

# BRETT WILSON LLP

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Managing Partners  
Morrison & Foerster (UK) LLP  
The Scalpel  
52 Lime Street  
LONDON  
EC3M 7AF

By post and email [REDACTED]  
and [REDACTED]

Our Refs: [REDACTED]

Your Ref: [REDACTED]

19 March 2025

## LETTER OF CLAIM PURSUANT TO THE PRACTICE DIRECTION ON PRE-ACTION CONDUCT AND PROTOCOLS

Dear Morrison & Foerster

Our clients: (1) RJW  
(2) Good Law Project Ltd ('GLP')

We are instructed by our clients in respect of a claim against Morrison & Foerster (UK) LLP ('MoFoUK') arising from a breach of the Equality Act 2010 ('the Act'). This letter is written pursuant to the Practice Direction on Pre-Action Conduct and Protocols ('PDPCP').

### Parties

GLP is a not-for-profit organisation which, inter alia, assists those asserting identity rights, particularly where there are concerns of public importance.



We do not accept service by email

Authorised and Regulated by the Solicitors Regulation Authority ■ LLP No. OC347697

Registered office as above ■ Registered in England and Wales

Members/Partners: Nick Brett and Iain Wilson ■ Partners: Mike Campbell and Tom Double

# BRETT WILSON LLP

RJW is a pseudonymous individual who has been assisted (and is being assisted) by GLP in asserting his transgender rights. He will be identifiable to your firm from the facts that follow, but for the reasons set out the foot of this letter his identity should be treated as confidential.

MoFoUK is a regulated UK law firm, whose ultimate beneficial owner we understand to be Morrison & Foerster LLP ('MoFoUS').

## Facts

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. Also on 22 February 2025, GLP approached MoFoUK on RJW and its behalf to ask whether it would be willing to assist them in relation to [REDACTED]
8. On 28 February 2025, MoFoUK advised GLP by email that it had "approval to act in relation to [the] matter..." and would contact RJW to confirm the terms of engagement.<sup>1</sup>
9. On 6 March 2025, MoFoUK sent a further email to GLP and RJW stating (somewhat oddly given the previous email) "Our final approval to act for you has been taking longer than expected..."
10. On 7 March 2025 March, MoFoUK sent a further email to GLP stating "Unfortunately we will not be able to take on this matter".

## The law

Section 7 of the Equality Act 2010 states that:-

*"A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex."*

Plainly, RJW is an individual who has this protected characteristic.

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<sup>1</sup> We understand that the partner attached to the instruction was [REDACTED]

Under section 29(1) of the Equality Act 2010 it is unlawful in the UK for a service provider, such as MoFoUK, to discriminate against a person requiring a service by not providing the person with that service for reason of their protected characteristic.

## Direct discrimination

The only reasonable conclusion to draw from the above facts is that MoFoUK declined to assist RJW and GLP because RJW was a transgender individual seeking to assert transgender rights. The nature of RJW/GLP's instruction was inextricably linked to RJW's protected characteristic.<sup>2</sup>

MoFoUK had previously indicated that it would act for RJW (and assist GLP) and then performed a volt-face, presumably because of a policy decision by MoFoUK or MoFoUS's compliance and/or management team.

Our clients are very mindful of recent political developments in the US regarding transgender rights and the pressure being placed on large law firms by the new Trump administration, including MoFoUS<sup>3</sup>. They are understandably concerned that pressure has been placed on solicitors in the UK to act in a way that is unlawful and promotes transphobia.

In the event that it is necessary to issue proceedings, our clients will ask the court to make a finding pursuant to section 136(2) of the Act. The practical effect of this is that to avoid liability MoFoUK will have to satisfy the Court that it did *not* discriminate and that there was another good reason why it declined to provide services. This seems to be an impossible task. There is no other credible reason for MoFoUK declining to assist RJW and GLP other than RJW's protected characteristic.

## Available remedies

Our clients are entitled to seek a declaration from the Court that they were unfairly discriminated against (GLP has standing because it is connected/associated to RJW)<sup>4</sup> and an injunction prohibiting MoFoUK from discriminating against transgender people in a similar manner in the future.

RJW is entitled to seek damages for the distress/injury to feelings he has suffered pursuant to section 119(4) of the Act. As we trust you will appreciate, being discriminated against in these circumstances is particularly upsetting. Transgender people already have had to contend with near constant hate, bigotry and ill-treatment. In recent months, political pressure from the Trump administration has encouraged transphobic actors to normalise such conduct. RJW reasonably

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<sup>2</sup> Notably, paragraph 1.1 of the *SRA's Code of Conduct for Firms* states, "[firm should not] unfairly discriminate by allowing [their] personal views to affect [their] professional relationships and the way in which [they] provide [their] services (our emboldening)".

<sup>3</sup> <https://www.lawgazette.co.uk/news/big-firms-under-fire-as-trumps-diversity-purge-takes-aim-at-legal-sector/5122701.article>

<sup>4</sup> In this regard, please see paragraph 4.18 of the *ECHR's Equality Act 2010 Services, public functions and associations statutory Code of Practice*: "Direct discrimination because of a protected characteristic could also occur if a service user is treated less favourably because they campaigned to help people with a particular characteristic"

believed that one of the world's leading law firms would respect and support his rights, rather than exercise prejudice towards him.

RJW is additionally entitled to seek aggravated damages because MoFoUK's discrimination was a deliberate and calculated act and an affront to UK equality legislation.

Finally, our clients are entitled to seek an order that you pay their legal costs.

## Resolution

Our clients are willing to compromise their claims without recourse to the court, on the following basis:-

1. MoFoUK publishes a public statement (the wording of which is to be agreed between the parties), in which it:-
  - a. apologises to RJW for discriminating against him; and
  - b. undertakes not to discriminate against transgender individuals seeking support, or those seeking advice on transgender issues, in the future.
2. MoFoUK makes a payment of compensation to RJW. We invite your sensible proposals.
3. MoFoUK pays our clients' costs.

This offer is open for 14 days (i.e. until 4.00pm on 2 April 2025). It will be automatically withdrawn at this time and proceedings will be issued against MoFoUK for a declaration, an injunction, damages (including aggravated damages) and costs.

## Anonymity

Given the underlying subject matter and [REDACTED] in the event that it is necessary to issue proceedings RJW will be applying for an order (a) dispensing with the requirement for his name and address to be included on the Claim Form (b) allowing a cipher (e.g. RJW) to be used to refer him on documents in the proceedings and (c) preventing the reporting of information that could identify RJW.

If you do not intend to accept the above open offer, please confirm that MoFoUK does not oppose such an application.

## Preservation of documentation/disclosure

As litigation is contemplated, MoFoUK is required to preserve all relevant documentation in its possession. Any routine data minimisation/deletion protocols etc. should be paused or adapted to ensure relevant documents are recoverable.

Please confirm when responding to this letter that all electronic messages, chat logs and other files have been preserved.

## Pre-action disclosure

Pursuant to paragraph 6(c) of the PDPCP, if liability is denied please provide copies of all internal email traffic and other relevant documents concerning MoFoUK's decision not to act for/assist our clients.

## The Commission for Equality and Human Rights (EHRC)

Please note that, pursuant to paragraph 2.1 of the Practice Direction on Proceedings under Enactments relating to Equality, in the event proceedings are issued we are bound to give notice to the EHRC.

## Alternative Dispute Resolution (ADR)

Our clients are amenable to any sensible proposal vis-à-vis ADR, although given the short limitation period for claims of this nature, it must be carried out promptly.

## Response

Please acknowledge safe receipt of this letter immediately.

Please either confirm whether the offer contained letter is accepted or provide a PDPCAP-compliant Letter of Response with 14 days (i.e. until 4.00pm on 2 April 2025). This should properly particularise any defence. In the event that solicitors respond on your behalf, they should indicate whether they are instructed to accept service of proceedings.

We look forward to hearing from you.

Yours faithfully

