

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Alex Chalk KC, former Lord Chancellor and Secretary of State for Justice at the Ministry of Justice. Paid appointment with Jones Day.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Ministers (the Rules) on taking up a role as Partner, Global Disputes with Jones Day.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions you made during your time in office, alongside the information and influence the former Lord Chancellor and Secretary of State for Justice may offer an international law firm. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment– it imposes a number of conditions to mitigate the potential risks to the government associated with the newsletter under the Rules.
4. The Rules¹ set out that former ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risks presented

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code.

5. Jones Day is an international law firm providing services in multiple areas, including government regulation. As Lord Chancellor and Secretary of State for Justice, you were involved in policy decisions which included matters of relevance to law firms. It is significant that any policy decisions would have had effect across a number of sectors, rather than any specific company or just the legal sector. You did not make any decisions that specifically affected Jones Day and therefore, the Committee² considered the risk that this appointment could be reasonably considered as a reward for actions taken in office is therefore low.
6. As the former Lord Chancellor and Secretary of State for Justice, there is a risk you could be perceived as having access to relevant privileged information and knowledge, which could unfairly benefit any organisation operating in the legal sector. You were likely privy to a breadth of information and may have stepped into some issues in depth, including pipeline cases in the Crown Prosecution Service and Serious Fraud Office. There are several limiting factors in respect of the risks associated with your access to information:
 - Your former government departments are not aware of specific information you possess that may confer an unfair advantage to Jones Day.
 - You are subject to the Law Officer's Convention and legal information you may possess is subject to legal professional privilege; and neither the existence nor content of any Law Officers' advice should be disclosed outside government without the Law Officers' explicit consent.
 - You are prevented from using privileged information by a number of formal restraints These include: the Bar Standards Board's Code of Conduct (BSB) as well as legal professional privilege (both legal advice privilege and litigation privilege) and client confidentiality, alongside the rules and principles which apply to all former ministers.
 - It has been six months since you left office and last had access to information in government.
7. As noted by the Ministry of Justice (MOJ), the unknown nature of Jones Day's clients means it is difficult to determine the precise work you will undertake is unknown and the risks difficult to determine. This risk is most likely to arise if you were asked to advise on matters which overlap with your responsibilities in office, or with companies you had specific involvement with in office. This is limited given your obligation to avoid conflict as a legal practitioner.

² This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; Hedley Finn OBE; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Pickles; Michael Prescott and Mike Weir. Baroness Thornton and Dawid Konotey-Ahulu CBE DL were unavailable.

8. Given your ministerial roles and profile as the former Lord Chancellor and Secretary of State for Justice, there is a risk that your network and influence within government may unfairly advantage Jones Day. Further, given your role involves business expansion, there is a risk that any contacts you may have developed whilst in office, but outside of the UK government, could be used to gain business for Jones Day.

The Committee's advice

9. The Committee recognised that your role will be limited, within the confines of your personal and professional responsibilities, to matters where there is no conflict of interest. There remain potential, unknown risks, should you have a client that is an individual, company or organisation you had a direct engagement with whilst in office; or where you had a material role in considering a related legal matter in office. It is difficult to anticipate in advance specific conflicts which may arise. Therefore, the Committee considered it would be appropriate to impose a condition which makes it clear your work should be limited to providing advice on matters that do not conflict with your recent ministerial roles within the MOJ and the Ministry of Defence (MOD). This is in keeping with the formal restraints placed upon you, including the BSB's Code of Conduct.
10. The Committee determined the remaining risks identified can be appropriately mitigated by the conditions below. These make it clear that you cannot make use of your privileged contacts, information and/or influence gained from your time in ministerial service to the unfair advantage of Jones Day and/or its clients.
11. The Committee advises, under the government's Business Appointment Rules, that your appointment with **Jones Day** be subject to the following conditions:
 - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying government or any of its arm's length bodies on behalf of Jones Day (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage Jones Day (including parent companies, subsidiaries, partners and clients);

- for two years from your last day in ministerial office, you should not provide advice to Jones Day (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of, the UK government and its arm's length bodies;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you developed during your time in office in other governments and organisations for the purpose of securing business and investments for Jones Day; and
 - for two years from your last day in ministerial office, your role with Jones Day should be limited to providing advice on matters that do not conflict with your time as Lord Chancellor and Secretary of State for Justice, Minister for Defence Procurement at the Ministry of Defence. This includes (but is not limited to) not advising Jones Day on cases in which you were personally involved.
12. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests.³ It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.
13. By '*privileged information*' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.
14. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/minister "*should not engage in communication with government (ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place – with a view to influencing a government decision, policy or contract award/grant in relation to their own interests or the interests of the*

³ All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

organisation by which they are employed, or to whom they are contracted or with which they hold office."

15. You must inform us as soon as you take up this role, or if it is announced that you will do so. You must also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
16. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

The Rt Hon Lord Pickles

Annex – Material Information

The role

1. Jones Day is an international law firm, headquartered in Washington DC and present in London. It provides services in:
 - Antitrust & Competition Law
 - Business & Tort Litigation
 - Business Restructuring & Reorganisation
 - Cybersecurity, Privacy & Data Protection
 - Employee Benefits & Executive Compensation
 - Energy
 - Energy Transition & Infrastructure
 - ESG (Environmental, Social & Governance)
 - Financial Markets
 - Global Disputes
 - Government Regulation
 - Health Care & Life Sciences
 - Insurance Recovery

2. In your paid role as Partner in Jones Day's Global Disputes practice, you stated that your work will be a combination of:
 - Litigation
 - in-house courtroom advocacy
 - Client advisory
 - Business development

3. You confirmed your role will not involve contact with government.

Dealings in office

4. You advised the Committee that you did not meet with Jones Day whilst in office. You said you did not have any involvement in policy, regulatory or commercial decisions that would have been specific to the company.

Departmental assessment

5. The MOJ, MOD and Attorney General's Office (AGO) provided their views on your appointment:

- All departments considered you did not meet with, nor were you involved in policy, regulatory or commercial decisions specific to Jones Day during your roles in office.
- As Solicitor General, you would have met representatives of legal firms and the wider legal sector.
- None of your former departments hold a relationship with Jones Day.
- The MOJ and the MOD are not aware of any specific information you had access to that may confer an unfair advantage to Jones Day.
- The AGO noted you had access to confidential and legally privileged information which if disclosed inappropriately could be considered to offer an unfair insight/advantage to Jones Day. The AGO also noted: *'In addition to legal privilege, Law Officers' advice is subject to the Law Officers' Convention, which provides that neither the existence nor content of any Law Officers' advice should be disclosed outside government without the Law Officers' explicit consent.'*

6. The MOJ noted the following risks regarding your access to information:

- Unknown clients – it does not know who you will be asked to represent and what he will be asked to advise on in your role as Non-Equity Partner, therefore there is a risk that this may overlap with your time in office, particularly if you advise on government-related issues.
- Access to information about pipeline cases in the Crown Prosecution Service and Serious Fraud Office - given that you had broad oversight of them as Secretary of State for MOJ.
- Use of your contacts gained while in office in external organisations, for business development - because as a Partner, part of your role is likely to be bringing in new clients.

7. The departments recommended the standard conditions plus limitations to your use of information and network of contacts gained in office - to appropriately mitigate the risk relating to the access and use of any sensitive information you may possess.