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To Members of the House of Commons and the House of Lords
By email. Published at blindjustice.org.uk

Dear Member of Parliament

Open letter: the regulator of solicitors, judicial review, and one question for Parliament

The regulator of solicitors cannot be made to look again at its own decisions. Blind Justice UK is asking the High Court to examine whether that is lawful. We are writing to you because Parliament created this regulator, and Parliament is the only body that can ask it a question it must answer.

When a bank, an employer, a landlord or a public body decides what it can deny you and how far it can push, a solicitor is in the room. The body that is supposed to keep those solicitors honest is the Solicitors Regulation Authority. Our research over the past year, drawn from the SRA's own rules, its own published data and the closure letters it sends to members of the public, shows that the SRA closes thousands of reports every year without investigation, that the person who reported cannot require it to look again, that its Independent Reviewer cannot overturn the decision, and that the Legal Services Board does not determine individual cases. The SRA decides whether to investigate, and then the SRA decides whether the SRA should reconsider. We have published that evidence in two reports, *No Further Questions* and *Taking Their Word For It*, and in an open letter, *A Law Unto Themselves*, all at blindjustice.org.uk.

On the 1st of September we put nine questions to the SRA. Who checks a closure decision. Who can challenge it. What happens when one may be wrong. On the 30th of September, the day of the deadline, it replied with a two-page letter that answered none of them. It said that where a decision 'may be materially flawed' it has 'established processes'. It did not name them, say who may invoke them, or say who decides.

That evening we served the SRA with a letter before claim for judicial review. Its response is due on the 15th of October. If it answers the problem, we will say so publicly. If it does not, we will ask the High Court to decide whether a regulator may close a report on the regulated person's own account of events, decline to seek any other evidence, and leave the person who reported with no route to have that decision examined by anyone. We know of no charity that has brought such a claim before.

We have also written twice to the Justice Committee, on the 1st and the 21st of September, with the reports, asking it to put one question to the SRA and the Legal Services Board, in public or in writing: who can require the SRA to look again at a decision not to investigate, and under which rule. The Committee's secretariat acknowledged our letter on the 28th of September and told us that meeting requests take time. We understand that. But the question has not been put, and the regulator's reply is due in a fortnight.



Blind Justice

So we are asking you directly, as a Member of Parliament or of the House of Lords, to do one of three things. Put that question to the Lord Chancellor or to the SRA by written question. Write to the Chair of the Justice Committee asking that it be put. Or write to the Chief Executive of the SRA yourself and send us the reply. We will publish every answer we receive, and every absence of one.

Blind Justice UK is a registered charity. We have no funder with an interest in the outcome and no client whose case depends on it. Our research on legal regulation has been reported by the Law Society Gazette, Legal Futures and Joshua Rozenberg's A Lawyer Writes, and it has been published by the Justice Committee and by the Housing, Communities and Local Government Committee as written evidence and drawn a ministerial response. We are a small organisation and we have taken this step because nobody else was prepared to. The SRA tells solicitors they must be accountable. So must the SRA.

I would be glad to brief you or your office, and to provide the reports and the correspondence in full.

Yours sincerely

Edward Romain ACILEX

Founder and CEO, Blind Justice UK