



Solicitors
Regulation
Authority

The Cube
199 Wharfside Street
Birmingham B1 1RN

DX: 720293 BIRMINGHAM 47
UK 0370 606 2555
Int + 44 (0)121 329 6800
sra.org.uk

Our ref: RGC-00009 [REDACTED]

By email only: [REDACTED]

8 August 2024

Dear [REDACTED],

Outcome of our investigation into Orrick Herrington & Sutcliffe (UK) LLP

We wrote to you on 19 June 2024 to update you about our investigation into the concerns you raised about Orrick Herrington & Sutcliffe (UK) LLP (the firm). The matter has now been considered and an authorised decision maker has decided to:

1. issue advice to Orrick Herrington & Sutcliffe (UK) LLP about its conduct, and
2. close the case.

Reasons for our decision

The decision to issue advice is not a disciplinary sanction.

Closing an investigation with advice aims to promote understanding of our regulatory arrangements, and to avoid repetition of such behaviours.

We were concerned that the draft settlement agreement required you to withdraw your existing complaints to regulators. However, this would not have caused any consequences because the Pensions Regulator was aware of the issues you raised and the regulator was not dependent on the existence of a complaint to decide to progress regulatory action.

However, had you contacted the regulator to withdraw your complaint, this may have come across as though you no longer had any concerns and as such, may influence any decision the regulator may make. Subsequently, this could have potentially had some impact on the reputation of the profession.

We were also concerned about the drafting of and the firm's comments on clause 11(i), which refers to the Pensions Regulator, particularly because it doesn't refer back to the clause 7.1 exception. By purporting to prevent a complaint to the Pensions Regulator removes the possibility of an independent determination being made by an independent body. Again, this could have potentially had some impact on the reputation of the profession.

We are the regulator of solicitors and law firms in England and Wales.

Solicitors Regulation Authority Limited is a company limited by guarantee registered in England and Wales.
Our registered offices are: The Cube, 199 Wharfside Street, Birmingham, B1 1RN.
Our company registration number is: 12608059.

[REDACTED]

We have, however, taken into consideration that the settlement agreement was well drafted in the main and the firm referred to, and demonstrated its intentions to comply with our Warning Notice on the use of non-disclosure agreements prior to drafting the settlement agreement.

We have also taken into consideration that the firm's initial correspondence with you was clearly made subject to contract, it made clear there will be exceptions allowing disclosure, this was an isolated incident and ultimately, no harm was caused.

We found that the firm breached Principle 2 of the SRA Principles, which requires the firm to act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

Taking into consideration all of the above, our advice to the firm was that it must make sure that the firm and its staff are familiar with our Standards and Regulations and associated guidance, particularly on the use of non-disclosure agreements:

www.sra.org.uk/solicitors/guidance/non-disclosure-agreements-ndas/

The firm does not have the right to apply to us for a review of this decision.

What we will do next

Our file is now closed. This decision will not be published but will remain on the firm's records with us and may be taken into account in any future investigations.

Thank you again for reporting the matter to us and for your assistance throughout our investigation.

We are always looking for ways to improve the way we work and would appreciate any feedback you have about our service. If you would like to provide feedback, please complete our [survey](#).

Yours sincerely,

[REDACTED]
Investigation Officer
Solicitors Regulation Authority
Tel: 012 [REDACTED]
Email: [REDACTED]

Information on how we process personal data can be found in our [privacy notice](#)