

21 Even if, therefore, some emails reviewed by the Firm had been suggestive of criminal conduct by employees of News International, then the Firm could not possibly have reported this to the police without client consent. That would have been against the Firm's obligations under clear modern law of the highest authority and a very serious breach of professional conduct. Further, neither common law, statute or regulation imposed any relevant obligation on the Firm to break its duties of confidence by reporting to any external authority. Criticism of the Firm for failing to report News International to the police or any other external body is therefore wholly misplaced, regardless of what the emails do or do not show.

What happened to the file

22 It has been suggested in some quarters that it is surprising that it took until April 2011 for the Firm's file on this matter to have come to light. We therefore think it would be of assistance to the Committee to understand what happened.

- a. Once the Firm's letter had been issued on 29 May 2007, this retailer came to an end²⁶. The Firm issued its bill on 15 June 2007, and News International paid it on 31 July 2007. The file went into archive storage with an external storage company, Rstore, on 10 November 2008²⁷.
- b. One by one, all those who had been involved in the retailer left the Firm in the normal course of events, as set out above. After the last member of the junior reviewing team left on 28 January 2011, there was literally no one left at the Firm who had had any involvement in the original retailer at all.
- c. The first time that the Firm's 2007 involvement was mentioned to Parliament, so far as the Firm can ascertain, was in the evidence given to the CMSC leading to its Second Report dated 24 February 2010. The Firm's name was not mentioned in oral evidence, but was mentioned in written evidence and this was recorded in the appendices to the Second Report (which also quoted in full the letter of 29 May 2007). The letter

²⁶ Apart from a small amount of time spent in June 2007 in obtaining for News International, at its request, a transcript of the recording sessions of Mr Justice Goss on 25 January 2007. A separate bill for this task of £500 plus VAT and disbursements was issued on 31 July 2007.

²⁷ The file would have been archived sooner but for the fact that, as mentioned in paragraph 24 above, Mr Abramson was subsequently instructed by News International in February 2009 in relation to an alleged breach by News International of the compromise agreement it had entered into with Mr Goodman. This work was carried out on the same file using the same file number. The documents were stored on the same paper and electronic files as those relating to the previous retailer.

JCP 29