Redacted Survey Bundle

Law Student and Law Graduate Responses

Survey Questions

1. If it were already public knowledge that two company directors had been identified as disruptive, and that a law firm connected to their conduct had been referred to in a High Court judgment as acting in connivance, would you, with that knowledge, agree to act for those directors?

2. If those same directors then asked you to defend proceedings on the basis that they owed no monies to a claimant because a set-off agreement existed, but you were already in possession of several letters from court-appointed office-holders confirming that no such set-off had ever been agreed, would you still support that position in court?

3. In those circumstances, would you go further and instruct or support counsel to appear in court advancing the same position that set-off applied?

Prepared from supplied screenshots only.

Names, surnames, email addresses, sender/recipient identifiers, and law school/university names have been redacted in this bundle.

Unredacted identifying details are retained separately and can be made available to higher authorities as evidence.

This is part of an ongoing 3,000 person survey. For the time being, only one or two days of responses have been intentionally exhibited in this bundle.

Index

Names and law school/university identifiers are redacted in this index, but unredacted details are retained separately and can be made available to higher authorities as evidence. This bundle intentionally exhibits only a limited sample from one or two days of responses taken from an ongoing 3,000 person survey. Administrative follow-up correspondence that does not answer the three survey questions has been excluded.

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Exhibit B – SRA and public confidence headlines graphic.

Exhibit A – Comparison graphic referred to in the survey context.

Exhibit B – SRA and public confidence headlines graphic (included immediately after the index).

Exhibit A – Comparison graphic referred to in the survey context (included immediately after the index).

Supporting exhibits

Stated purpose of survey: to show the public at large how respondents answer the three questions in light of the regulatory treatment of one Irwin Mitchell solicitor, Kirsten Tomlinson, and to ask why equivalent scrutiny is said not to have been applied to Alice Court and Kunal Gadhvi of the same firm. The three questions are framed by the instructing party as relating to alleged misleading of the courts and counsel, and to public confidence in the judiciary, its gatekeepers, and the regulators.

Respondent E.I.K.

Reply date: 29 Mar 2026

Question 1

If it were already public knowledge that the directors had a disruptive history and a law firm connected to their conduct had been referred to in a High Court judgment, I would still consider representing them only if the instructions they provide are lawful and do not involve misleading the court or presenting false evidence. A solicitor must protect the client's interests, but must not act in violation of legal or ethical rules (SRA Principles 1.4, 2.1, 2.2, 3.1).

Question 2

If the same directors asked to present a false set-off claim in court, and I possessed evidence showing no set-off existed, I would not support that position in court.

Question 3

I would not instruct or support counsel to advance a position in court that is known to be false or misleading.

Respondent M.F.A.

Reply date: 29 Mar 2026

Question 1

If I were aware of the circumstances described, including a High Court reference suggesting misconduct and credible concerns regarding the conduct of related parties, I would not agree to act for the directors without first conducting a thorough assessment of the facts and ensuring there were no conflicts of interest or ethical issues. My decision would be guided by professional obligations, including integrity and the duty not to become involved in any matter where there is a risk of improper conduct.

Question 2

If I were in possession of reliable documentary evidence from court-appointed office-holders confirming that no set-off agreement existed, I would not support or advance a position in court asserting that such an agreement existed. In such circumstances, I would advise the client accordingly on the inconsistency between the proposed defence and the available evidence, and the potential legal and ethical risks of pursuing that position.

Question 3

In line with the above, I would not instruct or support counsel to advance a position that is contradicted by credible and verified evidence. My approach would be to ensure that any submissions made to the court are accurate, properly evidenced, and consistent with professional ethical obligations.

Respondent T.W.

Reply date: 29 Mar 2026

Question 1

Yes, I would not automatically refuse to act for the directors solely on the basis of adverse findings or reputational issues. Under UK legal principles, legal representatives may act for clients regardless of public perception, provided they maintain independence and integrity. However, I would carefully assess any conflict of interest, reputational risks, and whether I could continue to act in accordance with my professional obligations, particularly duties to the court and to uphold the rule of law.

Question 2

No, I would not support or advance a position that I know to be untrue. If I am already in possession of credible evidence such as letters from court-appointed office-holders confirming that no set-off agreement exists, I would be professionally prohibited from presenting a case that misleads the court. My duty to the court overrides my duty to the client, and I must not advance arguments that lack a proper legal or factual basis.

Question 3

No, I would not instruct or support counsel to advance a position that I know is unsupported or false. Doing so would risk breaching core professional duties, including the duty not to mislead the court and to act with honesty and integrity. Instead, I would advise the client accordingly and, if necessary, decline to act or withdraw from representation if the client insisted on pursuing such a course.

while representation itself is not precluded by reputational concerns, advancing a knowingly false position would be inconsistent with UK professional conduct rules and my duty to the court.

Respondent A.J.B.

Reply date: 30 Mar 2026

Question 1

Would I agree to act for those directors?
Not without very careful scrutiny, and on the facts given, my answer would be no. Public findings that the directors were disruptive, combined with judicial criticism of a connected law firm for acting “in connivance,” would raise serious concerns about credibility, propriety, and whether I could act independently and consistently with professional standards. Solicitors must act with integrity and must not mislead the court or be complicit in the acts of others.

Question 2

Would I defend proceedings on the basis that a set-off existed, despite letters from court-appointed office-holders confirming that no such set-off had been agreed?
No. If I already held clear documentary material showing that no set-off agreement existed, I could not properly support a defence asserting the opposite. A solicitor may only put forward statements or submissions that are properly arguable, and must not mislead the court by act, omission, or complicity.

Question 3

Would I instruct or support counsel to argue the same set-off case in court?
Again, no. Counsel’s duty to act in the client’s interests is subject to the overriding duty to the court, and barristers must not knowingly or recklessly mislead the court or advance facts they know are untrue or misleading.

Respondent G.K.

Reply date: 30 Mar 2026

Question 1

I would consider acting if the representation involves helping directors handle complex, honest mistakes, reinforcing good governance, ensuring compliance with the law, or defending them

Question 2

I would not support that position because a lawyer is not obliged to take on a case that is improper or unarguable. Given the public knowledge of disruptive behavior and judicial criticism of previous legal support, taking on such clients would likely be deemed a breach of the lawyer’s duties to the court and to the profession.

Question 3

No, I wouldn't instruct or support counsel to advance a defense in court that I know to be false because it is prohibited.

Respondent K.K.C.

Reply date: 30 Mar 2026

Question 1

Despite public knowledge of the company directors' previous conduct and the judgment of the High Court as to connivance in relation thereto, I would still agree to act for them so long as there is no conflict or significant risk of conflict of interest. A potential clients' previous conduct or my personal view with regard thereto should affect my professional relationship.

Question 2

In this situation, I would not support the position of the said directors. While I have the duty to act competently for the best interest of my client, I would not do so if it would constitute a breach of my legal and ethical obligations. To disregard the letters confirming that no set-off had been agreed to would mean that I am complicit and in connivance with the directors in their dishonest and illegal conduct. I am not obligated to follow the instructions of my clients especially if it would be in pursuit of an illegal or immoral course conduct.

Question 3

I would not go further and instruct or support counsel to appear before the Court for the purpose of advancing the argument that a set-off applied. Doing so means that I am breaching my duty to the Court by misleading it or allowing it to be misled through being complicit in the acts of the directors. Moreover, I would be aiding the client to act illegally or perpetrate fraud if I do so which is a violation of my professional duty and a ground for judicial sanctions.

Respondent M.B.M.

Reply date: 30 Mar 2026

Question 1

Response:

The question poses two issues:

1. Should public knowledge of the disruptive nature of the directors prevent them from access to legal representation?

2. Should the Court's reference that this behaviour was in connivance with a law firm determine if I act for the directors?

Analysis:

On issue (1), I am advised by the Solicitors Regulation Authority (SRA) Codes of Conduct and Accounts Rules. The Codes of Conduct for Solicitors, Section 1.1 requires solicitors ‘not to unfairly discriminate by allowing your personal views to affect your professional relationships and the way in which you provide your services’. While my personal views should not stop me from representing the directors, the risk exists based on the High Court's judgment that the directors might provide false information. This means a real risk that I will advance a false position in court based on information provided by the directors.

On issue (2), The SRA Code of Conduct for Firms, Section 1.4 requires firms not to mislead the court, their clients, or others by being complicit in their clients’ actions. It is a failure of this requirement that the firm connived with the directors. As it would be the firm’s duty to direct the directors on the court's expected standards and behaviours and act with independence, this will have to be clearly explained to the directors before they are taken on as clients.

Conclusion:

Public knowledge alone of a client's conduct is not grounds on which to refuse the client legal representation. A firm’s failure to direct a client's behaviour in court reflects the firm's failure to adhere to SRA conduct rules. As the risk exists in this case that the directors might mislead myself as their solicitor, I would clearly explain my duty to act with honesty, independence and integrity. Only when I was satisfied that the directors understood and accepted this and that the risk was minimal would I agree to represent them.

Question 2

Response:

The question raises the issue:

Do I act on my client's instructions or take a position based on the letters?

Analysis:

I am informed here by the SRA's overriding principles to act in the best interest of my clients(Principle 7) and in a way that upholds the constitutional principle of rule of law and the proper administration of justice (Principle 1).. My obligation is owed to my client as well as the court. It would be my duty under Section 3.2 - 3.3 of the SRA Codes of Conduct to ensure that I provide competent and professional service to my clients.

Section 2.4 of the SRA codes however require that a solicitor only advance a position they know is properly arguable in court. It would be my duty to ascertain that a set-off agreement existed before I advanced such a position. If such an agreement did not exist, I would explain to my clients that

the SRA Principles require that where the wider public interest conflicts with my client's own interests, the wider public interest prevails. In such a scenario, I will explain to my clients that I am bound by my duties under the SRA Principles 4 and 5 to act with honesty and integrity.

Conclusion:

I would support my client's position that a set-off agreement exists in court if the position was properly arguable. Where I find that I couldn't properly argue the position, I would inform my clients that my duty to the court and professional obligation in this instance overrides my duty to them. I would not support their position in court if I was satisfied such a position could not be properly argued.

Question 3

Response:

As I am required to provide competent service under Section 3 of the SRA Codes of Conduct (Codes), it will be my duty to ascertain that I could properly argue that a set-off agreement exists and therefore applies. My duty to the court under Section 2 of the Codes means I cannot fabricate evidence. If my due diligence confirms that no such set-off agreement exists, I will remind my clients of my duty to be honest and act with integrity. In that circumstance, I would not support or instruct counsel to advance the position that set-off applies. Counsel would be bound by the same duties to the SRA.

Respondent M.Q.P.

Reply date: 30 Mar 2026

Question 1

I would approach any instruction cautiously if it was previously known that two corporate directors have been found to be disruptive and that a legal firm associated with their behaviour had been criticized in a High Court ruling.

Question 2

I would not defend proceedings on the basis of a set off agreement if I already had unambiguous proof from court-appointed office-holders attesting to the absence of such an agreement. I would not be able to support a claim that I knew was unsupported by the facts because of my duty to the court and my obligation not to mislead it.

Question 3

In this situation, I wouldn’t advise or encourage the team to make a claim that I knew was at odds with the evidence at hand. This would be against fundamental professional and ethical obligations and run the danger or deceiving the court.

Respondent R.C.

Reply date: 30 Mar 2026

Question 1

Knowing that public findings of the two company directors indicate a pattern of misconduct and the High Court judgement found a law firm linked to them as acting in connivance, I would choose the responsible option and decline to take them on as clients.This is because, I already know that they have a bad reputation and therefore have good reasons not to trust.

Question 2

No. I would not knowingly advance a case that contradicts evidence in my own possession.This would be putting a false argument before court, which is ethically and legally wrong.

Question 3

Again, no. This would implicate both me and the counsel in misleading the court and would raise regulatory and potentially criminal concerns. A lawyer's duty to the court comes before their duty to their client in this scenario

Respondent S.B.

Reply date: 30 Mar 2026

Question 1

I would not agree to act for those directors. If I were aware from evidence, such as letters, that no set-off agreement existed, I could not properly represent the directors on the basis that such an agreement did exist, as that would be dishonest.

Question 2

I would need to assess whether I could act at all without compromising my duty to the court. If I had clear knowledge and evidence that the proposed defence was false, I could not advance those instructions, and I would not support the no monies/set-off defence in court.

Question 3

I would neither instruct nor support counsel to appear in court to advance the same set-off position. I could not ask counsel to present a case knowing, or strongly believing on evidence, that it was false.

The duty of the court comes first

I trust these responses are useful

Respondent S.Z.

Reply date: 1 Apr 2026

Question 1

That a lawyer is not prevented from acting on behalf of clients who have an adverse reputation or have been subject to judicially criticised. In such circumstances, I would carefully assess whether there is any conflict of interest, whether representing the client would risk associating me with ongoing wrongdoing, and whether I would be able to maintain my professional independence.

If I’m satisfied that I am not facilitating any improper conduct and that I can act in accordance with my professional and ethical duties I would proceed but with heightened caution.

Question 2

I would not advance a defence that I know to be factually wrong as my duty to the court overrides my duty to the client. Where I have in my possession clear evidence as mentioned in the question “letters from court-appointed office-holders confirming that no such set-off had ever been agreed" I could not plead or rely on such a position.

I would advise the client that the proposed defence is unsustainable and cannot be advanced. I would encourage the client to pursue legitimate and supportable arguments. If my client nevertheless insisted on maintaining a false position, I would simply decline.

Question 3

I would not instruct or support counsel to advance a position that I know to be factually incorrect as my professional duties prevent me from facilitating or permitting any misleading arguments to be presented, and this obligation cannot be avoided by delegating advocacy to counsel. In such circumstances where reliable evidence clearly contradicts the alleged set-off, advancing such position would be improper and misleading. So I would advise the client that such a defence cannot be pursued and if the client insisted on maintaining that position I would decline to instruct counsel and would consider withdrawing from acting. As maintaining the integrity of the legal Process must take precedence over advancing a clients case where it lacks proper factual foundation.

Respondent A.

Reply date: 2 Apr 2026

Question 1

The word “disruptive” is the central focus.

To start, a solicitor shall not prejudge a client on the basis of pre existing judicial criticism. Doing so would be in contrast with the right to legal assistance.

Due diligence would be the decisive factor. In Bowman v Fels 2005, it was decided that solicitor must have the full context of the legal representation, and in Minkin v Lansberg 2015 it was confirmed that such legal representation is defined by what the solicitor knows at the time.

In exercising my due diligence I would only see myself representing the case if my firm would not be treated as an extension of the disruptive behaviour. In practical terms this means that representing the case would not be instrumentalised.

The counterargument is that adverse findings against a law firm are not necessarily indicative of the directors disruptiveness. Hence, refusing to act on the basis of proximity is itself done on speculative grounds.

Finally, my advice is to represent subjected to ongoing review with clear defined scope in the retainer. Withdrawal is subjected to the conduct question re-emerging in a way that would compromise the SRA code of conduct 2019. The question for the threshold is: would continuous representation make my firm complicit?

Question 2

Representing a case based on false evidence could amount to a breach of duties of the SRA Code of Conduct 2019 sect 1.2 and 2.1.

Vernon v Bosley 1999 is particularly relevant if findings showed that I was aware of the falsified information. Medcalf v Mardell 2002 goes further by extending wasted costs liability under s.51 Senior Courts Act 1981 to solicitors.

The counterargument the client might argue that the set-off could have been agreed informally or in circumstances not known to the the office-holders.

In that case, I would request proof of this and if this was satisfactory then the counterargument might be arguable. But without that I could not proceed with the defence as this would potentially create adverse costs and abuse of process under Three Rivers DC v Bank of England (No 6) 2004.

Question 3

No. And the reasoning here is both ethical and practical.

Under Myers v Elman 1940 a solicitor's duty to the court is personal and shall not be transferred. Dempsey v Johnstone 2003 further confirms this and Ridehalgh v Horsefield 1994, extends wasted costs liabilities to both solicitors and barristers involved.

The counterargument is that the barrister may use their own professional judgment. Although true, there is a presumption that the barrister is exercising their judgement on fully disclosed information. As a solicitor, not disclosing full informations to the barrister would amount to bad faith. If however I did disclosed them in full, I would still need a documented evidence of this prior to proceedings.

Respondent K.M.

Reply date: 2 Apr 2026

Question 1

There is no direct prohibition on acting for those directors from the legal or ethical point of view. However, some steps must be taken to make sure that my work remains entirely independent and compliant with professional standards.

Question 2

No, I would not support that position in court, as a legal representative should not breach the SRA Code of Conduct not to mislead or attempt to mislead a court. This duty takes precedence over the client's instructions.

Question 3

No, I would not. Doing so would be a breach of the ethical principles set out in the Code of Conduct for a legal representative to act with honesty and integrity, and it would also breach the overriding duty not to mislead the court.

Respondent R.O.

Reply date: 2 Apr 2026

Question 1

First question, facts provide only for disruptive behaviour in relation to the company. Similarly, the finding that the law firm was ‘ referred ‘ to a court judgment does not mean culpability automatically. Therefore, under this basis, I would initially agree to provide counsel for the company.

Question 2

However, following the second excerpt of facts. Because it is clear that the client is acting in bad faith, accepting the representation would likely be detrimental to my own reputation and could potentially be contempt of court.

Thus, the position of representing the client would likely be declined, or should the client change his position to one which is open and honest. The proceeding would potentially continue under alternative grounds.

Question 3

The third question is conditional on a false premise of evidence, in that instance, I would not represent the client.

Respondent S.A.

Reply date: 2 Apr 2026

Question 1

Acting for the Directors: Yes, I would agree to act for them, but with stringent safeguards. The bedrock of the legal system is that individuals are entitled to legal representation, regardless of past conduct or negative judicial commentary. However, given the High Court's findings of "connivance" regarding their previous counsel, I would implement strict risk-management protocols. This would include comprehensive client due diligence, a tightly defined scope of retainer, and absolute clarity with the clients that my advice will be fiercely independent. The tangible outcome is they receive robust representation, but under strict professional boundaries that protect the firm's integrity and prevent any complicity in disruptive behavior.

Question 2

Advancing the Set-Off Defense: No, I would not support that position in court. While lawyers must act in the best interests of their clients, this is explicitly subordinate to the duty not to mislead the court. Being in possession of definitive evidence from court-appointed office-holders that contradicts the clients' claim means advancing the set-off would be actively misleading. The practical outcome here would be advising the directors that this defense is legally unviable and ethically prohibited. I would advise them on alternative, factually supported strategies. If they insisted on advancing a fabricated set-off, I would be professionally obligated to terminate the retainer and cease acting for them.

Question 3

Instructing Counsel: Absolutely not. Instructing a barrister to advance a position I know to be factually false based on the documentary evidence is a severe breach of professional conduct. Furthermore, counsel is bound by the same regulatory duties to the court; providing them with instructions to mislead would not only jeopardize my professional standing but also place counsel in an untenable ethical position, resulting in them returning the brief. The outcome must strictly align with reality: a legal team cannot collectively construct or support a fiction before the court.

Respondent S.M.S.

Reply date: 2 Apr 2026

Question 1

No I would not engage with such directors because it is professional misconduct to engage in conduct involving dishonesty, deceit, fraud or misrepresentation. Secondly taking on clients which are already publicly identified as disruptive with their connected law firm found by a court to have acted in connivance, raises serious concerns and permits me to decline representation where the client's conduct signals towards abuse of the legal process.

Question 2

No, a lawyer is strictly prohibited from making false statements of fact or law to a court. Advancing a set-off defence while already possessing letters from court-appointed officers confirming no such set-off existed would constitute knowingly presenting false evidence. Additionally, rules prohibit a lawyer from assisting a client in conduct the lawyer knows to be fraudulent. I would be obligated to advise the client that this position cannot be maintained, and withdraw from representation if the client insisted.

Question 3

No, and I would not instruct counsel to do so either. Instructing counsel to advance a position I know to be contradicted by documentary evidence would make me complicit in misleading the court. That would breach both my personal professional obligations and potentially expose counsel to the same risk. The appropriate course would be to advise the client that the set-off argument cannot be pursued and, if they refused to accept that advice, to cease acting.

Respondent N.V.D.B.

Reply date: 5 Apr 2026

Question 1

Acting for directors with known adverse findings

I would not automatically refuse to represent directors just because of negative findings or criticism in a High Court judgment. Following a solicitor's duty to support access to justice, it is allowed to represent clients with difficult reputations, as long as I am sure I can do so while keeping my professional responsibilities, including independence and honesty.

However, if a judgment mentions behaviour like "connivance," this would cause serious concerns and require a careful risk check. I would need to be sure that I am not involved in improper actions or helping misuse the legal process. This approach follows the rules set out in Arthur J S Hall & Co v Simons, which say that solicitors have duties not just to their client but also to the court.

Question 2

Advancing a defence known to be unsupported by evidence

I would not support or present a case in court that I know is false or does not have reliable evidence. Having letters from court-appointed officials confirming there is no set-off agreement, I understand that pushing such a defence would break my duty to be honest with the court and go against my professional responsibilities.

The courts have established that knowingly advancing a false case constitutes an abuse of process, as demonstrated in Takhar v Gracefield Developments Ltd. This case underscores the gravity of dishonesty in litigation.

Question 3

Instructing or supporting counsel to advance that position

I would not ask or help solicitors to present a position that I know is not true. Doing so would break my duty not to mislead the court and could lead to professional or legal problems for both the solicitors and me.

This approach aligns with the principles established in Myers v Elman, which affirms that legal practitioners must not mislead the court and are required to act with complete honesty during litigation.

Conclusion:

In every situation, I will follow my duty to the court, meet my professional responsibilities, and act honestly. While I understand the need to strongly represent clients, I will not support positions that I know are false or lack evidence.

Respondent S.A.

Reply date: 5 Apr 2026

Question 1

Yes, I would not automatically refuse to act for the directors just because of adverse findings and public judgements, as according to the can rank rule, every party is entitled to legal representation, and no one should be denied it. However, since a law firm was mentioned, it indicates that these directors must have once been represented by them, and the law firm being criticised for acting in connivance with the directors raises serious concerns about their previous conduct and expectations. Therefore, I will proceed with caution. I will ensure that I am not placed in a position where I am associated with or expected to continue any questionable conduct. I will also carry out thorough due diligence and ensure that I act independently and in accordance with my professional obligations. If not, I will decline to act.

Question 2

[Only the following words were visible in the supplied screenshot:]

would advise the clients accordingly, explain the legal and ethical implications, and decline to advance that argument.

Question 3

No, I would not instruct or support a counsel to advance a position that I know is false

Respondent T.K.

Reply date: 29 Mar 2026

Question 1

I would be very reluctant to take that course of action.
If it were already public that the two directors had been identified as disruptive, and a High Court judgment had referred to a connected law firm as acting in connivance, those facts would immediately raise serious concerns about credibility, judgment, and the wider context of the dispute. In that situation, I would want to be extremely cautious before agreeing to act for them at all.

Question 2

If the directors then asked me to defend the case on the basis that they owed no money because there was a set-off agreement, but I already had letters from court-appointed office-holders saying that no such agreement had ever been made, I would not feel comfortable advancing that position. At that point, the evidence would appear to cut directly against the proposed defence, and it would be difficult to justify presenting it as a proper factual case.

Question 3

I would also be unwilling to instruct or support counsel to argue the same point in court unless there were a genuine and defensible basis for doing so. Counsel should not be placed in a position where they are asked to promote a case that appears to conflict with reliable documentary evidence.

Additional statement

In plain terms, my answer would be: no, not on those facts as stated. I would first need to review the material carefully, test whether there was any lawful and evidential basis for the defence, and if not, refuse to support it.

Respondent O.A.B.

Reply date: 30 Mar 2026

Question 1

CONCLUSION

I could agree to act for the directors conditionally, with thorough due diligence and setting professional boundaries. Prior judicial criticism does not prevent representation but raises the threshold for more caution and professional duty adherence while handling such clients. As stressed by Lord Steyn in Arthur J. S. Hall & Co v Simons and reflected in the SRA Code of Conduct (C4), the duties owed to the court and the profession overrides those owed to the client.

Question 2

CONCLUSION

I would not support the set-off position. I would advise the directors that their argument is unsustainable and I would not plead it.

Question 3

APPLICATION

Given the clear and credible evidence that the alleged set-off does not exist, instructing counsel to argue it would be more than just advancing a weak case. It would involve actively using counsel as the vehicle to present an untrue position which is misleading the court.

Delegating advocacy does not absolve the solicitor of responsibility. Misconduct remains with the solicitor because they instructed, allowed and supported it, which potentially exposed counsel to unintended professional breach under para 1.4 of the SRA Code of Conduct.

Additional statement

Question 3 conclusion text was not fully visible in the supplied screenshot, so only the visible answer text has been reproduced.

Respondent R.N.

Reply date: 1 Apr 2026

Question 1

Although I might personally disagree with the behaviour of the two company directors, I believe that when advocating for a client it is best to put aside your own personal concerns. Access to justice and representation is an impertinent aspect of the rule of law, and the public confidence in the legal system would be harmed if people are treated differently under the law. Public confidence is important for the proper functioning of the legal system, because if there was no confidence, then the likelihood that people would follow the rules prescribed under the legal system would be significantly reduced. Therefore, I would agree to act for those directors in order to uphold the rule of law.

Question 2

If I was in possession of several letters from court-appointed office-holders unequivocally confirming that no such set-off had ever been agreed, I would be hesitant to support that position in court. This is because advocates are not allowed to defend positions that they know to be probably false, and could be in trouble if they knowingly mislead the court. Equally, if there are documents that form a strong basis for casting doubt on the reliability of those letters confirming that no set-off had ever been agreed, or if there are documents produced subsequent to these letters that actually confirm an intention to form a set-off agreement (or that proves the existence of such agreement), I would still advocate for the directors in court.

Question 3

Following on my previous answer, I would not instruct or support counsel in proceedings if I had these letters in my possession without any compelling evidence contrary to the position that no set-off agreement had been reached, as this could lead to legal penalties. However, I would instruct counsel if there is such compelling evidence.

Respondent R.G.

Reply date: 2 Apr 2026

Question 1

When it comes to acting for the directors, I know that a client's reputation or past criticism in court does not affect their right to legal representation. But I would be careful. I would need to be sure that I could act in a way that was consistent with my professional duties, such as being honest, independent, and not misleading the court. I would not act if there was a real chance that these duties could be put in danger.

Question 2

I would not support a defence based on an alleged set-off agreement where I am in possession of clear evidence, such as correspondence from court-appointed office-holders, confirming no such agreement exists. Advancing a position that I know to be unsupported would breach my duty to the court and my obligation not to mislead.

Question 3

In that case, I wouldn't tell or help the lawyer make the case that a set-off applied. Instead, I would honestly tell the client what the evidence showed and, If the client insisted on pursuing a position that I knew to be false or misleading, I would cease to act.

Additional statement

I trust these answers reflect my appreciation of the ethical and professional responsibilities required in practice. I would be very interested in contributing to this research.

Respondent C.D.

Reply date: 5 Apr 2026

Question 1

I am currently a qualified paralegal studying with Chartered Institute of Legal Executives (CILEX). I am also aware of the Solicitors Regulation Authority (SRA) code of conduct.

As such I would not make a decision based solely on public information, without understanding the full context. Under the CILEX Code of Conduct, there is a duty to uphold the rule of law and ensure access to justice, which includes not refusing to act simply because a client is unpopular or has been criticised.

Additionally, I would not make that decision independently. I would escalate the matter to a senior, undertake appropriate due diligence, and follow the firm's risk and compliance procedures. This would include considering whether acting could create regulatory issues, reputational risk, or conflicts of interest under the CILEX principles.

If, after that assessment, the firm was satisfied it could act in accordance with its professional obligations, I would assist. If not, I would support a decision to decline instructions.

Question 2

In this situation, I would unable to support or advance a position in court that I knew to be false. Under the CILEX Code of Conduct, there is a clear duty to act with integrity and not to mislead the court, which overrides any obligation to advance a client's case.

If I was already in possession of credible evidence such as letters from court-appointed office-holders confirming that no set-off agreement existed, I could not properly present a defence based on that assertion.

I would raise this with my senior and discuss it with the client, explaining that we cannot pursue the case on a basis that is not supported by the evidence. I would advise the client on alternative, legitimate arguments if any were available.

If the client insisted on maintaining a position that I knew to be false, then in line with the CILEX principles particularly acting with honesty, integrity, and in a way that upholds the administration of

justice I would be unable to act in the matter, following the firm's procedures.
Ultimately, my duty to the court.

Question 3

I would not instruct or support counsel to advance that position. Even though counsel presents the argument in court, I would still be responsible for the basis on which they are instructed.

Under the CILEX Code of Conduct, my duty to act with integrity and not to mislead the court applies to the entire conduct of the case. That means I cannot avoid that duty by asking counsel to put forward an argument I know is not supported by the evidence.

If I am aware of clear documentary evidence that no set-off agreement exists, it would be improper to include that argument in counsel's brief. I would ensure that counsel is only instructed on a proper and accurate basis.

I would raise the issue with my supervisor and advise the client that this argument cannot be pursued. If the client insisted, I would follow the firm's procedures to cease acting rather than facilitate a misleading case indirectly through counsel.

Respondent F.E.

Reply date: 7 Apr 2026

Question 1

Yes I would still act for these directors. Legal representation does not mean absolving people of wrongdoing, it means advising clients to ensure they are fairly represented in court and an equitable outcome is reached.

Question 2

I would not knowingly argue on the basis of a set-off agreement that I knew did not exist, as this would be both immoral and a breach of court rules.

Question 3

Given my response to issue 2, I would not therefore go further.

Additional statement

Please let me know if you need anything else,

Respondent Z.I.

Reply date: 6 Apr 2026

Question 1

Prior public criticism of a client, or even adverse judicial comment about connected parties, would not automatically preclude representation. The cab-rank principle and access to justice mean that unpopular clients deserve competent representation. However, I would undertake thorough due diligence before accepting instructions: reviewing the judgment, understanding the nature of the "connivance" finding, and assessing whether the directors are seeking legitimate legal advice or assistance in furthering improper conduct. If the latter, I would decline. Reputation alone is not disqualifying; the nature of the instructions sought is what matters. I recognise this question tests whether I would prioritise client loyalty over professional duties. I would not.

Question 2

No. Under SRA Principles and the duty not to mislead the court, I cannot advance a factual case I know to be false. If I hold documentary evidence from court-appointed office-holders confirming no set-off was agreed, and the client instructs me to argue the opposite, I face a direct conflict between client instructions and my overriding duty to the court. I would explain to the client that I cannot pursue this line of defence, invite them to provide any contrary evidence, and if they insist on maintaining the false position, I would need to cease acting.

Question 3

No. Instructing counsel to advance a position I know to be untrue would compound the ethical breach and potentially implicate counsel in professional misconduct. Barristers have independent duties to the court; placing them in a position where they unknowingly advance a false case would be a serious violation. I would not instruct or support any advocate to argue a set-off defence in circumstances where I possess clear evidence that no such agreement existed.

Respondent K.W.

Reply date: 6 Apr 2026

Question 1

Yes, I would.

Question 2

This would require a discussion with the clients to explain their legal position, sharing with them the documentation in our possession. The client would clearly understand the requirement that for a set-off to be recognised legally it must be in written format. In the absence of that I would require any written evidence the client has surrounding their position that a set-off was their understanding in order to mount a defence of such. However, the client would be made aware of their legal position and of expectations of success in the absence of the required evidence. A selection of court decisions from previous similar cases might be useful for the client to make an educated decision. The choice for continuance would be the clients.

Question 3

Continuance would be dependent on the wishes of the client, with their full knowledge of expectations regarding the likely outcomes.

Additional statement

I hope that helps in your decision making process.

Respondent O.L.

Reply date: 7 Apr 2026

Question 1

The fact that the directors have been publicly identified as disruptive, and that a law firm connected to their conduct has been criticised in a High Court judgment, would and should not automatically preclude me or my firm from acting for them. However, I would proceed with caution, ensuring that I could act with independence, integrity, and in compliance with my professional obligations. If I had concerns that their instructions might lead to improper conduct or misuse of legal processes, I will take steps to confirm/investigate my concerns and if necessary decline to act.

Question 2

I would not support or advance a position in court that I know to be untrue. If I were in possession of clear evidence from court-appointed office-holders confirming that no set-off agreement existed, I would be under a duty not to mislead the court. I would advise the clients accordingly and refuse to advance that argument.

Question 3

For the same reasons, I would not instruct or support counsel to present a case based on a position I know to be false. My duty to the court and to the administration of justice overrides any obligation to advance a client's case where doing so would involve misleading the court.

Respondent M.M.U.

Reply date: 6 Apr 2026

Question 1

Yes, I would consider acting for the directors, provided that I am satisfied I can do so within the bounds of professional ethics and without any conflict of interest. The fact that adverse findings or criticisms exist does not, in itself, preclude representation. However, I would proceed with heightened caution, ensuring full independence, clear engagement terms, and that I am not being asked to further any improper conduct.

Question 2

No, I would not support or advance a position that I know to be factually incorrect. Where I am in possession of credible material—particularly from court-appointed office-holders—clearly negating the existence of a set-off agreement, I would advise the clients accordingly and decline to plead or argue a position that would mislead the court.

Question 3

No. I would neither instruct nor support counsel in advancing a position that I know lacks a factual basis. My duty to the court and to the administration of justice requires that I do not facilitate arguments that are misleading or unsupported by evidence. In such circumstances, I would advise the clients to reconsider their position or explore lawful alternatives.

Respondent S.L.

Reply date: 6 Apr 2026

Question 1

Yes, I would agree to work for these directors because access to legal representation is a fundamental principle. Legal representatives can act for clients who have been criticised publicly or judicially. Directors should act within their powers, promote the company's success and exercise independent judgement and I would encourage them to do so.

Question 2

This presents a few ethical concerns. If I were in possession of clear and credible evidence indicating that no set-off agreement existed, I would not be able to advance or support a position asserting otherwise. Legal practitioners have a duty not to mislead the court, and this duty must take precedence over advancing a client’s preferred argument.

Question 3

I would advise the client accordingly and decline to support or pursue a defence that I know to be unsupported by the evidence. Similarly, I would not instruct or support counsel in advancing such a position before the court.

Respondent P.A.O.

Reply date: 8 Apr 2026

Question 1

I would not refuse representation solely on the basis of adverse public findings or judicial criticism of associated parties. Every person is entitled to legal representation, and a solicitor’s personal views regarding a client’s past conduct should not automatically translate into a refusal to act. That said, I would undertake thorough due diligence before accepting instructions, including reviewing any relevant judgments, assessing potential conflicts of interest, and satisfying myself that I could act independently and in compliance with my professional obligations under the SRA Code of Conduct 2019. If I had reasonable grounds to believe that accepting the retainer would involve me in facilitating improper conduct or misuse of the legal process, I would decline.

Question 2

No. If I were already in possession of documentary evidence from court-appointed office-holders confirming that no set-off agreement had ever been reached, I could not in good conscience advance a defence premised on the existence of such an agreement. To do so would be to knowingly mislead

the court, which is a fundamental breach of my duty under SRA Principle 2 and paragraph 2.4 of the Code of Conduct for Solicitors. My duty to the court is paramount and overrides my duty to advance the client's preferred position. I would advise the client in clear terms that the proposed defence is not maintainable on the evidence, and that I am unable to pursue it.

Question 3

No. Instructing counsel to advance a position that I know to be factually false would compound the professional misconduct, not diminish it. A solicitor cannot circumvent their duty of candour to the court by delegating the conduct of a dishonest argument to the Bar. Counsel, too, would be bound by their own duties under the BSB Handbook, and placing them unknowingly in that position would itself be a serious ethical failure. I would not brief counsel on that basis, and if the client refused to accept my advice and insisted on pursuing the false set-off, I would have no option but to cease acting.

Respondent D.E.F.

Reply date: 8 Apr 2026

Question 1

The starting point is that publicly known adverse conduct or criticism in a High Court judgment does not automatically disqualify a party from obtaining legal representation. The cab-rank principle and the constitutional importance of access to justice support this position. However, the reference to a connected law firm acting "in connivance" is not trivial and would require careful scrutiny. Before agreeing to act, I would want to understand precisely what the court found, whether the directors themselves were implicated in that conduct, and whether accepting the retainer would risk associating me or my firm with any continuation of such behaviour. I would carry out a full conflict check and risk assessment. Subject to those findings being satisfactory, I would be prepared to act, but with heightened vigilance throughout.

Question 2

No. The existence of letters from court-appointed office-holders confirming that no set-off had ever been agreed would, in my view, constitute clear and credible evidence directly contradicting the proposed defence. A solicitor must not advance a case that they know to be false, and paragraph 1.4 of the SRA Code of Conduct is explicit that a solicitor must not mislead or attempt to mislead the court. I would be obligated to advise the client that this defence cannot be pursued and to explore whether any alternative, properly arguable grounds exist. If none were available and the client persisted, I would withdraw from the matter.

Question 3

No. The ethical analysis does not change because advocacy is delegated to counsel. A solicitor who instructs a barrister to advance a position the solicitor knows to be false remains professionally responsible for that conduct. Moreover, counsel operates on the basis of the information provided by the instructing solicitor; to send counsel into court on a false brief would undermine their ability to fulfil their own duties to the court and could expose them to professional consequences through no fault of their own. I would not instruct counsel in those circumstances, and I would make clear to the client why that course of action was not open to us.

Respondent H.J.N.

Reply date: 9 Apr 2026

Question 1

I would be prepared to consider acting for the directors, subject to proper due diligence. Reputational findings and adverse judicial commentary about associated parties do not, in themselves, bar access to legal advice or representation. What matters is whether I can act honestly, independently, and in accordance with my professional obligations. I would review the judgment carefully, assess any conflict of interest, and satisfy myself that the instructions being sought are legitimate. If there were clear indications that the directors were seeking to use legal representation as a means of perpetuating dishonest conduct, I would decline. Otherwise, with appropriate safeguards and a clearly defined retainer, I would be willing to act.

Question 2

No. If I hold documentary evidence from court-appointed office-holders that is directly inconsistent with the defence the client wishes to run, I cannot advance that defence in court. My overriding duty is to the court, and I am not permitted to present a case I know to be false. I would advise the client in frank terms that the proposed defence is not one I can pursue, and I would invite them to provide any evidence they believe contradicts the office-holders' position. Absent any compelling contrary material, I would not support the set-off argument and would advise withdrawal of the proposed defence.

Question 3

No. A solicitor cannot escape responsibility for misleading the court simply by routing the argument through counsel. The duty not to mislead attaches to the conduct of the litigation as a whole, and a solicitor who knowingly instructs counsel on a false factual basis is as culpable as one who makes the false submission personally. I would refuse to instruct counsel on those terms. If the client insisted, I would have no choice but to terminate the retainer rather than become a party to what would effectively be an attempt to deceive the court.

Respondent L.T.B.

Reply date: 9 Apr 2026

Question 1

Yes, I would consider acting for the directors. It is a cornerstone of the legal system that all parties, regardless of reputation or past conduct, are entitled to competent legal representation. A solicitor who refuses to act on the sole basis of adverse publicity or judicial criticism of associated parties risks undermining that principle. However, I would ensure that proper due diligence was carried out, that no conflicts of interest existed, and that I could act with full independence. The finding that a connected law firm had acted "in connivance" would be a significant red flag, and I would want to understand its precise scope before proceeding. My retainer would be clearly defined to exclude any conduct that could draw me into a repetition of those concerns.

Question 2

No, I would not support that position. Letters from court-appointed office-holders carry significant evidential weight, and if those letters confirm that no set-off agreement was ever reached, I cannot properly advance a defence that asserts otherwise. My duty not to mislead the court is absolute and overrides the client's preferred instructions. I would advise the client clearly that this defence cannot be maintained and explore whether any other properly arguable grounds exist.

Question 3

No. The ethical position does not change by routing the argument through counsel. A solicitor who knowingly instructs a barrister to advance a false case remains responsible for that conduct, and I would not place counsel in an untenable position through no fault of their own. If the client insisted on this course, I would cease to act.

Respondent E.M.

Reply date: 9 Apr 2026

Question 1

Even though the directors and law firm connected have this reputation, they still deserve access to be represented, it just depends on their expectations and the legal representatives standings. The legal representative must not have a conflict of interest and must not let anything come between their professional duties to the court and if any are present they must not act for the directors. Similarly if the directors expect the representation to mislead or give false information to the court they must not knowingly do so and again should not act for them. More knowledge would be needed here to decide whether I would act or not.

Question 2

If there is clear evidence that what the set-off agreement is false, I would not support that position as that would mislead the court with false information which would come between my professional duty to the court and client.

Question 3

Again, with the set-off being proven to be false to begin with I would instruct counsel to not appear in court and probably to withdraw from court itself as I can not support a case that is clearly false.

Respondent I.A.

Reply date: 12 Apr 2026

Question 1

I don't think I would automatically refuse to act for the directors simply because of negative findings or criticism in the public domain. That said, I would approach the situation carefully. I would want to be sure that I could act in a way that is consistent with my professional duties, particularly honesty and independence. If I felt that acting for them would put me in a position where those duties might be compromised, I would not take it on.

Question 2

I would not feel comfortable advancing a defence based on a set-off agreement if I already had clear evidence showing that no such agreement existed. In that situation, it would be difficult to justify putting that argument before the court, and I would instead advise the client accordingly.

Question 3

I would not support instructing counsel to run that argument in court if I knew it was not supported by the evidence. My understanding is that the duty to the court must come first, and I would not want to be involved in presenting a case that could mislead. Overall, I would try to handle the situation in a way that is fair, honest, and consistent with my responsibilities.

Respondent M.M.U.

Reply date: 6 Apr 2026

Question 1

Yes, I would consider acting for the directors, provided that I am satisfied I can do so within the bounds of professional ethics and without any conflict of interest. The fact that adverse findings or criticisms exist does not, in itself, preclude representation. However, I would proceed with heightened caution, ensuring full independence, clear engagement terms, and that I am not being asked to further any improper conduct.

Question 2

No, I would not support or advance a position that I know to be factually incorrect. Where I am in possession of credible material—particularly from court-appointed office-holders—clearly negating the existence of a set-off agreement, I would advise the clients accordingly and decline to plead or argue a position that would mislead the court.

Question 3

No. I would neither instruct nor support counsel in advancing a position that I know lacks a factual basis. My duty to the court and to the administration of justice requires that I do not facilitate arguments that are misleading or unsupported by evidence. In such circumstances, I would advise the clients to reconsider their position or explore lawful alternatives.

Respondent H.F.

Reply date: 8 Apr 2026

Question 1

Yes, I could agree to act in principle. Just because someone has been publicly criticized or linked to bad behaviour doesn’t mean a lawyer can’t represent them. The legal system relies on individuals being able to secure representation irrespective of their reputation. I would, however, do careful due diligence before taking on the case. This would include looking for possible conflicts, judging how credible the clients’ position is, and weighing the risk that the representation could involve bad

behaviour in court. The key question would be whether the case could be pursued in line with professional duties to the court and ethical obligations.

Question 2

No. If I already had reliable documentary proof from court-appointed officials that there was no set-off agreement, it would be against my professional duties to use such an agreement as a defence. A lawyer cannot knowingly move forward with a case that does not have a solid factual basis or that they know is false. In that case, my job would be to tell the clients that the defence couldn't be properly pursued and that it would be inappropriate to keep relying on it.

Question 3

No. It would be improper to tell or help a lawyer make an argument that I know is not based on actual evidence. Lawyers have duties to the court that come before the client's wishes, such as being honest and having integrity. If the clients insisted on taking that position even though there was evidence against it, the best thing to do would be to refuse to make the argument and, if necessary, stop acting instead of helping them make a misleading submission to the court.

Respondent K.K.

Reply date: 13 Apr 2026

Question 1

I would, in principle, be prepared to act for the directors despite their reputation, as all clients are entitled to legal representation. However, I would do so only on the basis that I can maintain my professional independence and comply fully with my duties to the court.

Question 2

As I would already be in possession of clear evidence from court-appointed office-holders confirming that no set-off agreement had been agreed, I would not support a defence based on its existence. To do so would risk misleading the court and would be incompatible with my professional obligations.

Question 3

For the same reason, I would not instruct or support counsel to advance that position in court. If the clients insisted on pursuing a position which I know to be unsupported by the facts, I would advise them accordingly and, if necessary, cease to act.

Respondent E.M.M.

Reply date: 5 Apr 2026

Question 1

If I was aware of that background, I would approach the situation with caution. I would not automatically agree to act and would first consider my professional obligations, the available evidence, and whether I could act without compromising ethical standards or my independence.

Question 2

In that situation, I would not support a position that I knew to be unsupported by the evidence. If credible documentation from court-appointed office-holders confirmed no set-off existed, I would be unable to advance that argument and would advise the clients accordingly.

Question 3

For the same reasons, I would not instruct or support counsel to present a position in court that I knew to be inconsistent with the evidence. My duty to the court and to professional integrity would take precedence.

Respondent I.L.

Reply date: 12 Apr 2026

Question 1

I would agree to act for those directors for three reasons. The first is that the mere identification of the directors as disruptive does not mean they are disruptive as a matter of fact. The second is that, even if the directors are disruptive, this does not mean that this would impact my work, as I am a diligent and adaptable worker. Finally, the behaviour of the law firm does not necessarily imply anything about the directors themselves — a law firm can act in connivance without the knowledge of some of their clients — that they were acting in connivance does not imply that their client, the directors, had anything to do with the offenses committed.

Question 2

This question is a play on the dual obligations that a legal professional has to their client and the court. On the one hand, I would owe an obligation to the client to represent their position, and on the other I cannot lie to the court. On the particulars of their claim, it may be that they are exercising their right to a legal set off and simply do not understand their position (i.e., that set off can be performed as a result of litigation, rather than relying on contracted set off clauses). However, if we assume that what they are claiming is that they created set off rights by contracting with the claimants, I would support the position that my client holds the position that they created a set off agreement with the claimant, with the understanding that other sources hold conflicting positions. My role is one of legal advice; I would make my clients aware of the court-appointed office-holders' evidence, but if they continued to hold their position, I would represent their position — without, of course, stepping the line of misrepresentation to the court.

Question 3

I would provide counsel with all the evidence I had, both the positions of the client and the court-appointed office-holders' evidence. I would support counsel to represent the views of our client in court, in the understanding that our role is not to decide what ought or ought not to be our clients' position, but merely to represent their views, whilst maintaining our obligation of honesty to the court.

Respondent A.H.G.

Reply date: 10 Apr 2026

Question 1

Not automatically. The fact that the directors had already been identified publicly as disruptive, and that a connected law firm had been described in a High Court judgment as acting in connivance, would plainly be a serious warning sign. It would require careful scrutiny of the proposed retainer, the factual basis of any defence, and whether I could act consistently with my duties of independence and integrity. However, I would not treat prior criticism alone as an absolute bar to acting. Representation is not endorsement. I would only agree to act if I were satisfied that there was a proper basis to do so, that I was not being drawn into abusive or improper conduct, and that I could continue to exercise independent judgment throughout.

Question 2

No, not on those facts. If I were already in possession of several letters from court-appointed office-holders confirming that no set-off had ever been agreed, I could not responsibly support a positive case that such a set-off existed unless there were genuinely new, credible evidence capable of displacing that material. The proper course would be to reassess the merits, advise the clients clearly that the position was untenable on the evidence presently available, and refuse to advance it as part of the defence. I could still act only within proper limits, for example by requiring the claimant to prove its case or by advancing any other position that remained properly arguable.

Question 3

No. In those circumstances, I would not instruct or support counsel to appear in court advancing the same set-off case. If the documentary record already available contradicted that position, taking the point forward through counsel would not cure the underlying problem; it would simply risk putting an unsustainable argument before the court. My responsibility would be to prevent that from happening, not to facilitate it. If the clients insisted on pursuing that case despite the evidence, I would withdraw rather than be involved in advancing a position that lacked a proper foundation.

Respondent E.H.

Reply date: 12 Apr 2026

Question 1

I would not automatically refuse to act for the directors based solely on public criticism or reputation. Everyone is entitled to legal representation. However, before agreeing to act, I would want to review the High Court judgment and understand the context surrounding the reference to connivance. I would assess whether there were any potential conflicts of interest or professional conduct concerns that might affect the ability to act appropriately. Provided that my findings gave me confidence that representing the directors would not involve any improper conduct or conflict with professional duties, I would be open to acting for them.

Question 2

I would not. If I were already in possession of letters from court-appointed office-holders confirming that no set-off agreement existed, I could not properly support a position in court asserting that such

an agreement had been agreed. Given the weight of evidence from court-appointed office-holders, if it remained clear that no such agreement existed, my duty to the court would prevent me from advancing a position that I knew to be unsupported by the evidence. In those circumstances, I would advise the directors that I could not support that position and ensure that any defence pursued remained consistent with professional and ethical obligations.

Question 3

No. Instructing or supporting counsel to advance a position that I knew to be unsupported by the evidence would not be appropriate. Even though counsel is responsible for presenting the argument in court, instructing them to pursue a position I knew to be inaccurate would still risk misleading the court. In those circumstances, I would ensure that any instructions given to counsel reflected the evidence available and remained consistent with my professional and ethical obligations.

Respondent T.R.

Reply date: 9 Apr 2026

Question 1

In those circumstances, I would approach the matter with considerable caution. While individuals are entitled to legal representation, prior findings by the High Court—particularly references to disruptive conduct and “connivance” involving a connected firm—raise serious ethical and professional considerations. Before agreeing to act, I would need to be fully satisfied that doing so would not compromise my duties under the SRA Code of Conduct, including obligations of integrity, independence, and upholding the proper administration of justice. I would also assess the risk of being drawn into conduct that could be improper or abusive. If those concerns could not be adequately addressed, I would decline to act. If I were to proceed, it would only be on the basis of clear safeguards, strict professional boundaries, and a willingness to cease acting immediately if any issues arose.

Question 2

No. I would not support that position in court on the basis described. If I were already in possession of credible evidence such as correspondence from court-appointed office-holders confirming that no set-off agreement existed, I could not advance a defence asserting that it did. Doing so would risk misleading the court and would be inconsistent with my duties of honesty, integrity, and independence under the SRA Code of Conduct, as well as my overriding duty to the court. In those circumstances, I would advise the clients that the proposed defence is not tenable and cannot properly be pursued. If they insisted on maintaining that position, I would decline to act further.

Question 3

No. I would not instruct or support counsel to advance that position. If I am in possession of credible evidence demonstrating that no set-off agreement existed, I cannot properly put forward a case that depends on asserting the opposite. Doing so whether directly or through counsel, would risk misleading the court and would be inconsistent with my duties under the SRA Code of Conduct, as well as my overriding duty to the court. I would advise the clients accordingly and make clear that such a position cannot be pursued. If they insisted, I would cease to act rather than facilitate the advancement of a case that lacks a proper factual basis.

Respondent O.M.

Reply date: 16 Apr 2026

Question 1

Issue: Whether it is appropriate to act for directors who have been publicly criticised in a High Court judgment for disruptive conduct and “connivance.” Rule: Under the SRA Principles 2019, particularly Principles 1, 2, and 5, a solicitor may act for any client provided their duties to the court and the administration of justice are not compromised. Application: Although the directors’ prior conduct raises serious concerns, legal representation is not automatically barred. However, such findings would trigger heightened scrutiny. I would assess whether acting could risk facilitating improper conduct or undermine my professional obligations. If there is a real risk of breaching duties of integrity or misleading the court, I would decline to act. Conclusion: I may act only if satisfied that doing so would not compromise my professional duties; otherwise, I would refuse the instruction.

Question 2

Issue: Whether I can advance a defence of set-off where I possess evidence confirming no such agreement exists. Rule: The SRA Code of Conduct for Solicitors (Rules 1.4 and 2.1) prohibits misleading the court. This is reinforced by the overriding objective under the Civil Procedure Rules. The duty to the court prevails over the duty to the client, as affirmed in Arthur J S Hall & Co v Simons. Application: Given that I hold credible evidence from court-appointed office-holders disproving the existence of a set-off, advancing such a defence would amount to knowingly misleading the court. Conclusion: I would refuse to advance the defence and advise the client accordingly.

Question 3

Issue: Whether I can instruct or support counsel to argue a position I know to be false. Rule: A solicitor must not mislead the court or permit others to do so on their behalf. In Rondel v Worsley, the court emphasised that a lawyer’s overriding duty is to the court. The BSB Handbook prohibits advancing unarguable or misleading submissions. Application: Instructing counsel to advance a false set-off argument would amount to indirectly misleading the court and breaching professional duties. Conclusion: I would not instruct or support counsel to advance a false position and would withdraw from acting if necessary.

Respondent F.E.

Reply date: 7 Apr 2026

Question 1

Yes I would still act for these directors. Legal representation does not mean absolving people of wrongdoing, it means advising clients to ensure they are fairly represented in court and an equitable outcome is reached.

Question 2

I would not knowingly argue on the basis of a set-off agreement that I knew did not exist, as this would be both immoral and a breach of court rules.

Question 3

Given my response to issue 2, I would not therefore go further.

Respondent R.W.

Reply date: 6 Apr 2026

Question 1

If it was already public knowledge that the two directors had been identified as disruptive and associated with conduct that was criticised by the High Court, I would approach the situation with caution. While I believe that legal representation is an essential principle, and that everyone should be entitled to legal representation to ensure fairness, I would only agree to act if I could do so in line with both professional and ethical obligations, including but not limited to maintaining independence, integrity and not being complicit in any improper conduct. I would ensure that I carefully assess the facts, and ensure that my involvement would not risk breaching those duties.

Question 2

I personally would not support a position in court that I knew to be unsupported by evidence. If I was already in possession of clear correspondence from court-appointed officials confirming that there was in fact no set-off agreement that existed, then advancing that argument would be misleading and overall, contrary to my duty to the court. My approach would be to advise the clients honestly on the strength of their case, and encourage a lawful and credible course of action.

Question 3

Under those circumstances, I would not instruct or support counsel to advance an argument that I knew to be untrue or lacking in evidence. Doing so would breach my core professional duties, including the duty to not mislead the court. Upholding ethical standards and the integrity of the legal process would take priority, whilst also suggesting the best course of action for my clients.

Respondent S.G.

Reply date: 14 Apr 2026

Question 1

Yes, in principle, I could agree to act. Legal professionals are not endorsing their clients; they are ensuring access to representation and due process. Even if individuals have been criticised in a judgment (e.g. findings of “connivance” or disruptive conduct), that alone does not bar acting for them. However, this is not automatic. I would first consider regulatory duties (integrity, independence, not facilitating wrongdoing), conflict checks and reputational risk, whether I could maintain professional independence and not be drawn into improper conduct, and whether the client is willing to engage on a proper, lawful basis. If those safeguards could not be satisfied, I would decline or withdraw.

Question 2

No, I would not support that position. If I am already in possession of credible, authoritative evidence from court-appointed office-holders confirming that no set-off exists, then advancing a defence that relies on that set-off would likely mislead the court, breach duties of candour and integrity, and potentially amount to advancing a case with no proper factual basis. At that point, the correct course would be to advise the client that the argument is unsustainable, refuse to advance it, and if necessary cease acting if the client insists on pursuing it.

Question 3

No, definitely not. Instructing counsel to advance a position I know to be unsupported or contradicted by reliable evidence would extend the ethical breach, risk misleading the court through another advocate, and potentially expose both solicitor and counsel to serious professional consequences. You cannot instruct or outsource responsibility for an argument you know is improper. The overriding duty is to the court and the administration of justice, which places firm limits on what can be argued, regardless of client pressure or the broader context.

Respondent B.K.

Reply date: 8 Apr 2026

Question 1

I would be very reluctant to act in those circumstances. While legal representation should not be denied on the basis of reputation alone, a High Court finding of “connivance” and established disruptive conduct raise serious concerns about integrity and the risk of improper instructions. I would only consider acting after reviewing the judgment in detail and satisfying myself that I could uphold my duties to the court and maintain full professional independence. If there were any real risk of being drawn into improper conduct, I would decline to act.

Question 2

No. I would not advance a position in court that I know to be unsupported by the evidence. If I am already in possession of credible material from court-appointed office-holders confirming that no set-off agreement exists, advancing that argument would risk misleading the court and breaching my professional duties. I would advise the clients accordingly and refuse to pursue that line of defence. If they insisted, I would cease to act.

Question 3

No. I would not instruct or support counsel to advance a position that I know is unsupported by the evidence. Doing so would risk misleading the court and would be inconsistent with my professional duties. I would instead advise the clients against that course and refuse to pursue it; if they insisted, I would cease to act.