BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL
IN THE MATTER OF THE SOLICITORS ACT 1974
B E T W E E N

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

-and-

CLAIRE FRANCES GILL

Respondent

RESPONDENT'S ANSWER TO THE APPLICANT'S RULE 12 STATEMENT

A. INTRODUCTION AND SUMMARY

1. These proceedings are the culmination of five years of delay, unfair conduct and regulatory failure by the SRA. It has been pursuing the Respondent, Ms Gill, relentlessly since it opened its investigation in early 2020, in pursuit of its agenda in relation to strategic litigation against public participation (or "**SLAPPs**"), without any proper regard to the relevant professional principles, considerations of proportionality or the effect of its conduct on Ms Gill.

2. The sole allegation that survives from the wide-ranging SRA Notice dated 8 February 2024 **[X8-32]** concerns a single letter dated 26 April 2017 to Ms McAdam ("**the McAdam Letter**") which is alleged to have contained an improper threat of litigation, in breach of Principles 2 and 6 of the 2011 Principles and failed to achieve Outcome 11.1 of the 2011 Code ("**the Allegation**"). The Allegation is denied. As with the numerous allegations that have already been abandoned, the limited case now advanced proceeds on fundamental misconceptions as to the proper role of lawyers acting on instructions for clients accused of wrongdoing. The McAdam Letter was properly supported by Ms Gill's instructions at a time when the defamatory allegations of fraud it faced were disputed.

She was therefore entitled, indeed professionally bound, to send it. The SRA's case to the contrary amounts to a subversion of both legal principle and the constitutional role of lawyers.

3. Ms Gill serves this Answer without prejudice to her application for summary dismissal of the Allegation on the grounds that it does not raise any proper issue of professional conduct and/or has no real prospect of success (see the application notice at **E2** and the and the Amended Grounds for Summary Dismissal at **E31**). In setting out her reasons for denying the Allegation, Ms Gill responds to what she understands to be the essential points in the SRA's discursive Rule 12 statement. She should not be taken as agreeing to anything simply on the grounds that she has not specifically responded to it. References below to paragraph numbers refer to the numbered paragraphs of the Rule 12 statement unless otherwise indicated. Documentary references refer to the Master Bundle on CaseLines. There is also a small Respondent's bundle containing the additional documents referred to in paragraphs 13.1 and 51.1 below.

4. In this section, Ms Gill summarises (i) the background chronology; (ii) her response to the Allegation; and (iii) the SRA's lengthy investigation and the serious concerns that it raises about its conduct.

5. The remainder of this Answer is structured as follows:

   5.1 Section B (paragraphs 32 to 71 below) responds to paragraphs 7 to 127 of the Rule 12 statement (entitled "*The facts and the matters relied upon in support of the Allegations [sic[1]]*"). In particular, Ms Gill addresses issues arising in relation to the SRA's approach to the facts (subsection B.1 below) and identifies the essential facts on which she relies (subsection B.2).

   5.2 Section C (paragraphs 72 to 94 below) responds to paragraphs 131 to 143 in the Rule 12 statement (entitled "*Allegations [sic] and Breaches of Principles and the Code of Conduct*"). This comprises:

      5.2.1. a summary of the relevant legal principles applying to solicitors' correspondence, which the SRA fails to properly set out in the Rule 12 statement (subsection C.1 below);

[1] There is only one allegation.

5.2.2. an analysis of how those principles are to be applied to the relevant facts (subsection C.2 below); and

5.2.3. a direct response to the pleaded case in paragraphs 131 to 143, in light of the preceding analysis (subsection C.3 below).

A.1 The factual background

6. Carter-Ruck ("**the Firm**") is a leading firm of media lawyers, specialising in defamation, privacy and reputation management. They act for individuals and businesses facing defamatory allegations who wish to protect their right to reputation. The right to reputation is a fundamental right protected by Article 8 of the European Convention on Human Rights.[2] It is of equal value to free speech.[3] The rights to consult a lawyer to receive legal advice and assistance, and to have access to the courts to protect legal rights, are fundamental constitutional rights which may only be limited by explicit parliamentary legislation (see *R (Morgan Grenfell Ltd) v Special Commissioner* [2003] 1 AC 563 at [8]; *R v Lord Chancellor ex-parte Witham* [1998] QB 575 at p 585G). Carter-Ruck also advises many businesses, individuals and publishers on their exercise of free speech.

7. It is the nature of such work that it may involve acting for persons against whom wrongdoing is eventually proven in court. But until contested allegations are proven, there is a public interest that such persons should have access to the courts and to legal representation, and that lawyers should be available to provide it within the bounds of professional propriety. That includes acting on their instructions that the defamatory allegations they face are untrue, even if they may doubt the truthfulness of the client's instructions, unless they know for a fact that what their client is telling them is untrue.

8. The Firm and those who work there are not to be identified with their clients, and to do so would betray a fundamental misunderstanding of the function and duties of solicitors.

[2] See *Pfeifer-v-Austria* [2007] 48 EHRR 175 at [35]; *Reynolds v Times Newspapers Ltd* [2001] 2 AC 127; *Jameel v Wall Street Journal* [2007] AC 359 at [26].
[3] *In Re S (A Child)* [2005] 1 AC 593 at [17] per Lord Steyn.

9. Ms Gill qualified in 1996 and has nearly 30 years' experience. She was made a partner at the Firm in 2000. She is a solicitor of the utmost professional integrity who has enjoyed an excellent and unblemished reputation in her field.[4]

10. The relevant facts said to underpin the Allegation are largely not in dispute. As set out in the Rule 12 statement, the Firm was introduced to OneCoin[5], a Bulgarian cryptocurrency business, and its founder, Dr Ruja Ignatova, in May 2016. It was engaged by Dr Ignatova and One Network Services Limited (a OneCoin entity) on 3 June 2016. Ms Gill had conduct of the case from August 2016 onwards. The engagement was later extended to two further OneCoin entities, OneCoin Limited (a UAE company) and OneLife Network Limited ("**OneLife**", a Belize company). Save where reference to a particular company is necessary, Dr Ignatova's businesses will be referred to as "OneCoin".

11. OneCoin's ostensible business included the management of a cryptocurrency (known as OneCoin) and a related multi-level marketing scheme for the sale of educational training packages. At the time of the engagement, OneCoin had faced public allegations that it was a scam and a Ponzi scheme. It was also facing criminal and regulatory investigations in various jurisdictions, including in this country by the City of London Police. The Firm and Ms Gill were repeatedly instructed that these allegations were untrue. The purpose of their engagement, as set out in the firm's engagement letter dated 3 June 2016, was to protect OneCoin's reputation against that background.

12. As the Rule 12 statement puts it (in paragraph 12), "*[w]hat is known now, in 2025*", is that OneCoin was engaged in fraud and that, in the event, many of the investigations and public allegations against it were justified. The SRA does not allege that that was known at the material time, 26 April 2017, when Ms Gill sent the McAdam Letter.

13. In the course of the engagement, the Firm was instructed to correspond with a number of public bodies, media outlets, and individuals as part of OneCoin's reputation management strategy. Save for the McAdam Letter, none of this work is alleged to be improper (and, as set out further below, the propriety of much of it has been considered by the SRA's Authorised Decision Maker ("**the ADM**") in this case). The work included the following:

[4] See, for example, the character refences of Adrienne Page KC **[X227-229]** and Desmond Browne **[X230-233]**.
[5] The SRA has not followed the usual practice in proceedings before the Tribunal of anonymising the references to the client and its representatives. Ms Gill accordingly does not do so either in this Answer. She should not thereby be taken as accepting that the client and its representatives should be publicly identified. She intends to raise this issue at the CMH.

13.1 Between July 2016 and October 2016, the Firm engaged in correspondence with Coin Telegraph, a cryptocurrency publication. This included a letter threatening litigation on 8 July 2016 (page 6 of the Respondent's bundle). A significant part of the Rule 12 statement (see paragraphs 18 to 38) concerns the Firm's handling of the Coin Telegraph issue, despite: (i) no complaint being made of the Firm or Ms Gill's conduct in relation to this; and (ii) a significant part of the work on the Coin Telegraph issue having been done in July 2016 before Ms Gill had conduct of the engagement.

13.2 On 26 September 2016, the FCA published a warning notice about OneCoin, referring to the ongoing criminal investigation by the City of London Police. The Firm wrote to the FCA on 28 September 2016 criticising the warning notice as premature, given the early stage of the ongoing criminal proceedings and the absence of any prior notice to OneCoin **[X512]**. The FCA withdrew the warning notice on 19 July 2017.

13.3 On 5 March 2017, the Firm was instructed in relation to allegations that appeared on a Norwegian cryptocurrency website by Bjorne Bjercke, a Norwegian cryptocurrency blogger, that OneCoin's currency was not based on blockchain technology, but rather an ordinary SQL database **[X710]**. Throughout March 2017, the Firm also received and considered instructions from OneCoin and Dr Ignatova about various other allegations made on social media and by various bloggers (see paragraphs 75 to 81). The allegations by Mr Bjercke became a focus of OneCoin's reputation management strategy, and the Firm assisted OneCoin with engaging a Norwegian lawyer, Per Danielsen, to work on proposed Norwegian proceedings against Mr Bjercke.

14. Turning to the immediate context for the McAdam Letter, on 8 and 11 April 2017, the Firm was made aware of two separate instances in which OneLife independent marketing associates ("**IMAs**") complained that Ms McAdam, who was herself an IMA, was contacting other IMAs with allegations that OneCoin was a "*scam*" and "*under investigation by*" the City of London Police (see paragraphs 82 and 84). Ms McAdam had published a series of YouTube videos in April 2017, which contained or repeated allegations by Mr Bjercke that OneCoin was a "*criminal network*", "*top top top notch criminals*", and that OneLife IMAs were "*per definition a criminal, funding a criminal network*".

15. The Firm (and Ms Gill) were instructed that these allegations of criminality were untrue. Those instructions formed the subject of the McAdam Letter, sent on 26 April 2017, in which the Firm made five material assertions to Ms McAdam (all of which were supported by Ms Gill's instructions):

    15.1 "*our clients refute all allegations that they are operating a scam or an illegal pyramid or Ponzi scheme*";

    15.2 "*no evidence of criminal conduct has ever been put to our clients and no adverse findings of wrongful or criminal behaviour has been made by any authorities*";

    15.3 Ms McAdam's statements were "*causing very serious harm to our clients' business*";

    15.4 "*[t]he publication of claims that our clients run or are part of an organised criminal network is of course a claim that is very seriously defamatory of them*"; and

    15.5 OneCoin and Dr Ignatova's "*instructions are to initiate proceedings against you for defamation*" if Ms McAdam did not: (i) withdraw the publications; and (ii) give an undertaking not to repeat the allegations.

16. It is apparent from the McAdam Letter that the client's objective was that Ms McAdam cease publishing her defamatory allegations. After sending the McAdam Letter, Ms Gill instructed Matthew Nicklin QC (now a judge of the High Court and the Presiding Judge in Wales) to advise on strategy. OneCoin accepted Ms Gill's and Mr Nicklin's advice not to commence proceedings for defamation against Ms McAdam at that time. The Firm and Ms Gill continued to act for OneCoin until 1 November 2017 when it was informed that Dr Ignatova had gone missing. Mr Nicklin QC remained involved until shortly before he was appointed a judge on 2 October 2017.

A.2 Summary of Ms Gill's response to the Allegation.

17. It is necessary to consider the meaning of the Allegation with some care.

    17.1 It is framed in terms that focus on whether the threat of litigation was improper. That obscures what is in issue. It was the client that was threatening litigation if Ms McAdam did not act as requested in the letter, not Ms Gill. In so far as the

client was lying when it instructed Ms Gill that the defamatory allegations were untrue, then clearly the client was acting improperly in threatening litigation.

17.2 However, what is in issue is whether Ms Gill's conduct in informing Ms McAdam that her instructions were to initiate proceedings if the requests in the letter were not met was improper such as to amount to a breach of Principle 2, Principle 6 and Outcome 11.1.

17.3 The Allegation as set out in paragraph 1 does not seek to identify how Ms Gill's conduct in communicating the client's intentions to Ms McAdam was improper. It appears from paragraphs 131 to 143 of the Rule 12 statement, as explained by Blake Morgan's letter dated 10 July 2025 **[M1]**,[6] that the SRA's cases boils down to four alleged propositions:

17.3.1. the litigation intimated against Ms McAdam, if brought (which it never was), would have conveyed the "*Message*" that "*OneCoin was ready and willing to demonstrate to a court that the allegations made about them were untrue*";

17.3.2. the "*Message*" would have been false;

17.3.3. Ms Gill was aware, when she sent the McAdam Letter, that the Message (if conveyed by commencing proceedings against Ms McAdam) would have been false; and

17.3.4. Ms Gill was aware, when she sent the McAdam Letter, that there was a strong possibility that OneCoin was fraudulent and that, if that was the case, the Message (if conveyed by commencing proceedings against Ms McAdam) was likely to perpetuate the fraud by silencing justified criticism.

18. Ms Gill's reasons for denying the Allegation may be summarised as follows.

[6] Clarification provided by Blake Morgan was necessary because of the lack of clarity in paragraphs 131 to 135 of the Rule 12 statement, which appeared to allege that a false message was actually conveyed by the letter dated 26 April 2017. As explained by Blake Morgan, the SRA's case is that no false message was actually conveyed because OneCoin did not bring proceedings against Ms McAdam. Rather, it is alleged that the false "Message" would have been conveyed by the proceedings, if they had been brought.

19. In sending the McAdam Letter, Ms Gill acted consistently with the well-established principles of professional conduct which apply to solicitors' correspondence. In particular:

19.1 It is well-established that a lawyer does not vouch for the truth of his client's case. As stated, he is entitled to act on the basis of the client's instructions, even though he may doubt whether they are true (unless he positively knows that the client's instructions are untrue, which the SRA does not allege to have been the case as regards Ms Gill's instructions). Nor is he required to investigate the truthfulness of the client's instructions.

19.2 Ms Gill was instructed that each of the allegations referred to in the McAdam Letter was untrue and that her clients intended to bring a claim for defamation if Ms McAdam did not withdraw the allegations and give an undertaking not to repeat them, and the SRA does not allege otherwise. She was not aware that those instructions were untrue (if indeed they were), and again the SRA does not allege otherwise. She was entitled, and indeed under a duty to her clients, to advance a case properly arising out of her clients' assertions of fact when instructed to do so.

19.3 When Ms Gill sent the McAdam Letter she was not aware of anything that would have rendered the putative claim (if it had been brought) improper.

20. The Allegation made against Ms Gill ignores and obscures the well-established legal framework summarised above. Instead, the SRA contrives to circumvent the orthodox view of a solicitor's obligations by advancing a case based on the alleged "Message" by reference to the four propositions identified in paragraph 17.3 above. That case fails at every stage.

20.1 As to proposition (i) (paragraph 17.3.1 above):

20.1.1. The SRA does not allege that there is anything improper in threatening or bringing a defamation claim for the purpose of public relations. The law of defamation is concerned with protecting and restoring reputation that has been damaged by defamatory statements. Defamation claims are typically motivated by public relations (see paragraph 17 of the Opinion of Adrienne Page KC [**X1199]**). A claimant's motive for bringing a

claim is in any event irrelevant (*Broxton v McClelland* [1995] E.M.L.R. 485; *Goldsmith v Sperrings Ltd* [1977] 1 WLR 478).

20.1.2. It is common ground that the McAdam Letter, which was private and confidential, did not convey the Message, as Blake Morgan have now accepted in their letter dated 10 July 2025 [**M1**]. The SRA's case is that legal proceedings, had they been brought, would have conveyed the Message. Thus, where the SRA confusingly says that "*the Message was false*" (e.g. paragraph 132), it means "*the Message (if it had been conveyed) would have been false*". The McAdam Letter was in fact framed in terms calculated to avoid legal proceedings, and therefore to avoid the alleged Message ever being sent. It invited Ms McAdam to withdraw the relevant publications and give an undertaking not to repeat them; only if that was not done would OneCoin bring proceedings.

20.1.3. In any event, the proceedings intimated in the letter dated 26 April 2017 would not have conveyed the "Message" that OneCoin was "*ready and willing to demonstrate to a court that the allegations made about them were untrue*".

20.1.3.1. A claimant in civil litigation is not required to be ready and willing to prove (or "*demonstrate*") its case when the claim is first issued, as a condition to issuing the claim, or at any time prior to trial. The Civil Procedure Rules, which would have governed any proceedings brought by OneCoin against Ms McAdam, do not require any such certification. If OneCoin had brought a claim against Ms McAdam, CPR rule 22 would have required OneCoin (or Ms Gill on its behalf) to verify the claim form and particulars of claim with a statement that OneCoin believed that the facts stated in the document were true (i.e. a statement of truth). The claim form in defamation proceedings does not identify the meaning complained of, only the publication that is said to be defamatory, and the particulars of claim do not state that the meaning complained of is untrue. It would not have required any certification that Ms Gill, as the solicitor acting for OneCoin, believed that the facts stated in the

document were true, or that she believed that One Coin was "*ready and willing to demonstrate to a court that the allegations made about them were untrue*". Ms Gill's instructions that the defamatory allegations were untrue meant that she was entitled to proceed on the basis that, had proceedings been issued against Ms McAdam, the claim form and particulars of claim would have been verified with a statement of truth in compliance with the requirements of the Civil Procedure Rules.

20.1.3.2. What a claimant is required to prove at trial, if the case is not resolved at an earlier stage, will depend on the pleaded issues and the burden of proof on those issues.

20.1.3.3. A claimant bringing a defamation claim is not required to prove that the defamatory statements are untrue (it is not required to prove a negative). It is for the defendant to plead and prove the defence of truth if he wishes to advance it (see paragraph 25 of Adrienne Page KC's opinion **[X1201]**). If the defence of truth is not pleaded the issue of truth never arises, and the claimant and its lawyers will not have to gather and adduce evidence on the issue of truth at any stage (let alone when the proceedings are first commenced). Thus, a potential claimant is not required to incur, at the pre-action stage, the costs of preparing to meet a defence which may never be pleaded. If Ms McAdam had pleaded the defence of truth in relation to the defamatory statements that OneCoin ran or were part of an organised criminal network and were operating a scam or illegal pyramid or Ponzi scheme, then she would have been required to particularise her case. Only when she had done so would Ms Gill have been able to assess what evidence might be required to rebut the defence of truth.

20.1.3.4. Thus, the commencement of legal proceedings would not have implied that OneCoin was "*ready and willing to demonstrate to a court that the allegations made about them were untrue*".

20.1.4. If the commencement of the proposed proceedings had conveyed a "message", it would have been that OneCoin maintained and believed that the defamatory statements identified in the McAdam Letter were untrue and that it was entitled to the relief sought in the proceedings. That is all that issuing a claim form with, or followed by, particulars of claim, supported by a statement of truth, can be taken to mean. On the basis of Ms Gill's instructions as at 26 April 2017, which she was entitled and bound to act on, any such message would have been true.

20.1.5. The implicit suggestion in paragraphs 131 to 135 of the Rule 12 statement that a solicitor cannot, on instructions, challenge defamatory statements or threaten an action for defamation in a pre-action letter unless he has first gathered all the evidence that would enable his client to demonstrate to a court that the defamatory allegation made about them was untrue is therefore wrong, and obviously so. The SRA cites no authority, court rule or principle to support it. If, as contended by the SRA, the issue of proceedings contains such a message attributable to the solicitor, then every solicitor who issues proceedings for defamation would be potentially guilty of serious misconduct unless they are satisfied that their client was ready and willing to demonstrate to a court that the allegations were untrue; and this would be the case despite the fact that (i) the burden of proof to prove truth is on the defendant, (ii) the truth may not be in issue, (iii) the court rules permit relevant evidence to be gathered during the litigation, taking account of the pleaded issues and (iv) no conduct rule, court rule or legal principle supports a finding of misconduct in these circumstances.

20.1.6. In any event, the allegations complained of in the McAdam letter were that OneCoin was running or was part of an organised criminal network and were operating a scam or an illegal pyramid or Ponzi scheme. As the allegations complained of did not include the blockchain allegation, any message conveyed by the issue of proceedings could not have included a message about this allegation.

20.2 As to proposition (ii) (paragraph 17.3.2 above):

20.2.1. The SRA's case that the "Message" would have been false depends on it first having correctly identified the "Message", which it has failed to do for the reasons stated above. As stated, the proceedings intimated in the McAdam Letter would not have conveyed the alleged "Message". On the SRA's case the Message was false because OneCoin had repeatedly failed to provide the "*the fundamental information and/or documentation to address the truth of the allegations made by Ms McAdam and numerous others*" (paragraph 132). But the information that the Rule 12 statement repeatedly refers to is the technical information about the blockchain (see paragraph 63, 64, 65, 67, 72, 74, 79) whereas the allegation of which complaint was made was of OneCoin running or being part of an organised criminal network and operating a scam or illegal pyramid or Ponzi scheme.

20.2.2. In any event, it is illogical and wrong to say that a "*claim could not have been pursued beyond the initial stage because OneCoin had repeatedly failed to provide the fundamental information and/or documentation to address the truth of the allegations made by Ms McAdam and numerous others*". First, it assumes that Ms McAdam would have pleaded the defence of truth to any claim that may have been brought (see paragraph 19.1.3 above). When Ms Gill sent the McAdam Letter she did not know, and could not have known, whether Ms McAdam would plead the defence of truth to a claim based on the defamatory allegations that OneCoin ran or was part of an organised criminal network and was operating a scam or illegal pyramid of Ponzi scheme. As stated, had Ms McAdam not done so it would not have been necessary for OneCoin to address the truth of the allegations. Secondly, it also wrongly assumes that when Ms Gill sent the letter it was already apparent that OneCoin could not address the truth of the allegations if Ms McAdam pleaded the defence of truth. In so far as Ms McAdam might have made allegations about the blockchain in support of a defence of truth of the allegations that OneCoin ran or was part of an organised criminal network and was operating a scam or illegal pyramid of Ponzi scheme, it is apparent from the facts alleged in paragraphs 77 and 119 to 122 that, when Ms Gill sent the letter, she was still investigating the facts and awaiting a technical

report concerning the blockchain. Thus, the SRA has no proper basis for alleging that, as at 26 April 2017, a claim could not have been pursued "beyond the initial stage". Whether or not it could have done would have depended on subsequent developments relating to the preparation and pursuit of the claim.

20.3 As to proposition (iii) (paragraph 17.3.3 above), it follows that even if the litigation intimated in the McAdam Letter would have contained the PR message that OneCoin was ready and willing to demonstrate to a court that the allegations about them were untrue, it is clear from the SRA's own pleaded case that Ms Gill was not aware and could not have been aware when she sent the letter that the alleged "Message" would be false, as it remained possible that OneCoin would be ready and willing to demonstrate to a court that the allegations about them were untrue when any proceedings were actually commenced (see the facts alleged in paragraphs 77 and 119 to 122).

20.4 As to proposition (iv) (paragraph 17.3.4 above):

20.4.1. Ms Gill was aware, when she sent the McAdam Letter, that there was a possibility that the allegations to the effect that OneCoin was fraudulent might be true. She was equally aware, on the basis of her instructions and dealings with OneCoin, that those allegations might not be true. In other words, she was alive to the possibilities either way.

20.4.2. In any case, Ms Gill was entitled, indeed bound, to act on her client's instructions that the defamatory allegations were untrue. She was not required to act as judge in respect of the allegations against her client and would have breached the duty she owed to it had she done so. The SRA's case would appear to rely on the suggestion that Ms Gill doubted or should have doubted the veracity of OneCoin's instructions: that is immaterial to whether Ms Gill was entitled to rely on them (and indeed it would have been improper for Ms Gill to substitute any doubts she might personally have for her client's instructions of fact).

A.3 The investigation and abandonment of most of the case against Ms Gill.

21. The Allegation is the remnant of a much larger case against Ms Gill that has now been abandoned. On 18 May 2020, the SRA notified the Firm of the investigation and served a production notice under section 44B of the Solicitors' Act 1974 **[X1016]**). The Firm complied with the production notice on 15 June 2020 **[X1023]**.

22. The investigation continued, with minimal updates being provided to the Firm, for around three years before the first substantive update. On 12 July 2023, the Senior Investigation Officer on the case, the late Dr Sam Jones, wrote to the Firm **[X1037]**:

> "*I have made a recommendation on the outcome of this investigation which is currently being considered by senior colleagues. I hope to be able to provide a further update within the next month to bring this matter to a conclusion*."

23. No decision was forthcoming, as originally suggested, in the following month (August 2023). Dr Jones's next letter to the Firm was on 5 October 2023, in which she wrote **[X1039]**:

> "*When I wrote to you in July, I explained that I ha[d] made a recommendation on the outcome of this investigation which is currently being considered by senior colleagues. This matter is still being considered by senior colleagues. I may need to request some additional information from you in which case I will contact you as soon as possible*.
>
> *Thank you for your continued assistance on these matters. I will update you on 5 January 2023 or (more likely) sooner once there has been a substantive development on these matters.*"

24. Despite having apparently been able to reach a provisional conclusion on the basis of the documents provided by the Firm over three years before, and having made no further requests for documents in the interim, Dr Jones then followed up with a wide-ranging request for additional documents on 13 November 2023, concerning advice given by Matthew Nicklin QC in May 2017, attendance notes of various meetings and conferences which took place between 20 June 2016 and 25 July 2017, a risk assessment dated 25 May 2017, and instructions and advice in relation to correspondence with a television station and a radio station **[X1040]**. The Firm responded substantively on 23 January 2024, noting that various documents requested had already been provided in June 2020 and providing certain others with an express reservation of rights as to their protection by legal professional privilege **[X1062-1066]**.

25. Between Dr Jones's apparent initial conclusions in July 2023 and the final publication of the SRA Notice in February 2024, a journalist who has written critically about alleged SLAPPs, Dan Neidle, published a report about OneCoin's engagement of the Firm. This was apparently sent to the SRA and is referred to in the SRA Notice (see paragraph 7 thereof **[X9]**).

26. On 8 February 2024, the SRA finally provided a wide-ranging Notice Recommending Referral of Conduct to the Tribunal ("**the SRA Notice**") **[X8-32]**.

27. It appears from the foregoing sequence of events that: (i) by 12 July 2023, Dr Jones apparently reached an initial conclusion that the investigation should be closed without referring Ms Gill's conduct to the Tribunal, but (ii) unidentified "*senior colleagues*" at the SRA intervened. Ms Gill has put this inference to the SRA in correspondence and requested disclosure of Dr Jones's original recommendation, on 23 January 2024 **[X1062]**. The has been repeated on 9 April 2024 **[X1071]** and 23 May 2024 **[X1081]**, and the issue has been yet further addressed in correspondence on 16 July 2024 **[X1103]** and in the representations in response to the SRA Notice **[X347-354]**. The SRA has refused to disclose Dr Jones's recommendation, advancing an unjustified assertion of privilege (see e.g. letter of 21 May 2024 **[X1079-1080]**). Dr Jones's initial recommendation is a fact which cannot itself be privileged and ought to be candidly disclosed in accordance with the SRA's duty to act fairly and transparently (section 28(3) Legal Services Act 2007). The SRA has refused to confirm whether the inference drawn by Ms Gill regarding Dr Jones's initial recommendation is correct, but has not denied it either.

28. Following the intervention of unidentified senior colleagues (including it appears lawyers at the SRA), Dr Jones recommended that three wide-ranging allegations against Ms Gill and the Firm be referred to the Tribunal. As the late Mr Dutton CBE, KC pointed out in an Opinion submitted to the SRA, the SRA Notice was fundamentally misconceived and likely put the SRA in breach of its regulatory objectives of promoting the rule of law (see paragraphs 78 to 88 of Mr Dutton CBE KC's opinion **[X268-271]**). Very little of the recommendations of Dr Jones and her senior colleagues survived in the later Decision on Referral to the Solicitors Disciplinary Tribunal dated 21 March 2025 ("**the Decision**") **[X1152-1161]**. The case against the Firm (which advanced the same allegations) was abandoned entirely, and the case against Ms Gill was substantially narrowed and reformulated. The surviving case against Ms Gill in the Decision itself, it should be noted, was still advanced on a misconceived legal premise as to the relevant professional duties

(which continues in the Rule 12 statement) and contained demonstrably false assertions of fact (for example, that Ms Gill did not have instructions on the falsity of OneCoin's blockchain technology, as to which see paragraph 63 below). These errors were clearly set out to the SRA in Ms Gill's representations dated 7 April 2025 **[X1166-1180]**.

29. As regards Ms Gill, the original formulation of the allegations in the SRA Notice, and their subsequent treatment in the Decision and Rule 12 statement, may be summarised as follows.

30. Allegation 1 in the SRA Notice concerned an alleged failure to carry out "*due diligence*" into various aspects of OneCoin **[X13-17]**. It was rightly abandoned in the Decision because no relevant express obligation to conduct due diligence could be identified and, in any event, "*the evidence indicates (and the Representations highlight) that Ms Gill made concerted efforts to understand the corporate structure of the OneCoin business and to obtain instructions on the technical viability of the currency and the blockchain supporting it*" **[X1155]**.

31. Allegation 3 in the SRA Notice concerned the labelling of the McAdam Letter as "*private and confidential*". It too was rightly abandoned in the Decision, which accepted that "*the letter did convey confidential information about the impact of Ms McAdams' allegations on the OneCoin business*" **[X1156]**.

32. The Allegation in these proceedings is a far narrower reformulation of what was Allegation 2 in the SRA Notice, which primarily alleged that Ms Gill had engaged in a supposed SLAPP.

    32.1 This was said to arise from a course of conduct comprising improper correspondence with six different parties **[X18-28]**. The centrality of the SLAPP concept to the SRA Notice is evident from paragraphs 8 to 12, entitled "*Warning Notice on Strategic Litigation Against Public Participation (SLAPPs)*" **[X9-10]**, which extensively quoted from the Warning Notice referred to, which was published on 22 November 2022. That Warning Notice postdates all the material events by over five years. Explicit reliance on the SLAPPs Warning Notice has notably been avoided in the Rule 12 statement.

    32.2 The Decision rightly abandoned any allegation of wrongdoing in respect of Ms Gill and the Firm's correspondence with four of the six parties, and jettisoned

explicit reliance on the SLAPPs concept. It recommended a referral of a complaint in respect of the McAdam Letter and a further letter with the Talon Media Group (now also abandoned). Despite this, the Rule 12 statement still sets out much of the facts relating to the allegations that have been abandoned without explaining their relevance (see the long section entitled "*Summary of relevant circumstances leading up to the 26 April 2017 correspondence*" set out over 37 pages from paragraphs 10 to 127) and continues to refer to the SLAPP concept (at paragraph 12).

33. Applications to the Tribunal by the SRA are made by a solicitor instructed on its behalf. That solicitor exercises an important responsibility in the public interest to ensure that the application is properly brought, that the statement of truth is justified, and that the proceedings are thereafter kept under review. The proper discharge of that responsibility is particularly germane in this case in view of Ms Gill's application for summary determination of the SRA's application on the grounds that it raises no proper issue of professional misconduct and/or does not have a real prospect of success. The Rule 12 statement is supported by a statement of truth by Hannah Pilkington, a solicitor at Capsticks Solicitors LLP, dated 23 May 2025. On 8 July 2025, Blake Morgan informed the Tribunal and Ms Gill that Blake Morgan LLP was now instructed by the SRA. The SRA has declined to explain why Capsticks' engagement has been terminated shortly after the commencement of proceedings [**M4-5** and **M8-9]**, when Capsticks had already spent c 200 hours on the matter, at a cost to the SRA of £28,768 plus VAT, spread across four fee earners **[H3]**. The termination of the engagement of the firm that was responsible for being satisfied that these proceedings were properly brought prima facie is a matter of concern and ought to be explained by the SRA.

34. The following conclusions must therefore be drawn about the procedural history of these proceedings:

    34.1 The Investigation Officer, Dr Jones, evidently had misgivings about the viability of the complaint against the Firm and Ms Gill and appears to have made an initial recommendation in or before July 2023 to close the investigation. The SRA has never denied this inference.

34.2 This investigation was part of the SRA's campaign to crack down on alleged SLAPPs. This intensified with the issuance of the SLAPPs Warning Notice in November 2022.

34.3 Senior management in the SRA appear to have intervened to override Dr Jones and ensure that the widest conceivable SLAPPs-focussed allegations could be pursued against the Firm and Ms Gill. This was clearly originally envisaged as a high-profile attempt to secure an explicit and unambiguous SLAPPs conviction against a well-known solicitor and firm of media lawyers.

34.4 On receipt of representations from the Firm and Ms Gill, the ADM cut down the SRA's case to allegations against Ms Gill only in respect of the McAdam Letter and the Talon Media letter[7], abandoning the SLAPPs case. The Decision exposes a range of obvious logical and legal flaws in the SRA Notice, but the Decision itself contains flaws of an equivalent gravity in the remaining allegations that it referred to the Tribunal, as Ms Gill's representations of 7 April 2025 make clear.

34.5 How the SRA Notice came to include these obvious flaws is a matter of profound concern, given the history summarised above and the apparent involvement of the SRA's senior management and lawyers in its preparation.

34.6 In proceeding with the single allegation against Ms Gill, the SRA has nonetheless decided to shoehorn much of the factual material from the SLAPP case in the SRA Notice into the Rule 12 statement.

34.7 The solicitor who signed the statement of truth, and who would have been professionally responsible for the ongoing review of the propriety of pursuing the Allegation against Ms Gill, is no longer able to perform that duty as a result of the termination of her and her firm's engagement.

34.8 These proceedings amount to an improper and contrived attempt to secure a conviction following five years of inordinate delay, unfairness and regulatory failure. They have unnecessarily occasioned immense distress to Ms Gill. The SRA's conduct amounts to a disproportionate interference with her article 8 right to respect for her private life. A full chronology of the history of the investigation

[7] Now also abandoned.

up to 12 July 2024 is annexed to Ms Gill's representations in response to the SRA Notice **[X345-354]**.

B. RESPONSE TO THE FACTS AND MATTERS RELIED UPON IN SUPPORT OF THE ALLEGATION[8]

B.1 Paragraphs 7 to 127 of the Rule 12 statement.

35. As to paragraphs 7 to 127 generally, the assertions of fact and quotations from documents are admitted, save as otherwise set out in this Response and without prejudice to the following further matters relating to paragraphs 7 to 127 set out herein.

36. It is denied that any of the facts as alleged or documents reproduced give rise to any breach of Ms Gill's professional obligations, for the reasons summarised above and addressed more fully in section C below.

37. Various quotations from documents are partial and exclude further text which is material to the Allegation and Ms Gill's state of mind. Ms Gill reserves the right to rely on the full quotations from the quoted documents (and any other relevant documents).

38. The Rule 12 statement fails to clearly explain the relevance of each of the facts and matters said to be relied upon in support of the Allegation. As stated, much of the factual material is recycled from the abandoned allegations in the SRA Notice. In particular:

    38.1 Paragraphs 27, 35, 37, 47, 51, 55, 58 to 74, 96, 113, 115, and 119 to 122 concern Ms Gill and the Firm's knowledge and/or efforts to obtain information about the corporate structure and technology of OneCoin (including after the McAdam Letter was sent: see paragraph 36 below). In substance, these recycle the materials used in paragraphs 16 to 28 of the SRA Notice **[X12-17]** to substantiate the now abandoned Allegation 1, which concerned alleged due diligence failures regarding OneCoin's corporate structure and blockchain/cryptocurrency technology. In any event, the Decision concluded that Ms Gill "*made concerted efforts to understand the corporate structure of the OneCoin business and to obtain instructions on the technical viability of the currency and the blockchain supporting it*" (which efforts

[8] The Rule 12 statement confusingly refers to "allegations" despite there being only one allegation.

were ongoing at the time of the McAdam Letter) and the matters set out in these paragraphs clearly support that conclusion.

38.2 Paragraphs 31 to 34 concern the publication of a warning notice by the FCA about OneCoin on 26 September 2016, and OneCoin and the Firm's initial response. These recycle matters raised in paragraphs 51 to 58 of the SRA Notice **[X22-23]**, which treated Ms Gill's response to the FCA as one limb of the (abandoned) allegation of a SLAPP strategy. The Rule 12 statement omits to mention that the FCA withdrew the warning notice in July 2017.

38.3 Paragraphs 105 and 106 refer to the circulation of a letter to Talon Media, also threatening litigation, that was sent alongside the McAdam Letter. This formed another limb of the original SLAPP allegation (raised in paragraphs 70 to 75 of the SRA Notice **[X26]**), which is no longer advanced.

39. The relevance of Ms Gill's conduct and knowledge after sending the McAdam Letter, which is dealt with in great detail at paragraphs 109 to 127, is not understood. The Allegation against Ms Gill concerns the McAdam Letter only and not any alleged subsequent conduct.

B.2 The essential facts that will be relied upon by Ms Gill.

40. Notwithstanding the unnecessary detail set out in paragraphs 10 to 127, the SRA fails properly to identify the key facts that are relevant to a fair assessment of her conduct, as follows.

(1) The allegations made by Ms McAdam were defamatory and gave rise to a prima facie cause of action

41. There can be no dispute that the allegations were seriously defamatory. A statement is defamatory at common law of a company if it intends to lower its standing in the eyes of right thinking members of society generally. As explained by Lord Bingham in *Jameel v Wall Street Journal* [2007] AC 359 at [26]:

> "*First, the good name of a company, as that of an individual, is a thing of value. A damaging libel may lower its standing in the eyes of the public and even its own staff, make people less ready to deal with it, less willing or less proud to work for it. If this were not so, corporations would not go to the lengths they do*

> *to protect and burnish their corporate images. I find nothing repugnant in the notion that this is a value which the law should protect.*"

42. A claimant does not have to prove that a defamatory statement is untrue. The issue of truth only arises if the defendant raises it as a defence. If he does, he will have the burden of proving it (see *Mueen-Uddin v Secretary of State for Home Department* [2024] UKSC 21; [2024] 3 WLR 224 at [68]] and paragraph 25 of Adrienne Page KC's opinion **[X1201]**).

(2) Ms Gill did not know that OneCoin was fraudulent.

43. At no point prior to sending the McAdam Letter did Ms Gill know that she was supporting a fraud or that OneCoin was a fraudulent company. Indeed, the SRA does not allege that she did. It states is that it is now known, in 2025, that OneCoin was a fraud (paragraph 12).

44. In any case, it is a fundamental principle that lawyers are entitled and bound to put forward their client's case even if they disbelieve it (see paragraphs 73 to 75 below). It follows that the allegation in paragraph 136 of the Rule 12 statement that "*the Respondent was aware that there was a strong possibility that OneCoin was fraudulent*" is legally irrelevant. Ms Gill responds to it without prejudice to that position.

45. Given the allegations being made against OneCoin, Ms Gill was aware of the possibility that they were true, and that therefore OneCoin might be fraudulent. She was also aware of the possibility that it might not be true, and that OneCoin might not be fraudulent. She remained objective, in accordance with her professional duty. It was not necessary for that purpose for her to assess whether the possibility would be most accurately characterised as "*strong*" or otherwise; she was alive to the possibilities either way. Ms Gill makes the following points as regards her belief that, whilst the allegations might be true, they also might not be true.

46. First, the allegations against OneCoin were just that. There were not findings or even, to her knowledge, criminal charges that OneCoin was a fraud. Ms Gill had not been provided with any evidence that OneCoin was a fraud.

47. Secondly, in relation to the specific fraud allegations that were levelled against OneCoin from time to time, as stated, OneCoin instructed Ms Gill and the Firm that they were untrue. The SRA does not allege otherwise. Those instructions were supported by various

pieces of documentation. See paragraphs 57 (in relation to pyramid selling allegations) and 63 (in relation to OneCoin's technology) below.

48. Thirdly, throughout the period in which Ms Gill acted for OneCoin and Dr Ignatova (mid-August 2016 until November 2017), she was aware of various matters which gave the appearance that OneCoin was a genuine commercial enterprise, as follows.

49. Ms Gill and the Firm dealt with (among others) Gary Gilford as a representative of the client. At the material time, he was the general counsel and a director of RavenR Capital Limited ("**RavenR**"), a company based in offices in Knightsbridge that Ms Gill visited, which the Firm understood administered Dr Ignatova's family office. Mr Gilford was instructing Hogan Lovells LLP to provide the advice concerning the propriety of OneCoin's multi-level marketing business model referred to in paragraphs 44 to 45 of the Rule 12 statement. He is regulated by the SRA and remains on the Roll.

50. Ms Gill visited the OneCoin offices in Bulgaria on 8 November 2016 (the meeting referred to in paragraph 39) and on 13 and 14 December 2016. During these visits, she observed that the business was run from offices employing a considerable number of people, including a legal and compliance team and a press department.

51. Ms Gill was aware that the following further reputable law firms and lawyers within this jurisdiction were also acting for OneCoin and/or Dr Ignatova:

    51.1 Godwin Busuttil, a specialist defamation and media barrister, who was instructed during the initial stages of the engagement. Mr Busuttil reviewed and approved the letter threatening litigation against Coin Telegraph in July 2016 (and in respect of which no complaint is made by the SRA) referred to in paragraph 13.1 above (see draft with Mr Busuttil's amendments at page 2 of the Respondent's bundle).

    51.2 Hogan Lovells, who were instructed to advise in relation to the legality of the multi-level-marketing scheme administered by OneLife and who continued throughout to advise in relation to its policies and procedures

    51.3 Colin Nott from Hallinan Blackburn Gittings & Nott, who was engaged to advise Dr Ignatova in relation to the criminal investigation by the City of London police. He instructed Andrew Trollope KC. They are both leading criminal practitioners.

The Firm liaised with Mr Nott and Mr Trollope KC in relation to the approach to be taken with the City of London Police.

51.4 Robert Brown (a highly regarded criminal solicitor) of Corker Binning, who advised in relation to the criminal investigation by the City of London Police.

51.5 Schillings LLP, another specialist media firm, who advised in relation to discrete media issues.

51.6 Marcus Rutherford at ENYO LLP, who was instructed by Gary Gilford to advise RavenR in relation to the criminal investigation.

52. Ms Gill was aware that reputable law firms and lawyers in other jurisdictions were also instructed by OneCoin and/or Dr Ignatova, including:

52.1 Stefan Schulenberg of Schulenberg & Schenk, a specialist in multi-level marketing in Germany who the Firm understood had been retained to advise on regulatory issues, including to engage with the German regulator BaFin, as well as to deal with adverse media in that jurisdiction.

52.2 Luca di Donna of Studio Legale, an Italian firm that was instructed to challenge the decision of the Italian Anti-Trust Authority (which was ultimately successful, as stated in the firm's letter to the SRA of 23 January 2024 **[X1062-1066]**).

52.3 Alexis Hallemans Nelissen Grade, a Belgian firm that was dealing with various matters arising in that jurisdiction including in relation to adverse media.

52.4 Mats Jansson of DLA Piper in Sweden, a specialist in M&A and company law.

52.5 Andre Jumabhoy of K&L Gates in Singapore.

52.6 Robert Courtneige of Locke Lord, whom the Firm understood had been instructed by Mr Gilford in relation to the roll out of the "DealShaker" platform (an e-commerce platform used by OneCoin).

52.7 Robert Bennett, a leading criminal defence US lawyer, in relation to the criminal investigation in the US.

53. Ms Gill and the Firm worked with the following PR and media professionals, including:

53.1 Prime Strategies LLC ("**Prime Strategies**"), a public relations firm based in the United States of America. Allyson Kehoe, who provided the documents and information about OneCoin referred to in paragraphs 21, 23, 26, and 28, worked for Prime Strategies. Prior to the Firm's instruction in the OneCoin matter Ms Kehoe had been seconded by her employer to work for OneCoin out of RavenR's offices in Knightsbridge, for several months. Ms Gill's understanding was that Ms Kehoe had close and direct knowledge of OneCoin's business.

53.2 From 1 November 2016, Chelgate PR. The Chelgate advisor with conduct of the OneCoin account at the material times was Terence Fane-Saunders.

(3) The McAdam Letter accurately reflected Ms Gill's instructions.

54. The McAdam Letter represented, and was supported by, OneCoin and Dr Ignatova's instructions as of 26 April 2017.

55. Ms Gill was instructed that OneCoin was not a "*criminal network*" as alleged by Bjorne Bjercke in the interview hosted by Ms McAdam and the SRA does not allege otherwise.

56. Ms Gill was instructed that "*no evidence of criminal conduct has ever been put to our clients and no adverse findings of wrongful or criminal behaviour has been made by any authorities*" in relation to OneCoin. Indeed, so far as Ms Gill is presently aware, this statement was true insofar as it related to OneCoin as of the date of the McAdam Letter.

57. Ms Gill was instructed that OneCoin and Dr Ignatova denied the allegations that they were "*operating a scam or an illegal pyramid or Ponzi scheme*". The advice of Hogan Lovells LLP, a reputable firm of commercial solicitors, was that "*the activities carried on by OneLife under that agreement will not constitute a pyramid promotional scheme within the meaning of paragraph 14 of the Schedule 1 to the Consumer Protection from Unfair Trading Regulations 2008*" **[X568]**.

58. Ms Gill was instructed that the allegations published by Ms McAdam were causing "*serious harm to [OneCoin and Dr Ignatova's] business*". Emails and complaints by Nicola Lindsay (dated 8 April 2017) **[X757-758]** and Dr Lynn McDonald (dated 11 April 2017) **[X746-749]**, both OneLife IMAs, expressed concern about the detrimental impact of Ms McAdam's allegations and activities on the OneLife/OneCoin business.

59. OneCoin's intention was, as stated in the letter, "*to initiate proceedings against [Ms McAdam] for defamation*", if the demands in the letter were not met. This reflected Ms Gill's instructions.

59.1 Ms Gill's email to Dr Ignatova of 18 April 2017 refers to the "*urgent steps we are taking*" against Ms McAdam as "*[p]reparing a letter of claim to her, and thereafter to initiate appropriate legal action for defamation if she fails to agree to take down the offending material within 7 days of receipt of [the] letter*" (emphasis added) **[X760]**.

59.2 The accompanying email circulating a draft of the McAdam Letter on 21 April 2017 (referred to in paragraph 104) shows Ms Gill's understanding that proceedings were intended to be pursued ("*[w]e will be instructing Counsel to settle proceedings (and to advise on jurisdiction) next week*") **[X766]**.

59.3 Dr Ignatova, in her later email of 25 April 2017 (as referred to in paragraph 107), clearly instructed the Firm that her intention was to proceed with the putative claim against Ms McAdam, stating "*Lets [sic] proceed with legal actions*" **[X777]**.

(4) The McAdam Letter did not advance contentions about OneCoin's technology.

60. The McAdam Letter focused on the matters in relation to which Ms Gill had received clear instructions. The McAdam Letter specifically addressed only the allegation that OneCoin ran or was part of an "*organised criminal network*" and the related allegation that OneCoin or OneLife were operating a "*scam or an illegal pyramid or Ponzi scheme*".

61. The McAdam Letter did not seek to advance any assertions with respect to any of Mr Bjercke's allegations concerning OneCoin's technology (for example, that there was no blockchain and that holdings in OneCoin were stored in an SQL database). This was because the decision was made (as invariably it is made in defamation cases) to focus on the most seriously defamatory allegation (of organised criminality). Further, Ms Gill considered that OneCoin should if possible avoid becoming immersed in a complex dispute about the technology in circumstances where, as is set out in some detail in the Rule 12 statement (see e.g. paragraphs 62 to 66 and 72 to 74), she was still seeking a clearer explanation to support OneCoin's instructions about OneCoin's technology (which were themselves very clear, as set out below).

62. This was an entirely proper approach which reflected the practice in defamation cases to focus on allegations which assert the most serious forms of wrongdoing and which suggest that OneCoin was positively guilty of that wrongdoing (rather than, for example, reasonable grounds for suspicion: see paragraphs 27 to 28 of the opinion of Adrienne Page KC **[X1201]**). It is also indicative of the care taken by Ms Gill to ensure that she advanced what she considered to be her client's strongest case on the information available to her. Ms Gill emphasised this distinction in correspondence around the time of the McAdam Letter:

62.1 In an email to Dr Ignatova on 18 April 2017, summarising her advice on litigation strategy Ms Gill stated that "*[w]e have agreed to focus on the most serious allegations about criminal conduct so as to avoid if we can getting bogged down in an action about the technology*" **[X760]**.

62.2 In an email on 2 May 2017, Ms Gill made clear to (*inter alia*) Ms Dilkinska and Mr Fane-Saunders that "*at the moment we are not in a position to write a robust letter of complaint about the blockchain allegations, because we are not able to say what is false about the blockchain claims, specifically the allegations about the use of SQL script 4*" **[X790]**.

(5) Ms Gill and the Firm had received clear instructions about OneCoin's technology, and their enquiries about supporting evidence were ongoing at the time of the McAdam Letter.

63. Notwithstanding that OneCoin's technology was not the express subject of the McAdam Letter, Ms Gill and the Firm were clearly and repeatedly instructed that, contrary to assertions publicly made by Mr Bjercke and others, OneCoin's cryptocurrency product was supported by a genuine blockchain privately managed in the company's servers. The exhibit to the Rule 12 statement includes (at least) the following instances of this:

63.1 On 20 June 2016, Ms Kehoe provided a video to the Firm containing an explanation by Dr Ignatova's of OneCoin's purported technology **[X385]**.

63.2 On 29 June 2016, the Firm received an opinion from Schulenberg & Schenk referring to "*This currency consists of so called OneCoins, which are in form of mathematical algorithms based on so called Token generated on a computer*" **[X398]**.

63.3 On 11 July 2016, Ms Kehoe sent two emails to the Firm enclosing further comments from OneCoin about their purported blockchain technology. The first email included comments (*inter alia*) that: (i) "*OneCoin is certainly a cryptocurrency*"; (ii) there would be an upcoming "*upgrade [of] our blockchain [to] improve transaction speed*" **[X411]**. The second email also enclosed a Q&A document, which described OneCoin's blockchain, that it was audited "*by an external, independent auditor*", and the purpose of the upcoming purported "*upgrade*" **[X420-422]**.

63.4 On 16 August 2016 the Firm received reports purporting to confirm the integrity of OneCoin's blockchain by external auditors and a press kit (as referred to in paragraph 28), which offered further explanation of OneCoin's purported blockchain ledger **[X485-499]**.

63.5 On 27 September 2016, Ms Dilkinska provided the Firm with a draft letter for the FCA setting out a number of OneCoin's assertions about how the company's blockchain technology works **[X508-510]**.

63.6 On 12 October 2016, Ms Dilkinska sent another draft response to recent public allegations about OneCoin to the Firm, which mentioned (*inter alia*) that OneCoin had a "*Blockchain […] based in secure servers, accessible only to the company*" **[X529-530]**.

63.7 On 22 February 2017, Ms Dilkinska sent further "*clarification materials*" purporting to explain the functioning of OneCoin's blockchain algorithm and KYC processes **[X698-708]**.

63.8 On 10 March 2017, Ms Gill received the technical information document referred to in paragraph 71 **[X726]**. This positively asserted (*inter alia*) that: (i) OneCoin was based on blockchain technology (and not an SQL database, as asserted by Mr Bjercke); (ii) that it was "*absolutely false […] to state that OneCoin is not a cryptocurrency at all*"; and (iii) that OneCoin's blockchain "*is subject to monthly audits*" by "*qualified persons*" **[X727-729]**.

64. At the time Ms Gill sent the McAdam Letter, her and the Firm's enquiries into obtaining information to substantiate the above instructions were ongoing. She expected OneCoin to provide the necessary materials to address any issue about the blockchain that may

have arisen in the litigation in due course. In the period leading up to sending the McAdam Letter, Ms Gill was repeatedly assured that further technical information was forthcoming, as follows:

64.1 On 7 March 2017, Ms Gill requested a technical statement about OneCoin's blockchain technology (as referred to in paragraph 63). The same day, Pierre Arens, the CEO of OneCoin, responded "*We are working on the white paper, technical report on the blockchain. Not done yet.*" **[X711]**. The White Paper was eventually provided on 9 May 2017 **[X806-816]**.

64.2 As referred to at paragraph 69 of the Rule 12 statement, Ms Gill was sent the following email on 8 March 2017 by Ms Dilkinska **[X723]**:

> "*Currently I am organising a brainstorm meeting with the IT Department in order to provide you with the technical explanation of why these claims regarding the SQL data base and blockchain are not adequate.*"

(6) Ms Gill believed when she sent the Letter that the purpose of the proceedings intimated in the McAdam Letter would be to vindicate OneCoin's right to reputation.

65. When Ms Gill sent the McAdam Letter, she believed that the purpose of the intimated legal proceedings would be to vindicate the client's right to reputation, by securing agreement to take the defamatory statements down or by a determination of the court and by making clear publicly that OneCoin maintained that the defamatory statements were untrue.

66. As the ADM accepted (see paragraph 40 of the Decision **[X1159]**), it is not improper for defamation proceedings to be motived by public relations (see also the Opinion of Adrienne Page KC, paragraph 17 **[X1199]**). More generally, a litigant's motivation for enforcing a legal right is irrelevant (see paragraph 77.1 below).

67. Thereafter, Ms Gill took steps to commence proceedings as instructed. In the email dated 28 April 2017 referred to in paragraph 112, Ms Gill stated "*[w]e are preparing to issue proceedings against Jennifer McAdam*" **[X785]**.

68. Ms Gill prepared instructions to Matthew Nicklin QC, which asked him to advise on whether proceedings against Ms McAdam should be commenced in Scotland or England and which corporate entity should sue her **[X804].**

69. The agenda circulated by Ms Gill on 10 May 2017 for the conference with Mr Nicklin QC recorded the same intention. It referred to intended claims in Norway, St Kitts and Nevis, and the United Kingdom, including against Ms McAdam. It then stated: "*The current agreed strategy is to commence legal claims in each of these jurisdictions, but to confine the claim to the most serious allegation, namely that OneCoin/OneLife is a criminal network*" **[X823]**.

(7) Ms Gill advised OneCoin of the risks of commencing litigation against Ms McAdam

70. As is apparent from the Rule 12 statement, Ms Gill advised the client as to the risks of writing letters of complaints and commencing litigation before the supporting technical evidence had been obtained (see paragraphs 37, 38, 39, 42, 46, 48, 77, 79, 81, 88, 92, 93, 101 and 106). She thereby acted in accordance with the SRA's guidance on "*Walking the line: The balancing of duties in litigation*" referred to in paragraph 137.

71. Ms Gill properly took account of the public relations benefit in challenging the allegation through court proceedings weighed against the risk that, depending on how any litigation developed in light of the pleaded cases, it may be prudent for the client to discontinue the case. That advice is reflected in Ms Gill's emails of 18 April 2017 **[X760-761]** and 20 April 2017 **[X763-764]** to the client, referred to at paragraphs 93 and 101 of the Rule 12 statement.

C. ALLEGATIONS AND BREACHES OF PRINCIPLES AND THE CODE OF CONDUCT

C.1 The relevant legal principles.

72. Paragraphs 131 to 143 proceed on a fundamentally misconceived legal basis. The SRA's case falls to be considered in light of the seven fundamental principles of the law of professional conduct which govern the propriety of solicitor's correspondence.

73. First, a solicitor is entitled to rely upon and advance their client's representations of primary fact in correspondence, and to advance any properly arguable legal or factual

inference arising thereon.[9] Accordingly, a solicitor does not have an obligation to investigate or ascertain the truth of their client's instructions of primary fact before advancing their case.[10] Nor should assertions of fact written on instructions be deemed to contain any warranty or assumption of responsibility by the solicitor as to the truth of those assertions.[11] A solicitor should not act as a pre-trial screen or set themselves up as the judge of the client's case:

73.1 See the observations of Sir John Donaldson MR in *Orchard v South Eastern Electricity Board* [1987] QB 565:

> "*In the context of a complaint that litigation was initiated or continued in circumstances in which to do so constituted serious misconduct, it must never be forgotten that it is not for solicitors or counsel to impose a pre-trial screen through which a litigant must pass before he can put his complaint or defence before the court. On the other hand, no solicitor or counsel should lend his assistance to a litigant if he is satisfied that the initiation or further prosecution of a claim is mala fide or for an ulterior purpose or, to put it more broadly, if the proceedings would be, or have become, an abuse of the process of the court or unjustifiably oppressive*."

73.2 See also the observations of Sir Thomas Bingham MR (as he then was) in *Ridehalgh v Horsefield* [1994] Ch 205 at 234C-E:

> "*Legal representatives will, of course, whether barristers or solicitors, advise clients of the perceived weakness of their case and of the risk of failure. But clients are free to reject advice and insist that cases be litigated. It is rarely if ever safe for a court to assume that a hopeless case is being litigated on the advice of the lawyers involved. They are there to present the case; it is […] for the judge and not the lawyers to judge it.*
>
> *It is, however, one thing for a legal representative to present, on instructions, a case which he regards as bound to fail; it is quite another to lend his assistance to proceedings which are an abuse of the process of the court. […] It is not entirely easy to distinguish by definition between the hopeless case and the case which amounts to an abuse of the process, but in practice it is not hard to say which is which and if there is doubt the legal representative is entitled to the benefit of it*."

[9] *Law Society v Scottish Legal Complaints Commission* [2010] CSIH 79; SC 2011 94 at [27] and *McSparran McCormick v Scottish Legal Complaints Commission* [2016] CSIH 7; 2016 SLT 510 at [48] and [52] (distinction between primary fact and legal inference).
[10] *El Haddad v Al Rostamani* [2018] EWHC 2726 (Admin) at [43].
[11] *Scottish Legal Complaints Commission* at [27].

74. Secondly, a solicitor must not advance any contention in correspondence which they know to be untrue, irrespective of whether a client has nonetheless instructed that those contentions should be advanced. To do otherwise would likely violate any of Principles 1, 2, and 6 of the 2011 Principles and Outcome 5.1 and 5.2 of the SRA Code of Conduct 2011[12]. This would include, for example, stating their client intends to initiate proceedings when they do not intend to do so. Consistent with the first principle above, however, that a solicitor may *doubt* their client's assertions of primary fact or of their intentions does not constitute knowledge that they are untrue in the relevant sense (any more than a barrister who doubts his client's innocence could be said to mislead the Court if he advanced the improbable account his client has instructed).[13]

75. Thirdly, a solicitor has a duty to their client to advance their client's case where that case is supported by their client's instructions, consistent with the first and second principles set out above.[14] It follows that, unless there is a clear overriding duty requiring otherwise, it would be professionally improper for a solicitor to refuse to advance a properly arguable case in correspondence based on their client instructions, when specifically instructed by their client to do so.[15] The position is well summarised in the BSB's Code of Conduct:

> "***gC6*** *You are obliged by CD2 to promote and to protect your client's interests so far as that is consistent with the law and with your overriding duty to the court under CD1. Your duty to the court does not prevent you from putting forward your client's case simply because you do not believe that the facts are as your client states them to be (or as you, on your client's behalf, state them to be), as long as any positive case you put forward accords with your instructions and you do not mislead the court. Your role when acting as an advocate or conducting litigation is to present your client's case, and it is not for you to decide whether your client's case is to be believed.*

76. The foregoing principles have recently been summarised by Mr Justice Fancourt in *El Haddad v Al Rostamani & Ors* [2024] EWHC 448 (Ch):

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[12] The 2019 Codes contain equivalent conduct rules.
[13] See e.g. Opinion of Tim Dutton KC at paragraph 43 **[X253]** and, by analogy, gC6 in the BSB Code of Conduct.
[14] See *El Haddad* at [43] ("*the lawyer's duty is to present the facts as their client alleges them to be and advance arguments based on those facts*") and *Orchard v Southeastern Electricity Board* [1987] 1 QB 565 at 572E-F ("*it must never be forgotten that it is not for solicitors or counsel to impose a pre-trial screen through which a litigant must pass before he can put his complaint or defence before the court*").
[15] In terms of the 2011 Principles and 2011 Code, Outcome 1.1 (treating clients fairly), Outcome 1.2 (providing services in a manner which protects their interest in the matter), Principle 1 (upholding the rule of law and the proper administration of justice), Principle 4 (acting in the client's best interests), Principle 5 (proper standard of client service), and Principle 6 (maintaining public trust) could all be breached by a failure to advance any otherwise properly arguable case on client instructions.

> "*41. Solicitors and barristers owe an overriding duty to the court not to mislead it by presenting a case or asserting facts that they know to be false or which are manifestly false. or to make serious allegations against another person which are unsupported by evidence or instructions from their client. A lawyer may not make an allegation of fraud or of comparably serious misconduct, such as conspiring to cause harm by acting unlawfully, unless they have distinct instructions from their client to make that allegation and there is evidence capable of supporting a finding of fraud or impropriety.*
>
> *42. There is no comparable duty on a lawyer not to make an inadvertent error in presenting the client's case. Even skilled advocates mistake a fact or a legal argument from time to time: the adversarial process provides ample opportunity to the other side to correct any such mistake.*
>
> *43.Subject to the overriding duty to the court, the lawyer's duty is to present the facts as their client alleges them to be and advance arguments based on those facts. Importantly for present purposes, a lawyer does not owe the court or another party to the case any duty to investigate the facts, or to ascertain the truth, before advancing the factual case on behalf of their client. That is so even if they have doubts about the likelihood that what their client tells them is true. What the lawyer advises their client confidentially about the strength or weakness of the evidence is of course privileged, and not something into which the court or another party can inquire.*
>
> *44. The English lawyer's duty to their client is to seek by all proper professional means to advance the client's case, fearlessly, in accordance with the client's instructions, as long as there is a proper argument capable of being advanced. If the client's case is a weak one, the Court will so decide. Although the lawyers are paid by the client and often work closely with the client in preparing for a hearing or trial, they do not become associates of the client or otherwise identified with the client's interests. They remain functionally independent, and their overriding duties to the court are a cornerstone of that independence.*" (Emphasis added)

77. Fourthly, if a solicitor is instructed to write correspondence threatening litigation in circumstances which satisfy the first to third principles above (i.e. the solicitor has instructions of primary fact giving rise to the properly arguable legal inference which their client wishes to assert, and of their client's intention to sue), then the solicitor is bound to do so unless advancing the putative claim would be for an improper purpose known to the solicitor, such that the solicitor knows it would be a clear abuse of process.[16]

    77.1 There are two distinct categories of relevant abuse of process: (a) the achievement of a collateral advantage beyond the proper scope of the action; and (b) the conduct of the proceedings themselves not so as to vindicate a right but rather in a manner designed to cause the defendant problems of expense, harassment,

[16] *Orchard* at 565.

commercial prejudice or the like beyond those ordinarily encountered in the course of properly conducted litigation. The institution of proceedings with an ulterior motive will not of itself be sufficient to render an otherwise valid claim an abuse of process.[17]

77.2 The SRA generally fails to distinguish between abuse by the client and abuse by the lawyer. The solicitor is only professionally accountable for the client's abuse if he is aware of it and the abuse is clear (as to which, see paragraph 76 above).

78. Fifthly, the question whether a solicitor should act on the client's instructions is pre-eminently a matter for the solicitor's professional judgment, and is not something with which a court, tribunal or regulator may properly interfere, save on clear, principled grounds.

78.1 Abuse of process is not to be equated with professional misconduct. It is a legal term of art. A finding that a case is liable to be struck out on that basis does not imply professional misconduct, save where, to the lawyer's knowledge, the proceedings were a clear and deliberate abuse.[18] The Court of Appeal in *Ridehalgh* (see paragraph 73.2 above) has also recognised that a legal representative is entitled to the benefit of the doubt:

> "*It is, however, one thing for a legal representative to present, on instructions, a case which he regards as bound to fail; it is quite another to lend his assistance to proceedings which are an abuse of the process of the court. […] It is not entirely easy to distinguish by definition between the hopeless case and the case which amounts to an abuse of the process, but in practice it is not hard to say which is which and if there is doubt the legal representative is entitled to the benefit of it*".[19]

78.2 These observations have even greater force when litigation is only intimated in pre-action correspondence, rather than actually brought.

78.3 Further, the observations of Lord Bingham in *Medcalf v Mardell* [2003] AC 120 made in the context of pleading fraud are of general application:

> *"[34] The substance of the case against the barristers was that, contrary to paragraph 606 of the Code of Conduct, they made allegations of dishonesty against a litigant without having before them "reasonably*

[17] *Broxton v McClelland* [1995] EMLR 485, 497.
[18] *Hays v Hartley* [2010] EWHC 1068 (QB) at [63].
[19] *Ridealgh v Horsefield* [1904] Ch 205, 234D-E.

> *credible material which as it stands establishes a prima facie case of [dishonesty]".*
>
> *[35] This particular professional duty sometimes poses difficult problems for practitioners. Making allegations of dishonesty without adequate grounds for doing so may be improper conduct. Not making allegation of dishonesty where it is proper to make such allegations may amount to dereliction of duty. The barrister must promote and protect fearlessly and by all proper and lawful means his lay clients interests: paragraph 203 of the Code of Conduct. Often the decision will depend on circumstantial evidence. It may sometimes be finely balanced. <u>What the decision should be may be a difficult matter of judgment on which reasonable minds may differ</u>*." (emphasis added)

79. Sixthly, the above principles are of universal application to all solicitors. There is nothing in the case law or the 2011 Code or 2011 Principles which contain any special rules or standards applicable only to reputation management and media solicitors. They are reflected in CPR rule 22, which requires only the client – not its solicitor – to verify that it believes that the facts that it alleges in supports of its claim or defence and certain other court documents are true.

80. Seventhly, the solicitor's obligations in the 2011 Principles and the 2011 Code cannot be construed so as to contradict the rights and duties of solicitors identified in the six fundamental principles set out above. In particular:

    80.1 A solicitor who has acted consistently with those rights and duties (both at common law and under the 2011 Code and 2011 Principles) cannot be said to have failed to adhere to the ethical standards of their own profession, contrary to their duty of integrity and to maintain public trust under Principle 2 and 6 of the 2011 Principles. [20]

    80.2 Indeed, if a solicitor failed to carry out their duty to advance their client's case on instructions contrary to their other professional duties as set out at paragraph 75 above, they would breach the duty to act in the client's best interests and to provide a proper standard of work (see Principles 4 and 5 of the 2011 Principles) and public trust in the profession would likely be diminished.

[20] The formulation of integrity in *SRA v Wingate* [2018] EWCA Civ 366; [2018] 1 WLR 3969 at [100] (as referred to in paragraph 142 of the Rule 12 statement).

80.3 A solicitor who advances a threat of litigation consistent with those rights and duties cannot be said to be taking unfair advantage of the recipient, contrary to Outcome 11.1 of the 2011 Code.

80.4 The contrary approach – of which the Rule 12 statement is the clearest illustration – is contrary to the constitutional principle that a person should not be penalised except under clear law: see *Bennion, Bailey and Norbury on Statutory Interpretation* (8th ed., 2022), §26.4. Solicitors should be able to ascertain what is demanded of them (see *Patel v SRA* [2012] EWHC 3373 at [13]). The SRA's Principles cannot be interpreted and applied in a way that subverts well-established legal principles. On the contrary, they must be construed and applied in accordance with the relevant legal standards (see *Beckwith v SRA* [2020] EWHC 3231 (Admin) at [33]). In the present context the relevant standards are to be founded in the seven principles derived from the common law and regulatory scheme referred to above.

C.2 The application of the relevant legal principles to Ms Gill's conduct in relation to the Allegation.

81. As stated, the Allegation is framed in terms that fail to distinguish between the positions of Ms Gill and her client. The issue is not whether the McAdam Letter contained an improper threat of litigation; in so far as it is now known that OneCoin was a fraud, clearly the McAdam Letter did contain an improper threat by OneCoin of litigation. Rather, the issue is whether Ms Gill's conduct in informing Ms McAdam that OneCoin intended to bring proceedings if she did not comply with the request in the letter was improper such as to put her in breach of Principles 2 and 6 of the SRA Principles 2011 and Outcome 11.1 of the SRA Code of Conduct. Plainly it was not.

81.1 Each of the substantive assertions in the McAdam Letter was properly supported by Ms Gill's instructions: see paragraphs 52 to 57 above. Accordingly, Ms Gill was entitled to make those assertions in accordance with the first principle set out at paragraph 73 above.

81.2 In the event, as set out at paragraphs 40 to 45 above, Ms Gill did not believe that OneCoin was a fraudulent or criminal enterprise at the material time. But even if she had any suspicion, or cause to suspect, that her client's instructions of primary

fact were untrue, she was entitled (and indeed under a duty) to advance them: see the second and third principles set out at paragraphs 74 and 75 above.

81.3 In those circumstances, in accordance with the fourth principle (see paragraph 77 above), Ms Gill did not act improperly by including the client's threat of litigation in the McAdam Letter. In particular:

81.3.1. On the basis of Ms Gill's instructions, the purpose of the intimated claim would be to vindicate OneCoin's right to reputation and to rebut the allegations of criminality made by Mr Bjercke and published by Ms McAdam (see paragraphs 63 to 67 above). The putative claim was plainly intended to vindicate an asserted legal right (the protection of reputation), and not to cause harm, harassment, commercial prejudice or the like by the bringing of proceedings themselves. As is standard in solicitors' correspondence concerning defamation, Ms McAdam was invited to remove the allegedly defamatory allegations and to give an undertaking to refrain from publishing them in future. Litigation was plainly not threatened for its own sake and would not have been pursued if Ms McAdam complied with those requests.

81.3.2. The putative claim was not intended to seek the achievement of a collateral advantage beyond the proper scope of the action (see generally paragraph 63 to 67 above). The public relations benefit of being seen to challenge defamatory statements (which Ms Gill was instructed were untrue) was a perfectly legitimate and conventional vindicatory objective (see paragraph 64 above).

81.4 There are no proper grounds for impugning the professional judgment of Ms Gill, a senior solicitor of vast experience and integrity, that it was proper in the circumstances to inform Ms McAdam of the client's intention to bring proceedings if she did not comply with the requests in the letter (see paragraph 78 above).

82. Accordingly, Ms Gill did not breach Principles 2 or 6 of the 2011 Principles or Outcome 11.1 of the 2011 Code: see paragraph 80 above. In informing Ms McAdam of her client's intention to bring proceedings if she did not comply with its requests, Ms Gill acted

entirely properly in accordance with her duty to her client. She has not committed any conduct meriting criticism, let alone conduct that is serious, culpable and reprehensible such as to engage the rules of conduct alleged to have been breached (see *SRA v Leigh Day* [2018] EWHC 2726 (Admin) at [156] to [158]).

C.3 Response to paragraphs 131 to 143 of the Rule 12 statement.

83. In this section of the Rule 12 statement, the SRA seeks to avoid this inescapable conclusion by contriving a case based on the allegedly false "Message" that, had the Message been sent, OneCoin was ready and willing to demonstrate to a court that the allegations made about them were untrue. That case is misconceived, and denied, for the reasons already set out at paragraphs 81 to 82 above. In short, the threatened proceedings (if brought) would not have contained the Message and, if they had done, Ms Gill was not aware, and could not have been aware, when she sent the McAdam Letter on 26 April 2017 that the Message would be false at the time when any proceedings were commenced. The simple point is that, as is apparent from the facts asserted in the Rule 12 statement, Ms Gill did not know, when she sent the McAdam Letter, what the state of the evidence would be when any proceedings were commenced or as they progressed, and she was expecting the client to provide her with further evidence regarding the blockchain.

84. As to paragraph 131:

84.1 The proceedings, if commenced, would not have contained the "Message". The SRA's case conflicts with the Civil Procedure Rules. On the basis of Ms Gill's instructions, when she sent the McAdam Letter on 26 April 2017 she was entitled to proceed on the basis that, if OneCoin issued proceedings against Ms McAdam, the claim form and particulars of claim would be verified by a statement of truth, in accordance with CPR rule 22, which contained the only relevant procedural requirement. There is no procedural requirement for a claimant bringing a defamation claim or his solicitor to certify that "*the claimant is ready and willing to demonstrate to a court that the allegations made about them are untrue*". See paragraph 20.1.3 above.

84.2 The SRA has lost sight of its own case in paragraph 131, as clarified in Blake Morgan in its letter dated 10 July 2025 **[M1]**. As the SRA apparently accepts, the "Message" was never in fact communicated to anyone, because legal

proceedings were not commenced. Thus, where the SRA says in paragraph 131 that "*the litigation that was threatened in the 26 April 2017 letter sent to Jennifer McAdam was for the sole or dominant purpose of reassuring OneLife/OneCoin members and sending a strong PR message … that One Coin was ready and willing to demonstrate to a court that the allegations made about them were untrue*", the SRA's case must be that litigation, *if brought,* would have been brought for that sole or dominant purpose.

84.3 Clarity on this aspect of the SRA's case is important because, as the McAdam Letter made clear, the client's primary objective was to obtain Ms McAdam's agreement to cease publishing the defamatory allegations without the need for legal proceedings (and not to convey any "message").

84.4 Ms Gill understood when she sent the McAdam Letter that, if Ms McAdam refused to cease publishing the defamatory allegations such that legal proceedings could not be avoided, then the purpose of legal proceedings would be to protect the client's right to reputation, including protecting OneCoin's reputation in the eyes of OneLife's IMAs, and in particular by preventing the continued publication of defamatory allegations about OneCoin (see paragraphs 63 to 67 above). Ms Gill also understood that the legitimate public relations benefit of being seen to challenge defamatory statements would support the objective of protecting the client's right to reputation, but not that it was the client's "*sole or dominant purpose*". This would have formed a proper and ordinary part of the objective of legal proceedings to vindicate the client's right to reputation (see paragraphs 20.1.1 and 66 above).

84.5 Ms Gill considered that the legitimate public relations benefit of commencing litigation would justify the risk that, depending how the pleaded issues and the evidence developed in the course of the litigation, it may be necessary to advise the client to withdraw the claim. That was the advice she gave the client in her emails of 18 and 20 April 2017 (see paragraph 71 above). That was proper advice to give. A competent solicitor will keep the merits of legal proceedings under ongoing review in light of how the case develops, and advise the client accordingly. A solicitor is under no professional obligation not to communicate the client's intention to bring legal proceedings unless satisfied that the client will pursue a claim to judgment in all circumstances (and the SRA does not

allege otherwise). The Civil Procedure Rules contain no such requirement. On the contrary, the courts encourage litigants to settle their disputes by agreement and recognise the important role that the court process serves in promoting settlement (including by enabling them to assess the strengths and weaknesses of the parties' respective cases and by subjecting them to costs risks in the event that their claim or defence fails): see e.g. rule 1.1(f) and rule 3.1(2)(o) of the Civil Procedure Rules. Most claims that are issued settle before trial, and clients generally wish to avoid a trial of their claim if possible.

85. Paragraph 132 is denied.

85.1 In asserting that "*the Message was false*" the SRA has again lost sight of the hypothetical nature of its case, as explained in Blake Morgan's letter dated 10 July 2025. The SRA's case is that the alleged Message was not actually conveyed, as proceedings were not commenced, but that the proceedings would have conveyed a false Message had they been commenced.

85.2 Since the proceedings, if commenced, would not have contained the Message in any relevant sense, the truth or otherwise of the alleged Message is immaterial: paragraphs 20.1.3 and 84 above are repeated.

85.3 In any event, even if the proceedings would have contained the "Message", Ms Gill would not have been obliged, before sending the McAdam Letter, to satisfy herself that the alleged Message would be true. Its truth or falsity would depend on what if any further evidence the client provided to Ms Gill between the sending of the letter and the commencement of proceedings and on what further evidence it was anticipated it could provide as the proceedings progressed. As at the date of the McAdam Letter, 26 April 2017, those were all questions that would arise in the future, if they arose at all.

85.4 For the same reason, Ms Gill could not have known, when she sent the letter, whether or not "*[a] claim could not have been pursued beyond the initial stage*". The SRA has failed to identify any reason at all why, as at 26 April 2017 when the McAdam Letter was sent, it was apparent that a claim could not have been pursued beyond "the initial stage" (by which the SRA appears to refer to the commencement of proceedings). The course that a claim would have taken had it

been issued, and how far it would been pursued, would have depended on, among other matters:

85.4.1. whether Ms McAdam pleaded the defence of truth in relation to her defamatory allegation that OneCoin ran or was part of an organised criminal network or was operating a scam or illegal pyramid or Ponzi scheme (see paragraphs 20 and 42 above);

85.4.2. if she did plead a defence of truth, the documentary and witness evidence exchanged by the parties on that issue;

85.4.3. the advice that the parties' advisors gave as to the merits of their respective positions in light of the developments in the case and the impact such advice might have on their willingness to continue pursuing or defending the claim; and

85.4.4. the parties' willingness to settle their dispute by agreement.

85.5 The fact that the client had not provided certain information that Ms Gill had requested about the blockchain at the time the letter was sent did not mean that it would not have done so by the time any proceedings were commenced or that it would not have done so as the proceedings progressed (in so far as it would have been relevant to the pleaded issues) In fact, when Ms Gill sent the McAdam Letter she did not think that Ms McAdam would be able to prove her allegation if she advanced a defence of truth, as appears from Ms Gill's email to Ms Dilkinska of 3 May 2017 (*"[i]t is true that the burden of proof is on the Defendant, and we do not think they can prove their claim*" **[X792]**).

85.6 When Ms Gill sent the McAdam Letter, the client had not given her any indication that, if Ms McAdam refused to cease publishing the defamatory allegations, it did not intend to pursue a claim to judgment if the matter could not be resolved by agreement.

85.7 If the SRA's point is simply that Ms Gill doubted or should have doubted the merits of the claim being asserted in the McAdam Letter, this is irrelevant to any question of professional conduct, as the McAdam Letter was properly supported by her instructions: paragraphs 73 and 81 above are repeated.

86. As to paragraph 133, reference to the alleged "*true position*" and the impact of its being known on OneLife IMAs or other persons is assumed to refer to the matters alleged in paragraph 132. Accordingly, paragraph 85 above is repeated. The "*true position*", if proceedings were commenced, lay in the future and could not be ascertained as at 26 April 2017 when the McAdam Letter was sent.

87. Paragraph 134 proceeds on the SRA's flawed case as to the Message and its alleged falsity, and is accordingly denied: paragraphs 84 to 86 above are repeated.

88. In the premises, paragraph 135 is denied for the reasons already given.

    88.1 In short, Ms Gill was not aware that proceedings, if commenced, would contain the "Message" because the commencement of proceedings would not have contained the message alleged.

    88.2 Even if the proceedings would have conveyed the "Message", Ms Gill could not have known, when the sent the McAdam Letter on 26 April 2017, that it would be true or false, since that question lay in future (if proceedings were commenced at all).

    88.3 The SRA has failed to particularise Ms Gill's alleged "*knowledge of PR messaging in litigation arising from her experience as a reputation management solicitor*". She understood that the public relations benefit of contesting defamatory allegations was a legitimate part of protecting the right to reputation, which is true as ADM recognised (see paragraphs 20.1.1, 66, 71, 81.3.2, 84.4, and 84.5 above). Her understanding does not support the alleged Message or her alleged knowledge of it.

89. As to paragraph 136:

    89.1 It is noted that the SRA does not allege that Ms Gill was aware at the time was OneCoin was likely to be fraudulent. As stated, Ms Gill was alive to the possibility, but did not know, that OneCoin might be a fraud (see paragraphs 40 to 51 above). She was equally alive to the possibility that it might not be.

    89.2 If the SRA seeks to imply that this should have prevented Ms Gill from acting, or that she should have conducted her own investigation of OneCoin to establish whether the allegations were true or false (despite having been instructed in clear

terms that those allegations were untrue), then that runs directly contrary to the principles discussed in paragraph 73 to 76 above. It echoes the "*due diligence*" allegation advanced as Allegation 1 in the SRA Notice, despite this allegation being expressly abandoned in the Decision.

89.3 Further, any suggestion that a solicitor who believes or has reason to believe that there is a "*strong possibility*" (but does not know) that their client is engaged in fraud is under a professional duty not to advance their client's case or otherwise act for that client is obviously wrong in law. The following points are made:

89.3.1. Any solicitor acting for a client in proceedings in which fraud is alleged against them will likely be aware that there is a possibility that their client is engaged in fraud as alleged. Even if the solicitor considers it is a strong possibility, they are nonetheless entitled to act on their client's instructions, including advancing the client's contentions that they are not engaged in fraud, irrespective of any doubts the solicitor may personally have about the veracity of the client's assertions: see paragraph 74 above. The SRA overlooks the fact that the Civil Procedure Rules do not require a solicitor to certify that he believes that the facts alleged by the client are true (see rule 22).

89.3.2. The absurd implication of the SRA's position is that any solicitor who acts for a client accused of fraud (and who denies the fraud in their instructions), in which they are instructed to deny, rebut, or otherwise counter those allegations, could be said to have been acting in a way "*likely to perpetuate the fraud*" if the allegations are ultimately proven or accepted to be true. The SRA's position would imply, for example, that a criminal solicitor acting for a defendant accused of fraud would be engaging in misconduct by continuing to act on their client's instructions if, as is extremely common, they held doubts about the veracity of their client's instructions.

90. In view of the foregoing, the points advanced in paragraph 136.1 to 136.4 are of no relevance. In any event, they require to be seen in the context of the matters that indicated at the time a strong possibility that OneCoin was not a fraud: paragraphs 43 to 53 above

are repeated. Ms Gill further responds to the supposed relevance of each individual point as follows:

90.1 As to paragraph 136.1: Ms Gill and the Firm received an explanation of the function of each OneCoin entity in an email from Ms Dilkinska on 28 April 2017 **[X792-793]**.

90.2 As to paragraph 136.2:

90.2.1. The investigations of which Ms Gill was aware at the material time were set out in a note, which was provided to Leading Counsel for the purposes of his advice **[X/848-853]**.

90.2.2. As was clearly set out in the McAdam Letter itself, as of 26 April 2017 no adverse findings of wrongful or criminal behaviour had been made by any relevant authorities in respect of OneCoin.

90.3 As to paragraph 136.3, Ms Gill and the Firm were instructed precisely because OneCoin was facing criticism online. If the SRA is suggesting that Ms Gill was obliged to prefer the account of their clients' detractors over that of their client, that is contrary to fundamental principles on which lawyers are bound to act.

90.4 As to paragraph 136.4, paragraphs 63 and 64 above are repeated.

90.5 As to paragraph 136.5, it is entirely proper for a solicitor to advise their client not to take steps which could lead to potential disclosure of documents adverse to their position in extant criminal inquires. This adds nothing to the SRA's reliance on the fact of the City of London Police's criminal investigation, as to which paragraph 90.2 above is repeated.

90.6 As to paragraph 136.6, Dr Ignatova's previous criminal conviction was unrelated to OneCoin. Ms Gill's understanding at the time of the McAdam letter was that Dr Ignatova's previous conviction related to a failed business venture involving an insolvent company owned by her father, and that she maintained that the conviction was unfair.

91. Paragraph 137 is admitted.

91.1 Ms Gill fully complied with the SRA's Guidance, "*Walking the line: The balancing duties in litigation*", which was the only relevant guidance when the McAdam Letter was sent. In particular, it is apparent from the Rule 12 statement that, as recommended by the guidance **([X1241])**, Ms Gill advised the client as to the risks of writing letters of complaints and commencing litigation before the supporting technical evidence had been obtained (see paragraphs 37 to 39, 42, 46, 48, 77, 79, 81, 88, 92, 93, 101 and 106).

91.2 The relevant principles concerning abusive litigation are discussed in paragraph 77 above onwards.

92. In the premises, paragraphs 138 and 139 are denied for the reasons given above (see paragraph 80.3 above), and for the further reason that the Rule 12 statement does not allege that Ms Gill breached any rule relating to the conduct of pre-action correspondence or sought to obtain any unfair advantage for herself (with the consequence that Outcome 11.1 is not engaged, even on the SRA's own case).

93. As to paragraph 140:

93.1 It is denied that it is not necessary for the SRA to demonstrate any impact on Ms McAdam in order to establish a failure to achieve Outcome 11.1. Impact on Ms McAdam is inherent in the allegation that Ms Gill took unfair advantage of her.

93.2 No admission is made to the impact of the McAdam Letter on Ms McAdam. Any impact that it had on her is the unintended consequence of Ms Gill acting properly in accordance with her instructions.

94. In the premises, paragraphs 141 to 143 are denied. It is not open to the SRA to characterise conduct that accorded with fundamental legal principles dating back many years and not previously questioned, and which did not breach any Outcome in the SRA Code of Conduct, as contrary to Principle 2 and Principle 6. Paragraph 80.2 above is repeated.

D. CONCLUSION

95. These proceedings bring the SRA into direct conflict with the venerable professional principles and regulatory objectives that it has a duty to promote under sections 1 and 28 of the Legal Services Act 2007, including the principles that the law must so far as

possible be intelligible, clear and predictable (see Lord Bingham's *The Rule of Law*, chapter 3) and that the law should where possible be interpreted and applied consistently with the fundamental principles of the common law (in this case, legal principles as to the duties of lawyers and the fundamental right to have access to legal advice and the courts[21]). They are an illegitimate attack not only Ms Gill but on the public interest in maintaining the constitutional role of solicitors, as described by Fancourt J in *El Haddad v Al Rostamani & Ors* [2024] EWHC 448 (Ch) (see paragraph 76 above). The observations of Lord Pearce in *Rondel v Worsley* [1969] 1 AC 191, at 275, are no less true today than they were fifty years ago.

> "*It is easier, pleasanter and more advantageous professionally for barristers to advise, represent or defend those who are decent and reasonable and likely to succeed in their action or their defence than those who are unpleasant, unreasonable, disreputable, and have an apparently hopeless case. Yet it would be tragic if our legal system came to provide no reputable defenders, representatives or advisers for the latter. And that would be the inevitable result of allowing barristers to pick and choose their clients.*[22] *It not infrequently happens that the unpleasant, the unreasonable, the disreputable and those who have apparently hopeless cases turn out after a full and fair hearing to be in the right. And it is a judge's (or jury's) solemn duty to find that out by a careful and unbiased investigation. This they simply cannot do if counsel do not (as at present) take on the less attractive task of advising and representing such persons however small their apparent merits*."

96. The Tribunal is invited to dismiss the Allegation and the proceedings.

RICHARD COLEMAN KC

SAMUEL BURNS

28 July 2025

[21] See *Bennion* at §27.1 ("It is a principle of legal policy any interference with established rights and principles recognised by the common law should be expressed in clear terms. This principle forms part of the context against which legislation is enacted and, when interpreting legislation, a court should take it into account."). See also paragraph 6 above.

[22] Lord Pearce was here addressing the cab rank rule, which does not apply to solicitors. However, the point that the public interest requires that legal representation be available for unpopular clients and causes is of general application. Further, a solicitor is entitled to conduct his practice in accordance with the cab rank rule.

STATEMENT OF TRUTH

I believe that the facts stated in this Answer to the Applicant's Rule 12 Statement are true.

Signed: 

Claire Frances Gill

28 July 2025

B46