited direct approaches to potential clients arising out of the Battle of Danny Boy, through the agency of an individual, 'Z', and three others, which he adopted when client instructions were forthcoming.</li> <li>2. Professor Shiner improperly authorised and procured Public Interest Lawyers Limited to enter into an agreement in June 2015 providing financial benefits to Z in order to cause or persuade him to change his evidence on the issue of how the Al-Sweady clients had been identified. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>3. Professor Shiner improperly presented the changed evidence from Z to the SRA without explanation as to the circumstances in which it had been obtained. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>4. Professor Shiner improperly sanctioned and approved the creation of emails dated 29 and 30 June 2015 which did not disclose the true reason for the agreement with Z, but falsely gave the impression that it was the product of a routine discussion. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>5. Professor Shiner authorised, procured and approved the payment to Z of prohibited referral fees in or about September 2007.</li> </ol>

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	<p>Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>17. Professor Shiner failed to provide the SRA with a timely response to questions 1 and 3 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974.</p> <p>18. Professor Shiner authorised and approved the payment of sums of money which he knew or suspected to be improper and failed to take proper steps to satisfy himself that such disbursements were proper. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>19. Professor Shiner failed, during the period June 2007 to August 2013, to establish and maintain proper and effective arrangements with a third party law firm for the sharing of information and documents which they held in respect of Al-Sweady claims and matters.</p> <p>20. Professor Shiner failed to comply with his duty of candour to the Court in relation to the Judicial Review and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their duty of candour to the Court.</p> <p>21. Professor Shiner failed to comply with his duty of full and frank disclosure to the Legal Services Commission in relation to the Judicial Review and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their comparable duties.</p> <p>22. At a press conference on 22 February 2008, Professor Shiner made and personally endorsed allegations that the British Army had unlawfully killed, tortured and mistreated Iraqi civilians, including his clients, who had been innocent bystanders at the Battle of Danny Boy in circumstances where it was improper to do so.</p> <p>23. Professor Shiner failed to comply with his duty of full and frank disclosure to the Al-Sweady Inquiry in a timely manner or at all, and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their comparable duties.</p> <p>24. Both Professor Shiner and Mr Dickinson failed, in the period March 2013 to March 2014, to keep the Al-Sweady clients properly informed as to the progress of the Al-Sweady Inquiry and in particular as to the declining prospects of their allegations that cold-blooded executions had occurred at Camp Abu Naji ("CAN").</p> <p>in respect of Professor Shiner, it is alleged that by reason of each or all of the matters set out at allegations 1, 2, 3, 4, 12, 13, 14, 15, 16, 18, 21 and 22 he acted without integrity. For the avoidance of doubt, in the case of allegations 2, 3, 4, 13, 14, 15, 16 and 18, if Professor Shiner was not dishonest (as alleged) he was reckless.</p> <p>The allegations are subject to a Hearing before the Solicitors Disciplinary</p>

Date	Event
	<p>Tribunal and are as yet unproven.</p> <p>On 7 December 2016, Professor Shiner made admissions to the allegations as follows:</p> <p><b>Allegation 1</b></p> <p>This allegation is admitted including the allegation of acting without integrity.</p> <p><b>Allegations 2 to 4</b></p> <p>These three allegations are admitted including the allegation of acting without integrity. The allegations of acting dishonestly or recklessly are not admitted.</p> <p><b>Allegations 5 to 9</b></p> <p>These five allegations are admitted.</p> <p><b>Allegations 10 to 11</b></p> <p>These two allegations are not admitted.</p> <p><b>Allegation 12</b></p> <p>Allegation 1.12 is admitted including the allegation of acting without integrity save that it is not admitted that the payment related to publicly funded cases as alleged.</p> <p><b>Allegations 13 to 16</b></p> <p>These four allegations are admitted including the allegations of acting without integrity. The allegations of acting dishonestly and recklessly are not admitted.</p> <p><b>Allegation 17</b></p> <p>This allegation is admitted.</p> <p><b>Allegation 18</b></p> <p>This allegation is not admitted.</p> <p><b>Allegation 19</b></p> <p>This allegation is admitted.</p> <p><b>Allegations 20 to 21</b></p> <p>These two allegations are not admitted.</p>

Date	Event
	<p>Allegation 22</p> <p>This allegation is admitted including the allegation of acting recklessly. The allegation of acting without integrity is not admitted.</p> <p>Allegation 23</p> <p>This allegation is not admitted.</p> <p>Allegation 24</p> <p>This allegation is admitted.</p> <p>These allegations can be found on the SRA's website here:  <a href="http://www.sra.org.uk/consumers/solicitor-check/098892.article">http://www.sra.org.uk/consumers/solicitor-check/098892.article</a>  <a href="http://www.sra.org.uk/consumers/solicitor-check/124775.article">http://www.sra.org.uk/consumers/solicitor-check/124775.article</a></p> <p>If the SDT finds allegations proven, it has a range sanctions available to it, including issuing unlimited fines or striking a solicitor from the roll, meaning they can no longer practise.</p> <p>Further information on this process is available here:  <a href="http://www.sra.org.uk/solicitors/enforcement/intervention-tribunal/disciplinary-tribunal.page">http://www.sra.org.uk/solicitors/enforcement/intervention-tribunal/disciplinary-tribunal.page</a>.</p> <p>Notes to Editors</p> <p>1.The SRA is the regulator of solicitors and law firms in England and Wales, protecting consumers and supporting the rule of law and the administration of justice. The SRA does this by overseeing all education and training requirements necessary to practise as a solicitor, licensing individuals and firms to practise, setting the standards of the profession and regulating and enforcing compliance against these standards. Further information is available at <a href="http://www.sra.org.uk">www.sra.org.uk</a></p> <p>2 Contact the SRA press office via:  [REDACTED]@sra.org.uk</p> <p>-ends-</p> <p>[REDACTED]</p> <p>Head of External Communications  Solicitors Regulation Authority</p> <p>[REDACTED]</p> <p><a href="http://www.sra.org.uk">www.sra.org.uk</a></p>

Date	Event
<p>8 December 2016 00000001.00000036.0000 0203  00033682</p>	<p>allegation published in relation to John Dickinson and Phillip Shiner From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: 'DJEP-D (Ryan, Peter SCS)' &lt;[REDACTED]@mod.uk&gt;, 'DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2)' &lt;[REDACTED]@mod.uk&gt; Sent: December 8, 2016 12:35:53 PM GMT Received: December 8, 2016 12:36:02 PM GMT Attachments: Final operational note - just about to go out</p> <p>Ben and Peter</p> <p>We are now able to publish the allegations and admissions in relation to the Phil Shiner and John Dickinson Case Management hearing at the SDT today.</p> <p>i have also attached a <b>standard operational note</b> that we are sending out.</p> <p>Many thanks</p> <p>Jane</p>
<p>8 December 2016 00000001.00000036.0000 0204  00033683</p>	<p>Final operational note - just about to go out From: [REDACTED]@sra.org.uk To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, [REDACTED] &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;, [REDACTED] &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=LS7RED&gt; Sent: December 8, 2016 12:30:43 PM GMT Received: December 8, 2016 12:30:43 PM GMT Attachments: Image001.png, Image002.png, Image003.png, Image004.png, Image005.png</p> <p>Thursday 8 December, 2016</p> <p>Operational note - Al-Sweady inquiry As part of a case management hearing at The Solicitors Disciplinary Tribunal (SDT), the Solicitors Regulation Authority (SRA) is now able to publish the allegations it has made against Phil Shiner and John Dickinson, and for which the SDT believes there is a case to answer.</p> <p>The Tribunal will now set a date for a hearing. It would only be at this hearing that the full details of our case would be made public. It is important to make it clear that these are, presently, only allegations; they are unproven at this point. The allegations are or include that:</p>
<p>9 December 2016 00000001.00000036.0000 0205  00033684</p>	<p>RE: Tribunal fines From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt; To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: December 9, 2016 8:45:37 AM GMT</p>



Date	Event
	<p>Received: December 9, 2016 8:45:50 AM GMT</p> <p>Jane,</p> <p>Thank you for letting me know. I'll reassure the Army officer who posed the question.</p> <p>Regards, Ben Dr Benjamin Sanders DJEP Assistant Head (Judicial Reviews Casework) [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB Tel: [REDACTED]</p>
<p>9 December 2016 00000001.00000036.0000 0206</p> <p>00033685</p>	<p>RE: Tribunal fines From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt; Sent: December 9, 2016 8:46:44 AM GMT Received: December 9, 2016 8:46:56 AM GMT</p> <p>Ben</p> <p>Thanks for this.</p> <p>Jane</p>
<p>9 December 2016 00000001.00000036.0000 0207</p> <p>00033686</p>	<p>IHAT and PIL From: IHAT-HQ-Media-Adv [REDACTED] &lt;[REDACTED]@mod.uk&gt; To: [REDACTED] Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Cc: IHAT-HQ-PR [REDACTED]@mod.uk Sent: December 9, 2016 12:07:34 PM GMT Received: December 9, 2016 12:07:36 PM GMT</p> <p>Jane –</p> <p>I am emailing to introduce myself as one of the media advisers for IHAT. I have also copied this email to [REDACTED] my colleague here.</p> <p>I suspect we may need to speak in the next few days as we absorb the implications of Shiner's admissions yesterday, so it would be good if you could let me have a contact number.</p> <p>In the meantime I understand that the media reporting about the identify of Z in the allegations is wrong. Are you intending to correct them? It would be helpful to know because we are being asked for the name .... I look forward to talking to you</p> <p>[REDACTED]</p>

Date	Event
	<p>[REDACTED]   IHAT Media Advlser</p> <p>Please note i work part time and am normally in office on Thursdays and Fridays            IHAT Headquarters Operational Support   Building 396   Trenchard Lines   Upavon   Wiltshire   SN9 6BE</p> <p>[REDACTED]</p>
<p>8 December 2016            00000001.00000036.0000            0209</p> <p>00033688</p> <p>Attachment:            00000001.00000036.0000            0208_002</p>	<p>allegation published in relation to John Dickinson and Philip Shiner            From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;            To: 'DJEP-D (Ryan, Peter SCS)' &lt;[REDACTED]@mod.uk&gt;, 'DJEP-Public Inquiries Asst Hd 3 (Sanders, Ben B2)' &lt;[REDACTED]@mod.uk&gt;            Sent: December 8, 2016 12:35:53 PM GMT            Attachments: Final operational note - just about to go out</p> <p>Ben and Peter</p> <p>We are now able to publish the allegations and admisslions in relation to the Phil Shiner and John Dickinson Case Management hearing at the SDT today. I have also attached a standard operational note that we are sending out.</p> <p>Many thanks</p> <p>Jane</p>
<p>9 December 2016            00000001.00000036.0000            0208</p> <p>00033687</p> <p>Attachment =            00000001.00000036.0000            0208_001</p>	<p>RE: Tribunal fines            From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;            To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt;            Sent: December 9, 2016 1:33:41 PM GMT            Received: December 9, 2016 1:33:56 PM GMT            Attachments: allegation published in relation to John Dickinson and Phillip Shiner</p> <p>Ben</p> <p>Please find email with allegations and admisslions attached ,to ensure delivery.</p> <p>Many thanks</p> <p>Jane</p>
<p>9 December 2016            00000001.00000036.0000            0210</p> <p>00033689</p>	<p>RE: Tribunal fines            From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt;            To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;            Sent: December 9, 2016 1:39:09 PM GMT            Received: December 9, 2016 1:39:11 PM GMT</p> <p>Many thanks.</p>

Date	Event
	<p>Ben</p> <p>From: Jane Malcolm [mailto:██████████@sra.org.uk]            Sent: 09 December 2016 13:34            To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2)            Subject: RE: Tribunal fines</p> <p>Ben            Please find email with allegations and admissions attached ,to ensure delivery.            Many thanks            Jane</p>
<p>9 December 2016            00000001.00000036.0000            0211              00033690</p>	<p>RE: IHAT and PIL            From: Jane Malcolm &lt;██████████@sra.org.uk&gt;            To: IHAT-HQ-Media-Adv ██████████ ██████████ ██████████ ██████████            ██████████@mod.uk&gt;            Cc: IHAT-HQ-PR ██████████@mod.uk&gt;, ██████████ ██████████ ██████████ ██████████            ██████████@sra.org.uk&gt;, ██████████ ██████████ &lt;/O=LAW            SOCIETY/OU=EXCHANGE            ADMINISTRATIVE GROUP            (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BF15SRA&gt;            Sent: December 9, 2016 2:10:58 PM GMT            Received: December 9, 2016 2:11:11 PM GMT</p> <p>██████████</p> <p>Thank you for contacting us. I have copied in ██████████ our Head of External Communications</p> <p>Can I check that you have the full set of allegations and admissions – we published yesterday.</p> <p>Please find my contact details below. I'll try calling your landline shortly.            Many thanks            Jane</p>
<p>9 December 2016            00000001.00000036.0000            0212              00033691</p>	<p>RE: IHAT and PIL            From: IHAT-HQ-Media-Adv ██████████ ██████████ ██████████ ██████████            ██████████@mod.uk&gt;            To: 'Jane Malcolm' &lt;██████████@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW            SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP            (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;            Sent: December 9, 2016 2:22:52 PM GMT            Received: December 9, 2016 2:22:55 PM GMT</p> <p>Jane –</p> <p>Thank you – but no contact details at the bottom</p> <p>██████████</p> <p>██████████   IHAT Media Adviser            Please note I work part time and am normally in office on Thursdays and Fridays</p>

Date	Event
	<p>IHAT Headquarters Operational Support   Building 396   Trenchard Lines   Upavon   Wiltshire   SN9 6BE</p> <p>[REDACTED] [REDACTED] [REDACTED]@mod.uk</p>
<p>9 December 2016 00000001.00000036.0000 0213</p> <p>00033692</p>	<p>RE: IHAT and PIL From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: IHAT-HQ-Media-Adv [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]@mod.uk&gt; Sent: December 9, 2016 2:25:07 PM GMT Received: December 9, 2016 2:25:41 PM GMT Attachments: Image005.png, Image001.png, Image002.png, Image003.png, Image004.png</p> <p>Apologies, working off phone, Ipad and laptop, signature lost...</p> <p>Jane Malcolm Executive Director - External Affairs Solicitors Regulation Authority</p> <p>Mobile: [REDACTED]</p> <p>The Cube, Birmingham: [REDACTED]</p> <p>www.sra.org.uk <a href="http://www.sra.org.uk/">http://www.sra.org.uk/</a></p> <p>&lt;<a href="https://www.linkedin.com/company/solicitors-regulation-authority">https://www.linkedin.com/company/solicitors-regulation-authority</a>&gt; &lt;<a href="https://twitter.com/sra_solicitors">https://twitter.com/sra_solicitors</a>&gt; &lt;<a href="https://www.youtube.com/user/SRASolicitors">https://www.youtube.com/user/SRASolicitors</a>&gt; &lt;<a href="https://www.facebook.com/srasolicitors">https://www.facebook.com/srasolicitors</a>&gt; &lt;<a href="https://uk.pinterest.com/sra_solicitors/">https://uk.pinterest.com/sra_solicitors/</a>&gt;</p>
<p>9 December 2016 00000001.00000036.0000 0214</p> <p>00033693</p> <p>00000001.00000036.0000 0214_001</p>	<p>FW: Tribunal fines From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt; To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: December 9, 2016 3:01:41 PM GMT Received: December 9, 2016 3:01:43 PM GMT Attachments: 20161209-Action against lawyers following Al-Sweady Inquiry.docx</p> <p>Jane,</p> <p>As discussed, grateful if you could check the accuracy of the bits on the SRA investigation and the SDT process. I don't think it is too controversial. I am in the process of getting the note cleared internally, so the final text may change.</p> <p>Regards, Ben</p>

Date	Event
	<p>Dr Benjamin Sanders  DJEP Assistant Head (Judicial Reviews Casework)  [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB  Tel: [REDACTED]</p> <p>From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2)  Sent: 09 December 2016 09:19  To: DJEP-Public Inquiries Hd (Duke-Evans, Jonathan SCS1); DDC-PR-NewsPolPers SCO [REDACTED]  Cc: DDC-PR-NewsPolPers CCO [REDACTED]  Subject: FW: Tribunal fines</p> <p>Jonathan,</p> <p>I think we need to put out a short factual statement explaining what yesterday's developments mean, what will happen next, and when. Much of the media reporting is speculative, and some positively inaccurate, and those soldiers who were directly affected by the false allegations at the heart of the Al-Sweady Inquiry will need some help to separate fact from fiction. It was the impact on the soldiers that led us to make representations to the SRA, and I want to ensure that we do not forget them now – particularly in light of SofS media line.</p> <p>Are you content for me to work with DDC on producing a statement to go out later today? I will probably need to <b>run it past the SRA to ensure that it is accurate.</b></p> <p>Ben</p> <p><b>AL-SWEADY INQUIRY: ACTION TAKEN AGAINST LAWYERS</b></p> <p>The events of 24 May 2004 have cast a long shadow. Allegations that members of our Armed Forces captured, tortured and murdered Iraqi civilians emerged soon afterwards. And they hung over those soldiers for a decade.</p> <p>The Al-Sweady Inquiry established conclusively that those allegations were false – the product of deliberate lies by a small number of Iraqis – and that our soldiers, subjected to co-ordinated ambushes by armed insurgents, had acquitted themselves honourably.</p> <p>During the course of the Al-Sweady inquiry, the Ministry of Defence became concerned about the conduct of some of the lawyers through whom these allegations had been brought and sustained.</p> <p>Our closing submissions to the inquiry highlighted the significance of a document, which came to light among Leigh Day's files only in 2013, and which showed that all those detained around the Danny Boy checkpoint were members of various militia groups.</p> <p>Armed with the Inquiry's report the Department went further, taking the</p>

Date	Event
	<p>unprecedented step of submitting a file to the Solicitors Regulation Authority (SRA). This identified a number of apparent breaches of the SRA Code of Conduct requested that they be investigated. Of these, the most troubling was the fact that, although serious inconsistencies between the claimants' allegations and the forensic evidence (and even within the claimants' accounts) had emerged by February 2013, the firm Public Interest Lawyers insisted that the Chairman should take oral evidence from all of the more than 200 soldiers involved. In doing so they ignored the traumatic nature of these events, and the profound impact that reliving them would have on the soldiers, and especially those already living with mental health problems.</p> <p>Many of the over 500 soldiers who provided evidence in one form or another have left the Armed Forces. We want to explain to them what the latest developments in the SRA investigation mean, and to separate fact from speculation.</p> <p>The SRA investigation has culminated in them referring 24 allegations against solicitors from Public Interest Lawyers and 19 allegations against solicitors from Leigh Day &amp; Co to the Solicitors Disciplinary Tribunal. The Tribunal has the power to impose unlimited fines on, or to strike off, any solicitor who is found to have breached the Code of Conduct.</p> <p>Phillip Shiner has now admitted 18 of these allegations, in whole or in part. He has accepted that it is likely that he will be struck off by the Tribunal, although it has not yet made any determination. However, this is not the end of the matter.</p> <p>The Tribunal will still hear the case against Mr Shiner – and particularly the allegations that he acted dishonestly or recklessly (which he has not admitted) – in January 2017. The Tribunal will also hear one allegation against John Dickinson, also of Public Interest Lawyers, at the same time. It will then hear the allegations against the firm Leigh Day &amp; Co, and against its solicitors Martyn Day and Sapna Malik, in March 2017. We await the outcome of these proceedings with interest.</p> <p>We hope that the soldiers who have been directly affected by the prolonged and public investigations into the 24 May 2004 events will take comfort from the fact that the actions of those lawyers who we believe to have been complicit in bringing these manifestly false claims through our Courts are being subjected to intense scrutiny.</p> <p>If any of the soldiers affected have any questions or concerns, we invite them to contact their former units or Ben Sanders [redacted] @mod.uk / [redacted].</p>
<p>9 December 2016 00000001.00000036.0000 0215  00033694</p>	<p>Fwd: PIL and SDT From: Jane Malcolm &lt;[redacted]@sra.org.uk&gt; To: Ben B2 DJEP-JRs Asst Hd Casework &lt;[redacted]@mod.uk&gt; Sent: December 9, 2016 3:03:45 PM GMT Received: December 9, 2016 3:03:54 PM GMT  Ben</p>

Date	Event
	<p>Please see detail below.</p> <p>Thanks</p> <p>Jane</p> <p>Jane Malcolm Executive Director External Affairs Solicitors Regulation Authority</p> <p>Begin forwarded message:</p> <p>From: [REDACTED] [REDACTED] [REDACTED]@sra.org.uk&lt;mailto:[REDACTED]@sra.org.uk&gt;&gt;</p> <p>Date: 9 December 2016 at 14:51:39 GMT</p> <p>To: [REDACTED] Jane [REDACTED] Malcolm [REDACTED]@sra.org.uk&lt;mailto:[REDACTED]@sra.org.uk&gt;&gt;</p> <p>Cc: [REDACTED] [REDACTED] [REDACTED]@sra.org.uk&lt;mailto:[REDACTED]@sra.org.uk&gt;&gt;</p> <p>Subject: PIL and SDT</p> <p>The hearing for Public Interest Lawyers starts on Monday 23 January, 2017 and runs for four weeks. The first week will involve the Tribunal's Panel absorbing all written materials and will not involve any public hearing for submissions. That will start on 30 January and run for three weeks.</p> <p>The hearing will deal with the allegations that have not been admitted or not fully admitted, as well as any sanction for any allegations found proven (to the criminal standard of proof) and the allegations already admitted.</p> <p>The Tribunal could make a decision on findings and sanction within that timeframe, or it could just decide on findings and return at a later date for sanction. It could also come back at a later date to deliver both findings and sanction.</p> <p>If the decision is made by the Tribunal within the hearing schedule, then its written decision will be published on its website within seven weeks of the conclusion.</p> <p>We have published the allegations on our website here: <a href="http://www.sra.org.uk/consumers/solicitor-check/124775.article?Decision-1">http://www.sra.org.uk/consumers/solicitor-check/124775.article?Decision-1</a></p> <p>These allegations also include admissions made by Phil Shiner.</p> <p>[REDACTED] Media Relations Officer Communications Unit Solicitors Regulation Authority [REDACTED] [REDACTED]</p> <p>The Cube, 199 Wharfside Street, Birmingham B1 1RN</p>

Date	Event
	www.sra.org.uk<http://www.emaillhosts.com/ct/ctcount.php?key=008151570090378800023653>
<p>9 December 2016 00000001.00000036.0000 0216</p> <p>00033695</p> <p>00000001.00000036.0000 0216_001</p>	<p>20161209-Action against lawyers following Al-Sweady Inquiry (2)</p> <p>From: Jane Malcolm [REDACTED]@sra.org.uk&gt;</p> <p>To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt;</p> <p>Sent: December 9, 2016 3:47:37 PM GMT</p> <p>Received: December 9, 2016 3:49:21 PM GMT</p> <p>Attachments: 20161209-Action against lawyers following Al-Sweady Inquiry (2).docx</p> <p>Ben</p> <p>Thank you for the opportunity to review. Please see attached with one or two drafting points and a comment.</p> <p>Technically, Professor Shiner has I think fully admitted nine allegations and partially admitted nine.</p> <p>Many thanks</p> <p>Jane</p> <p><b>AL-SWEADY INQUIRY: ACTION TAKEN AGAINST LAWYERS</b></p> <p>The events of 24 May 2004 have cast a long shadow. Allegations that members of our Armed Forces captured, detained and mistreated Iraqi civilians emerged from statements. And they hung over those soldiers for a decade.</p> <p>The Al-Sweady inquiry established conclusively that those allegations were false – the product of deliberate lies by a small number of Iraqis – and that our soldiers, subjected to re-estimated ambushes by armed insurgents, had acquitted themselves honourably.</p> <p>During the course of the Al-Sweady inquiry, the Ministry of Defence became concerned about the conduct of some of the lawyers through whom those allegations had been brought and sustained. Our closing submissions to the inquiry highlighted the significance of a document, which came to light among Leigh Day's files early in 2013, and which showed that all those detained around the Dervy Boy checkpoint were members of various militia groups.</p> <p>Armed with the inquiry's report the Department went further, taking the unprecedented step of submitting a file to the Solicitors Regulation Authority (SRA) which alleged that <b>AL-SWEADY INQUIRY (2)</b> had been looking at the wrong – the 'Ox' referred to in SRA identified a number of apparent breaches of the SRA Code of Conduct and requested that they be investigated. Of those, the most troubling was the fact that, although serious inconsistencies between the claimants' allegations and the forensic evidence (and even within the claimants' accounts) had emerged by February 2013, the firm Public Interest Lawyers insisted that the Chairman should take oral evidence from all of the more than 200 soldiers involved. In doing so they ignored the traumatic nature of these events, and the profound impact that reliving them would have on the soldiers, and especially those already living with mental health problems.</p> <p>Many of the over 200 soldiers who provided evidence in one form or another have told the Armed Forces. We want to explain to them what the latest developments in the SRA investigation mean, and to separate fact from speculation.</p> <p>The SRA investigation has culminated in three referrals: 24 allegations against solicitors from Public Interest Lawyers and 19 allegations against solicitors from Leigh Day &amp; Co to the Solicitors Disciplinary Tribunal. The Tribunal has the power to censure, suspend or strike off, any solicitor who is found to have breached the Code of Conduct.</p> <p>Philip Shiner has now admitted 18 of those allegations, in whole or in part. He has accepted that it is likely that he will be struck off by the Tribunal, although it has not yet made any determination. However, this is not the end of the matter.</p> <p>The Tribunal will still hear the case against Mr Shiner – and particularly the allegations that he acted dishonestly or negligently (which he has not admitted) and failed to provide correct information in the legal aid application, the High Court and the inquiry – in January 2017. The Tribunal will also hear one allegation against John Dickinson, also of Public Interest Lawyers, at the same time. It will then hear the allegations against the firm Leigh Day &amp; Co, and against its solicitors Martin Day and Supra Malla, <b>starting</b> in March 2017. We await the outcome of these proceedings with interest.</p> <p>We hope that the soldiers who have been directly affected by the prolonged and public investigations into the 24 May 2004 events will take comfort from the fact that the authors of those inquiries who are failure to have been complete in bringing evidence to them routinely take claims <b>being</b> brought through our Courts are being subjected to intense scrutiny.</p> <p>If any of the soldiers affected have any questions or concerns, we invite them to contact their former unit or Ben Sanders (DJEP, BenSanders@casework.sra.org.uk / 0203 2481101).</p>
<p>10 December 2016 00000001.00000036.0000 0217</p> <p>00033696</p>	<p>RE: IHAT and PIL</p> <p>From: IHAT-HQ-PR [REDACTED]@mod.uk&gt;</p> <p>To: Jane Malcolm [REDACTED]@sra.org.uk, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p>

Comment [2] Ben, this was not one of our allegations and we believe it was a creation of the Chairmen





Date	Event
	<p data-bbox="536 300 1353 394">Cc: [REDACTED]@sra.org.uk, [REDACTED] &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BF15SRA&gt;</p> <p data-bbox="536 398 994 427">Sent: December 10, 2016 7:40:54 PM GMT</p> <p data-bbox="536 432 1042 461">Received: December 10, 2016 7:40:57 PM GMT</p> <p data-bbox="536 495 746 524">Hello Jane and Ben,</p> <p data-bbox="536 560 1169 589">Hopefully you can still receive work emails at the weekend!</p> <p data-bbox="536 622 1361 813">You were speaking with my colleague [REDACTED] yesterday. We have now received another call from the Sunday Telegraph. They are preparing a front page story on IHAT, its payments to Iraqi agents and the amount. Of course, we are to assume this is on the back of them linking Agent Z as Abu Jamal – as our latest evidence to the House of Commons Select Defence Sub Committee only mentions Jamal.</p> <p data-bbox="536 846 1361 947">So you are aware, once I speak with them again I do plan to send them to the SRA for comment. If you would like to call me to chat this through, then please do call the mobile below.</p> <p data-bbox="536 981 679 1010">Many thanks</p> <p data-bbox="536 1043 608 1072">[REDACTED]</p> <p data-bbox="536 1106 1015 1135">[REDACTED]   Communications Manager  </p> <p data-bbox="536 1169 1361 1236">Iraq Historic Allegations Team   IHAT HQ, Room 3, Building 396, Trenchard Lines, Upavon, Wiltshire, SN9 6BE</p> <p data-bbox="536 1270 1353 1299">DII: &lt;mailto:[REDACTED]@mod.uk&gt; [REDACTED]@mod.uk  </p> <p data-bbox="536 1303 940 1332">&lt;mailto:[REDACTED]@mod.uk&gt;</p> <p data-bbox="536 1337 839 1366">[REDACTED]@mod.uk</p>


Date	Event
<p>10 December 2016 00000001.00000036.0000 0231 00033710</p>	<p>Hi Jane. [REDACTED], IHAT PR. We have an incoming from the Sun Telegraph. It's a heads up that I may need to send them your way as we think they are about to publish a front pager linking Jamal's IHAT's expenses to Agent Z. I am on this number if you'd like a chat. Or if you have a duty comms person that you would rather I pass the number to? Thanks [REDACTED]</p> <p>Thanks for the heads up [REDACTED] We can't disclose identity of Z in any case. Neither journalist has called as yet. Thanks Jane</p> <p>Thanks Jane. They're being rather elusive with us too. [REDACTED]</p>

Date	Event
13 December 2016	<p><b>Re 20160826-Contact request for Crispin Passmore</b></p> <p>From: [REDACTED]  To: IHAT-HQ-LEGAD [REDACTED]  Sent: December 13, 2016 4:28:23 PM GMT  Received: December 13, 2016 4:28:50 PM GMT  Attachments: Image001.png, Image002.png, Image003.png, Image004.png, Image005.png</p> <p>[REDACTED]</p> <p>I am assisting David Middleton in relation to this matter and refer to your meeting at our offices on 9 December.</p> <p>I understand that you will be writing to us further following that meeting. We are happy to assist you and your team where possible and look forward to hearing from you.</p> <p>Yours sincerely</p> <p>[REDACTED]</p> <p>[REDACTED]  Senior Legal Advisor</p> <p>Legal and Enforcement  Regulatory Authority</p> <p>[REDACTED]</p>
13 December 2016	<p><b>20161213-IHAT request for disclosure from SRA</b></p> <p>From: IHAT-HQ-LEGAD [REDACTED]  To: [REDACTED] &lt;[REDACTED]@sra.gov.uk&gt;  Sent: December 13, 2016 4:33:38 PM GMT  Received: December 13, 2016 4:33:38 PM GMT  Attachments: Image001.png, Image002.png, Image003.png, Image004.png, Image005.png</p> <p>Dear [REDACTED]</p> <p>Many thanks for your email.</p> <p>I am currently in the process of drafting a letter for the Director of IHAT, Mark Warwick, to David Middleton – in respect of an application for disclosure of relevant material.</p> <p>Should I now address this letter to you, rather than David?</p> <p>Many thanks</p> <p>[REDACTED]</p> <p>[REDACTED] Legal Advisor   Iraq Historic Allegations Team   Building 368   Trenchard Lines    Upson   PEWSEY   WILKINS   GNS BBE</p> <p>[REDACTED]</p>

Date	Event
14 December 2016	<p><b>RE: 20161213-IHAT request for disclosure from SRA</b></p> <p>From: [REDACTED]@sra.org.uk&gt;  To: IHAT-HQ-LEGAD [REDACTED]@mod.uk&gt;  Sent: December 14, 2016 8:55:12 AM GMT  Received: December 14, 2016 8:38:38 AM GMT  Attachments: Image001.png, Image002.png, Image003.png, Image004.png, Image005.png</p> <p>Dear [REDACTED]</p> <p>Thank you for your email. Please do address the letter to me.</p> <p>Many thanks</p> <p>[REDACTED]</p> <p>Senior Legal Adviser</p> <p>Legal and Enforcement  Bollors Regulation Authority</p> <p>[REDACTED]</p>
15 December 2016	<p><b>20161215-Letter to SRA 802OpsSup</b></p> <p>From: IHAT-HQ-Dir [REDACTED]@mod.uk&gt;  To: [REDACTED]@mod.uk&gt;  Cc: SOCIETY/OU=EXCHANGE ADMINISTRATIVE (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[REDACTED]@LAW  IHAT-HQ-Dir (Warwick, Mark SC61) [REDACTED]@mod.uk&gt;  Sent: December 15, 2016 4:58:49 PM GMT  Received: December 15, 2016 4:58:51 PM GMT  Attachments: 20161215-Letter_to_SRA_DIHAT.pdf</p> <p>Dear [REDACTED]</p> <p>Please see attached letter from the Director of the Iraq Historic Allegations Team for your consideration.</p> <p>Yours sincerely</p> <p>[REDACTED]</p>


Date	Event
	<p style="text-align: center;"><b>STRICTLY PRIVATE AND CONFIDENTIAL</b></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">      <p><b>Legal Adviser</b>  <b>Legal and Enforcement</b>  <b>Solicitors Regulation Authority</b>  <b>The Cube</b></p> </div> <div style="width: 65%;"> <p><b>Iraq Historic Allegations Team</b>  <b>Building 339C</b>  <b>Tranchard Lines</b>  <b>Upstovon</b>  <b>SN9 6BE</b></p> <p><b>Tel: +44 [redacted]</b>  <b>Confidence Line: +44 (0) 1850 618843</b>  <b>E-mail: [redacted]@med.uk</b></p> <p><b>D:/HAT/04/02/15/13</b></p> <p><b>15 December 2015</b></p> </div> </div> <p><b>Dear [redacted]</b></p> <p>I am grateful to David Middleton for hosting the meeting at your London offices on 9 December 2015. We found the discussions extremely useful.</p> <p>As I explained at the meeting, the Iraq Historic Allegations Team (IHAT) is not directly involved in any criminal or disciplinary proceedings which are being taken, or may be taken, against UK based legal representatives. Rather, the remit of the IHAT is very much focused on criminal investigations into allegations of unlawful killing and ill treatment of Iraqi citizens by UK Armed Forces personnel during operations in Iraq. We work in support of the Head of the Royal Navy Police (the Provost Marshal (Rnvy)) and our investigations are conducted within the statutory framework of the Armed Forces Act 2006. Further information about IHAT can be found on our website: <a href="http://www.gov.uk/government/organisations/iraq-historic-allegations-team">http://www.gov.uk/government/organisations/iraq-historic-allegations-team</a>.</p> <p>The IHAT is aware of the admissions made by Professor Philip Shiner on 7 December 2015, in respect of the allegations which will be heard by the Solicitors Disciplinary Tribunal and we note that these admissions are detailed on the SRA website. Our starting point, of course, is that these admissions do not in themselves mean that the allegations made by the Iraqi clients of Public Interest Lawyers (PIL) are not genuine. Clearly, however, if the SRA has any information or material which may go to the credibility of any of the Iraqi citizens making allegations of criminal behaviour, or to the credibility of any of the allegations, then we need to take this into account when we decide whether or not it is appropriate to conduct criminal investigations into these allegations.</p> <p>It may also now be the case that the nature of the relationship between PIL, their agents, and their Iraqi clients will affect the prospect of a conviction in a criminal trial. The reasonable prospect of conviction threshold is, in law, properly a matter for the Director of Service Prosecutions, when deciding whether or not an individual should be charged, rather than a matter for the Service Police. However, if the SRA has any information or material relating to the nature of an inappropriate relationship between PIL, their agents, and their Iraqi clients, then it would clearly be appropriate for the IHAT to consider this in the course of our engagement for the Service Prosecuting Authority (SPA); to make such information available to the SPA at the earliest possible opportunity; and to seek legal advice from the SPA on how this might affect the conduct of the IHAT's investigations.</p>

Date	Event
	<p style="text-align: center;"><b>STRICTLY PRIVATE AND CONFIDENTIAL</b></p> <p>* may indicate an inappropriate relationship between PIL, their agents, and their Iraqi clients, which may affect the prospect of a conviction in a criminal trial.</p> <p>When considering our request you should be aware that although the IHAT no longer has any involvement with Mazin Younis, he did work with us before June 2015 and as it would be helpful to have any information you hold that touches on his credibility so that we can assess the impact on our cases. We also continue to use an agent known as Abdulrasheed Abdulqader Abdulhuda (Abu Jamal) who in the past had a financial relationship with Mazin Younis. Clearly, if you have any direct or indirect evidence to suggest that Abu Jamal has behaved improperly, particularly with regard to the way in which evidence has been obtained from the Iraqi Claimants, then our relationship with him would also need to be reconsidered and we would need to look at the wider impact on our cases.</p> <p>I have read the SRA first principles of disclosure, as set out on your website. I also fully acknowledge the specific difficulty you explained at our meeting, in that you hold material subject to legal privilege which you will not be able to disclose. I do, however, note from your first principles that you may make disclosures on a reactive basis to law enforcement agencies. I therefore hope that you are able to provide the IHAT with all relevant material which may assist in our decision around the appropriateness (or not) of conducting criminal investigations into the alleged actions of the UK Armed Forces as a result of allegations made by Iraqi citizens through PIL.</p> <p>Once again, thank you for your time and assistance in this matter, it is very much appreciated.</p> <p>Yours sincerely,</p> <p>[REDACTED]</p> <p>Mark Winstock Director IHAT</p>
15 December 2016	<p><b>RE: 20161215-Letter to SRA 8020psSup</b></p> <hr/> <p>From: [REDACTED]@sra.org.uk&gt;  To: IHAT-HQ-Ops-Sup-802 ( [REDACTED]@mod.uk&gt;  Sent: December 15, 2016 5:13:34 PM GMT  Received: December 15, 2016 5:14:05 PM GMT</p> <p>Dear [REDACTED]</p> <p>Thank you for your email. I note that the second page of the PDF attached to your email begins with a bullet point. Could you confirm whether there is a page missing from that scanned document?</p> <p>Kind regards</p> <p>[REDACTED]</p> <p>Senior Legal Adviser Solicitors Regulation Authority</p> <p>[REDACTED]</p>

Date	Event
15 December 2016	<p><b>RE: 20161215-Letter to SRA SQ2OpsSup</b></p> <p><b>From:</b> IHAT-HQ-Cps-Sup- [redacted]@mod.uk  <b>To:</b> [redacted]  (FY680HF238POLY/CN=RECIPIENTS/CN= [redacted])</p> <p><b>Cc:</b> IHAT-HQ-DIR (Warrick, Mark BCS1) [redacted]@mod.uk  <b>Sent:</b> December 15, 2016 8:23:40 PM GMT  <b>Received:</b> December 15, 2016 8:23:43 PM GMT  <b>Attachments:</b> 2011215-Letter_to_SRA_SQ2OpsSup.pdf</p> <p>Dear [redacted]</p> <p>I'm sorry for any confusion caused. Please see attached letter with the missing text and bullet point, which occurred during the original scanning of the document.</p> <p>Regards  [redacted]</p> <p style="text-align: center;"><b>STRICTLY PRIVATE AND CONFIDENTIAL</b></p> <div style="display: flex; justify-content: space-between;"> <div data-bbox="619 875 735 1032" style="text-align: center;">  <p>IRAQ HISTORIC ALLEGATIONS TEAM</p> </div> <div data-bbox="997 862 1316 1064" style="text-align: right;"> <p>Iraq Historic Allegations Team  Building 308C  Trenchard Lines  Updon  SMB BBE</p> <p>Tel: [redacted]  Fax: [redacted]  Conceptual Line: +44 (0) 1930 618543  E-mail: [redacted]@mod.uk</p> </div> </div> <p>[redacted] DM/HAT/M/2/16/13</p> <p>Senior Legal Adviser  Legal and Enforcement  Solicitors Regulation Authority  The Cube  15 December 2016</p> <p>Dear [redacted]</p> <p>I am grateful to David Nicholson for hosting the meeting at your London offices on 9 December 2016. We found the discussions extremely useful.</p> <p>As I explained at the meeting, the Iraq Historic Allegations Team (IHAT) is not directly involved in any criminal or disciplinary proceedings which are being taken, or may be taken, against UK based legal representatives. Rather, the remit of the IHAT is very much focused on criminal investigations into allegations of unlawful killing and ill treatment of Iraqi citizens by UK Armed Forces personnel during operations in Iraq. We work in support of the Head of the Royal Navy Police (the Provost Marshal (Navy)) and our investigations are conducted within the statutory framework of the Armed Forces Act 2006. Further information about IHAT can be found on our website: <a href="http://www.gov.uk/government/organisations/iraq-historic-allegations-team-ihai">http://www.gov.uk/government/organisations/iraq-historic-allegations-team-ihai</a>.</p> <p>The IHAT is aware of the admissions made by Professor Philip Shiner on 7 December 2016, in respect of the allegations which will be heard by the Solicitors Disciplinary Tribunal and we note that these admissions are detailed on the SRA website. Our starting point, of course, is that these admissions do not in themselves mean that the allegations made by the Iraqi clients of Public Interest Lawyers (PIL) are not genuine. Clearly, however, if the SRA has any information or material which may go to the credibility of any of the Iraqi citizens making allegations of criminal behaviour, or to the credibility of any of the allegations, then we need to take this into account when we decide whether or not it is appropriate to conduct criminal investigations into those allegations.</p> <p>It may also now be the case that the nature of the relationship between PIL, their agents, and their Iraqi clients will affect the prospect of a conviction in a criminal trial. The reasonable prospect of conviction threshold is, in law, properly a matter for the Director of Service Prosecutions, when deciding whether or not an individual should be charged, rather than a matter for the Service Police. However, if the SRA has any information or material relating to the nature of an inappropriate relationship between PIL, their agents, and their Iraqi clients, then it would clearly be appropriate for the IHAT to consider this in the course of our engagement for the Service Prosecuting Authority (SPA); to make such information available to the SPA at the earliest possible opportunity; and to seek legal advice from the SPA on how this might affect the conduct of the IHAT's investigations.</p>

Date	Event
	<p style="text-align: center;"><b>STRICTLY PRIVATE AND CONFIDENTIAL</b></p> <p>For these reasons, I make a formal request for disclosure of any material held by the SRA in relation to the prosecution of Professor Shiner which:</p> <ul style="list-style-type: none"> <li>• may go to the credibility of any of the Iraqi citizens making allegations of criminal behaviour, or to the credibility of any of the allegations; or</li> <li>• may indicate an inappropriate relationship between PIL, their agents, and their Iraqi clients, which may affect the prospect of a conviction in a criminal trial.</li> </ul> <p>When considering our request you should be aware that although the IHAT no longer has any involvement with Mazim Younis, he did work with us before June 2016 and so it would be helpful to have any information you hold that touches on his credibility so that we can assess the impact on our cases. We also continue to use an agent known as Abdulnasser Abdulsadeq Alshirida (Abu Jamal) who in the past had a financial relationship with Mazim Younis. Clearly, if you have any direct or indirect evidence to suggest that Abu Jamal has behaved improperly, particularly with regard to the way in which evidence has been obtained from the Iraqi Claimants, then our relationship with him would also need to be reconsidered and we would need to look at the wider impact on our cases.</p> <p>I have read the SRA first principles of disclosure, as set out on your website. I also fully acknowledge the specific difficulty you explained at our meeting, in that you hold material subject to legal privilege which you will not be able to disclose. I do, however, note from your first principles that you may make disclosures on a selective basis to law enforcement agencies. I therefore hope that you are able to provide the IHAT with all relevant material which may assist in our decision around the appropriateness (or not) of conducting criminal investigations into the alleged actions of the UK Armed Forces as a result of allegations made by Iraqi citizens through PIL.</p> <p>Once again, thank you for your time and assistance in this matter, it is very much appreciated.</p> <p>Yours sincerely,</p> <p>Signed on Original Mark Warwick Director IHAT</p>
16 December 2016	<p><b>20161216-Letter to SRA 802OpsSup</b></p> <p>From: IHAT-HQ-Ops-Sup-802 [redacted]@mod.uk      To: [redacted]@mod.uk; [redacted]@mod.uk; [redacted]@mod.uk      SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[redacted]      Cc: IHAT-HQ-DIR (Warwick, Mark BCS1) &lt;[redacted]@mod.uk&gt;      Sent: December 16, 2016 8:01:25 AM GMT      Received: December 16, 2016 8:01:27 AM GMT      Attachments: 20161216-Letter_to_SRA_DIHAT.pdf</p> <p>Dear [redacted]</p> <p>The Director of the Iraq Historic Allegations Team has asked me to re-send his letter of yesterday. I would therefore be grateful if you could please delete any previous e-mails.</p> <p>I apologise again for any confusion caused this is down to an administrative omission.</p> <p>Regards      [redacted]      [redacted]   802 Ops Sup, IHAT, Building 395c, Room 3, Trenchard Lines, Upavon, Wiltshire, SN9 6BE [redacted]      [redacted]   IHAT-HQ-Ops-Sup-802</p>



Date	Event
	<p style="text-align: center;"><b>STRICTLY PRIVATE AND CONFIDENTIAL</b></p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;">  <p data-bbox="606 504 726 548">IRAQ HISTORIC ALLEGATIONS TEAM</p> </div> <div style="text-align: right;"> <p data-bbox="1005 369 1268 481">Iraq Historic Allegations Team Building 396C Tranchard Lines Upaven SAS 6BE</p> <p data-bbox="1005 492 1324 582">Tel: +44 [redacted] Fax: +44 [redacted] Confidential Line: +44 (0) 1830 618843 E-mail: [redacted]@iraq.uk</p> </div> </div> <p data-bbox="558 616 798 728">Mr [redacted] Senior Legal Adviser Legal and Enforcement Solitors Regulation Authority The Cube</p> <p data-bbox="1005 616 1173 638">D/HAT/04/02/16/13</p> <p data-bbox="1005 694 1173 728">15 December 2016</p> <p data-bbox="558 761 686 795">Dear [redacted]</p> <p data-bbox="558 795 1300 851">I am grateful to David Middleton for hosting the meeting at your London offices on 9 December 2016. We found the discussions extremely useful.</p> <p data-bbox="558 862 1332 1030">As I explained at the meeting, the Iraq Historic Allegations Team (IHAT) is not directly involved in any criminal or disciplinary proceedings which are being taken, or may be taken, against UK based legal representatives. Rather, the remit of the IHAT is very much focused on criminal investigations into allegations of unlawful killing and ill treatment of Iraqi citizens by UK Armed Forces personnel during operations in Iraq. We work in support of the Head of the Royal Navy Police (the Prevost Marshal (Navy)) and our investigations are conducted within the statutory framework of the Armed Forces Act 2006. Further information about IHAT can be found on our website: <a href="https://www.gov.uk/government/organisations/iraq-historic-allegations-team-ihat">https://www.gov.uk/government/organisations/iraq-historic-allegations-team-ihat</a>.</p> <p data-bbox="558 1041 1332 1232">The IHAT is aware of the admissions made by Professor Philip Shiner on 7 December 2016, in respect of the allegations which will be heard by the Solicitors Disciplinary Tribunal and we note that these admissions are detailed on the SRA website. Our starting point, of course, is that these admissions do not in themselves mean that the allegations made by the Iraqi clients of Public Interest Lawyers (PIL) are not genuine. Clearly, however, if the SRA has any information or material which may go to the credibility of any of the Iraqi citizens making allegations of criminal behaviour, or to the credibility of any of the allegations, then we need to take this into account when we decide whether or not it is appropriate to conduct criminal investigations into those allegations.</p> <p data-bbox="558 1243 1332 1467">It may also now be the case that the nature of the relationship between PIL, their agents, and their Iraqi clients will affect the prospect of a conviction in a criminal trial. The reasonable prospect of conviction threshold is, in law, properly a matter for the Director of Service Prosecutions, when deciding whether or not an individual should be charged, rather than a matter for the Service Police. However, if the SRA has any information or material relating to the nature of an inappropriate relationship between PIL, their agents, and their Iraqi clients, then it would clearly be appropriate for the IHAT to consider this in the course of our engagement for the Service Prosecuting Authority (SPA); to make such information available to the SPA at the earliest possible opportunity; and to seek legal advice from the SPA on how this might affect the conduct of the IHAT's investigations.</p>

Date	Event
	<p style="text-align: center;"><b>STRICTLY PRIVATE AND CONFIDENTIAL</b></p> <p>For these reasons, I make a formal request for disclosure of any material held by the SRA in relation to the prosecution of Professor Shiner which:</p> <ul style="list-style-type: none"> <li>• may go to the credibility of any of the Iraqi citizens making allegations of criminal behaviour, or to the credibility of any of the allegations; or</li> <li>• may indicate an inappropriate relationship between P/L, their agents, and their Iraqi clients, which may affect the prospect of a conviction in a criminal trial.</li> </ul> <p>When considering our request you should be aware that although the IHAT no longer has any involvement with Mazim Younis, he did work with us before June 2016 and so it would be helpful to have any information you hold that touches on his credibility so that we can assess the impact on our cases. We also continue to use an agent known as Abdulsaser Abdulsadeq Alshrida (Abu Jamal) who in the past had a financial relationship with Mazim Younis. Clearly, if you have any direct or indirect evidence to suggest that Abu Jamal has behaved improperly, particularly with regard to the way in which evidence has been obtained from the Iraqi Claimants, then our relationship with him would also need to be reconsidered and we would need to look at the wider impact on our cases.</p> <p>I have read the SRA first principles of disclosure, as set out on your website. I also fully acknowledge the specific difficulty you explained at our meeting, in that you hold material subject to legal privilege which you will not be able to disclose. I do, however, note from your first principles that you may make disclosures on a reactive basis to law enforcement agencies. I therefore hope that you are able to provide the IHAT with all relevant material which may assist in our decision around the appropriateness (or not) of conducting criminal investigations into the alleged actions of the UK Armed Forces as a result of allegations made by Iraqi citizens through P/L.</p> <p>Once again, thank you for your time and assistance in this matter, it is very much appreciated.</p> <p>Yours sincerely,</p> <p>Signed on Original Mark Warwick Director IHAT</p>
16 December 2016	<p><b>RE: 20161216-Letter to SRA SO20psSup</b></p> <hr/> <p>From: [redacted]@sra.org.uk  To: IHAT-HQ-Ops-Sup-SC2 [redacted]@mod.uk  Sent: December 16, 2016 9:14:39 AM GMT  Received: December 16, 2016 9:14:43 AM GMT</p> <p>Des: [redacted]</p> <p>Thank you for your email below and I confirm that I will delete the previous versions of the letter.</p> <p>Kind regards</p> <p>[redacted]  Senior Legal Adviser  Solicitors Regulation Authority</p> <p>Tel: [redacted]  Fax: [redacted]</p>
16 December 2016 00000001.00000036.0000 0218  00033697  Letter to Jonny Mercer comes as separate pdf at:	<p>Fwd: Defence sub-Committee letter</p> <p>From: Jane Malcolm &lt;[redacted]@sra.org.uk&gt;  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, ATT00001.htm</p>

Date	Event
00000001.00000036.0000 0219	[REDACTED]
00033698	<p>Please see letter attached as sent to Defence Select inquiry today, for information.</p> <p>Many thanks</p> <p>Jane</p> <p>Jane Malcolm Executive Director External Affairs Solicitors Regulation Authority</p> <p>Begin forwarded message:</p> <p>From: [REDACTED] &lt;[REDACTED]@sra.org.uk&lt;mailto:[REDACTED]@sra.org.uk&gt;&gt; Date: 16 December 2016 at 17:04:40 GMT To: Jane &lt;[REDACTED]@sra.org.uk&lt;mailto:[REDACTED]@sra.org.uk&gt;&gt; Subject: Defence sub-Committee letter</p> <p>Malcolm</p> <p>From the Chief Executive</p>
00000001.00000036.0000 0218_001	<p>The regulator of solicitors and law firms in England and Wales</p> <p>The Cube 199 Wharfside Street Birmingham B1 1RN</p> <p>DX: 720293 BIRMINGHAM 47</p> <p>UK 0370 606 2555 int + 44 (0)121 329 6800</p> <p><a href="http://www.sra.org.uk">www.sra.org.uk</a></p> <p>Johnny Mercer MP Chair, Defence sub-Committee House of Commons London SW1A 0AA</p> <p>16 December 2016</p> <p>Dear Mr Mercer</p> <p>Submission to Defence Select Committee inquiry on MoD support for former and serving personnel subject to judicial processes</p> <p>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</p>

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	<p>the public expect from solicitors. We regulate and enforce compliance against these standards.</p> <p>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.</p> <p>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.</p> <p>When looking at how law firms can be held to account in a way that commands public confidence in the long term, we see <b>two key difficulties in the current arrangements.</b></p> <p>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.</p> <p>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).</p> <p>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.</p> <p>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</p>

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	<p>way that could potentially work in the solicitor's interest, risks undermining public protection and confidence in the system.</p> <p>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.</p> <p>We recommend taking steps to secure public confidence in how law firms and solicitors are held to account through modern up to date regulation.</p> <p>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.</p> <p>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.</p> <p>Yours sincerely</p> <p>Paul Phillp Chief Executive Solicitors Regulation Authority</p>
<p>16 December 2016 00000001.00000036.0000 0220</p> <p>00033699</p> <p>00000001.00000036.0000 0220_001</p>	<p>Fwd: Defence sub-Committee letter From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: Ben B2 DJEP-JRs Asst Hd Casework &lt;[REDACTED]@mod.uk&gt; Sent: December 16, 2016 5:14:16 PM GMT Received: December 16, 2016 5:14:21 PM GMT Attachments: 2016 12 16 Letter to Johnny Mercer MP from Paul Phillp SRA Chief Executive Submission to Sub-Committee Inquiry.pdf, ATT00001.htm</p> <p>Dear Ben</p> <p>For information, please see attached submission to Defence Select in relation to their current inquiry.</p> <p>Many thanks</p> <p>Jane</p> <p>Jane Malcolm Executive Director External Affairs</p>

Date	Event
<p>19 December 2016 00000001.00000036.0000 0221  00033700</p>	<p>Solicitors Regulation Authority</p> <p>RE: Defence sub-Committee letter From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) [REDACTED] [REDACTED]@mod.uk&gt; To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; DJEP Assistant Head (Judicial Reviews Casework) Sent: December 19, 2016 9:56:28 AM GMT Received: December 19, 2016 9:56:32 AM GMT</p> <p>Jane,</p> <p>Many thanks.</p> <p>Regards,</p> <p>Ben</p> <p>Dr Benjamin Sanders [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB Tel: [REDACTED]</p>

2017

January 2017

Date	Event
<p>18 January 2017 00000001.00000036.0000 0222  00033701</p>	<p>SRA Submission to Defence Sub-Com inquiry From: Defence Committee &lt;DEFCOM@parliament.uk&gt; To: [REDACTED] [REDACTED]@sra.org.uk&gt; Sent: January 18, 2017 3:42:39 PM GMT Received: January 18, 2017 3:42:06 PM GMT</p> <p>Dear Mr Philip and [REDACTED]</p> <p>Thank you for your submission on behalf of the SRA to the Defence sub-Committee inquiry into MoD support for former and serving personnel subject to judicial processes.</p> <p>The Committee has considered your evidence and has decided not to accept it as formal written evidence as its falls outside of the inquiry's Terms of Reference. This is not to say the Committee agrees or disagrees with the context of the evidence but that it falls outside of the Committee and its Inquiry's remit and therefore your evidence will not be published.</p> <p>Kind regards, [REDACTED]</p>

Date	Event
	<p>Senior Committee Assistant Defence Committee [REDACTED] [REDACTED]@parliament.uk</p>
<p>27 January 2017 00000001.00000036.0000 0223  00033702</p>	<p>contact details From: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt; To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED] [REDACTED]@mod.uk&gt; Sent: January 27, 2017 4:21:53 PM GMT Received: January 27, 2017 4:21:53 PM GMT Attachments: image001.png, image002.png, image003.png, image004.png, image005.png</p> <p>Dear Ben</p> <p>You asked for the best contact details to use for external requests for documentation.</p> <p>I suggest Paul Phillip, our CEO, would be the right contact.</p> <p>Paul is on [REDACTED]@sra.org.uk</p> <p>I hope this helps.</p> <p>Best wishes</p> <p>Jane</p> <p>Jane Malcolm</p> <p>Executive Director - External Affairs Solicitors Regulation Authority Mobile: [REDACTED] The Cube, Birmingham: [REDACTED] <a href="http://www.sra.org.uk">www.sra.org.uk</a> &lt;<a href="http://www.sra.org.uk/">http://www.sra.org.uk/</a>&gt; &lt;<a href="https://www.linkedin.com/company/solicitors-regulation-authority">https://www.linkedin.com/company/solicitors-regulation-authority</a>&gt; &lt;<a href="https://twitter.com/sra_solicitors">https://twitter.com/sra_solicitors</a>&gt; &lt;<a href="https://www.youtube.com/user/SRASolicitors">https://www.youtube.com/user/SRASolicitors</a>&gt; &lt;<a href="https://www.facebook.com/srasollicitors">https://www.facebook.com/srasollicitors</a>&gt; &lt;<a href="https://uk.pinterest.com/sra_solicitors/">https://uk.pinterest.com/sra_solicitors/</a>&gt;</p>
<p>27 January 2017 00000001.00000036.0000 0224  00033703</p>	<p>RE: contact details From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) [REDACTED] [REDACTED]@mod.uk&gt; To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: January 27, 2017 4:38:00 PM GMT Received: January 27, 2017 4:38:03 PM GMT Attachments: image004.png, image002.png, image001.png, image003.png, image005.png</p>

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	<p>Jane,</p> <p>Many thanks. I'll pass on his details to the organisation in question.</p> <p>Regards,</p> <p>Ben</p> <p>Dr Benjamin Sanders  DJEP Assistant Head (Judicial Reviews Casework)  ██████████, MOD Main Building, Whitehall, London, SW1A 2HB  Tel: ██████████</p>
<p>31 January 2017  00000001.00000036.0000  0225</p> <p>00033704</p>	<p>SDT hearing - SRA operational note and allegations  From: Jane Malcolm ██████████@sra.org.uk&gt;  To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;██████████@mod.uk&gt;  Sent: January 31, 2017 6:43:29 PM GMT  Received: January 31, 2017 6:43:44 PM GMT  Attachments: Operational Note - Phil Shiner and the SDT.docx, Allegations.pdf</p> <p>Dear Ben</p> <p>We routinely provide operational notes to the media for complex cases, providing a summary of key points that helps with accurate reporting. Please see attached as sent to the Times this evening.</p> <p>As you will be aware, the Tribunal has said that it will not give its decision before 11.30 on Thursday.</p> <p>Please don't hesitate to put your media team in touch if we can assist further – press team details below.</p> <p>Many thanks  Jane</p> <p>From: ██████████  Sent: 31 January 2017 18:15  To: Jane Malcolm  Cc: ██████████  Subject: Op note and allegations</p> <p>As discussed,</p> <p>██████████</p> <p>██████████  Media Relations Officer  Communications Unit  Solicitors Regulation Authority  ██████████</p>





Date	Event
<p>Allegations pdf: 00000001.00000036.0000 0225_001</p>	<p>The Cube, 199 Wharfside Street, Birmingham B1 1RN &lt;<a href="http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653">http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653</a>&gt; <a href="http://www.sra.org.uk">www.sra.org.uk</a></p> <p style="text-align: right;">Case Number: 11810-2016</p> <p style="text-align: center;"><b>IN THE SOLICITORS DISCIPLINARY TRIBUNAL</b> <b>IN THE MATTER OF THE SOLICITORS ACT 1974 (AS AMENDED)</b> <b>BETWEEN:</b></p> <p style="text-align: center;"><b>THE LAW SOCIETY OF ENGLAND AND WALES</b> <b>(SOLICITORS REGULATION AUTHORITY)</b></p> <p style="text-align: right;"><u>Applicant</u></p> <p style="text-align: center;">-end-</p> <p style="text-align: center;">(1) PHILIP JOSEPH SHINER (2) JOHN DICKINSON</p> <p style="text-align: right;"><u>Respondents</u></p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: center;"><b>THE ALLEGATIONS</b></p> <hr style="width: 20%; margin: auto;"/> <p><b>Unsolicited direct approaches to potential clients arising out of the Battle of Danny Boy (Professor Shiner)</b></p> <p>1.1 Professor Shiner encouraged and authorised the making of unsolicited direct approaches to potential clients arising out of the Battle of Danny Boy, through the agency of Mazen Younis, Abu Jamel Abu Inaad and [REDACTED], which he adopted when client instructions were forthcoming, and thereby breached paragraphs (d), (g) and (h) of section 1 of the Solicitors Publicity Code 2001 Rules 1(d) and 1(g) of the Solicitors' Practice Rules 1990 ("SPR 1990"), and Rules 1.04, 1.08 and Rule 7 of the Solicitors Code of Conduct 2007 ("CoC 2007"). It is further alleged that Professor Shiner acted in breach of Rule 1(a) SPR 1990 and Rule 1.02 CoC 2007.</p> <p><b>Improper agreement with Mr Younis in July 2015 intended to influence evidence from him, which was to be (and was) provided to the SRA, on whether clients had been sourced by unsolicited direct approaches (Professor Shiner)</b></p> <p>1.2 Professor Shiner improperly authorised and procured Public Interest Lawyers Limited to enter into an agreement in June 2015 providing financial benefits to Mr Younis in order to cause or persuade him to change his evidence on the issue of how the Al-Sweady clients had been identified, and thereby breached Principles 2 and 6 of the SRA Principles 2011. Dishonesty is alleged, although this is not a requirement for the Allegation to be proved.</p>


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	<p>1.3 Professor Shiner improperly presented the changed evidence from Mr Younis to the SRA (in response to a s44B Notice served on him) without explanation as to the circumstances in which it had been obtained, and thereby breached Principles 2, 6 and 7 of the SRA Principles 2011. Dishonesty is alleged, although this is not a requirement for the Allegation to be proved.</p> <p>1.4 Professor Shiner improperly sanctioned and approved the creation of emails dated 29 and 30 June 2015 which did not disclose the true reason for the agreement with Mr Younis, but falsely gave the impression that it was the product of a routine discussion, and thereby breached Principles 2 and 8 of the SRA Principles 2011. Dishonesty is alleged, although this is not a requirement for the Allegation to be proved.</p> <p><b>Improper referral fees and fee-sharing arrangements for the payment of fees to Mr Younis (Professor Shiner)</b></p> <p>1.5 Professor Shiner authorised, procured and approved the payment to Mr Younis of prohibited referral fees in or about September 2007, and thereby breached Rules 1.01, 1.04, 1.06, 8.02 and 9.02 of the CoC 2007.</p> <p>1.6 Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mr Younis pursuant to bipartite agreements (between PIL, Leigh Day and Mr Younis) made on or about 17-23 March 2009, which was an improper arrangement in that it was an improper contingency fee arrangement, and thereby breached Rules 1.01, 1.06, 8 and 9.01(4) of the CoC 2007.</p> <p>1.7 Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mr Younis pursuant to tripartite agreements (between PIL, Leigh Day and Mr Younis) made on or about 27 April 2010, which was an improper arrangement in that it was an improper contingency fee arrangement, and thereby breached Rules 1.01, 1.06, 8 and 9.01(4) of the CoC 2007.</p> <p>1.8 Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mr Younis pursuant to tripartite agreements (between PIL, Leigh Day and Mr Younis) made on or about 17-23 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, and thereby breached Rules 1.01, 1.06, 8, 9.01(4) and 9.02 of the CoC 2007.</p> <p>1.9 Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mr Younis pursuant to tripartite agreements (between PIL, Leigh Day and Mr Younis) made on or about 27 April 2010, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of historic cases, and thereby breached Rules 1.01, 1.06, 8, 9.01(4) and 9.02 of the CoC 2007.</p> <p>1.10 Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mr Younis pursuant to bipartite agreements (between PIL, Leigh Day and Mr Younis) made on or about 17-23 March 2009, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of publicly funded cases, and thereby breached Rules 1.01, 1.02, 1.06, 8, 9.01(4) and 9.02(h) of the CoC 2007.</p> <p>1.11 Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mr Younis pursuant to tripartite agreements (between PIL, Leigh</p>


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	<p>Dey and Mr Younis) made on or about 27 April 2010, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of publicly funded cases, and thereby breached Rules 1.01, 1.02, 1.08, 8, 9.01(4) and 8.02(7) of the CoC 2007.</p> <p>1.12 Professor Shiner authorised, procured and approved the payment to Mr Younis of £25,000 in prohibited referral fees on or about 30 March 2008, and thereby breached Rules 1.01, 1.02, 1.08, 8, 9.01(4) and 8.02 of the CoC 2007.</p> <p><b>Misleading, incomplete and non-existent responses to a Notice dated 23 April 2015 served under s44B of the Solicitors Act 1974 ("the 1974 Act") (Professor Shiner)</b></p> <p>1.13 Professor Shiner provided the SRA with a misleading and incomplete response to Q10 of a s44B Notice dated 23 April 2015, and thereby breached Principles 2, 6 and 7 of the SRA Principles 2011 as well as Outcomes 10.1 and 10.9 of the SRA Code of Conduct 2011 ("CoC 2011"). Dishonesty is alleged, although this is not a requirement for the Allegation to be proved.</p> <p>1.14 Professor Shiner provided the SRA with a misleading and incomplete response to Q15 of a s44B Notice dated 23 April 2015 and thereby breached Principles 2, 6 and 7 of the SRA Principles 2011 as well as Outcomes 10.1 and 10.9 of the CoC 2011. Dishonesty is alleged, although this is not a requirement for the Allegation to be proved.</p> <p>1.15 Professor Shiner provided the SRA with a misleading and incomplete response to Q17 of a s44B Notice dated 23 April 2015 and thereby breached Principles 2, 6 and 7 of the SRA Principles 2011 as well as Outcomes 10.1 and 10.9 of the CoC 2011. Dishonesty is alleged, although this is not a requirement for the Allegation to be proved.</p> <p>1.16 Professor Shiner provided the SRA with a misleading and incomplete response to Q21 of a s44B Notice dated 23 April 2015, and thereby breached Principles 2, 6 and 7 of the SRA Principles 2011 as well as Outcomes 10.1 and 10.9 of the CoC 2011. Dishonesty is alleged, although this is not a requirement for the Allegation to be proved.</p> <p>1.17 Professor Shiner failed to provide the SRA with a timely response to Q1 and Q3 of a s44B Notice dated 23 April 2015, and thereby breached Principles 6 and 7 of the SRA Principles 2011 as well as Outcomes 10.1, 10.8 and 10.9 of the CoC 2011.</p> <p><b>Payment of unexpected bills (Professor Shiner)</b></p> <p>1.18 Professor Shiner authorised and approved the payment of sums of money which he knew or suspected to be improper and failed to take proper steps to satisfy himself that such disbursements were proper, and thereby acted in breach of Rules 1.02 and 1.08 CoC 2007. Dishonesty is alleged, although this is not a requirement for the Allegation to be proved.</p> <p><b>Failure to establish and maintain a proper and effective system for document management (Professor Shiner)</b></p> <p>1.19 Professor Shiner failed, during the period June 2007 to August 2013, to establish and maintain proper and effective arrangements with Leigh Day for the sharing of information and documents held by PIL and Leigh Day in respect of Al-Sagoff's claims (as defined below) and matters, and thereby breached Rules 1(c), (d) and (e)</p>

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	<p>of the SPR 1990, Rules 1.01, 1.04, 1.05, 1.06 of the CoC 2007, and Principles 1, 4, 5 and 6 of the SRA Principles 2011.</p> <p><b>Failure to comply with the duty of candour to the Court in relation to the Judicial Review (Professor Shiner)</b></p> <p>1.20 Professor Shiner failed to comply with his duty of candour to the Court in relation to the Judicial Review, and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their duty of candour to the Court, and thereby breached Rules 1.01, 1.04 and 1.06 of the CoC 2007.</p> <p><b>Failure to give full and frank disclosure to the Legal Services Commission in relation to the Judicial Review (Professor Shiner)</b></p> <p>1.21 Professor Shiner failed to comply with his duty of full and frank disclosure to the Legal Services Commission ("LSC") in relation to the Judicial Review, and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their comparable duties, and thereby breached Rules 1.01, 1.02, 1.04 and 1.06 of the CoC 2007.</p> <p><b>The 22 February 2008 press conference (Professor Shiner)</b></p> <p>1.22 At a press conference on 22 February 2008, Professor Shiner made and personally endorsed allegations that the British Army had unlawfully killed, tortured and mistreated Iraqi civilians, including his clients, who had been innocent bystanders at the Battle of Danny Boy, in circumstances where it was improper to do so, and thereby breached Rules 1.02, 1.03 and 1.06 of the CoC 2007.</p> <p><b>Failure to give full and frank disclosure to the Al-Sweady Inquiry in a timely manner or at all (Professor Shiner)</b></p> <p>1.23 Professor Shiner failed to comply with his duty of full and frank disclosure to the Al-Sweady Inquiry in a timely manner or at all, and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their comparable duties, and thereby breached Rules 1.01, 1.04 and 1.06 of the CoC 2007, and Principles 1, 4 and 6 of the SRA Principles 2011.</p> <p><b>Failure to keep the Al-Sweady clients informed of the progress of the Al-Sweady inquiry (Professor Shiner and Mr Dickinson)</b></p> <p>1.24 Each of Professor Shiner and Mr Dickinson failed, in the period March 2013 to March 2014, to keep their Al-Sweady clients properly informed as to the progress of the Al-Sweady inquiry and in particular as to the declining prospects of their allegations that cold-blooded executions had occurred at Camp Abu Naji ("CAN"), and thereby breached Principles 4, 5 and 6 of the SRA Principles 2011 and failed to achieve Outcome 1.12 of the CoC 2011.</p> <p>2. In respect of Professor Shiner, it is alleged that by reason of each or all of the matters set out at paragraphs 1.1, 1.2, 1.3, 1.4, 1.12, 1.13, 1.14, 1.15, 1.16, 1.18, 1.21 and 1.22 above, he acted without integrity in breach of Rule 1(a) SPR 1990, Rule 1.02 CoC 2007 and Principle 2 of the SRA Principles 2011 by reason of the seriousness of the said breaches and/or his reckless disregard of his professional obligations. For the avoidance of doubt, in the case of allegations 1.2, 1.3, 1.4, 1.13, 1.14, 1.15, 1.16 and 1.18, if Professor Shiner was not dishonest (as alleged) he was reckless.</p>
Operational note:	


Date	Event
<p>00000001.00000036.0000 0225_002</p>	<div data-bbox="954 327 1150 405" style="text-align: right;">  <p>Solicitors Regulation Authority</p> </div> <p data-bbox="564 427 1070 454"><b>Operational Note, Professor Phil Shiner and the SDT</b></p> <p data-bbox="564 472 1150 528">This is an operational note to cover the case presented by the Solicitors Regulation Authority in the Solicitors Disciplinary Tribunal hearing of Professor Phil Shiner. It is for background purposes only.</p> <p data-bbox="564 539 1150 629">This has been a complex case with many different aspects. Solicitors have the privilege of being able to conduct litigation for clients but it must be conducted responsibly and with integrity at all times. This case was about abuse of the privilege to bring such cases and the risk that to do so undermines public confidence lawyers and in the rule of law.</p> <p data-bbox="564 651 1150 707">The allegations, which are as yet unproven, were published on the SRA's website in early December 2010 following Professor Shiner's admissions. They can be accessed <a href="#">here</a>. They are listed at the end of this document.</p> <p data-bbox="564 719 826 741"><b>Obtaining clients and the cover-up</b></p> <p data-bbox="564 752 1150 853">Professor Phil Shiner obtained clients in Iraq through Mr Mazin Younis (MY) and his associates. Mr Younis himself told an employee of Prof Shiner's firm, Public Interest Lawyers Limited (PIL), that clients were obtained by knocking on doors and he said that "we even paid people". He said this applied not just to Al Sweady cases but to "nearly all" Iraq cases.</p> <p data-bbox="564 864 1150 976">PIL did indeed provide payments to MY when he was trying to find clients although they were characterised as "expenses" of those tracking down the potential clients. On 25 May 2007 MY emailed Prof Shiner saying that "We also need to send at the same time the expenses for the people working on [this] case. Please allocate £300 for that, they are not moving on the case till we pay them". PIL sent money for this purpose.</p> <p data-bbox="564 987 1150 1032">Prof Shiner admitted that clients were obtained improperly and that he had acted with a lack of integrity. This was allegation 1.</p> <p data-bbox="564 1043 1150 1122">These were not clients looking for lawyers. This was a lawyer who wanted to bring a case and who set out to find clients to bring it. That is also clear from Prof Shiner's admissions to allegation 24. The inquiry was conducted by PIL with very little in the way of instructions or advice to their supposed clients.</p> <p data-bbox="564 1133 1150 1178">When the SRA required Prof Shiner and PIL to provide information formally under its powers, PIL contacted MY in June 2015 for his help in answering</p> <p data-bbox="564 1189 1150 1234"><b>"How Mazin Younis identified potential clients or witnesses for the Firm or Leigh Day in relation to the Al-Sweady matters."</b></p> <p data-bbox="564 1245 1150 1323">MY then told a PIL employee that, in effect, clients had been obtained improperly as described above. However, he speculated that "maybe it could have been a journalist who asked me to find people in 2005, it was a long time ago", and added that if the parties reverted to the "old way of working", he could "have a clearer memory".</p>



Date	Event
	<div data-bbox="938 309 1129 383" style="text-align: right;">  <p>Solicitors Regulation Authority</p> </div> <p>By the 'old way of working' he meant a financial benefit: an exclusive contract for his business to carry out translation and other work for PIL. Prof Shiner agreed to this and the answer then provided to the SRA was untrue, stating that journalists had suggested MY find victims rather than Prof Shiner. In exchange, MY was to be paid £60 per hour for work on Iraq cases, and the rent and running costs of the offices of Mr Abu Jarral (who worked with MY) in Basra would be paid by PIL.</p> <p>Although there were attempts to give the impression that MY was not arranging for the cold-calling of potential clients, it is clear that he was. Ultimately, in an email dated 6 December 2007, Prof Shiner referred to "clients" coming to a meeting in Istanbul and referred to Panorama having taken statements from 6 survivors and then said:</p> <p>"I have asked Masch to try and track down the other two so we might come away with as many as six clients as survivors as well as [X] making seven in total."</p> <p>Prof Shiner arranged also to create a false email trail to make it look as though the arrangement with MY had been routinely reviewed.</p> <p>When PIL disclosed this incident to their then solicitors, the solicitors immediately told the SRA and stated that Prof Shiner had made a serious error of judgment.</p> <p>These events led to allegations 2-4. Prof Shiner was also alleged to have provided misleading answers to formal notices from the SRA requiring information. These are allegations 13-17.</p> <p><b>The financial arrangements</b></p> <p>Prof Shiner also admitted that he paid improper referral fees to MY and that he entered into improper fee sharing arrangements with MY. (Leigh Day were a party to some of these arrangements and they deny misconduct.) Under the fee sharing arrangements, MY and PIL were to receive a share of Leigh Day's fees in successful personal injury claims.</p> <p>The intention was that MY and PIL would receive equal amounts and they essentially were paid £1.6m each (therefore a total of £3.2m) by Leigh Day. These receipts were in addition to any legal fees received by PIL for conducting the judicial review or the inquiry.</p> <p>The allegations about these arrangements are numbers 5 to 12. Prof Shiner denied allegations 10 and 11 on the basis that the arrangements did not relate to legally aided cases and the SDT decision is awaited on this.</p> <p><b>Failing to disclose important evidence</b></p> <p>Prof Shiner admitted failing to establish and maintain proper and effective arrangements with Leigh Day for the sharing of information and documents held by PIL and Leigh Day for Al-Sweady claims. This is allegation 19.</p> <p>Office of the Martyr Al Sayyed al Sadr.</p>

Date	Event
	<div data-bbox="938 309 1125 392" style="text-align: right;">  <p>Solicitors Regulation Authority</p> </div> <p>This contributed to a key document, the OMS Detainees List, not being disclosed to the legal aid authorities, the High Court or to the Inquiry until September 2013. The OMS Detainees List was found by the Inquiry to show that the detained Iraqis were not innocent bystanders.</p> <p>"That document, on its face, is clear evidence that the Office of the Martyr Al Sayyed al Sadr...recognised and acknowledged that each of the nine detainees was an associate or supporter of that organisation and a member of the Mahdi Army at the relevant time."</p> <p>Prof Shiner also failed to disclose other important information. He had been told that an important client (Y) seen as a father figure to other clients was a senior member of the Mahdi Army. He had been told that Y had threatened to kill Mr Abu Jamal and that there was concern that Y "may be influencing the clients' testimony in some way". He did not disclose this.</p> <p>Nor did Prof Shiner disclose that his firm had a direct interest in cases being generated and personal injury claims succeeding because of the arrangement between him, M Y and Leigh Day. Prof Shiner was the sole director and shareholder of the firm. The firm was paid, as mentioned above, £1.5m under these arrangements.</p> <p>Prof Shiner disclosed some witness statements to the legal aid authorities but did not disclose others that were inconsistent with them.</p> <p>Had Prof Shiner been properly frank with the legal aid authorities, the judicial review and Inquiry would never have taken place. He also failed to disclose this information to the High Court in the judicial review proceedings.</p> <p>The allegations of failing to make proper disclosure to the High Court and the legal aid authorities are numbers 20 and 21.</p> <p><b>The press conference</b></p> <p>Prof Shiner admits misconduct and that he acted recklessly in the press conference in February 2008 when serious allegations were made in public against British soldiers which have proved to be "baseless" according to the Inquiry. This is allegation 22.</p> <p><b>Failing to keep clients informed</b></p> <p>Finally, Prof Shiner admits allegation 24 that he failed to keep Al-Sweady clients properly informed as to the progress of the Al-Sweady inquiry and in particular as to the declining prospects of their allegations that cold-blooded executions had occurred at Camp Abu Najil (CAN). It had become clear by early March 2013 that the allegations of murder by British troops were in difficulties and by the summer that it was likely insurgents had died on the battlefield and not in the custody of British troops. The Iraq clients were not properly advised of these difficulties. Nor were they properly advised that it was intended to concede to the Inquiry that the legal team</p> <p><small>is Office of the Martyr Al Sayyed al Sadr.</small></p>

Date	Event
	<p style="text-align: right;">  </p> <p>would not be submitting that five tanks captured during the course of the battle on 14 May 2004 died or were killed at CAN. That concession was made on 20 March 2014.</p> <p><b>Allegations to be on file</b></p> <p>The SOT agreed that two allegations should be on file. One related to the alleged "payment of sums of money which ita knew or suspected to be improper". The Legal Aid Agency disclosed in August 2018 that related allegations had been referred to the National Crime Agency.</p> <p>The other allegation was that some of the information that Prof Shiner did not disclose to the legal aid authorities or the High Court should have been disclosed to the Inquiry. Since the failure to disclose to them was the root cause of these false claims being brought and because the allegations being pursued provided a more than sufficient basis to cause Prof Shiner to be struck off, the SRA considered that it was not necessary or proportionate to pursue an essentially similar allegation.</p> <p><b>Allegations as published in December – full allegations were read out at the public hearing, and Z is Mr Mazin Younis</b></p> <ol style="list-style-type: none"> <li>1. Professor Shiner encouraged and authorised the making of unsolicited direct approaches to potential clients arising out of the Battle of Dazoy Boy, through the agency of an individual, "Z", and three others, which he adopted when client instructions were forthcoming.</li> <li>2. Professor Shiner improperly authorised and procured Public Interest Lawyers Limited to enter into an agreement in June 2015 providing financial benefits to Z in order to cause or persuade him to change his evidence on the issue of how the Al-Sweady clients had been identified. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>3. Professor Shiner improperly presented the changed evidence from Z to the SRA without explanation as to the circumstances in which it had been obtained. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>4. Professor Shiner improperly sanctioned and approved the creation of emails dated 29 and 30 June 2015 which did not disclose the true reason for the agreement with Z, but falsely gave the impression that it was the product of a routine discussion. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>5. Professor Shiner authorised, procured and approved the payment to Z of prohibited referral fees in or about September 2007.</li> <li>6. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to bipartite agreements made on or about 17-23 March 2008, which was an improper arrangement in that it was an improper contingency fee arrangement.</li> </ol>



Date	Event
	 <p>7. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an improper contingency fee arrangement.</p> <p>8. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 17-23 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;</p> <p>9. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of historic cases;</p> <p>10. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 17-23 March 2009, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of publicly funded cases.</p> <p>11. Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Z pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of publicly funded cases.</p> <p>12. Professor Shiner authorised, procured and approved the payment to Z of £26,000 in prohibited referral fees on or about 30 March 2009.</p> <p>13. Professor Shiner provided the SRA with a misleading and incomplete response to question 10 of a notice dated 23 April 2015 issued under s448 Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>14. Professor Shiner provided the SRA with a misleading and incomplete response to question 15 of a notice dated 23 April 2015 issued under s448 Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>15. Professor Shiner provided the SRA with a misleading and incomplete response to question 17 of a notice dated 23 April 2015 issued under s448 Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>16. Professor Shiner provided the SRA with a misleading and incomplete response to question 21 of a notice dated 23 April 2015 issued under s448 Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>17. Professor Shiner failed to provide the SRA with a timely response to questions 1 and 3 of a notice dated 23 April 2015 issued under s448 Solicitors Act 1974.</p>

Date	Event
	<div style="text-align: right; margin-bottom: 10px;">  <p>Solicitors Regulation Authority</p> </div> <p>18. Professor Shiner authorised and approved the payment of sums of money which he knew or suspected to be improper and failed to take proper steps to satisfy himself that such disbursements were proper. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>19. Professor Shiner failed, during the period June 2007 to August 2013, to establish and maintain proper and effective arrangements with a third party law firm for the sharing of information and documents which they held in respect of Al-Sweady claims and matters.</p> <p>20. Professor Shiner failed to comply with his duty of candour to the Court in relation to the Judicial Review and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their duty of candour to the Court.</p> <p>21. Professor Shiner failed to comply with his duty of full and frank disclosure to the Legal Services Commission in relation to the Judicial Review and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their comparable duties.</p> <p>22. At a press conference on 22 February 2008, Professor Shiner made and personally endorsed allegations that the British Army had unlawfully killed, tortured and mistreated Iraqi civilians, including his clients, who had been innocent bystanders at the Battle of Danny Boy in circumstances where it was improper to do so.</p> <p>23. Professor Shiner failed to comply with his duty of full and frank disclosure to the Al-Sweady inquiry in a timely manner or at all, and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their comparable duties.</p> <p>24. Both Professor Shiner and Mr Dickson failed, in the period March 2013 to March 2014, to keep the Al-Sweady clients properly informed as to the progress of the Al-Sweady inquiry and in particular as to the declining prospects of their allegations that cold-blooded executions had occurred at Camp Abu Najf ("CAN").</p> <p>In respect of Professor Shiner, it is alleged that by reason of each or all of the matters set out in allegations 1, 2, 3, 4, 12, 13, 14, 15, 16, 18, 21 and 22 he acted without integrity. For the avoidance of doubt, in the case of allegations 2, 3, 4, 13, 14, 15, 16 and 18, if Professor Shiner was not dishonest (as alleged) he was reckless.</p> <p>On 7 December 2016, Professor Shiner made admissions to the allegations as follows:</p> <p><b>Allegation 1:</b> This allegation is admitted including the allegation of acting without integrity.</p> <p><b>Allegations 2 to 4:</b> These three allegations are admitted including the allegation of acting without integrity. The allegations of acting dishonestly or recklessly are not admitted.</p> <div style="text-align: right; margin-top: 10px;">  <p>Solicitors Regulation Authority</p> </div> <p><b>Allegations 5 to 9:</b> These five allegations are admitted.</p> <p><b>Allegations 10 to 11:</b> These two allegations are not admitted.</p> <p><b>Allegation 12:</b> Allegation 12 is admitted including the allegation of acting without integrity save that it is not admitted that the payment related to publicly funded cases as alleged.</p> <p><b>Allegations 13 to 16:</b> These four allegations are admitted including the allegations of acting without integrity. The allegations of acting dishonestly and recklessly are not admitted.</p> <p><b>Allegation 17:</b> This allegation is admitted.</p> <p><b>Allegation 18:</b> This allegation is not admitted. The SDT agreed it should lie on file.</p> <p><b>Allegation 19:</b> This allegation is admitted.</p> <p><b>Allegations 20 to 21:</b> These two allegations are not admitted.</p> <p><b>Allegation 22:</b> This allegation is admitted including the allegation of acting recklessly. The allegation of acting without integrity is not admitted.</p> <p><b>Allegation 23:</b> This allegation is not admitted. The SDT agreed it should lie on file.</p> <p><b>Allegation 24:</b> This allegation is admitted.</p>

February 2017

Date	Event
1 February 2017	<p><b>Letter and attachments from David Middleton, Executive Director - 1 February 2017</b></p> <hr/> <p><b>From:</b> [REDACTED] <b>To:</b> [REDACTED]@sra.org.uk <b>Cc:</b> [REDACTED]</p> <p><b>Sent:</b> February 1, 2017 2:18:01 PM GMT <b>Received:</b> February 1, 2017 2:18:24 PM GMT <b>Attachments:</b> image004.png, 01022017 Allegations to disclose.pdf, 01022017 Summary of cases.pdf, 01022017 Letter from David Middleton.pdf, image001.png, image002.png, image003.png, image005.png</p> <p><b>Des:</b> [REDACTED]</p> <p>Please see attached letter and documents on behalf of David Middleton, Executive Director - Legal Case Director.</p> <p>Many thanks</p> <p>[REDACTED] Executive PA to</p> <p>Jane Malcolm Executive Director of External Affairs</p> <p>[REDACTED] General Counsel Solicitors Regulation Authority Direct Line: [REDACTED]</p> <p>&lt;<a href="http://www.sra.org.uk">http://www.sra.org.uk</a>&gt; <a href="http://www.sra.org.uk">www.sra.org.uk</a></p>

Date	Event
	<div data-bbox="1018 309 1299 434" data-label="Image"> </div> <div data-bbox="1145 450 1283 510" data-label="Text"> <p>The Cube 199 Wharfedale Street Birmingham B1 1RN</p> </div> <div data-bbox="1145 528 1342 622" data-label="Text"> <p>DX: 728293 BIRMINGHAM 47 UK Tel: [REDACTED] Fax: +44 (0)121 618 1999 www.sra.org.uk</p> </div> <div data-bbox="568 591 807 696" data-label="Text"> <p>Investigative Allegations Team Building 396C Trenchard Lines Upavon SN8 6BE</p> </div> <div data-bbox="568 757 922 786" data-label="Text"> <p>Via email: IHAT-Ops-Support-Team [REDACTED]</p> </div> <div data-bbox="568 797 799 826" data-label="Text"> <p>Your Ref: D/IHAT/04/02/15/13</p> </div> <div data-bbox="568 860 692 889" data-label="Text"> <p>1 February 2017</p> </div> <div data-bbox="568 922 820 952" data-label="Text"> <p>Strictly private and confidential</p> </div> <div data-bbox="568 963 751 992" data-label="Text"> <p>Dear [REDACTED]</p> </div> <div data-bbox="568 1003 927 1032" data-label="Text"> <p>Thank you for your letter of 16 December 2016.</p> </div> <div data-bbox="555 1043 1214 1171" data-label="Text"> <p>I set out some commentary below on the two points you mention so that we can work with you to narrow and target what might otherwise be a very substantial and potentially costly disclosure process. When you have considered this letter, I suggest a meeting with the solicitors who conduct the SDT case for us, Fussell-Cooke, to discuss the issues of interest to you and how disclosure of documents can be managed.</p> </div> <div data-bbox="555 1189 1203 1352" data-label="Text"> <p>It is important of course to bear in mind that our comments arise in the context of cases before the Solicitors Disciplinary Tribunal and the dynamics of litigation are such that the conclusions of the SDT when its reasons are published may differ from our current analysis. Also, just as you rightly comment that IHAT is not directly involved in proceedings against UK based legal representatives, so we have not investigated, and are not empowered to investigate, the specific points you mention save to the extent relevant to the professional conduct of those we regulate.</p> </div>


Date	Event
	<p>You seek material we hold in relation to the prosecution of Professor Shiner which</p> <ol style="list-style-type: none"> <li>1. may go to the credibility of any of the Iraqi citizens making allegations of criminal behaviour, or to the credibility of any of the allegations; or</li> <li>2. may indicate an inappropriate relationship between PIL, their agents, and their Iraqi clients, which may affect the prospect of a conviction in a criminal trial.</li> </ol> <p><b>Credibility of Iraqi citizens or allegations</b></p> <p>The prosecution of Professor Shiner arises largely from his and his firm's conduct of the allegations considered in the report of the Al Sweady Inquiry. Given the very extensive analysis of the evidence in the ASI findings and in the report, we doubt that we have further information, that is not privileged, that is directly relevant to these issues. We will however keep that under review.</p> <p>There was of course reference at the public SDT hearing to inconsistent witness statements by Al Sweady clients but we assume for the moment that they are not pursuing allegations with INAT given the ASI findings of dishonesty.</p> <p>As you may also have noticed at the hearing, there is evidence that Mr Mazin Younis told an employee of PIL that in "nearly all" Iraq cases payments were made to witnesses. You will also have heard that there was a claim to litigation privilege which was waived for the purposes of our investigation. Now that the evidence has been referred to in open Tribunal, we hope to be able to disclose it to you shortly but we will need to proceed carefully and with legal advice.</p> <p>We have of course identified issues with the arrangements between PIL and agents which go further than the ASI and which were extensively discussed during the hearing.</p> <p><b>Inappropriate relationship which may affect the prospect of a conviction</b></p> <p>We alleged breach of rules of professional conduct arising from the relationship between Professor Shiner's firm and agents notably in allegation 1 regarding the improper solicitation of clients "through the agency of an individual, 'Z', and three others". This allegation was read out in the hearing and we confirm that the individual known as Z in the published allegations is Mr Mazin Younis. Of the "three others" two are Abu Jamal and Abu Inad. From perhaps an excess of caution we did not read out the name of the third, one of the clients, in the hearing and we return to that issue below.</p> <p>Please note that we contacted Mr Younis to indicate that we were minded to state publicly that he is Z because of the misleading media coverage indicating that Z is Abu Jamal. Mr Younis instructed solicitors and objected to a public statement</p>


Date	Event
	<p>because of risk to his physical safety. He did not seek an order for anonymity at the SDT hearing.</p> <p>It was of course evident from the information we published in December 2016 that Professor Shiner has admitted (to a large extent) allegations of professional misconduct as a result of, in brief terms, arrangements with Mr Younis in breach of our rules, namely allegations 6 to 8 and 12 (allegations 10 and 11 being denied). These arrangements provided significant financial benefit to Mr Younis. Payments were made to him for the purported "expenses" of others and which may have involved financial benefit for clients in light of his "nearby a/c" comment.</p> <p>There was substantial discussion of the tripartite arrangements and indeed those were mentioned in our published allegations. The arrangements were slightly complex but both PIL and Leigh Day were keen to ensure that Mr Younis continued to refer cases to them. PIL would deal with public law cases and Leigh Day with personal injury claims. It was agreed that fees would be shared. A share of fees would be paid by Leigh Day both to PIL and to Mr Younis. Mr Younis would be paid referral fees at 13.75% of costs received in successful personal injury cases. The aim was also that he and PIL would receive the same total of referral fees from Leigh Day, and since PIL had already received some payments, Mr Younis was to receive 27.5% of the costs until payments to each were the same at which point further payments would be at 13.75%.</p> <p>Mr Younis has received over £1.6m, paid by Leigh Day, in relation to these arrangements. He is not a solicitor and the relevance of this is in the financial motivation to generate potential claims for referral. We are concerned that inappropriate referral fees can incentivise unacceptable conduct by unregulated individuals (such as the making of unsolicited direct approaches to potential clients), and that the scale of the referral fees agreed with Mr Younis may have encouraged such conduct.</p> <p>It should also be noted that our understanding is that (apart from the specific payments referred to in our published allegations) the payments of over £1.6m arise from conditional fee agreements leading to payment to Mr Younis being contingent on success of the claim. Payments have presumably therefore by definition only been made because civil claims have succeeded.</p> <p>Mr Younis has told us that he shared the referral fees he received equally with Mr Abu Jamal. We have limited direct information about Mr Abu Jamal, our understanding being that he was Mr Younis's agent on the ground. PIL paid the rent for an office for Mr Jamal in Basra, and for a period from November 2012 paid both Mr Jamal and his son a monthly "wage" for their work for PIL. When PIL sought to solicit clients to make claims arising from the Battle of Derry Boy, it appears to have been Mr Jamal who made inquiries on the ground.</p>



Date	Event
	<p><b>Character of Mr Mazin Younis - allegation 2</b></p> <p>You will note that allegation 2 arises from an incident in June 2015 involving Mr Younis. Professor Shiner admits the allegation and admits acting with a lack of integrity. He denles dishonesty and recklessness. The published allegation is:</p> <p><i>"Professor Shiner improperly authorised and procured Public Interest Lawyers Limited to enter into an agreement in June 2015 providing financial benefits to Z in order to cause or persuade him to change his evidence on the issue of how the Al-Sweady clients had been identified."</i></p> <p>Essentially, an employee of PIL was seeking information to answer our inquiries and Mr Younis made various allegations to the employee about improper contact with people in Iraq which if disclosed to us could give rise to regulatory difficulties for Professor Shiner. You will have heard reference in the hearing to Mr Younis saying that clients were obtained by knocking on doors and, as above, that some people were paid. Mr Younis sought a renewed contract with PIL, essentially as a quid pro quo for such allegations not being persisted in. Professor Shiner conceded. He subsequently reported the incident (we are told) to West Midlands Police as potential blackmail although we are not aware that they took any action.</p> <p>The potential relevance of this is twofold.</p> <p>Firstly, if true (and it was recorded by the employee and not Professor Shiner the latter of whom we of course allege has acted dishonestly) it sheds light on Mr Younis's character.</p> <p>Secondly, the alleged improper conduct does give rise to concern about how evidence was obtained. Full details of the exchange with the PIL employee were read out in the hearing and, as mentioned above, we hope to provide you with copies of the evidence as soon as possible.</p> <p><b>Mr Khuder Al Sweady</b></p> <p>It is clear that Mr Khuder Al Sweady was central in terms of contact with detainees and other witnesses in Iraq in relation to the events that were considered by the ASI. The outcome of the ASI in itself would suggest that any involvement by him in the obtaining of evidence or referral of cases would need to be treated with significant caution. By way of example, only, we note that his evidence was rejected by the ASI, such as at para 2.135:</p> <p><i>"I have no doubt that Khuder Al-Sweady... was deliberately untruthful when he gave evidence of having seen 'fighting discs' being fired by helicopters on 14 May 2004. I am sure that he made this allegation as part of his general approach of seeking to discredit the British forces wherever possible, thereby seeking to add credence to the allegations of unlawful killing, mutilation and torture of Iraqi civilians by the British soldiers at Camp Abu Najf."</i></p> <p>I would suggest that contact is made with our Ian Brock in the first instance to arrange a meeting as mentioned above.</p> <p>Yours sincerely</p> <p><b>David Middleton</b> Executive Director - Legal Case Direction Solicitors Regulation Authority</p> <p>Enc: Summary of case Allegations</p>
<p>2 February 2017 00000001.00000036.0000 0226</p> <p>00033705</p> <p>00000001.00000036.0000 0226_001</p>	<p>Professor Shiner SDT documents</p> <p>From: Jane Malcolm [redacted]@sra.org.uk&gt;</p> <p>To: [redacted]@justice.gsi.gov.uk&gt;</p> <p>Sent: February 2, 2017 12:49:36 PM GMT</p> <p>Received: February 2, 2017 12:49:38 PM GMT</p> <p>Attachments: ATT00003.htm, 17.02.02 - Background, case presented to the SDT.docx, 17 02 02 -</p>

Date	Event
<p>Allegations: 00000001.00000036.0000 0226_003</p> <p>News                   Release: 00000001.00000036.0000 0226_005</p>	<p>██████████</p> <p>As requested.</p> <p>Thanks</p> <p>Jane</p> <p>Sent from my iPad</p> <p>Begin forwarded message: Op Note - Phil Shiner.docx, ATT00001.htm, 17.02.02 - Allegations put to the SDT.pdf, ATT00002.htm</p> <p>From: ██████████ ██████████ ██████████ ██████████@sra.org.uk&lt;mailto:██████████@sra.org.uk&gt;&gt;</p> <p>To: ██████████ "Jane" ██████████ Malcolm" &lt;██████████@sra.org.uk&lt;mailto:██████████@sra.org.uk&gt;&gt;</p> <p>Cc: ██████████ ██████████ ██████████@sra.org.uk&lt;mailto:██████████@sra.org.uk&gt;&gt;</p> <p>Subject: Phil Shiner documents</p> <p>As requested, Jane.</p> <p>██████████</p> <p>██████████</p> <p>Media Relations Officer Communications Unit Solicitors Regulation Authority</p> <p>██████████ ██████████ ██████████</p> <p>The Cube, 199 Wharfside Street, Birmingham B1 1RN <a href="http://www.sra.org.uk">www.sra.org.uk</a>&lt;<a href="http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653">http://www.emailhosts.com/ct/ctcount.php?key=008151570090378800023653</a>&gt;</p>



Date	Event
	<div data-bbox="986 309 1198 398" style="text-align: right;">  <p>Solicitors Regulation Authority</p> </div> <p><b>Professor Phil Shiner and the SDT</b></p> <p>This is an outline of the case presented by the Solicitors Regulation Authority in the Solicitors Disciplinary Tribunal hearing of Professor Phil Shiner.</p> <p>This has been a complex case with many different aspects. Solicitors have the privilege of being able to conduct litigation for clients but it must be conducted responsibly and with integrity at all times. This case was about abuse of the privilege to bring such cases and the risk that to do so undermines public confidence lawyers and in the rule of law.</p> <p>The allegations were published on the SRA's website in early December 2016 They can be accessed <a href="#">here</a>.</p> <p><b>Obtaining clients and the cover-up</b></p> <p>Professor Phil Shiner obtained clients in Iraq through Mr Mazin Younis (MY) and his associates. Mr Younis himself told an employee of Prof Shiner's firm, Public Interest Lawyers Limited (PIL), that clients were obtained by knocking on doors and he said that "we even paid people". He said this applied not just to Al Sweady cases but to "nearly all" Iraq cases.</p> <p>PIL did indeed provide payments to MY when he was trying to find clients although they were characterised as "expenses" of those tracking down the potential clients. On 25 May 2007 MY emailed Prof Shiner saying that "We also need to send at the same time the expenses for the people working on [this] case. Please allocate £300 for that, they are not moving on the case till we pay them?" PIL sent money for this purpose.</p> <p>Prof Shiner admitted that clients were obtained improperly and that he had acted with a lack of integrity. This was allegation 1</p> <p>These were not clients looking for lawyers. This was a lawyer who wanted to bring a case and who set out to find clients to bring it. That is also clear from Prof Shiner's admissions to allegation 24. The inquiry was conducted by PIL with very little in the way of instructions or advice to their supposed clients.</p> <p>When the SRA required Prof Shiner and PIL to provide information formally under its powers, PIL contacted MY in June 2015 for his help in answering</p> <p>"How Mazin Younis identified potential clients or witnesses for the Firm or Leigh Day in relation to the Al-Sweady matters."</p> <p>MY then told a PIL employee that, in effect, clients had been obtained improperly as described above. However, he speculated that "maybe it could have been a journalist who asked me to find people in 2005, it was a long time ago", and added that if the parties reverted to the "old way of working", he could "have a clearer memory".</p> <p>By the "old way of working" he meant a financial benefit: an exclusive contract for his business to carry out translation and other work for PIL. Prof Shiner agreed to this and the answer then provided to the SRA was untrue, stating that journalists had</p>


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	<div style="text-align: right; margin-bottom: 10px;">  <p>Solicitors Regulation Authority</p> </div> <p>suggested MY find victims rather than Prof Shiner. In exchange, MY was to be paid £80 per hour for work on Iraqi cases, and the rent and running costs of the offices of Mr Abu Jamal (who worked with MY) in Basra would be paid by PIL.</p> <p>Although there were attempts to give the impression that MY was not arranging for the cold-calling of potential clients, it is clear that he was. Ultimately, in an email dated 6 December 2007, Prof Shiner referred to "clients" coming to a meeting in Istanbul and referred to Panorama having taken statements from 6 survivors and then said:</p> <p>"I have asked Mazin to try and track down the other two so we might come away with as many as six clients as survivors as well as [X] making seven in total."</p> <p>Prof Shiner arranged also to create a false email trail to make it look as though the arrangement with MY had been routinely reviewed.</p> <p>When PIL disclosed this incident to their then solicitors, the solicitors immediately told the SRA and stated that Prof Shiner had made a serious error of judgment.</p> <p>These events led to allegations 2-4. Prof Shiner was also alleged to have provided misleading answers to formal notices from the SRA requiring information. These are allegations 13-17.</p> <p><b>The financial arrangements</b></p> <p>Prof Shiner also admitted that he paid improper referral fees to MY and that he entered into improper fee sharing arrangements with MY. (Leigh Day were a party to some of these arrangements and they deny misconduct.) Under the fee sharing arrangements, MY and PIL were to receive a share of Leigh Day's fees in successful personal injury claims.</p> <p>The intention was that MY and PIL would receive equal amounts and they essentially were paid £1.2m each (therefore a total of £2.4m) by Leigh Day. These receipts were in addition to any legal fees received by PIL for conducting the judicial review or the inquiry.</p> <p>The allegations about these arrangements are numbers 5 to 12. Prof Shiner denied allegations 10 and 11 on the basis that the arrangements did not relate to legally aided cases and the SDT decision is awaited on this.</p> <p><b>Failing to disclose important evidence</b></p> <p>Prof Shiner admitted failing to establish and maintain proper and effective arrangements with Leigh Day for the sharing of information and documents held by PIL and Leigh Day for Al-Suesady claims. This is allegation 19.</p> <p>This contributed to a key document, the OMS<sup>10</sup> Detainee List, not being disclosed to the legal aid authorities, the High Court or to the inquiry until September 2013. The OMS Detainee List was found by the inquiry to show that the detained Iraqis were not innocent bystanders.</p> <p><sup>10</sup> Office of the Martyr Al Sayyed al Saqr.</p>

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	<div style="text-align: right; margin-bottom: 20px;">  <p>Solicitors Regulation Authority</p> </div> <p>"That document, on its face, is clear evidence that the Office of the Martyr Al Sayyed al Sabr...recognised and acknowledged that each of the nine detainees was an associate or supporter of that organisation and a member of the Mahdi Army at the relevant time."</p> <p>Prof Shiner also failed to disclose other important information. He had been told that an important client (Y) seen as a father figure to other clients was a senior member of the Mahdi Army. He had been told that Y had threatened to kill Mr Abu Jamal and that there was concern that Y "may be influencing the clients' testimony in some way". He did not disclose this.</p> <p>Nor did Prof Shiner disclose that his firm had a direct interest in cases being generated and personal injury claims succeeding because of the arrangement between him, MY and Leigh Day. Prof Shiner was the sole director and shareholder of the firm. The firm was paid, as mentioned above, £1.0m under these arrangements.</p> <p>Prof Shiner disclosed some witness statements to the legal aid authorities but did not disclose others that were inconsistent with them.</p> <p>Had Prof Shiner been properly frank with the legal aid authorities, the judicial review and inquiry would never have taken place. He also failed to disclose this information to the High Court in the judicial review proceedings.</p> <p>The allegations of failing to make proper disclosure to the High Court and the legal aid authorities are numbers 20 and 21.</p> <p><b>The press conference</b></p> <p>Prof Shiner admits misconduct and that he acted recklessly in the press conference in February 2008 when serious allegations were made in public against British soldiers which have proved to be "baseless" according to the inquiry. This is allegation 22.</p> <p><b>Failing to keep clients informed</b></p> <p>Finally, Prof Shiner admits allegation 24 that he failed to keep Al-Sweady clients properly informed as to the progress of the Al-Sweady inquiry and in particular as to the declining prospects of their allegations that cold-blooded executions had occurred at Camp Abu Najf (CAN). It had become clear by early March 2013 that the allegations of murder by British troops were in difficulties and by the summer that it was likely insurgents had died on the battlefield and not in the custody of British troops. The Iraqi clients were not properly advised of these difficulties. Nor were they properly advised that it was intended to concede to the inquiry that the legal team would not be submitting that five Iraqis captured during the course of the battle on 14 May 2004 died or were killed at CAN. That concession was made on 20 March 2014.</p> <p><b>Allegations to lie on file</b></p> <p>The SDT agreed that two allegations should lie on file. One related to the alleged</p> <div style="text-align: right; margin-top: 20px;">  <p>Solicitors Regulation Authority</p> </div> <p>"payment of sums of money which he knew or suspected to be improper". The Legal Aid Agency disclosed in August 2016 that related allegations had been referred to the National Crime Agency.</p> <p>The other allegation was that some of the information that Prof Shiner did not disclose to the legal aid authorities or the High Court should have been disclosed to the inquiry. Since the failure to disclose to them was the root cause of these false claims being brought and because the allegations being pursued provided a more than sufficient basis to cause Prof Shiner to be struck off, the SRA considered that it was not necessary or proportionate to pursue an essentially similar allegation.</p>

Date	Event
	<div data-bbox="564 353 951 421" data-label="Section-Header"> <h1>News Release</h1> </div> <div data-bbox="1034 331 1217 416" data-label="Image"> </div> <div data-bbox="564 456 802 483" data-label="Text"> <p>Thursday 2 February, 2017</p> </div> <div data-bbox="564 499 1246 526" data-label="Section-Header"> <h2>Professor Phil Shiner and the Solicitors Disciplinary Tribunal</h2> </div> <div data-bbox="564 544 1243 613" data-label="Text"> <p>Professor Phil Shiner of Public Interest Lawyers (PIL) has been struck off by the Solicitors Disciplinary Tribunal (SDT) for professional misconduct in the Al-Sweady Inquiry. It also ordered him to pay £250,000 costs.</p> </div> <div data-bbox="564 629 1254 759" data-label="Text"> <p>In a prosecution brought by the Solicitors Regulation Authority (SRA), the Tribunal found allegations of misconduct when representing claims against British soldiers - including acting dishonestly - proven to the criminal standard of proof. A second solicitor from PIL, John Dickinson, was reprimanded by the SDT and ordered to pay £2,000 costs after it was admitted and found that he failed to keep the Al-Sweady clients properly informed as to the progress of the Inquiry.</p> </div> <div data-bbox="564 775 1267 840" data-label="Text"> <p>Paul Philip, SRA Chief Executive said: "We welcome the SDT's decision to (order) Professor Shiner has been found to be dishonest. It is important that solicitors can bring forward difficult cases, but the public must be able to place their trust in them.</p> </div> <div data-bbox="564 857 1264 945" data-label="Text"> <p>"His misconduct has caused real distress to soldiers, their families and to the families of Iraqi people who thought that their loved ones had been murdered or tortured. More than £30m of public funds were spent on investigating what proved to be false and dishonest allegations.</p> </div> <div data-bbox="564 963 1262 1050" data-label="Text"> <p>"The Lord Chief Justice said in 2014 that misleading court must be regarded by any disciplinary tribunal as one of the most serious offences that a solicitor could commit. He said it was not simply a breach of a rule of a game, but a fundamental affront to a rule designed to safeguard the fairness and justice of proceedings.</p> </div> <div data-bbox="564 1068 1262 1133" data-label="Text"> <p>"We expect solicitors to maintain the highest professional standards in all areas of their work, to uphold the rule of law, act with integrity and act honestly. If they do not, we will take action to maintain the trust the public places in solicitors."</p> </div> <div data-bbox="564 1151 1244 1196" data-label="Text"> <p>The Tribunal aims to publish its decision within seven weeks. Professor Shiner will then have 21 days to appeal.</p> </div> <div data-bbox="564 1214 713 1236" data-label="Section-Header"> <h3>Notes to Editors</h3> </div> <div data-bbox="595 1256 1264 1491" data-label="List-Group"> <ul style="list-style-type: none"> <li>• The SRA is the regulator of solicitors and law firms in England and Wales, protecting consumers and supporting the rule of law and the administration of justice. The SRA does this by overseeing all education and training requirements necessary to practise as a solicitor, licensing individuals and firms to practise, setting the standards of the profession and regulating and enforcing compliance against these standards. Further information is available at <a href="http://www.sra.org.uk">www.sra.org.uk</a></li> <li>• The standards required of lawyers conducting litigation were confirmed by the Lord Chief Justice in the case of <i>Brett v SRA</i> (2014) when he commented about the seriousness of misleading the court:</li> </ul> </div>

Date	Event
	<div data-bbox="564 344 944 398" data-label="Section-Header"> <h1>News Release</h1> </div> <div data-bbox="1027 327 1206 398" data-label="Image"> </div> <ul style="list-style-type: none"> <li> <p>o "...misleading the court is regarded by the court and must be regarded by any disciplinary tribunal as one of the most serious offences that an advocate or litigator can commit. It is not simply a breach of a rule of a game, but a fundamental affront to a rule designed to safeguard the fairness and justice of proceedings. Such conduct will normally attract an exemplary and deterrent sentence. That is in part because our system for the administration of justice relies so heavily upon the integrity of the profession and the full discharge of the profession's duties and in part because the privilege of conducting litigation or appearing in court is graded on terms that the rules are observed not merely in their letter but in their spirit. Indeed, the reputation of the system of the administration of justice in England and Wales and the standing of the profession depends particularly upon the discharge of the duties owed to the court.</p> <p>"Where an advocate or other representative or a litigator puts before the court matters which he knows not to be true or by omission leads the court to believe something he knows not to be true, then as an advocate knows of these duties, the inference will be inevitable that he has deceived the court, acted dishonestly and is not fit to be a member of any part of the legal profession."</p> </li> <li> <p>• Solicitors are also barred by the Code of Conduct from "cold calling", approaching potential clients without permission. The greatest risk of "cold calling" is that it could generate false claims, which is what has happened in this case.</p> </li> <li> <p>• The allegations made by the SRA, the admissions made by Prof Shiner and the findings of the SDT are as follows:</p> <ul style="list-style-type: none"> <li>➤ Professor Shiner encouraged and authorised the making of unsolicited direct approaches to potential clients arising out of the Battle of Darray Boy, through the agency of an individual, Mazin Younis, and three others, which he adopted when client instructions were forthcoming. This allegation is admitted including the allegation of acting without integrity. The SDT found proven</li> <li>➤ Professor Shiner improperly authorised and procured Public Interest Lawyers Limited to enter into an agreement in June 2015 providing financial benefits to Mazin Younis in order to cause or persuade him to change his evidence on the issue of how the Al-Sweady clients had been identified. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>➤ Professor Shiner improperly presented the changed evidence from Mazin Younis to the SRA without explanation as to the circumstances in which it had been obtained. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>➤ Professor Shiner improperly sanctioned and approved the creation of emails dated 29 and 30 June 2015 which did not disclose the true reason for the</li> </ul> </li> </ul>

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	<div data-bbox="564 338 946 398" data-label="Section-Header"> <h1>News Release</h1> </div> <div data-bbox="1029 322 1206 394" data-label="Image"> </div> <p data-bbox="624 439 1241 566"> <i>agreement with Mazin Younis, but falsely gave the impression that it was the product of a routine discussion. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved. Allegations 2 to 4: These three allegations are admitted including the allegation of acting without integrity. The allegations of acting dishonestly or recklessly are not admitted. The SOT found these allegations proven.</i> </p> <ul style="list-style-type: none"> <li data-bbox="596 584 1230 624"> <p>➤ Professor Shiner authorised, procured and approved the payment to Mazin Younis of prohibited referral fees in or about September 2007.</p> </li> <li data-bbox="596 645 1246 730"> <p>➤ Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 17-23 March 2009, which was an improper arrangement in that it was an improper contingency fee arrangement.</p> </li> <li data-bbox="596 750 1246 835"> <p>➤ Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an improper contingency fee arrangement.</p> </li> <li data-bbox="596 855 1246 940"> <p>➤ Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 17-23 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;</p> </li> <li data-bbox="596 960 1246 1088"> <p>➤ Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of historic cases; Allegations 5 to 9: These five allegations are admitted. The SOT found these allegations proven, except in relation to Rule 1.01.</p> </li> <li data-bbox="596 1108 1246 1193"> <p>➤ Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 17-23 March 2009, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of publically funded cases.</p> </li> <li data-bbox="596 1214 1246 1299"> <p>➤ Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of publically funded cases.</p> </li> </ul> <p data-bbox="624 1319 1241 1368"> <i>Allegations 10 to 11: These two allegations are not admitted. The SOT found these allegations proven, except in relation to Rule 1.01.</i> </p> <ul style="list-style-type: none"> <li data-bbox="596 1388 1241 1473"> <p>➤ Professor Shiner authorised, procured and approved the payment to Mazin Younis of £25,000 in prohibited referral fees on or about 30 March 2009. Allegation 1.12 is admitted including the allegation of acting without integrity, save that it is not admitted that the payment related to publicly funded cases</p> </li> </ul>

Date	Event
	<div style="text-align: right; margin-bottom: 10px;">  <p>Solicitors Regulation Authority</p> </div> <h2 style="text-align: center; margin: 0;">News Release</h2> <p>as alleged. The SDT found this allegation proven, except in relation to Rule 1.01.</p> <ul style="list-style-type: none"> <li>➤ Professor Shiner provided the SRA with a misleading and incomplete response to question 10 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>➤ Professor Shiner provided the SRA with a misleading and incomplete response to question 15 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>➤ Professor Shiner provided the SRA with a misleading and incomplete response to question 17 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> <li>➤ Professor Shiner provided the SRA with a misleading and incomplete response to question 21 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</li> </ul> <p>Allegations 13 to 16: These four allegations are admitted including the allegations of acting without integrity. The allegations of acting dishonestly and recklessly are not admitted. The SDT found allegations 13 and 14 proven, including dishonesty. Dishonesty in respect of allegations 15 and 16 was not pursued, so the SDT was not required to make a finding of dishonesty or recklessness. It found the allegations proven.</p> <ul style="list-style-type: none"> <li>➤ Professor Shiner failed to provide the SRA with a timely response to questions 1 and 3 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. This allegation was admitted, and found proven by the SDT.</li> <li>➤ Professor Shiner authorised and approved the payment of sums of money which he knew or suspected to be improper and failed to take proper steps to satisfy himself that such disbursements were proper. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved. This allegation was not pursued and will lie on Professor Shiner's file.</li> <li>➤ Professor Shiner failed, during the period June 2007 to August 2013, to establish and maintain proper and effective arrangements with a third party law firm for the sharing of information and documents which they held in respect of Al-Sweady claims and matters. This allegation is admitted, and found proven by the SDT.</li> <li>➤ Professor Shiner failed to comply with his duty of candour to the Court in relation to the Judicial Review and failed to take proper steps to ensure that</li> </ul>

Date	Event
	<div data-bbox="566 324 933 392" data-label="Section-Header"> <h2>News Release</h2> </div> <div data-bbox="1005 313 1181 392" data-label="Image"> </div> <p data-bbox="622 425 1181 470">the relevant Al-Sweady clients complied with their duty of candour to the Court.</p> <ul style="list-style-type: none"> <li data-bbox="598 481 1220 571">➤ Professor Shiner failed to comply with his duty of full and frank disclosure to the Legal Services Commission in relation to the Judicial Review and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their comparable duties.</li> </ul> <p data-bbox="622 582 1165 627">These two allegations were not admitted, the SDT found them partially proven.</p> <ul style="list-style-type: none"> <li data-bbox="598 638 1220 784">➤ At a press conference on 22 February 2008, Professor Shiner made and personally endorsed allegations that the British Army had unlawfully killed, tortured and mistreated Iraqi civilians, including his clients, who had been innocent bystanders at the Battle of Danny Boy in circumstances where it was improper to do so. This allegation was admitted including the allegation of acting recklessly. The allegation of acting without integrity was not admitted, and was not pursued. The SDT found the allegation proven.</li> <li data-bbox="598 795 1220 896">➤ Professor Shiner failed to comply with his duty of full and frank disclosure to the Al-Sweady Inquiry in a timely manner or at all, and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their comparable duties. This allegation was not admitted, and was not pursued by the SRA, but will lie on Professor Shiner's file.</li> <li data-bbox="598 907 1220 1041">➤ Both Professor Shiner and Mr Dickinson failed, in the period March 2013 to March 2014, to keep the Al-Sweady clients properly informed as to the progress of the Al-Sweady Inquiry and in particular as to the declining prospects of their allegations that cold-blooded executions had occurred at Camp Abu Najf ("CAN"). This allegation was admitted, and was found proven by the SDT.</li> </ul> <ul style="list-style-type: none"> <li data-bbox="598 1052 989 1120">• Contact the SRA press office via:        Lea Shrimpton - 0121 329 6055/07976 182295        Ben Fisher - 0121 329 6784/07803 581 205</li> </ul> <p data-bbox="566 1131 630 1153" style="text-align: center;">-enrle-</p>
<p data-bbox="215 1176 502 1265">2 February 2017 00000001.00000036.0000 0227</p> <p data-bbox="215 1310 327 1332">00033706</p>	<p data-bbox="534 1176 1348 1377">Fwd: SRA News: Professor Phil Shiner and the Solicitors Disciplinary Tribunal        From: Jane Malcolm &lt;[redacted]@sra.org.uk&gt;        To: Ben B2 DJEP-JRs Asst Hd Casework [redacted]@mod.uk&gt;        Sent: February 2, 2017 1:09:32 PM GMT        Received: February 2, 2017 1:09:34 PM GMT        Attachments: ATTO0001.jpg, ATTO0001.jpg</p> <p data-bbox="534 1400 638 1433">Dear Ben</p> <p data-bbox="534 1467 917 1500">Please see our news release below.</p> <p data-bbox="534 1534 678 1568">Many thanks</p> <p data-bbox="534 1601 582 1635">Jane</p> <p data-bbox="534 1657 742 1691">Sent from my iPad</p> <p data-bbox="534 1724 821 1758">Begin forwarded message:</p> <p data-bbox="534 1758 1348 1937">From: [redacted]        &lt;mail@sra.vuello.uk.com&lt;mailto:mail@sra.vuello.uk.com&gt;&gt;        Date: 2 February 2017 12:55:19 GMT        To: Jane Malcolm        &lt;[redacted]@sra.org.uk&lt;mailto:[redacted]@sra.org.uk&gt;&gt;        Subject: SRA News: Professor Phil Shiner and the Solicitors Disciplinary</p>



Date	Event
	<p data-bbox="531 286 624 315">Tribunal</p> <p data-bbox="531 320 638 349">Reply-To:</p> <p data-bbox="531 353 1233 416">[redacted]@sra.org.uk&lt;mailto:[redacted]@sra.org.uk&gt;&gt; [cid:77a493c7-ce50-41b0-8f62-3a099638f325]</p> <p data-bbox="531 421 847 450">Issue Date: 02 February 2017</p> <p data-bbox="531 483 1166 512">Professor Phil Shiner and the Solicitors Disciplinary Tribunal</p> <p data-bbox="531 546 1351 640">Professor Phil Shiner of Public Interest Lawyers (PIL) has been struck off by the Solicitors Disciplinary Tribunal (SDT) for professional misconduct in the Al-Sweady Inquiry. It also ordered him to pay interim costs of £250,000.</p> <p data-bbox="531 645 1351 864">In a prosecution brought by the Solicitors Regulation Authority (SRA), the Tribunal found allegations of misconduct when representing claims against British soldiers - including acting dishonestly - proven to the criminal standard of proof. A second solicitor from PIL, John Dickinson, was reprimanded by the SDT and ordered to pay £2,000 costs after it was admitted and found that he failed to keep the Al-Sweady clients properly informed as to the progress of the inquiry.</p> <p data-bbox="531 898 1351 1025">Paul Phillip, SRA Chief Executive, said: "We welcome the SDT's decision to strike off Professor Shiner, who has been found to have been dishonest. It is important that solicitors can bring forward difficult cases, but the public must be able to place their trust in them.</p> <p data-bbox="531 1059 1351 1187">"His misconduct has caused real distress to soldiers, their families and to the families of Iraqi people who thought that their loved ones had been murdered or tortured. More than £30m of public funds were spent on investigating what proved to be false and dishonest allegations.</p> <p data-bbox="531 1220 1351 1379">"The Lord Chief Justice said in 2014 that misleading court must be regarded by any disciplinary tribunal as one of the most serious offences that a solicitor could commit. He said it was not simply a breach of a rule of a game, but a fundamental affront to a rule designed to safeguard the fairness and justice of proceedings.</p> <p data-bbox="531 1413 1351 1541">"We expect solicitors to maintain the highest professional standards in all areas of their work, to uphold the rule of law, act with integrity and act honestly. If they do not, we will take action to maintain the trust the public places in solicitors."</p> <p data-bbox="531 1574 1351 1637">The Tribunal aims to publish its decision within seven weeks. Professor Shiner will then have 21 days to appeal.</p> <p data-bbox="531 1671 711 1700">Notes to Editors</p> <ul data-bbox="531 1704 1351 1957" style="list-style-type: none"> <li data-bbox="531 1704 1351 1928">• The SRA is the regulator of solicitors and law firms in England and Wales, protecting consumers and supporting the rule of law and the administration of justice. The SRA does this by overseeing all education and training requirements necessary to practise as a solicitor, licensing individuals and firms to practise, setting the standards of the profession and regulating and enforcing compliance against these standards. Further information is available at <a href="http://www.sra.org.uk">www.sra.org.uk</a>&lt;<a href="http://www.sra.org.uk">http://www.sra.org.uk</a>&gt;</li> <li data-bbox="531 1933 1351 1957">• The standards required of lawyers conducting litigation were confirmed by</li> </ul>

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	<p>the Lord Chief Justice in the case of <i>Brett v SRA</i> (2014) when he commented about the seriousness of misleading the court:</p> <p>o "...misleading the court is regarded by the court and must be regarded by any disciplinary tribunal as one of the most serious offences that an advocate or litigator can commit. It is not simply a breach of a rule of a game, but a fundamental affront to a rule designed to safeguard the fairness and justice of proceedings. Such conduct will normally attract an exemplary and deterrent sentence. That is in part because our system for the administration of justice relies so heavily upon the integrity of the profession and the full discharge of the profession's duties and in part because the privilege of conducting litigation or appearing in court is granted on terms that the rules are observed not merely in their letter but in their spirit. Indeed, the reputation of the system of the administration of justice in England and Wales and the standing of the profession depends particularly upon the discharge of the duties owed to the court.</p> <p>"Where an advocate or other representative or a litigator puts before the court matters which he knows not to be true or by omission leads the court to believe something he knows not to be true, then as an advocate knows of these duties, the inference will be inevitable that he has deceived the court, acted dishonestly and is not fit to be a member of any part of the legal profession."</p> <ul style="list-style-type: none"> <li>• Solicitors are also banned by the Code of Conduct from "cold calling", approaching potential clients without permission. The greatest risk of "cold calling" is that it could generate false claims, which is what has happened in this case.</li> <li>• The allegations made by the SRA, the admissions made by Prof Shiner and the findings of the SDT are as follows: Professor Shiner encouraged and authorised the making of unsolicited direct approaches to potential clients arising out of the <i>Battle of Danny Boy</i>, through the agency of an individual, Mazin Younis, and three others, which he adopted when client instructions were forthcoming. This allegation is admitted including the allegation of acting without integrity.</li> </ul> <p>The SDT found proven</p> <p>Professor Shiner improperly authorised and procured Public Interest Lawyers Limited to enter into an agreement in June 2015 providing financial benefits to Mazin Younis in order to cause or persuade him to change his evidence on the issue of how the Al-Sweady clients had been identified. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>Professor Shiner improperly presented the changed evidence from Mazin Younis to the SRA without explanation as to the circumstances in which it had been obtained. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>Professor Shiner improperly sanctioned and approved the creation of emails dated 29 and 30 June 2015 which did not disclose the true reason for the agreement with Mazin Younis, but falsely gave the impression that it</p>

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	<p>was the product of a routine discussion. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>Allegations 2 to 4: These three allegations are admitted including the allegation of acting without integrity. The allegations of acting dishonestly or recklessly are not admitted. The SDT found these allegations proven.</p> <p>Professor Shiner authorised, procured and approved the payment to Mazin Younis of prohibited referral fees in or about September 2007.</p> <p>Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 17-23 March 2009, which was an improper arrangement in that it was an improper contingency fee arrangement;</p> <p>Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an improper contingency fee arrangement;</p> <p>Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 17-23 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;</p> <p>Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of historic cases;</p> <p>Allegations 5 to 9: These five allegations are admitted. The SDT found these allegations proven, except in relation to Rule 1.01.</p> <p>Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 17-23 March 2009, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of publically funded cases.</p> <p>Professor Shiner authorised, procured and approved an improper fee sharing arrangement with Mazin Younis pursuant to tripartite agreements made on or about 27 April 2010, which was an improper arrangement in that it was an arrangement for the payment of a referral fee in respect of publically funded cases.</p> <p>Allegations 10 to 11: These two allegations are not admitted. The SDT found these allegations proven, except in relation to Rule 1.01.</p> <p>Professor Shiner authorised, procured and approved the payment to Mazin</p>

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	<p>Younis of £25,000 in prohibited referral fees on or about 30 March 2009. Allegation 1.12 is admitted including the allegation of acting without integrity, save that it is not admitted that the payment related to publicly funded cases as alleged. The SDT found this allegation proven, except in relation to Rule 1.01.</p> <p>Professor Shiner provided the SRA with a misleading and incomplete response to question 10 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>Professor Shiner provided the SRA with a misleading and incomplete response to question 15 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>Professor Shiner provided the SRA with a misleading and incomplete response to question 17 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>Professor Shiner provided the SRA with a misleading and incomplete response to question 21 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved.</p> <p>Allegations 13 to 16: These four allegations are admitted including the allegations of acting without integrity. The allegations of acting dishonestly and recklessly are not admitted. The SDT found allegations 13 and 14 proven, including dishonesty. Dishonesty in respect of allegations 15 and 16 was not pursued, so the SDT was not required to make a finding of dishonesty or recklessness. It found the allegations proven.</p> <p>Professor Shiner failed to provide the SRA with a timely response to questions 1 and 3 of a notice dated 23 April 2015 issued under s44B Solicitors Act 1974. This allegation was admitted, and found proven by the SDT.</p> <p>Professor Shiner authorised and approved the payment of sums of money which he knew or suspected to be improper and failed to take proper steps to satisfy himself that such disbursements were proper. Dishonesty is alleged in relation to this allegation, although it is not a requirement for the allegation to be proved. This allegation was not pursued and will lie on Professor Shiner's file.</p> <p>Professor Shiner failed, during the period June 2007 to August 2013, to establish and maintain proper and effective arrangements with a third party law firm for the sharing of information and documents which they held in respect of Al-Sweady claims and matters. This allegation is admitted, and found proven by the SDT.</p> <p>Professor Shiner failed to comply with his duty of candour to the Court in</p>

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	<p>relation to the Judicial Review and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their duty of candour to the Court.</p> <p>Professor Shiner failed to comply with his duty of full and frank disclosure to the Legal Services Commission in relation to the Judicial Review and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their comparable duties.</p> <p>These two allegations were not admitted, the SDT found them partially proven.</p> <p>At a press conference on 22 February 2008, Professor Shiner made and personally endorsed allegations that the British Army had unlawfully killed, tortured and mistreated Iraqi civilians, including his clients, who had been innocent bystanders at the Battle of Danny Boy in circumstances where it was improper to do so. This allegation was admitted including the allegation of acting recklessly. The allegation of acting without integrity was not admitted, and was not pursued. The SDT found the allegation proven.</p> <p>Professor Shiner failed to comply with his duty of full and frank disclosure to the Al-Sweady Inquiry in a timely manner or at all, and failed to take proper steps to ensure that the relevant Al-Sweady clients complied with their comparable duties. This allegation was not admitted, and was not pursued by the SRA, but will lie on Professor Shiner's file.</p> <p>Both Professor Shiner and Mr Dickinson failed, in the period March 2013 to March 2014, to keep the Al-Sweady clients properly informed as to the progress of the Al-Sweady Inquiry and in particular as to the declining prospects of their allegations that cold-blooded executions had occurred at Camp Abu Naji ("CAN"). This allegation was admitted, and was found proven by the SDT.</p> <p>▪ Contact the SRA press office via: [REDACTED]</p>
2 February 2017 00000001.00000036.0000 0228  00033707	<p>RE: SRA News: Professor Phil Shiner and the Solicitors Disciplinary Tribunal From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED] [REDACTED]@mod.uk&gt; To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt; Sent: February 2, 2017 1:21:17 PM GMT Received: February 2, 2017 1:21:19 PM GMT</p> <p>Jane,</p> <p>Many thanks for letting us know.</p> <p>Regards,</p> <p>Ben</p>

Date	Event
	<p>Dr Benjamin Sanders  DIEP Assistant Head (Judicial Reviews Casework)  [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB  Tel: [REDACTED]</p>
<p>3 February 2017  00000001.00000036.0000  0229  00033708</p>	<p>RE: Professor Shiner SDT documents  From: [REDACTED]@justice.gsi.gov.uk&gt;  To: Jane Malcolm &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW  SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP  (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;  Sent: February 3, 2017 9:44:13 AM GMT  Received: February 3, 2017 9:44:16 AM GMT</p> <p>Jane – Thanks again for this prompt and helpful information. I hope  yesterday wasn't too frantic for you!</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Legal Services Policy Team</p> <p>International and Legal Services</p> <p>Ministry of Justice  102 Petty France  London SW1H 9AJ  [REDACTED]</p> <p>From: Jane Malcolm [mailto:[REDACTED]@sra.org.uk]  Sent: 02 February 2017 12:50  To: [REDACTED]@justice.gsi.gov.uk&gt;  Subject: Professor Shiner SDT documents</p> <p>[REDACTED]</p> <p>As requested.</p> <p>Thanks</p> <p>Jane  Sent from my iPad</p> <p>Begin forwarded message:</p> <p>From: [REDACTED]@sra.org.uk  &lt;mailto:[REDACTED]@sra.org.uk%3cmailto:[REDACTED]@sra.org.uk&gt;  &lt;mailto:[REDACTED]@sra.org.uk&gt;&gt;  To: "Jane Malcolm" &lt;[REDACTED]@sra.org.uk  &lt;mailto:[REDACTED]@sra.org.uk%3cmailto:[REDACTED]@sra.org.uk&gt;  &lt;mailto:[REDACTED]@sra.org.uk&gt;&gt;  Cc: [REDACTED]@sra.org.uk &lt;mailto:[REDACTED]  [REDACTED]@sra.org.uk%3cmailto:[REDACTED]</p>

Date	Event
	<p>           [REDACTED]@sra.org.uk&gt; &lt;mailto:[REDACTED]@sra.org.uk&gt;&gt;            Subject: Phil Shiner documents            00033708_RE_Professor Shiner SDT documents         </p> <p>As requested, Jane.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Media Relations Officer          Communications Unit          Solicitors Regulation Authority          [REDACTED]          [REDACTED]</p> <p>The Cube, 199 Wharfside Street, Birmingham B1 1RN</p>
<p>3 February 2017            00000001.00000036.0000            0230</p> <p>00033709</p>	<p>RE: Professor Shiner SDT documents            From: Jane Malcolm [REDACTED]@sra.org.uk&gt;            To: [REDACTED]@justice.gsi.gov.uk&gt;            Sent: February 3, 2017 12:01:33 PM GMT            Received: February 3, 2017 12:01:55 PM GMT</p> <p>No problem</p> <p>It certainly kept us on our toes!</p> <p>Jane</p>
<p>3 February 2017</p> <p>00000001.00000037.0003            3712</p> <p>00033713</p>	<p>From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) [mailto:[REDACTED]@mod.uk]            Sent: 03 February 2017 12:48            To: Jane Malcolm            Subject: 20170203-Operational note            00033712_RE_20170203-Operational note</p> <p>Jane,</p> <p>Our litigators are considering the implications of the SDT proceedings for the public law and private law claims against MOD. In particular, there are a number of private law cases involving Leigh day that are due to come to trial shortly, and in respect of which our litigators are currently framing requests for information.</p> <p>The litigators are particularly keen to understand the source of the references in the SRA Operational Note to agents actively soliciting claimants and to payments made via Mazin Younis:</p> <p>Obtaining clients and the cover-up</p> <p>Professor Phil Shiner obtained clients in Iraq through Mr Mazin Younis (MY) and his associates. Mr Younis himself told an employee of Prof Shiner's firm, Public Interest Lawyers Limited (PIL), that clients were obtained by knocking on doors and he said that "we even paid people". He said this applied not just to Al Sweady cases but to "nearly all" Iraq cases.</p>

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	<p>PIL did indeed provide payments to MY when he was trying to find clients although they were characterised as "expenses" of those tracking down the potential clients. On 25 May 2007 MY emailed Prof Shiner saying that "We also need to send at the same time the expenses for the people working on [this] case. Please allocate £300 for that, they are not moving on the case till we pay them" PIL sent money for this purpose.</p> <p>Are you able to identify in which documents this information is contained? As these have been referred to during the SDT proceedings, are you able to share these documents with MOD / Government Legal Department? If not, I shall instruct our litigators to write to the SDT to request them.</p> <p>Regards, Ben Dr Benjamin Sanders DJEP Assistant Head (Judicial Reviews Casework) [REDACTED] MOD Main Building, Whitehall, London, SW1A 2HB Tel: [REDACTED]</p>
<p>3 February 2017  00000001.00000038.0000 0001  00033715</p>	<p>Re: 20170203-Operational note From: Jane Malcolm [REDACTED]@sra.org.uk&gt; To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED] [REDACTED]@mod.uk&gt; Sent: February 3, 2017 1:16:09 PM GMT Received: February 3, 2017 1:16:11 PM GMT</p> <p>Ben</p> <p>Thank you for your query, which I have passed onto our Legal and Enforcement Team.</p> <p>We will respond as soon as possible.</p> <p>Regards</p> <p>Jane Sent from my iPad</p>



Date	Event
3 February 2017	<p><b>Public Interest Lawyers</b></p> <hr/> <p><b>From:</b> [REDACTED]@sra.org.uk  <b>To:</b> IRA1-HQ-LEGA [REDACTED]@mod.uk  <b>Sent:</b> February 3, 2017  <b>Received:</b> February 3, 2017 2:12:43 PM GMT  <b>Attachments:</b> Image004.png, Image001.png, Image002.png, Image003.png, Image005.png, PM handwritten note - redacted.pdf</p> <p><b>Dear [REDACTED]</b></p> <p>During the hearing of this matter on Monday, our Counsel read out a handwritten note prepared by Paul McNeib and which recorded his 26 June 2015 meeting with Martin Younis.</p> <p>I attach a redacted copy of that note. We are preparing a bundle of further documents to disclose to you, but if you have any queries in the meantime, please do let me know.</p> <p>Yours sincerely</p> <p>[REDACTED]  Senior Legal Adviser</p> <p>Legal and Enforcement  Solicitors Regulation Authority  [REDACTED]  [REDACTED]</p>

Date	Event	APPENDIX D.4 Page 2 of 8
	<p>On Friday, 15 June 1988, I was with Myles, David, and the other two ...</p> <p>The ...</p> <p>It ...</p> <p>Myles ...</p> <p>I ...</p> <p>Myles ...</p> <p>Myles ...</p> <p>I ...</p> <p>Myles ...</p>	







Date	Event
6 February 2017	<p><b>20170206-RE Public Interest Lawyers IHATLeqad</b></p> <p>From: [REDACTED]@mod.uk  To: [REDACTED]@mod.uk  Cc: [REDACTED]@mod.uk  Subject: SOCIETY FOR FREEDOM OF INFORMATION ADMINISTRATIVE GROUP (FY080HF22SPDLTY)CH=RECIPIENT@CN=502arp&gt;</p> <p>Sent: February 6, 2017 8:48:14 PM GMT  Received: February 6, 2017 8:48:19 PM GMT  Attachments: Image001.png, Image002.png, Image003.png, Image004.png, Image005.png, PM handwritten note - redacted.pdf</p> <p>Dear [REDACTED]</p> <p>Thank you for providing the redacted copy of the Paul McTab note.</p> <p>I have also received the letter dated 1 February 2017 from David Middleton, in response to our letter of 15 December 2016 (our ref: DS/HATI/04/0216/13). I am grateful to David for setting out the information and commentary provided.</p> <p>In his letter, David suggests first when we have considered its content, we meet with the solicitors who conduct the EDT case for you, Russell-Cooke, to discuss the issues of interest to us and how disclosure of documents can be managed. The aim, which I agree is entirely sensible and appropriate, would be to narrow and target what might otherwise be a very substantial and potentially costly disclosure process. David suggests that I make contact with you in the first instance to arrange this meeting.</p> <p>We are in the process of considering, in consultation with the Director of Service Prosecutions, the consequences of the EDT's findings on our criminal investigations. Once we have received your bundle of further documents, and given the contents due consideration, I will respond to you in writing setting out any initial issues we would hope to discuss at the meeting with your solicitors.</p> <p>You kindly asked whether I had any queries in the meantime. We currently have one case which has been referred to the Service Prosecuting Authority. The prosecutor in that case has asked whether the GRA has any material which would be directly relevant to a decision whether or not to bring a charge - i.e. the extent to which PIL has or may have been involved with the witnesses in that case. Would it be possible for the prosecutor and the senior investigating officer (SIO) to meet with you and if necessary with Russell-Cooke as soon as possible, to discuss particular issues relating to that one specific case? This would certainly be in line with an intent to narrow and target the issues.</p> <p>If you agree that a case-specific meeting would be appropriate prior to any further discussions in the round, I would be grateful if you could let me know. I will then ask the SIO to provide you with further details of the case and to arrange the meeting.</p> <p>Many thanks for your continuing assistance in this matter.</p> <p>Kind regards</p> <p>[REDACTED]  [REDACTED]   Legal Adviser   Iraq Historic Allegations Team   Building 338   Trenchard Lines   Upavon   Wiltshire   SN4 6BE</p>
8 February 2017 00000001.00000038.0000 0002 00033714	<p>From: Jane Malcolm (mailto:[REDACTED]@sra.org.uk)  Sent: 08 February 2017 18:08  To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2)  Subject: RE: 20170203-Operational note</p> <p>Ben</p> <p>Thank you for the enquiry.</p> <p>We think that the best way forward is to make a formal approach to Russell Cook, who acted for us in this matter.</p> <p>Importantly, that will ensure consistency and clarity across what you will appreciate are multiple requests for disclosure of various documents.</p> <p>I can confirm that the documents were both referenced at the Tribunal hearing - a note of a 2015 meeting with MY and the 2007 email from MY to PS.</p>

Date	Event
	<p>I hope that this helps.</p> <p>Many thanks</p> <p>Jane</p>
<p>9 February 2017</p>	<p><b>20170203-RE Public Interest Lawyers IHAT</b> <b>Legal</b></p> <p>From: [REDACTED]@mod.uk  To: [REDACTED]@sra.org.uk, [REDACTED]@mod.uk, [REDACTED]@mod.uk  Cc: [REDACTED]@sra.org.uk, [REDACTED]@mod.uk, [REDACTED]@mod.uk  Subject: SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA</p> <p>Sent: February 9, 2017 4:20:19 PM GMT  Received: February 9, 2017 4:20:31 PM GMT  Attachments: Image004.png, Image001.png, Image002.png, Image003.png, Image005.png, PA handwritten note - redacted.pdf</p> <p>Dear [REDACTED]</p> <p>We have just spoken by telephone. I am very grateful for your continuing assistance in this matter.</p> <p>As I explained, we would like to share the redacted version of the handwritten note prepared by Paul McInab with a number of other parties, if possible. Specifically:</p> <ul style="list-style-type: none"> <li>- The Office of the Prosecutor (OTP) of the International Criminal Court (ICC).</li> <li>- Relevant personnel from the MOJ and FCO who are engaged with the ICC.</li> <li>- Mr Justice Leggatt, the Designated High Court Judge with conductoversight of the Iraq public and private litigation.</li> </ul> <p>A team from the OTP are visiting the IHAT on Monday next week (13 Feb) and we know from a number of preliminary questions they have sent us that they are interested in the findings of the SOT. Hence, I would be very grateful if you could let me know if the SRA are content as soon as possible.</p> <p>As I explained on the phone this morning, the note was read out at the hearing and has been redacted, so my initial assumption is that it is considered in the public domain and therefore we would be able to share it with relevant parties. However, as a matter of courtesy we do feel that it is important to seek the SRA's consent.</p> <p>Kind regards</p> <p>[REDACTED]</p> <p>[REDACTED] Legal Advisor   Iraq Historic Allegations Team   Building 398   Trenchard Lines   London   EY02EV   WJ:ahs   GNS B&amp;E</p> <p>[REDACTED]@mod.uk</p>
<p>10 February 2017</p> <p>00000001.00000038.0000 0003</p> <p>00033712</p>	<p>RE: 20170203-Operational note</p> <p>From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;[REDACTED]@mod.uk&gt;</p> <p>To: 'Jane Malcolm' &lt;[REDACTED]@sra.org.uk&gt;, Jane Malcolm &lt;/O=LAW SOCIETY/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JM03SRA&gt;</p> <p>Sent: February 10, 2017 8:37:50 AM GMT  Received: February 10, 2017 8:37:59 AM GMT</p> <p>Jane,</p> <p>Thanks. I'll contact Russell Cook.</p> <p>Regards,</p> <p>Ben</p> <p>Dr Benjamin Sanders</p>

Date	Event
	<p>DJEP Assistant Head (Judicial Reviews Casework)  ██████████ MOD Main Building, Whitehall, London, SW1A 2HB  Tel: ██████████</p>
<p>10 February 2017   00000001.00000038.0000  0004   00033716</p>	<p>20170210-Matters arising from SDT hearing  From: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) ██████████  ██████████@mod.uk&gt;  To: ██████████@russell-cooke.co.uk&gt;, ██████████  ██████████@russell-cooke.co.uk&gt;, ██████████  Sent: February 10, 2017 10:47:43 AM GMT  Received: February 10, 2017 10:48:00 AM GM   ██████████   Our litigators (Government Legal Department) are trying to obtain copies of the documents referred to at the SDT hearings regarding payments made via Mazin Younis to claimants. These are likely to have a significant impact on the future conduct of the public law and private law claims against MOD.   Jane Malcolm at the SRA has suggested that you might be able to assist.   If you are unable to provide them to me directly, perhaps you would be kind enough to send them to ██████████ ██████████  ██████████@governmentlegal.gov.uk) and ██████████ ██████████  ██████████@governmentlegal.gov.uk) at GLD.   Regards,   Ben   Dr Benjamin Sanders  DJEP Assistant Head (Judicial Reviews Casework)  ██████████ MOD Main Building, Whitehall, London, SW1A 2HB  Tel: ██████████</p>
<p>15 February 2017   00000001.00000038.0000  0005   00033719</p>	<p>RE: 20170210-Matters arising from SDT hearing [RC-ACTIVE.FID108949]  From: ██████████ ██████████ ██████████@russell-cooke.co.uk&gt;, ██████████  ██████████&lt;/O=FIRSTORGANIZATION/OU=FIRST ADMINISTRATIVE  GROUP/CN=RECIPIENTS/CN=STACEYM&gt;  To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) ██████████  ██████████@mod.uk&gt;  Cc: ██████████@russell-cooke.co.uk&gt;, ██████████  ██████████@russell-cooke.co.uk&gt;  Sent: February 15, 2017 5:57:22 PM GMT  Received: February 15, 2017 5:57:23 PM GMT   Dear Dr Sanders   Thank you for your e-mail below. We are considering your request with our client and will revert to you in due course.   Yours sincerely   ██████████</p>



Date	Event
	<p>Associate   Russell-Cooke  Direct: [REDACTED]   [REDACTED]   [REDACTED]  [REDACTED]  www.russell-cooke.co.uk   &lt;mailto:[REDACTED]@russell-cooke.co.uk&gt;  [REDACTED]@russell-cooke.co.uk  2 Putney Hill   London   SW1S 6A</p>
14 February 2017	<p>[REDACTED]@mod.uk  Subject: 20170214-RR_Public_Interest_Lawyers_DHATLegad  Importance: High  Dear [REDACTED]  Could you please call me? I have left a message on your answer phone to explain the reason we would like to check one of the redacted names, as further analysis of the notes leads us to suspect that we may have had some engagement with him.  Many thanks,  [REDACTED]  [REDACTED]   Legal Adviser   Iraq Historic Allegations Team   Building 298   Trenchard  [REDACTED]@mod.uk</p>
15 February 2017	<p>From: [REDACTED]@mod.uk  Sent: 15 February 2017 08:51  To: DHAT-HQ-LEGAD  Subject: RE: 20170214-RR_Public_Interest_Lawyers_DHATLegad  Dear [REDACTED]  Thank you for your note below. Could you please let me know which name you would like to check and the reason for that request? I can then consider what we are able to disclose.  Kind regards  [REDACTED]  [REDACTED]  Senior Legal Adviser  Legal and Enforcement  Solicitors Regulation Authority  [REDACTED]  www.sra.org.uk</p>

Date	Event
15 February 2017	<p>From: [REDACTED]@red.ub</p> <p>Sent: [REDACTED] 15 February 2017 09:35</p> <p>To: [REDACTED]</p> <p>Subject: RE: 20170215-RE_Public_Interest_Lawyers_IHATLegal</p> <p>Importance: High</p> <p>Dear [REDACTED]</p> <p>Of course, it is the name that is redacted on the second line of page 4 of 5. I assume that the other redacted name in the same paragraph is the same person?</p> <p>The reason for the request is that if it is the person we think it is (who I am told by the investigators here worked alongside [REDACTED] with the Al Sweady Public Inquiry team), then we have also utilised the services of that individual and we continue to do so. If there is an allegation that that person is sourcing (or has sourced) witnesses who are in effect lying – in that they were not present at the incident they say they were – then that clearly will go to the credibility of those witnesses. This will be directly relevant to our investigations.</p> <p>Kind regards</p> <p>[REDACTED]</p> <p>[REDACTED]   Legal Advisor   Iraq Historic Allegations Team   Building 338   Trenckard  [REDACTED]   [REDACTED]   [REDACTED]  [REDACTED]@red.ub</p>
17 February 2017	<p>From: [REDACTED]@red.ub</p> <p>Sent: 17 February 2017 09:35</p> <p>To: IHAT-NO-LEGAD ([REDACTED])</p> <p>Subject: RE: 20170215-RE_Public_Interest_Lawyers_IHATLegal</p> <p>Strictly private and confidential</p> <p>Dear [REDACTED]</p> <p>Thank you for your email.</p> <p>The redacted name in that paragraph is Khuder Al-Sweady. I confirm that the same name appears behind both redactions (although only as "Khuder" in the second redaction, which is why it is shorter).</p> <p>Please do let me know if you have any further queries.</p> <p>Kind regards</p> <p>[REDACTED]</p> <p>[REDACTED]  Senior Legal Advisor  Legal and Enforcement  Barristers Regulation Authority</p>

Date	Event
20 February 2017	<p><b>Michael Colledge</b></p> <p>From: [REDACTED] &lt;[REDACTED]&gt;        Sent: [REDACTED]        To: [REDACTED]        Subject: 20170220-RE_Public_Interest_Lawyers_IHATLegalad        Attachments: 20170208-RE_Public_Interest_Lawyers_IHATLegalad.msg; 20170208-RE_Public_Interest_Lawyers_IHATLegalad</p> <p>Importance: High</p> <p>Re: [REDACTED]</p> <p>Very many thanks for this confirmation.</p> <p>Please may I check where we are in relation to a number of other issues:</p> <p>1. Thank you providing the redacted Paul McNab hand-written note. I sought clarification on 9 February 2017 (email attached for your ease of reference) that the SRA is content for the IHAT to provide the note to a number of other parties (specifically: (1) The Office of the Prosecutor (OTP) of the International Criminal Court (ICC); (2) relevant personnel from the MOD and FCO who are engaged with the ICC; and (3) Mr Justice Leggatt, the Designated High Court Judge with conduct/oversight of the Iraq public and private litigation). As I had not received confirmation from you at the time of the visit of the ICC team to the IHAT on 13 February 2017, I did not hand over a copy of the note, but I did refer to it. The ICC would like to have a copy. Are you able to update me on the SRA position on my request as set out in the 9 Feb email?</p> <p>2. In my email of 6 February 2017 (also attached for your ease of reference), I explained that we currently have one case which has been referred to the Service Prosecuting Authority. The prosecutor in that case has asked whether the SRA has any material which would be directly relevant to a decision whether or not to bring a charge – i.e. the extent to which PIL has or may have been involved with the witnesses in that case. I asked whether it would be possible for the prosecutor and the senior investigating officer (SIO) to meet with you and if necessary with Russell-Cooke as soon as possible, to discuss particular issues relating to that one specific case? I would be grateful for an update on whether and when this engagement can commence.</p> <p>3. Finally, you mentioned in your email dated 8 February 2017 that you are preparing a bundle of further documents to disclose to the IHAT. Our intent is to consider the content of this bundle before meeting with Russell-Cooke, in order to narrow and target what might otherwise be a very substantial and potentially costly disclosure process. Can you provide me with an idea on how long it will take to prepare that bundle? In order to avoid any possible confusion, I confirm that we hope the case-specific meeting mentioned in bullet point 2 above can proceed as soon as possible (i.e. without waiting for the provision of the more general bundle you are preparing).</p> <p>Once again, very many thanks for your continuing assistance in this matter. Please do not hesitate to contact me if any of this requires further clarification.</p> <p>Kind regards        [REDACTED]</p>
24 February 2017  00000001.00000038.0000 0006  00033717	<p>RE: 20170210-Matters arising from SDT hearing [RC-ACTIVE.FID108949]</p> <p>To: [REDACTED]@russell-cooke.co.uk&gt;, [REDACTED]</p> <p>Cc: [REDACTED]@russell-cooke.co.uk&gt;, [REDACTED] DJEP-JRs Asst Hd Casework (5anders, Ben B2) &lt;[REDACTED]&gt;        [REDACTED]@mod.uk&gt;        [REDACTED]@russell-cooke.co.uk&gt;, [REDACTED]</p> <p>Sent: February 24, 2017 10:41:34 AM GMT        Received: February 24, 2017 10:41:44 AM GMT</p> <p>[REDACTED]</p> <p>I would be grateful if you could indicate whether a decision has yet been made, and if not when one might be expected, in relation to the request below.</p> <p>Having reviewed the transcript of the SDT hearing, our litigators at the Government Legal Department have requested that, in addition to the two documents referenced below (the note of the 2015 meeting, and the 2007 email), we also be provided with the witness statement of Paul McNab. We believe that the information contained in these documents is directly relevant to the ongoing litigation against MOD, including to two cases that proceed to trial next month. An early response would, therefore, be</p>

Date	Event
	<p>appreciated.</p> <p>Regards,</p> <p>Ben</p> <p>Dr Benjamin Sanders</p> <p>DJEP Assistant Head (Judicial Reviews Casework)  ██████████ MOD Main Building, Whitehall, London, SW1A 2HB</p> <p>Tel: ██████████</p>

March 2017

Date	Event
<p>1 March 2017</p> <p>00000001.00000038.0000 0007</p> <p>00033718</p>	<p>RE: 20170210-Matters arising from SDT hearing [RC-ACTIVE.FID108967]</p> <p>From: ██████████ ██████████ ██████████@russell-cooke.co.uk&gt;, ██████████</p> <p>██████████ &lt;/O=FIRST ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=STACEYM&gt;</p> <p>To: DJEP-JRs Asst Hd Casework (Sanders, Ben B2) &lt;██████████@mod.uk&gt;, 'DJEP-JRs Asst Hd Casework (Sanders, Ben B2)'</p> <p>Cc: ██████████ ██████████ ██████████@russell-cooke.co.uk&gt;, ██████████  ██████████@russell-cooke.co.uk&gt;</p> <p>Sent: March 1, 2017 5:04:41 PM GMT  Received: March 1, 2017 5:04:42 PM GMT</p> <p>Dear Dr Sanders</p> <p>Thank you for your e-mail. I am awaiting instructions on your request from my client. I hope to be in a position to revert to you with a substantive response shortly.</p> <p>Yours sincerely</p> <p>██████████</p> <p>Associate   Russell-Cooke</p> <p>Direct: ██████████   ██████████   ██████████</p> <p>www.russell-cooke.co.uk   &lt;mailto:██████████@russell-cooke.co.uk&gt;  ██████████@russell-cooke.co.uk</p> <p>2 Putney Hill   London   SW15 6AB</p>

Date	Event
1 March 2017	<p><b>Michael Colledge</b></p> <hr/> <p>From: [REDACTED]  Sent: 01 March 2017 17:23  To: HAT-HQ-LEGAD [REDACTED]  Cc: [REDACTED]  Subject: RE: 20170220-RE_Public_Interest_Lawyers_HATLegend [RC-ACTIVE.FID106967]</p> <p>Dear [REDACTED]</p> <p>I refer to your e-mail below to [REDACTED]. He has asked me to respond.</p> <p>The SRA is still considering the request at paragraph 1 of your e-mail. I confirm that the SRA has received a request directly from the MOD for disclosure of documents in the context of the on-going litigation being overseen by Mr Justice Leggatt, which is also being considered – that aspect of your request may therefore have been overtaken by the MOD's request.</p> <p>We suggest that a meeting is arranged involving Ian and ourselves to discuss both the issues arising from the specific case mentioned at point 2 and your requests for disclosure (point 5). Ian is now away until 20 March, so perhaps we can look for a suitable date on his return?</p> <p>Yours sincerely</p> <p>[REDACTED]  Parsons   Russell-Cooke</p> <p>[REDACTED]  2 Patney Hill   London   E9 7H 6AS</p>