UK Government

ACE GOVERNANCE & INTEGRITY
Anti-Corruption Evidence Research Programme

UNIVERSITY OF SUSSEX | CSC CENTRE FOR THE STUDY OF CORRUPTION

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Gatekeepers, Enablers or Technicians?

The contested role of lawyers as facilitators of kleptocracy and grand corruption

March 2025

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Spotlight on Corruption is registered as a charitable company.

Charity Number (England and Wales) 1185872.

This research is part of the Governance & Integrity Anti-Corruption Evidence (GI ACE) programme which generates actionable evidence that policymakers, practitioners and advocates can use to design and implement more effective anti-corruption initiatives. GI ACE is funded by the UK Foreign, Commonwealth & Development Office (FCDO). The views expressed in this report do not necessarily reflect the UK Government's official policies.

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This report presents the findings of inter-disciplinary academic research that explores the contested role of lawyers in relation to kleptocracy, state capture and grand corruption. Focusing on the role of solicitors in England and Wales, the research analyses the different narratives used to criticise and defend lawyers and law firms who act for the beneficiaries of kleptocratic wealth.

Conducted under the Anti-Corruption Evidence Programme, the project situates this lively debate about the role of lawyers as *"professional enablers"* on a sound evidential basis. The research involved a review of recent academic scholarship on transnational kleptocracy and legal ethics, semi-structured interviews with 28 experts (mainly lawyers), an analysis of 1,596 public comments posted in response to ten relevant media articles, and a review of the professional codes of conduct of 20 UK law firms.

While the full academic paper will be published in due course, this report highlights the key research findings and draws out relevant insights for policymakers, regulators and the legal profession. It explores how the services of UK lawyers can be used to facilitate and legitimise the global flow of corrupt capital, exposes the regulatory gaps in the UK's defences against this dirty money, and unpacks the most common arguments and counter-arguments in debates about whether lawyers should take on work which is *"lawful but awful"*.

Particular attention is given to the perspectives of lawyers themselves, to understand how they position and perceive their own role in relation to kleptocracy, state capture and grand corruption. This not only reveals the ethical faultlines that divide opinion, but also points to powerful drivers of decision-making by law firms that help explain the shifting "ethics" of the legal profession in relation to clients with kleptocratic wealth.

Key findings

1. Transnational kleptocracy and grand corruption are sustained by global networks of professionals upon which corrupt elites rely to transfer and access their dirty money overseas. Lawyers often play a **keystone role within the global architecture of enabler networks**, offering a valuable suite of professional services and lending special credibility to transactions.

2. The Anti-Money Laundering (AML) regime is a vital safeguard against illicit finance, but its narrow focus on criminal activity means it does not adequately capture the proceeds of kleptocracy, state capture and grand corruption. This leaves a **major regulatory gap** in the UK's defences against dirty money, currently filled by the choices that lawyers and law firms make in accepting or refusing this work.

3. The contestation over labels – *"enabler"*, *"gatekeeper"* or *"technician"* – reflects **deep-seated differences in opinion** about the role and responsibility of lawyers when acting for the beneficiaries of kleptocracy, state capture and grand corruption. The interviews revealed four distinct perspectives among legal professionals:

    a. **Reformers** approach the issues with a clear moral framing, and consider there to be a problem that requires attention from policymakers, regulators and the legal profession itself.
    b. **Engaged sceptics** engage deeply with the moral debate and acknowledge the ethical complexities of client selection, but remain cautious about the unintended consequences of regulatory interventions.
    c. **Minimalists** default to the standard conception which sets legality as the boundary for decision-making and dismiss broader moral responsibility while stopping short of defending the status quo.
    d. **Defenders** not only reject the notion that there is a problem to be addressed but consider criticisms about the ethics of client selection to be misplaced and a threat to the rule of law.

4. The five most common arguments and counter-arguments advanced to defend or criticise lawyers reveal **key ethical faultlines** that policymakers and regulators must navigate when grappling with the role of UK lawyers in facilitating global illicit financial flows:

    a. **Law as a business vs law as a public profession:** Lawyers compete for business in a commercialised and globalised market, but they are no ordinary market participants because as members of a public profession they have a primary duty to serve the public interest.
    b. **Client interest vs public interest:** A lawyer's professional duty to act in their client's best interests may come into conflict with (overriding) professional duties that safeguard the wider public interest, with an urgent need for guidance on how lawyers should manage these conflicts.

c. **Right to representation vs client selection:** Access to justice and the right to representation are fundamental principles that must be protected to uphold the rule of law, but they are often selectively applied or misapplied for commercial reasons in a way that ultimately services the interests of corrupt elites who have enriched themselves in contexts that ignore the rule of law.
d. **Neutral technician vs moral agent**: Some lawyers see themselves as neutral practitioners who advance their client's interests within the parameters of the law, but this view can allow them to turn a blind eye to how their specialised services can be used to exploit regulatory loopholes and legitimise corrupt capital.
e. **Individual accountability vs collective responsibility:** The accountability gap between the choices of individual lawyers and law firms and the broader social impact of the legal profession undermines coordinated efforts to tackle the profession's role in relation to kleptocratic wealth.

5. Several key drivers of decision-making around client selection help explain the **shifting *"ethics"*** of the legal profession in relation to kleptocratic wealth:

a. **Firm culture** is increasingly shaped by commercial interests, with ethical considerations often treated as questions of AML compliance rather than embedded in firm culture.
b. **Geopolitical developments** can prompt reactive and selective *"de-risking"* by firms in relation to some clients with kleptocratic wealth, such as the Russian oligarchs, while applying a double standard to other high-risk work.
c. **Reputational interests** of law firms are often used as a proxy for ethical considerations, with the substantive problem of *"professional enabling"* recast as a reputational problem to be mitigated, managed or even marketed.

Policy observations

There are a range of potential strategies for addressing the regulatory gaps and ethical complexities around the role of lawyers in relation to kleptocracy, state capture and grand corruption – including legislative reform, regulatory interventions, and initiatives to drive norm-based culture change.

In considering what strategy – or combination of strategies – might be the most effective:

1. Understanding the contestation both within and outside the profession is important for identifying the sticking points in debate, building consensus for reforms, and ensuring any measures are fit for purpose.
2. The success of measures will depend on their ability to spur profession-wide changes, given the risk that isolated initiatives will simply displace *"lawful but awful"* work to other firms.
3. There is a need for practical guidance and training to help lawyers navigate conflicts between their client's interests and the public interest in a principled, consistent way.
4. Law firms offer a key entry point for driving norm-based change in the profession, particularly to ensure firm culture reinforces professional ethics guidance and training as younger lawyers enter the profession.

Introduction

With growing recognition of how international financial centres like London serve as hubs and safe havens for *"dirty money"*, attention has turned to the professionals that operate as key nodes in the global networks that sustain transnational kleptocracy, state capture and grand corruption.

The legal profession has featured prominently in these debates. This is not only due to the increasingly extensive nature and range of services offered by lawyers, but also because their characterisation as *"enablers"* of kleptocracy and corruption stands in tension with the idea that they serve as guardians of the rule of law and fundamental rights.

The competing interpretations of the role of lawyers in acting for the beneficiaries of kleptocracy, state capture and grand corruption are reflected in the contestation around terminology. While the term *"enabler"* has gained traction among campaigners, journalists and policymakers, there is strong resistance to this label within the legal profession. Many lawyers consider it to be provocative and pejorative, preferring the more neutral term of *"gatekeeper"* while others see themselves as *"technicians"*.

This report explores the different narratives used to criticise and defend lawyers who act for the beneficiaries of kleptocracy and grand corruption. Particular attention is given to the perspectives of lawyers themselves, and the arguments commonly relied on to rationalise, contest or rebut different framings of their role. This not only highlights the disconnect between how lawyers perceive their own role and how external stakeholders view their activities, but also reveals the differing perspectives within the profession itself.

Data sources

The research has drawn on a mixed methods approach to develop this multi-dimensional understanding of the role of lawyers:

- A literature review that brings together interdisciplinary academic scholarship on legal ethics and transnational kleptocracy;
- 28 semi-structured interviews with solicitors, legal academics and other key stakeholders between October 2022 and December 2024;
- An analysis of 1,596 public comments posted in response to 10 relevant media articles;
- A review of professional codes of conduct of 20 UK law firms to analyse their statements on values and ethics.

While referring to *"lawyers"* and *"law firms"* in general terms, the focus of this project is on solicitors in England and Wales given their central role in the kinds of transactions and services that lie at the heart of debates about professional enablers. Their freedom to accept or turn away clients brings these ethical complexities into sharper focus, without the constraints of the *"cab rank rule"* that

applies to barristers. By unpacking how solicitors and firms navigate client choice, this report reveals the major ethical faultlines in debates about the role of lawyers in relation to kleptocracy, state capture and grand corruption.

Mind the regulatory gap: lawyers and the global flow of corrupt capital

A prominent theme of academic research over the last decade has drawn attention to the transnational dimension of grand corruption, state capture and kleptocracy.[1] Corrupt elites do not simply accumulate corrupt capital within national borders, but also rely on global networks to transfer and access this wealth overseas.[2] These networks include both *"upstream enablers"* – smaller, mainly local firms or *"fixers"* who initiate the laundering process – as well as *"downstream enablers"* – larger, more reputable firms, often but not always located in the destination country of the corrupt capital, that later lend legitimacy to these cross-border transactions when wealth is spent.[3]

This layered understanding of enabler networks underscores the complicity of a range of professionals at different stages of illicit financial flows. While lawyers in the UK may operate *"downstream"* at some distance from the original acts of kleptocracy, state capture and grand corruption, they are not neutral facilitators but active participants within a globalised network of professional services. Seen in context, their role extends beyond passive compliance with legal frameworks as they actively shape and legitimise financial flows.

Why are lawyers at high risk of enabling illicit financial flows?

Lawyers often play a keystone role within the global architecture of enabler networks, particularly in structuring transactions and legitimising illicit financial flows.[4] They can buy property, manage money, operate bank accounts, set up trusts and companies and serve key roles in them, and help buy and sell businesses. Conveyancing and trust and company service provision are identified in the UK's National Risk Assessment of Money Laundering and Terrorist Financing as particular vulnerabilities that place lawyers at high risk for money laundering.[5]

The kinds of services that place law firms at risk of enabling corrupt capital extend beyond the risky work that features prominently in stories of high-end money laundering, such as purchasing luxury real estate or setting up offshore trusts. Boutique law firms can offer oligarchs a one-stop shop for everything from divorces to reputation management services. Meanwhile City law firms who specialise in commercial transactional work may also perform more high-profile, high-risk work, such as supporting corruptly privatised state-owned enterprises looking to merge or acquire a small company, list on the London Stock Exchange, issue bonds or structure loans. This commercial work may have a legitimising effect where legitimate and illegitimate business interests are mixed.

In addition to this valuable suite of services, lawyers bring distinctive advantages that other professionals cannot offer. Trusted by the public to interpret and apply the law, as well as to act as guardians of the rule of law, lawyers enjoy a special status which presumes the integrity and credibility of their services. As the Financial Action Task Force (FATF) explains, the involvement of lawyers gives the underlying transactions *"an air of legitimacy"*.[6] Added to this are the more concrete protections of legal privilege and client confidentiality which help shield the underlying activities from scrutiny.

Why does kleptocratic wealth evade AML systems?

The anti-money laundering (AML) regime aims to ensure professionals are not exploited to facilitate money laundering but rather help prevent, detect and report financial crime. In the UK, lawyers engaged in certain high-risk activities are legally obliged to do due diligence on clients and their transactions, which may include enhanced checks on the source of funds and source of wealth in relation to Politically Exposed Persons (PEPs) from kleptocratic regimes.

Despite the strengthening of the global AML regime over the last 20 years, transnational kleptocracy and grand corruption continue to thrive and the proceeds flow largely unhindered through the world's financial centres.[7] One reason for this is that AML regulation only targets illicit funds that originate from criminal activity. While this may cover some corruption offences, it does not address the much bigger problem of kleptocracy and grand corruption. Particularly in contexts of state capture, the ruling elite need not resort to the outright theft of public funds where laws have been shaped to serve their interests.

This means that the proceeds of kleptocracy and grand corruption often evade AML systems because there is no underlying crime in the country of origin linked to the enrichment of those in power. Even where there is underlying criminality, it may be unprovable because evidence is unlikely to exist –

Examples of how kleptocratic wealth evades the AML regime

Source of wealth	Underlying criminality?	Provable?	Legal services sought in the UK	Detected through AML checks?
Businessman secured public contracts after paying cash bribes to cabinet ministers and law enforcement officials in an African country	Yes	Unlikely –evidence of bribery difficult to obtain, while local law enforcement is compromised	Businessman seeks to purchase properties in London	Unlikely – source of wealth and source of funds are explained by government contracts
Chairman of state-owned bank in central Asia embezzled funds from the bank	Yes	Unlikely – unless or until the chairman falls out with the regime	Chairman seeks advice about operating a bank in the UK	Unlikely – legal advice is not within scope of AML regulation
Russian oligarch acquired controlling stake of state-owned oil company through loans-for-shares privatisation programme	No (or at least later legitimised)	No – evidence of historic corruption impossible to obtain	Oligarch wants to sue a journalist for libel in the UK	No – litigation is not within scope of AML regulation
The daughter of an African dictator was granted a lucrative state infrastructure project by presidential decree	No	N/A	Daughter wants to register a company in the BVI	No – AML checks are limited to criminality

let alone be credible and accessible to lawyers or enforcement agencies in the UK. These evidential difficulties are made more complex by the fact that in many cases, corrupt elites point to legitimate business interests to explain kleptocratic wealth where illicit funds are co-mingled with licit funds.

It is perfectly possible, for example, that a UK-based lawyer doing comprehensive AML checks on a foreign Politically Exposed Person (PEP) seeking to buy a luxury London property using the profits from a lucrative state contract in a kleptocratic regime will find no evidence of criminality and no grounds to suspect money laundering. On the contrary, the PEP may well offer documentary evidence showing the contract was lawfully awarded through an official process that included sign-off at the highest levels of state power. Their kleptocratic wealth is illicit, but not necessarily illegal.[8]

A regulatory gap and an ethical blind spot

The AML regime is a vital safeguard against illicit finance and provides a rich vein of intelligence for law enforcement, but it leaves a major gap in the UK's defences against dirty money. Its narrow focus on criminality and criminal assets means that lawyers are free to facilitate and legitimise the flow of corrupt capital while staying within the bounds of the law.

This gap is even more obvious on the reputational side of *"downstream"* enabling – where lawyers may not directly facilitate illicit financial flows but provide services which *"indulge"* or legitimise the power structures that sustain kleptocracy and grand corruption.[9] This includes a range of reputation laundering tactics, from online reputation management, setting up philanthropic foundations and donating to political parties, to the use of lawfare tactics which aim to silence critics, often referred to as Strategic Lawsuits Against Public Participation (SLAPPs).[10]

While compliance with the legal requirements of the AML regime remains essential, this regulatory gap underscores the ethical choices that lawyers have to make about providing services to clients who are the beneficiaries of kleptocracy and grand corruption.

Yet somewhat ironically, the fact that the AML regime imposes clear legal obligations on lawyers leaves them with an ethical blind spot about the implications of acting for clients in the grey area of kleptocracy and grand corruption. The risks of kleptocratic wealth are largely assessed through the lens of AML compliance rather than professional ethics.

This reflects a broader tendency towards *"ethical minimalism"* among lawyers who view legality as the primary benchmark for professional conduct rather than broader moral considerations.[11] The approach also aligns with an understanding that the role of a lawyer requires the zealous advocacy of their client's interests within the constraints of the law while remaining neutral about – and unaccountable for – the morality of their client's goals.

This position has come under challenge from both those within the profession and those outside it, sparked by a range of ethical concerns relating to kleptocratic wealth, environmental harms and human rights issues.[12] Recent academic research has exposed how lawyers often claim they act consistently about client and matter onboarding while in practice they draw their own personal, highly individualised moral redlines – effectively saying, *"I would do anything for my clients but I won't do that"*.[13] For example, a lawyer might defend their decision to act for oil and gas companies while at the same time refuse to act for a tobacco company. Meanwhile other academic research has highlighted the need to look beyond individual accountability to promote greater collective responsibility of the legal profession in upholding ethical standards.[14]

With mounting evidence that legal services are instrumental in laundering corrupt capital, there is heightened debate about how lawyers and law firms should navigate the ethical dilemma of acting for corrupt elites when this may be *"lawful but awful"*.[15]

Competing narratives in public debate

To identify the most common arguments and counter-arguments in public debates about the role of lawyers, this project analysed the comments posted beneath media articles about lawyers as *"professional enablers"*.

The 10 articles were published between 2016 and 2023 in the *Financial Times* (5), *Law Society Gazette* (3), *The Guardian* (1) and *New York Times* (1).[16] Just over half (6) of the articles pre-dated Russia's full-scale invasion of Ukraine in February 2022, which prompted increased scrutiny – and lively debate – about the ethics of representing the beneficiaries of kleptocracy.

The 1,591 comments posted in response to these articles were coded using 21 indicators based on (a) whether they were broadly defending or criticising the profession; and (b) which category of argument was being used. Roughly a quarter of the comments were excluded from the sample because they were irrelevant to the debate.

Category	Number of comments	% of valid comments (i.e. excluding discarded comments)
Defence of lawyers	263	28.2%
Critical of lawyers	647	69.3%
Neutral	23	2.5%
Sub-Total	933	100%
Discarded (comment not relevant)	663	n/a
Total	**1596**	**100%**

Importantly, the results of this exercise cannot be taken as representative of public opinion on these issues. The evidence is based on a small selection of articles, most of which took an editorial line that was broadly critical of the legal profession. Meanwhile the responses are limited to people who read these articles and chose to publish their views. This is likely to be people with particularly strong opinions – one way or another – and may include a disproportionate number of lawyers, particularly in response to the three articles in the specialist *Law Society Gazette*.

Principal arguments and counter-arguments

While this sample bias means these views may not be representative of public opinion, the comments crystallise the main themes that feature in public debate about the issue. These same themes were identified through the literature review and interviews undertaken for this project.

Taking these sources together, it is possible to discern the following principal arguments (or default justifications) that are advanced in defending the role of lawyers in acting for the beneficiaries of kleptocrats and grand corruption, and the counter-arguments which challenge this position.

Defending / Supporting (Converted to a score out of 10)	Total scores (out of 50) 17	33	Opposing / Criticising (Converted to a score out of 10)
Law firms are businesses: Law firms should be expected to make rational business decisions and not to be arbiters of ethics.	1	9	**The legal profession should be held to a higher standard than ordinary businesses:** Lawyers operate under professional codes that should be reconciled with, not subordinated to, commercial considerations.
The role of a lawyer is to act in the best interests of their client: A lawyer has a professional duty to act in the best interests of their client and should not be associated with the client or their alleged wrongdoing.	5	5	**The public interest should at times be prioritised over client interest:** A lawyer also has professional duties that safeguard the public interest and these should take priority where there is a conflict with a client's interest.
Everyone has the right to representation and access to justice: Upholding the rule of law means that every person, whatever their background, wealth or crime, has a right to access justice and be represented by a lawyer.	3	7	**The right to representation does not extend to all legal services:** The right to representation only applies to criminal defence, and does not extend to commercial advice or transactions.
Lawyers are technicians: Lawyers do not make the law but are simply neutral practitioners responsible for implementing laws made by others.	2	8	**Lawyers have agency:** Lawyers have professional duties which place them in a position of being ethical arbiters of their own actions and not simply technicians.
Individual lawyers cannot solve a collective action problem across the profession: If we as a law firm do not act for these clients then another firm will take on the business, so we might as well do it ourselves.	6	4	**Lawyers have a duty to protect the wider reputation of the profession:** Firms should act both to protect their own reputations and to uphold public trust and confidence in the profession.

A breakdown of views in public debates

An analysis of the comments reveals some striking features:

- By far, the largest number of comments (320) focused on whether law firms are businesses like any other, or whether they should be held to a higher standard than ordinary businesses. This issue also generated the highest proportion of critical responses (277) about the profession, which suggests concern that the commercial interests of law firms may cloud ethical judgments.

- The second largest (176) – and most finely balanced – category of arguments turned on access to justice and the right to representation. There was a roughly 50-50 split between those who think lawyers should represent clients without question (akin to the cab rank rule for barristers), and those who felt law firms should be making choices about who they act for. While justifications around access to justice and the right to representation may have gone largely unquestioned in the past, this issue is now clearly a flashpoint for disagreement.

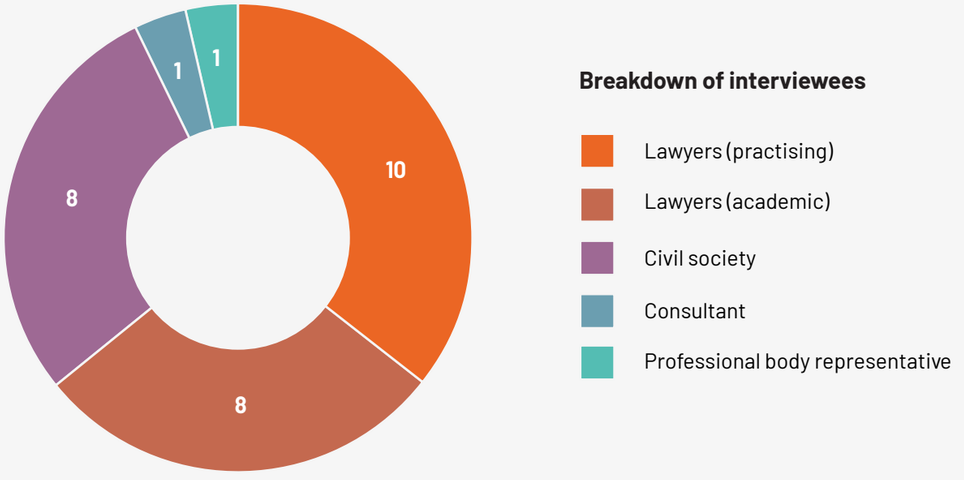
- There is strong scepticism of the view (reflected in 33 comments) that lawyers are merely technicians who should pursue their client's interests without considering the public interest. Commentators pushing back against this view (67) pointed to the professional duties that lawyers have to uphold the rule of law and to consider the wider public interest before acting.

- Almost a quarter (228) of comments fell into the *"other"* category which suggests there is a range of views beyond these five categories of the most common arguments.

Contrasting perspectives within the legal profession

To explore how these ethical debates about the role of lawyers play out in practice, a series of semi-structured interviews was carried out with 28 experts between 2022 and 2024. The majority of interviewees were lawyers, either practising or engaged in academic research, so that different narratives within the legal profession could be teased out.

The interviews revealed four distinct perspectives about how lawyers perceive and position their role in relation to kleptocracy, state capture and grand corruption. These perspectives are reflected in the typology of lawyers represented below – reformers, engaged sceptics, minimalists, and defenders.



"The legal profession cannot continue to pretend it has no responsibility for the broader consequences of its actions."

"If we fail to self-regulate, external intervention is inevitable."

REFORMERS

Advocate for reform, stricter regulations, and professional accountability.

Key arguments

Lawyers should be proactive in preventing illicit finance | The legal profession needs to self-regulate to avoid external intervention | Ethical considerations must take precedence over business interests

Contextual factors & justification

Often from academia, compliance, or investigative backgrounds | Tend to have experience with AML frameworks or legal ethics reform. | Concerned about reputational risks to the profession

"We need clearer standards, but moral policing can be dangerous—it's hard to draw the line."

"There is a risk of overcorrection, making lawyers afraid to take on certain clients even when they are legally permissible."

ENGAGED SKEPTICS

Acknowledge ethical concerns but remain cautious about regulatory overreach.

Key arguments

Lawyers should have ethical guidelines, but moral policing is problematic | Unclear where to draw the line between legality and morality | Overregulation could undermine legal independence.

Contextual factors & justification

Often partners in firms dealing with high-net-worth clients | Concerned about potential loss of competitive edge | Believe in the autonomy of the legal profession but recognise risks of kleptocracy

"Our job is to provide legal services, not to make moral judgments about our clients."

"If it's legal, it's acceptable—that's the only principle that matters."

MINIMALISTS

Maintain that legality, not morality, should define a lawyer's role.

Key arguments

If something is legal, it is permissible | Lawyers do not make laws; they implement them | Client confidentiality and rights must be upheld regardless of reputation

Contextual factors & justification

Usually senior figures in corporate law firms | May specialise in financial services, offshore structuring, or tax law | View legal ethics as procedural rather than substantive

"This entire debate is overblown—lawyers do not enable kleptocracy, they simply work within the legal system."

"There is a witch hunt against lawyers, and it's dangerous for the rule of law."

DEFENDERS

Reject the notion that lawyers enable kleptocracy and consider criticisms misplaced or exaggerated.

Key arguments

Lawyers are unfairly scapegoated for broader systemic issues | The attack on the profession is politically motivated | Representation is a fundamental principle that should not be compromised

Contextual factors & justification

Often come from litigation or defence backgrounds | Strong defenders of client privilege and access to legal representation | Tend to dismiss regulatory scrutiny as excessive government interference

Ethical faultlines in debates about the role of lawyers

The expert interviews and public comments reveal several key tensions that underpin the role of lawyers in acting for the beneficiaries of kleptocracy and grand corruption. These ethical faultlines not only help explain the contrasting narratives which defend or criticise lawyers, but also point to the key issues that policymakers and regulators must navigate when grappling with the role of UK lawyers in facilitating global illicit financial flows.

Law as a business vs law as a public profession

The first ethical faultline relates to the debate that dominated public comments posted in response to the media articles – namely whether law firms are businesses like any other, or whether they should be held to a higher standard than ordinary businesses.

The most common criticism of lawyers – generating more comments (277) than the other four main categories of critical arguments combined (238) – raised concerns that client selection is motivated by financial self-interest rather than being shaped by professional standards that serve the public interest. This reflects a widespread perception that the commercialisation of law firms has influenced the way that the legal profession engages (or fails to engage) in ethical decision-making.

The commercialisation of the legal profession

While the commercialisation of the legal profession has been over a century in the making, the pace and scale of change over the last 15 years has been profound.

- The annual turnover from UK legal services has more than doubled over this period, increasing from £24.4 billion in 2009 to £51.9 billion in 2024.[17]
- The UK is the largest legal services market in Europe and second only to the US globally.[18]
- All the world's top 50 law firms have offices in London, while over 200 foreign law firms from around 40 jurisdictions have set up offices in the City.[19]
- 13% of law firms in England and Wales now operate as Alternative Business Structures, a business model which allows law firms to be owned and managed by non-lawyers.[20]
- The 'Big Four' accounting firms (Deloitte, EY, KPMG and PwC) now compete with some of the world's largest law firms in terms of lawyer headcount.[21]
- Major transatlantic mergers between US and UK firms over the last decade have accelerated the rise of multinational law firms who each hire thousands of lawyers in dozens of countries and generate billions a year in global revenues.[22]

The result of this commercialisation is that, like any business, law firms are affected by market pressures and compete for clientele and talented recruits. Lawyers are crucial levers of big business and they are incentivised and remunerated accordingly. This commercial competition has only intensified with the rise of the 'mega law firm' and the increasing presence of high-paying, more profitable US firms in the London market.[23]

But lawyers are not ordinary market participants – they are also members of a public profession. The privileged status that comes with membership of the legal profession is conferred on behalf of the public with the expectation that lawyers will act in ways that secure the public interest: *"In short, it is the essence of a public profession that its members have obligations to the public from whom they ultimately derive the legitimacy and licence to practise as professionals".*[24]

While this reciprocity is often left implicit in regulatory frameworks governing the legal profession, the Legal Services Act 2007 expressly sets *"protecting and promoting the public interest"* as a regulatory objective for the UK legal profession.[25] Of course, many of the other regulatory objectives ultimately serve the public interest, including *"promoting competition in the provision of legal services".*[26] But the significance of an explicit recognition of the profession's public interest role is that regulation engages values beyond simply addressing market failures.[27]

In articulating what it means for the public interest to serve as a moral compass for the profession, Stephen Mayson has developed the following definition:

> *"The public interest concerns objectives and actions for the collective benefit and good of current and future citizens in achieving and maintaining those fundamentals of society that are regarded by them as essential to their common security and well-being, and to their legitimate participation in society."* [28]

The challenge for policymakers, particularly in a context where the legal industry offers potential to contribute to economic growth, is to ensure that the commercial interests of law firms are aligned – rather than competing – with the public interest. This rests on a recognition that corruption and kleptocracy threaten the UK's economic security, while strengthening the integrity of the UK as a clean financial centre will help achieve sustainable economic growth.

Client interests vs public interest

A second – and closely related – battleground in debates turns on how the duties that a lawyer owes to their client fit with the wider public interest. The Solicitors Regulation Authority's (SRA) set of seven Principles that comprise the fundamental tenets of ethical behaviour expected from lawyers includes a professional duty to act *"in the best interests of each client"*. This Principle finds its strongest expression in the view that the primary role of a lawyer is to zealously advocate for their client's interests within the bounds of the law.

Yet this Principle does not take precedence over other SRA Principles – it is one among seven that together form the overarching framework for professional ethics. More significantly, it may well run

into conflict with other Principles, such as the professional duties to act with honesty, integrity and independence, and in a way that upholds the rule of law and public trust and confidence in the profession.

The SRA recognises that these kinds of ethical conflicts may arise, explaining in its introduction to the Principles that in such cases there is an overriding commitment to protect the wider public interest:

> *"Should the Principles come into conflict, those which safeguard the wider public interest ... take precedence over an individual client's interests. You should, where relevant, inform your client of the circumstances in which your duty to the Court and other professional obligations will outweigh your duty to them."* [29]

This is a consequential, yet often overlooked, feature of the ethical framework for lawyers in England and Wales. Far from calling for the single-minded and unquestioning pursuit of a client's interests, it instead *"make[s] compulsory a form of socially responsible lawyering"* by explicitly requiring lawyers to prioritise the wider public interest where there is a conflict.[30]

While this answers the ultimate question of whose interests should prevail where there is a conflict, the devil lies in the detail of how these tensions are to be resolved in practice. A lawyer should clearly refuse to provide services that would facilitate criminality, but the grey area of illicit but lawful kleptocratic wealth is more difficult to navigate.

Despite its importance, the overriding ethical commitment to safeguard the public interest has surprisingly little visibility in the SRA's guidance and law firms' codes of conduct.[31] Given the regulatory gap in the AML regime, there is an urgent need for guidance about how the SRA's high-level Principles should shape ethical decision-making by lawyers and law firms around kleptocratic wealth.

SRA Principles for regulating professional ethics

You act:

1. in a way that upholds the constitutional principle of the rule of law, and the proper administration of justice.
2. in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.
3. with independence.
4. with honesty.
5. with integrity.
6. in a way that encourages equality, diversity and inclusion.
7. in the best interests of each client.

Right to representation vs client selection

A third ethical faultline that divides opinion and practice is the question of how much scope – if any – lawyers have to turn away clients who are the beneficiaries of kleptocratic wealth.

Based on the evidence gathered for this project, the most common argument advanced in defence of lawyers is that everyone has a right to access justice and to be represented by a lawyer. On this basis, so the argument goes, lawyers cannot refuse to act for a client because of their background, kleptocratic wealth or criminality. And if lawyers cannot pick and choose their clients, then the public should not criticise them for taking on disreputable clients or associate them with their client's conduct.

As one solicitor explained, *"The culture we try to imbue here is that whatever client comes through the door, if their rights have been affected by the state, they're entitled to be represented by us no matter what they've done"*, with the result that *"we've turned very few clients away over the years"*.

Undoubtedly, access to justice and the right to representation are fundamental principles that must be protected to uphold the rule of law.[32] In this sense, these principles also serve the public interest, not simply a client's interests.

However, these principles do not provide the uncontroversial blanket defence that is often assumed in debates. The application of these principles is in fact hotly contested within the legal profession itself, particularly as to whether they apply across the entire spectrum of legal services.

The core of the right to legal representation concerns criminal proceedings, and there are especially strong reasons for this safeguard where a person may lose their liberty or assets.[33] The cab rank rule – which only applies to barristers – aims to ensure all defendants can secure representation in such cases. But there is no absolute right to representation in civil disputes, while the broader aims of the cab rank rule in promoting access to justice is increasingly questioned, not least because it far from achieves equal access to the bar in practice.[34]

Moving away from criminal defence and civil litigation, the claim that solicitors cannot refuse to act for a client based on the right to representation is tenuous. In particular, lawyers do not have an obligation to provide commercial legal advice to every client who walks through the office door. Solicitors do not operate the cab rank rule and are not obliged to do business with the beneficiaries of kleptocratic wealth – they have a choice.

The reliance on the right to representation and access to justice to defend what are in reality choices to do business with kleptocratic clients is not only misplaced, but also carries a certain irony. Rule of law arguments are being used to defend practices that, by legitimising kleptocratic wealth, serve interests that are contrary to the rule of law.[35] This points to an unresolved tension left by the regulatory gap around kleptocracy and grand corruption – that of upholding the rule of law in the UK on behalf of those who ignore the rule of law in their country of origin or deny the rule of law to others.

Neutral technician vs moral agent

One of the deepest faultlines that runs through debates relates to the agency and accountability of lawyers as actors within broader legal and ethical frameworks.

This disagreement surfaces in the contestation around terminology – *"enabler"*, *"gatekeeper"* or *"technician"* – but these labels reflect deep-seated differences about the role and responsibility of lawyers when acting for the beneficiaries of kleptocracy and grand corruption.

Unpacking labels: enablers, gatekeepers or technicians?

- *"Enabler"* presumes that lawyers have moral agency and frames their role and responsibility with reference to the broader context or consequences of their professional conduct.
- *"Gatekeeper"* implies that lawyers face ethical choices while adopting a neutral framing to recognise that lawyers might either refuse or allow access to their professional services.
- *"Technician"* distances or even disavows the moral dimensions of lawyers' professional conduct and frames their role as neutral practitioners operating within lawful parameters.

A persistent defence in debates is that lawyers are *"technicians"* – they are simply providing specialist expertise to advance their client's interests within the parameters of the law. They are required to comply with laws, but it is not their role to question the morality of those laws or legally compliant conduct. As one corporate lawyer reflected, *"If it's legal, it's acceptable – that's the only principle that matters"*.

This view of lawyers as *"technicians"* suggests they should not be held accountable for the wider impact of providing lawful services that may facilitate or legitimise kleptocratic wealth. If criticised for doing morally dubious work, these lawyers tend to retreat behind the *"letter of the law"* and their technical compliance with those laws. This is often backed up by rule of law principles – selectively applied or misapplied – not only as a shield against criticism, but even to assert the moral high ground in debates.

Critics of this view argue that this narrow focus on technical compliance with legal rules ignores the way that legal services are actively deployed to exploit regulatory loopholes. This makes it difficult to distinguish between compliance and complicity, particularly in the grey area of kleptocracy and grand corruption. Far from absolving lawyers of moral responsibility, this underscores their moral agency and their accountability for the choices they make.

A key challenge for policymakers in the context of kleptocracy and grand corruption is how to ensure regulatory frameworks incentivise ethical behaviour rather than providing an excuse for ethical evasion. As one legal ethics scholar put it, *"The more regulated lawyers are, the less responsibility they feel for their actions – because if it's not explicitly prohibited, it must be allowed."*

The more regulated lawyers are, the less responsibility they feel for their actions

Individual accountability vs collective responsibility

Questions about moral agency and accountability also tap into another ethical faultline in debates about the role of lawyers. This is the disconnect between the accountability of individual lawyers and law firms, on the one hand, and the collective responsibility of the legal profession, on the other hand.

Some lawyers, particularly those who view themselves as *"technicians"*, consider their role in isolation from the wider profession. This leaves little room for holding individual lawyers or even individual law firms accountable for systemic failures of the legal profession. As one solicitor remarked in interview, *"We are not policymakers – we apply the law, we don't create it"*. In the absence of system-wide policy change or regulatory intervention, individual lawyers or firms see no reason to change their own practices.

Others recognise that individual decision-making does contribute to the broader social impact of the legal profession's role in facilitating kleptocracy and grand corruption. *"Every lawyer who helps structure financial secrecy plays a small part in a larger problem"*, noted one respondent who had left a major law firm over ethical concerns. Systemic change requires a shift in professional norms among individual lawyers and law firms.

At a practical level, this ethical faultline is most visible in relation to questions of client on-take and retention. Many lawyers defend decisions to act for clients with kleptocratic wealth by pointing out that if they turn down this work, another firm will simply pick up that business.

This collective action problem poses a real challenge for policymakers and regulators looking to ensure UK lawyers do not form part of the global networks that sustain kleptocracy and grand corruption. As this ethical faultline highlights, it may be difficult to shift decision-making by individual lawyers and firms without driving a system-wide change in professional norms and firm culture.

In deciding what combination of sticks and carrots might be most effective to incentivise this change, solving the collective action problem will need to plug the accountability gap that currently exists between individual lawyers and law firms, and the wider profession. Rather than lawyers only looking out for their own commercial and reputational interests in a race to the ethical bottom of the profession, lawyers need to be incentivised to uphold public trust and confidence in the profession.

Key drivers of the shifting "ethics" of the legal profession

The regulatory gap which allows kleptocratic wealth to evade AML systems means there are ethical choices to be made by lawyers about whether to offer their services to the beneficiaries of corrupt wealth.

The ethical faultlines in debates expose the diverging views about how lawyers should navigate these choices. Many lawyers – the minimalists and defenders in particular – resist the idea that ethical norms should guide client selection, insisting there is no scope for *"moral policing"* of professional conduct that falls within the parameters set by the law. Meanwhile reformers and engaged sceptics may acknowledge the ethical complexities of these decisions but, despite growing recognition of the problem, there is no consensus about how these issues should be approached.

In the absence of a clear regulatory or ethical framework for dealing with kleptocratic wealth, what drives decision-making? Three strong themes emerging from the research suggest that firm culture, geopolitics and reputational risk are key drivers which shape – and shift – the logic of client selection by lawyers and law firms.

Firm culture and financial incentives

While the interviews revealed that lawyers hold strong individual opinions, there was unanimous understanding that decisions about client representation are deeply embedded in firm culture. As one lawyer stated, *"The firm's culture is everything. There is not much room for individual choices."*

Despite the importance of firm culture, there is a troubling lack of transparency about the basis on which law firms make decisions about client on-take and retention. A review of the professional codes of conduct of 20 UK law firms showed that their statements on responsible business practices address Environmental, Social and Governance (ESG) issues in broad terms, but no mention is made of kleptocracy or grand corruption.

The interviews suggest that in practice, the *"ethics"* of client selection tend to be conflated with AML compliance. As one lawyer described it, the compliance department is the *"ethical conscience"* of the firm. This also illustrates how compliance can easily be treated as separate layer of red tape rather than embedded processes which shape firm culture. Given the pecking order within hierarchical firm structures, concerns raised by compliance officers or junior lawyers can easily be disregarded or downplayed by senior partners who manage client relationships and bring in their business.

This points to an important driver of firm culture – money. The commercialisation and globalisation of the legal profession has shaped firm culture in significant ways, moving law firms away from notions of public interest towards market-driven logics for doing business.[36]

Many law firms are also structured on business models that prioritise commercial interests, while success is primarily assessed – and remunerated – with reference to profit. In this context, a choice to step back from a client with kleptocratic wealth is therefore not only felt in financial terms by the firm, but can also jeopardise individual profits and even career progression.

Russian clients had been a highly lucrative source of business for the UK legal sector over the last twenty years

Geopolitics and reactive "de-risking"

There is also a strong geopolitical dimension to client selection, as firms respond to changing political currents over time. The mass exodus of many law firms from the Russian market after Putin's full-scale invasion of Ukraine shows just how dramatically politics and public sentiment can change a firm's client base.

Russian clients had been a highly lucrative source of business for the UK legal sector over the last twenty years – actively encouraged by the government.[37] In 2013, the then Minister of State for Justice told Russian business leaders at the British Embassy in Moscow that *"[t]he UK legal sector can help Russia pursue its goals, whether helping to drive the emergence of Moscow as a global financial centre or advising on big contracts for the new St Petersburg airport and ring-road. The UK is open for business, and wants to help Russian firms with everything it has to offer."*[38]

The galvanising effect of the war in Ukraine – and the sanctions that followed – radically changed the calculus for firms to take on and retain this business. Russian clients were dropped almost overnight, and firms who once courted the oligarchs began subjecting prospective clients to a *"sniff test"* irrespective of whether they faced sanctions.[39]

While many firms made highly publicised decisions to sever ties with Russian clients, this was less likely a rare moment of moral clarity than a reactive decision to de-risk in a geopolitical context where continued Russian business was no longer reputationally viable – or as commercially lucrative given the difficulties accessing payment for their services due to the sanctions regime. As one lawyer reflected: *"It was a knee-jerk reaction. The profession never developed a coherent framework for deciding which clients are beyond the pale – it was just about avoiding bad PR."*

This recent shift also reveals how decision-making driven by geopolitical developments is not only reactive, but also dynamic and selective. At the level of individual clients, there is a shifting picture over time which exposes gaps in understanding between client on-take and retention decisions.

While Roman Abramovich may have been onboarded as a rich man from Russia when he bought Chelsea Football Club in 2003, his profile takes on a very different complexion as more became known – and publicised – about how his wealth has been acquired.[40] Yet it took many years, and the tipping point of sanctions, before some law firms decided to cut ties.[41]

Selective decision-making based on geopolitics also leads to double standards and the displacement of high-risk work. Most obviously, the collective action problem means that clients dropped by one firm can be easily picked up by another firm with a different culture or risk appetite.

There is displacement in the market towards work from other high-risk countries and clients

More significantly, there is displacement in the market towards work from other high-risk countries and clients. While there has been a dramatic drop in Russian litigants using the London Commercial Courts, for example, it is striking that the UAE entered the top five nationalities of commercial litigants in 2024, with UAE vs UAE disputes even becoming the fourth most common party pairing.[42]

Without client selection being based on a coherent ethical framework, there is a lack of clarity and consistency in how lines are drawn on kleptocratic wealth. As one senior lawyer commented, *"we all dropped our Russian clients overnight – but no one asked us about the Gulf states"*.

If lawyers are to be held accountable for their role in transnational financial networks, ethical standards must be applied consistently across different regions and across the profession, rather than ad hoc reactions to geopolitical pressures.

Reputation as a proxy for ethics

While client selection may be driven by commercial interests and swayed by geopolitical pressures, law firms also care deeply about their reputation. Firms who dropped lucrative Russian business may have considered the financial fallout and been swept along by the political tides, but their choices may be best understood as a response to the reputational shockwave that Russian aggression in Europe sent through the profession.

The importance of firm reputation emerged as a key theme in both the interviews and public commentary. Some commentators insisted that legal ethics were paramount considerations, while others noted that high-profile firms often drop controversial clients only after a public outcry rather than as a result of internal moral deliberation.

While many individual lawyers expressed concern about the ethical implications of dealing with kleptocratic wealth, these considerations are frequently overshadowed by the reputational interests of the firm. *"It's not that we don't care about ethics"*, one interviewee from a City law firm explained, *"but the real pressure is to avoid reputational damage, not necessarily to do the right thing"*.

The interviews also revealed that reputation is often used as a proxy for ethics, with the result that the substantive problem of *"professional enabling"* is recast as a reputational problem. This reframing shifts the focus from the ethical complexities of how legal services facilitate and legitimise kleptocratic wealth, to a reputational challenge of justifying that work to the public – or opportunistically marketing this high-risk appetite to prospective clients.

Client selection in action at the world's largest global law firm

A recent AML case brought by the SRA gives the public a rare and illuminating insight into how dynamics of firm culture, commercial interests and reputational risk play out in practice.

Dentons UK and Middle East LLP (Dentons) was taken to task by the SRA for failing to do adequate checks on the source of funds and source of wealth when acting for the chairman of a state-owned bank from a kleptocratic regime. While Dentons had been commended by the SRA for its *"gold standard"* compliance systems, the firm fell short on their AML obligations when acting for this client, who was buying up high-end London properties.[43]

The Tribunal found Dentons had breached the Money Laundering Regulations but did not consider this conduct serious enough to amount to a breach of the SRA's professional rules and so cleared the firm of professional misconduct.[44] The SRA successfully appealed this decision, with the High Court ruling in March 2025 that any breach of the Money Laundering Regulations will also constitute a breach of professional duties to *"comply with legislation"* (SRA Principle 7) and *"comply with anti-money laundering legislation"* in particular (Outcome 7.5 of the SRA Code of Conduct).[45]

Quite apart from this question of how AML obligations align with the SRA's professional standards, the evidence that came to light during the case raises troubling questions about how the ethical complexities of acting for this client were approached. After Dentons received an intelligence report urging *"extreme caution"* in conducting business dealings with the client, the firm's General Counsel voiced his concerns about acting for him.[46] His misgivings – which were ultimately overruled by others in the firm – were framed as questions of AML compliance and reputational risk:

> *"...The report simply sets out the risks but doesn't say we should not act, only that we exercise 'extreme caution' if we do decide to act. As is always the case with these reports, they are never definitive in terms of proof of wrong-doing. By their nature they can't be. The question is really whether we think (a) there is a risk that the firm could be (un)wittingly used to facilitate an illicit or improper transaction involving criminal property and (b) what is the extent of our reputational impact? The answer to (a) and (b) could both be 'very high' and we could still act for an appropriate reward and with appropriate measures in place to closely manage the matter. The important thing is to make the decision to act completely appreciating those risks."*[47]

Conclusion

There are a range of potential strategies for addressing the regulatory gaps and ethical complexities highlighted in this report – including legislative reform to plug gaps around kleptocratic wealth, regulatory interventions to change incentives around client selection, and initiatives to drive norm-based culture change across the legal profession.

By situating the public policy debate around *"professional enablers"* on a strong evidence base, this research project has generated valuable insights for policymakers considering what strategy – or combination of strategies – might be the most effective for ensuring ethical decision-making by UK lawyers and law firms.

1. It is important that any policy and/or regulatory measures be developed with an understanding of both the different perspectives within the profession and the disconnect between lawyers' self-perceptions and external critiques of their role. These disagreements offer insight into the sticking points that must be resolved to build consensus for reforms (particularly within the profession) and the practical realities that must be addressed to ensure these measures are fit for purpose.

2. The success of measures will depend on their ability to spur profession-wide changes. Isolated initiatives by individual lawyers and law firms risk displacing rather than solving the problem, as firms with greater risk appetite take on *"lawful but awful"* work.

3. There is a need for practical guidance and training to help lawyers navigate potential conflicts between their client's interests and the public interest in a principled, consistent way. Greater clarity and stronger accountability about how client selection should be shaped by professional ethics are also important for fostering public confidence and trust in the law as a public profession.

4. The formative influence of firm culture in client selection practices suggests that law firms offer a key entry point for driving norm-based change across the profession. Particularly as younger lawyers enter the profession, there are valuable opportunities to ensure firm culture reinforces guidance and training around professional ethics.

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