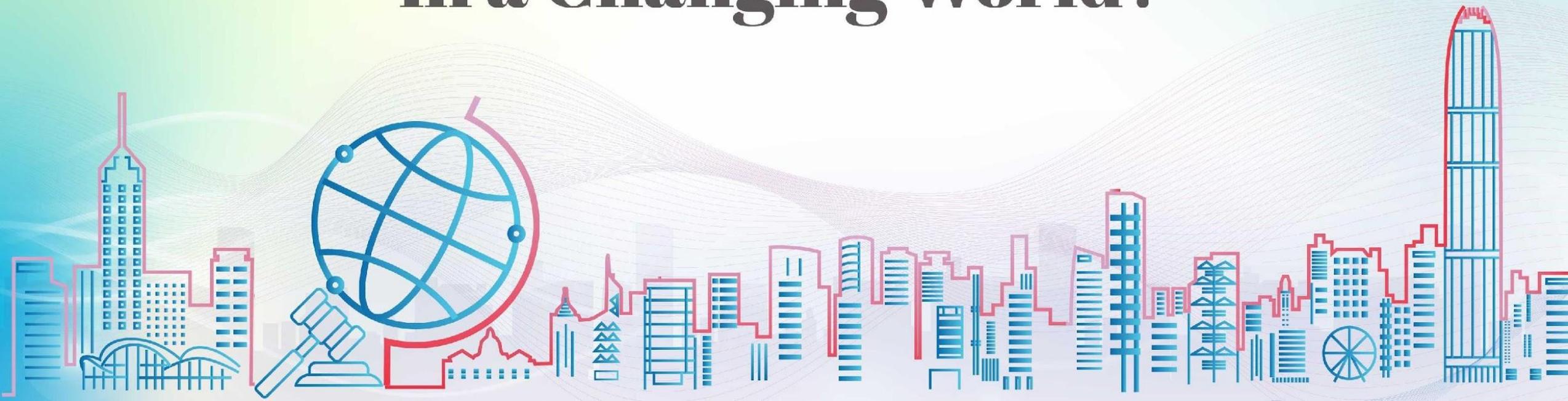




THE
LAW SOCIETY
OF HONG KONG
香港律師會

International Conference of Legal Regulators 2025

New Ways to Regulate in a Changing World?





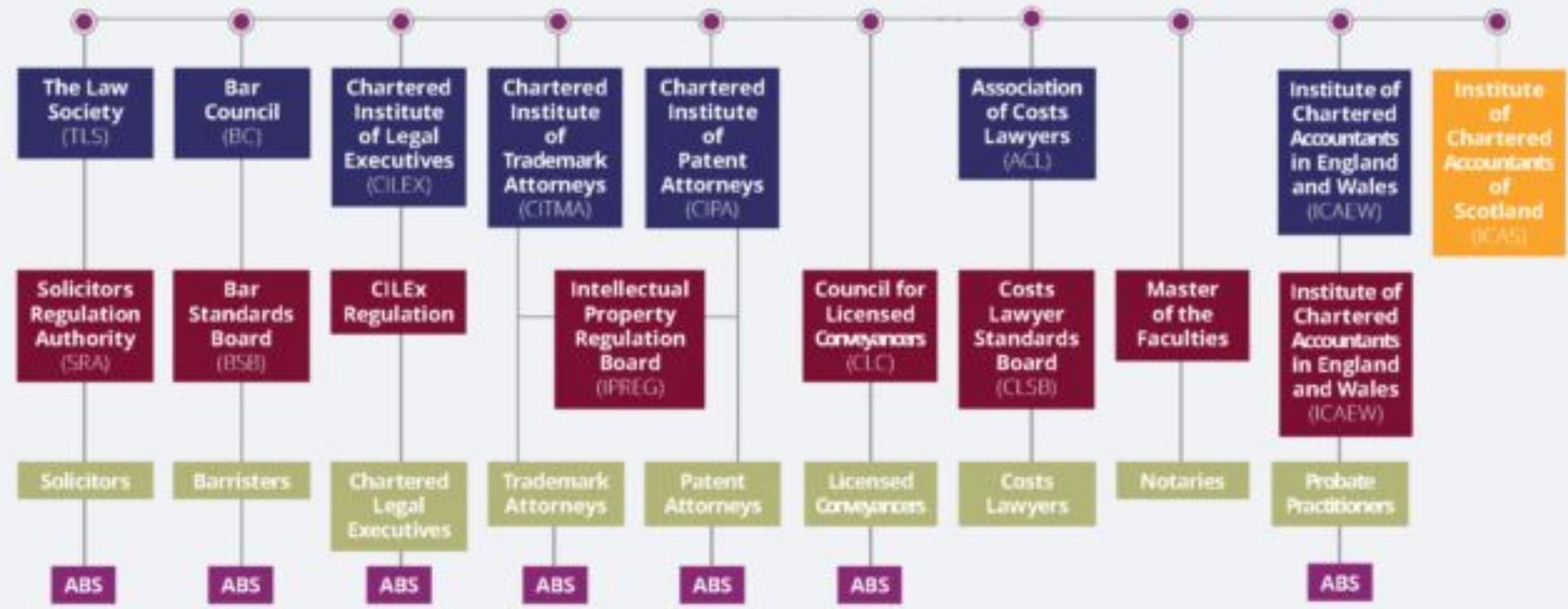
SLAPPs in England and Wales

Richard Orpin
Interim Chief Executive
Legal Services Board

Legal Services Board (LSB)

- Legal Services Act 2007 established independent regulation
- LSB is the oversight regulator for legal services
- We oversee the frontline regulators, who in turn directly regulate the lawyers practising in England and Wales.
- LSB provides oversight, guided by regulatory objectives in the Act.
- These include:
 - Protecting and promoting the public interest
 - Upholding the constitutional principle of the Rule of Law

Regulators Map



KEY

- Representative body
- Regulatory body
- Regulatory body (not active)
- Profession
- Alternative Business Structures



Our understanding of SLAPPs

- Abusive tactics to intimidate, silence, or exhaust.
- Aim to deter scrutiny, not resolve real disputes.
- Often start before court proceedings, through threats or excessive pre-action conduct.
- Impacts:
 - Chilling effect on free speech and journalism
 - Stress, financial strains and reputational damage for individuals
 - Damages reputation of lawyers and legal profession



Growing public attention

- Heightened public awareness of lawyers' conduct due to:
 - Post Office Horizon IT Inquiry (and TV drama)
 - Misuse of NDAs in news, plus new legislation to restrict NDAs in employment
 - High-profile SLAPPs, inc. Yevgeny Prigozhin, Nadhim Zahawi, Carter Ruck
- These issues:
 - Erode public confidence in the legal system.
 - Highlight gaps in understanding of professional ethics.

LSB's PERL project

- Professional ethics and the rule of law
- Aimed at root causes of unethical practice, not just symptoms
- These include:
 - Limited understanding and training
 - Overemphasis on client interest
 - Lack of support via culture and leadership
 - Heightened public awareness of lawyers' conduct due to:
 - SLAPPs exemplify these issues: over-prioritising client, weak ethical culture, failure to challenge abuse.
 - Regulatory intervention aiming to embed ethics at every level.

Wider responses

Government & Parliament:

- *Economic Crime and Corporate Transparency Act 2023* allows courts to strike out economic-crime SLAPPs.
- Political momentum for broader SLAPP protections.

SRA:

- Updated warning notice on SLAPPs (2024).
- New guidance for in-house solicitors on independence and integrity (2024).

Civil society & academia:

- Advocacy and research emphasising systemic ethical reform.

Next steps for LSB PERL project (1/2)

- From March to May 2025, we consulted on a policy, “Upholding Professional Ethical Duties.”
- Covered five areas:
 1. Education & training
 2. Regulatory frameworks
 3. Support & workplace culture
 4. Remedial action
 5. Feedback & evaluation



Next steps for LSB PERL project (2/2)

- High engagement and clear feedback:
 - Calls for career-long and practice-specific ethics teaching.
 - Strong appetite for better workplace cultures and leadership support.
 - Recognition that regulation alone cannot deliver culture change, though it can set expectations and enable it.
- We're now finalising our policy for publication next year.