

AGUIDEFORTHEPROFESSION

DEFENDING SOLICITORS

THE FIRST 48 HOURS CHECKLIST

What to do, what not to do - and why a calm,
structured response matters.

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The First 48 Hours Checklist

[START HERE](#)

The first 48 hours

The arrival of a letter from the SRA can be unsettling, but the first rule is simple: do not panic.

Do not fire off an immediate response, make assumptions about the outcome or try to “tidy up” the evidence. Preserve all relevant documents and communications. Note every deadline carefully, and obtain specialist advice before deciding what to say.

The purpose of the first 48 hours

Use the time to gain control of the situation, protect the evidence and make a considered plan.

First establish exactly what you have received

Read the letter carefully from beginning to end. Do not assume that every communication from the SRA is a formal allegation or that disciplinary proceedings are inevitable.

- Who is the letter addressed to: you, the firm or both?
- Is the SRA making an initial enquiry, investigating a complaint or requiring information under a formal power?
- What conduct or events appear to be under consideration?
- What documents, explanations or other information have been requested?
- What is the deadline for responding?
- Does the letter require an immediate acknowledgement?
- Does it contain restrictions on disclosure or other specific directions?
- Are any clients, client funds or current matters potentially at risk?

Record the date and time the letter was received. Keep the original email, letter, envelope and attachments together. If it arrived electronically, preserve the email in its original form rather than relying only on a printed copy.

Verify before acting

If there is any doubt about whether the communication is genuine, verify it using independently obtained SRA contact details before opening links, downloading files or supplying information.

The First 48 Hours Checklist

HOURS 0-24

What to do during the first 24 hours

1**Record the deadline**

Enter every deadline in your diary and case-management system. Arrange reminders well before the final date. Do not assume that an extension will be granted. If the time allowed is genuinely insufficient, consider requesting an extension promptly and explain why it is needed. An extension should be confirmed in writing.

2**Preserve the evidence**

Take immediate steps to preserve potentially relevant material. Depending on the issues, this may include:

- Client files and attendance notes
- Emails, attachments, text messages and messaging applications
- Accounts records, bank statements and time-recording information
- Telephone records, file-access records and audit logs
- Complaints, supervision and training records
- Electronic documents, earlier versions and relevant information held by third-party providers

Suspend any routine deletion or destruction process that might affect relevant material. Preservation does not mean gathering every document immediately. It means ensuring that potentially relevant evidence remains available and unaltered while the scope of the matter is assessed.

3**Tell the appropriate people**

If you work within a firm, consider informing the COLP, COFA or another appropriate senior person without delay. Who needs to be told will depend on the subject matter of the letter.

Keep circulation controlled. Information should ordinarily be shared only with those who need it to protect clients, comply with regulatory obligations, preserve evidence or obtain advice.

Consider separate representation

If the interests of the firm, its managers and an individual solicitor may differ, separate representation may be necessary. Do not assume that a lawyer instructed by the firm also represents you personally.

The First 48 Hours Checklist

HOURS 0-24

Complete the first-day actions

4**Check notification obligations**

Consider whether the circumstances engage any separate obligation to notify the firm's professional indemnity insurer, a cyber insurer, another regulator, the Information Commissioner's Office, a lender or panel, a contractual counterparty, a client, or the SRA by way of a separate self-report.

The existence and timing of any obligation will depend on the facts. Check the relevant policy terms, regulatory provisions and contracts before deciding what must be reported.

5**Obtain specialist advice**

Early advice can prevent avoidable mistakes. A regulatory investigation is not simply another piece of correspondence to be answered in the ordinary course of business.

An adviser can help identify the nature of the enquiry, understand the SRA's powers, define the evidence, consider privilege and confidentiality, assess reporting obligations, seek an extension, plan the response and address immediate risks to clients. Seeking advice is not an admission that misconduct occurred.

HOURS 24-48

What to do during the second 24 hours

6**Prepare a preliminary chronology**

Create a factual timeline using the documents currently available. Record what happened, when it happened, who was involved and where the supporting material can be found.

Distinguish between facts supported by contemporaneous documents, matters recalled from memory, information supplied by somebody else, and assumptions that still need to be checked. Do not fill gaps with speculation.

New notes must be transparent

If you make a new note of your recollection, date it accurately and make clear that it was prepared after receipt of the SRA's letter. Never present a newly created document as a contemporaneous record.

The First 48 Hours Checklist

HOURS 24-48

Assess, protect and plan

7**Identify the immediate risks**

Ask whether anything needs to be done now to protect clients or the public. For example:

- Is client money missing or at risk?
- Is an important client or court deadline approaching?
- Is inaccurate information still being relied upon?
- Is a problematic practice continuing?
- Does access to a file, account or system need to be restricted?
- Does a client need urgent independent advice?
- Is remedial action required?

Necessary protective action should not be postponed merely because an investigation has begun. However, make sure that remedial steps are properly considered, documented and do not alter or obscure the evidence.

8**Plan the response**

Before drafting a substantive reply, identify:

- Each question asked by the SRA and the evidence relevant to it
- Information that is not presently available
- Confidentiality or privilege issues
- Any factual dispute and remedial action already taken
- Further investigation required
- Who has authority to approve the response

The standard to aim for

A good response is accurate, structured and supported by the relevant documents. It should answer the questions asked without becoming defensive, speculative or unnecessarily argumentative.

The First 48 Hours Checklist

AVOIDABLE MISTAKES

What not to do

- ✗ **Do not send an immediate emotional response**

A reply written while frightened, angry or embarrassed can create new problems. An acknowledgement may be appropriate, but a substantive response should normally follow a proper review of the facts.
- ✗ **Do not ignore the letter**

Silence will not make the matter disappear. The SRA expects regulated individuals and firms to cooperate and respond promptly. If you cannot meet a deadline, address that issue before it expires.
- ✗ **Do not delete, amend or tidy up records**

Do not rewrite attendance notes, amend file records, delete messages or replace documents with cleaner versions. Do not backdate anything. Preserve the original and provide any explanation separately.
- ✗ **Do not try to coordinate accounts**

Do not ask colleagues, clients or witnesses to agree what happened. It may be necessary to obtain factual information, but this should be done carefully and without suggesting the answer.
- ✗ **Do not speculate**

If you do not know something, say that it is being checked. An accurate statement that further enquiries are required is better than a confident answer that later proves wrong.
- ✗ **Do not circulate the letter widely**

Unnecessary circulation can compromise confidentiality and make the investigation harder to manage. Establish a small response team and keep a record of important decisions.
- ✗ **Do not assume everyone has the same interests**

The firm, its managers, compliance officers, employees and former employees may have different positions. Potential conflicts should be identified early.
- ✗ **Do not make public comments**

Avoid discussing the investigation on social media or with people who do not need to know. Public statements may later be examined as evidence.
- ✗ **Do not neglect your health**

Regulatory correspondence can cause significant anxiety. Speak to someone you trust and obtain professional support if necessary. Looking after your health can help you make better decisions.

The First 48 Hours Checklist

PULL-OUT CHECKLIST

Your 48-hour checklist

Work through each action methodically. Tick an item only when it has been completed or consciously addressed.

DONE	ACTION
☐	Verify the communication and preserve the original
☐	Record every deadline and set reminders
☐	Preserve potentially relevant evidence
☐	Suspend relevant deletion processes
☐	Inform the appropriate compliance or senior personnel
☐	Consider possible conflicts of interest
☐	Check insurance and other notification requirements
☐	Obtain or arrange specialist advice
☐	Prepare a preliminary chronology
☐	Identify immediate risks to clients or the public
☐	Decide whether an acknowledgement or extension request is needed
☐	Create a written plan for the substantive response
☐	Record the decisions made and the reasons for them

Keep a decision record

Record not only what was decided, but who decided it, when, and the reasons. This helps preserve a clear audit trail as the matter develops.

The First 48 Hours Checklist

RESPOND CAREFULLY

A suggested acknowledgement

Where an immediate substantive response is neither required nor appropriate, a short acknowledgement might say:

Thank you for your letter dated [date], received on [date]. I am reviewing the matters raised and taking advice. I have noted the response deadline of [date]. I will respond substantively within that period. If I identify any difficulty in doing so, I will contact you promptly.

This wording is only an example. The appropriate response will depend on the nature of the communication and any formal requirement it contains.

The regulatory position

The SRA Code of Conduct requires solicitors to cooperate with the regulator and respond promptly with full and accurate explanations, information and documents. It also contains obligations to report matters that are reasonably believed to be capable of amounting to a serious regulatory breach.

Promptly does not mean impulsively

The objective is to act without avoidable delay while ensuring that anything supplied to the SRA is accurate, properly considered and complete.

Whether a separate report is required can involve a difficult assessment. The reporting question should therefore be addressed at the outset rather than left until the substantive response is ready.

The First 48 Hours Checklist

KEEP PERSPECTIVE

Finally, do not panic

An SRA letter is serious, but it is not a finding of misconduct. It is the beginning, or sometimes the continuation, of a process.

“The quality of the early decisions matters. Preserve the evidence, understand what is being asked, protect clients, take advice and respond carefully.”

Panic encourages haste. A calm and structured approach puts you in the best position to deal with what follows.

Official sources

- [SRA Code of Conduct for Solicitors](#)
- [SRA Code of Conduct for Firms](#)
- [SRA information on solicitors reporting themselves](#)

Important information

This resource provides general information only. It is not legal advice and should not be relied upon as a substitute for advice on the particular facts of a case. Regulatory rules and procedures may change. Check the current requirements and obtain specialist advice where appropriate.

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