

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No: 12775-2025

BETWEEN:

THE SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

CLAIRE FRANCES GILL

Respondent

Before:

Mrs L. Boyce (Chair)

Mr R. Nicholas

Mr Anthony Pygram

Date of Hearing: 15 September 2025

Appearances

There were no appearances and the applications were dealt with on the papers.

DECISION ON AN APPLICATION FOR NON PARTY DISCLOSURE OF DOCUMENTS

Relevant Background

1. At the Case Management Hearing on 28 August 2025 the Respondent sought an order anonymising references to her former clients and imposing reporting restrictions, on the basis that their communications with her attracted legal professional privilege (“LPP”). The Tribunal gave directions for written submissions, with the Anonymity Application listed for hearing on 6 October 2025.
2. Two applications for non-party disclosure were subsequently received:
 - (a) **Mr Tim Bullimore** (2 September 2025), seeking disclosure of the Rule 12 Statement, the Answer, any Reply, and documents filed in support of anonymisation applications.
 - (b) **Mr Dan Neidle** (3 September 2025), seeking wider disclosure including the SRA’s Rule 12 Statement, the Respondent’s Answer (with exhibits), and skeleton arguments.
3. The Applicant’s position was that the documents exhibited to the Rule 12 Statement did not attract LPP, on the basis that the Carter-Ruck retainer was entered into in furtherance of fraud. The Respondent submitted that disclosure should be delayed until the December hearing, that privilege must be preserved unless the iniquity exception was proven with evidence, and that disclosure beyond pleadings should not be ordered given the Automatic Disclosure Policy (“ADP”).

The Tribunal’s Findings

4. The Tribunal carefully considered the Non-Party Applications, the Rule 12 Statement (23 May 2025), the Answer (28 July 2025), and the parties’ submissions.

Legal Professional Privilege and the Iniquity Principle

5. The Tribunal reiterates the principle that LPP is a fundamental right belonging to the client, and absolute unless waived (*SRA v Williams* [2023] EWHC 2151). The Tribunal also accepts that it is the solicitor’s professional duty to assert privilege on behalf of clients.
6. However, communications made in furtherance of crime or fraud are not privileged (*O’Rourke v Darbishire* [1920] AC 581; *Al Sadeq v Dechert LLP* [2024] EWCA Civ 28). The party alleging iniquity bears the burden of proof, and the standard is the balance of probabilities.
7. The Tribunal was satisfied, on the balance of probabilities, that the Carter-Ruck retainer was engaged in furtherance of fraud by OneCoin and Dr Ruja Ignatova. In reaching this conclusion the Tribunal took into account:
 - (a) Judicial findings in the United Kingdom and United Kingdom;

- (b) The United Kingdom High Court’s worldwide freezing order (August 2024), which, while not conclusive, indicated a good arguable case of fraud; and
 - (c) The fugitive status of Dr Ignatova, of which the Tribunal took judicial notice.
8. The Tribunal considered the Respondent’s submission that foreign findings and freezing orders were not determinative under Rule 32(1) SDPR. The Tribunal agreed they are not conclusive but found them sufficiently persuasive when taken together with the surrounding evidence.
 9. The Tribunal also noted that the Respondent did not identify specific documents within the pleadings said to attract privilege independently of the retainer. While the Respondent explained this as reflecting her professional duty not to fragment her former clients’ claims to privilege, the absence of document-specific argument weighed against preserving privilege for the bundle as a whole.
 10. The Tribunal observed that its finding does not mean every communication under a tainted retainer must necessarily be stripped of privilege. However, in this case, the Respondent did not put forward a granular basis for distinguishing between privileged and non-privileged material. In those circumstances, the Tribunal was not satisfied that any part of the Rule 12 Statement, the Answer, or exhibits should continue to be protected by LPP.

Disclosure to Non-Parties

11. The Tribunal distinguished between the ADP (which governs public disclosure of a class of documents at the start of substantive hearings) and the Non-Party Disclosure Policy (“NPD”), which governs access by third parties outside the substantive hearing. The Respondent’s reliance on the ADP was therefore misplaced.
12. In light of its findings, the Tribunal saw no reason to delay disclosure until December. The open justice principle required timely access to documents unless compelling justification for delay was shown, which was not the case here. The Tribunal noted that the Respondent earlier indicated a wish to make an application for anonymity on 6 October 2025. It was believed to necessary for the press to have sight of this disclosure to enable them to make representations against the anonymity application if appropriate.

Directions

13. The Tribunal directs as follows:
 - 13.1 The following documents shall be released immediately to the non-party applicants:
 - The Rule 12 Statement (excluding exhibits only where redactions are justified on grounds other than LPP);
 - The Answer to the Rule 12 Statement;

- The pleadings filed in relation to the privilege and anonymity applications, including the Respondent's submissions and relevant correspondence.
- 13.2 The parties shall within 24 hours of receipt of this decision identify any passages requiring redaction on grounds other than privilege (e.g. personal data, irrelevant confidential information).
14. The Tribunal will revisit disclosure of exhibits and other categories of documents if and when they are relied upon in open hearing.

Dated this 16th day of September 2025
On behalf of the Tribunal

L. Boyce

L. Boyce
Chair