Response of Claire Gill to the SRA's case as stated in the letter from Capsticks of 11 April 2025

1. I am grateful that the SRA has considered the further representations made on my behalf.

2. In its letter 11 April 2025, Capsticks articulates the SRA's case against me, with reference to what they say I must have known at the time the letters of 26 April 2017 were sent.

3. I appreciate that this brings the representations process to an end. However, I feel very strongly that the SRA has profoundly misconstrued my intentions from the documents. In the five years during which the investigation has been running I have never been interviewed. It is important to me, given the seriousness of what is said, that, before commencing proceedings against me, the SRA has the benefit of hearing in my own words, of what my state of mind was at the time the letters of 26 April 2017 were sent.

4. It is difficult, at this point 8 years later to remember exactly what I was thinking at a particular point in time during a long and very intense retainer, and particularly it is difficult not to contaminate my thinking with what happened after 26 April 2017, or with what is now known, or understood to be the truth about the firm's client (although I still do not know exactly what findings have been made against them). I have had this investigation hanging over me for 5 years (which has been upsetting and gruelling) and so I have been forced several times over that period to review the files, (which, I add, are not a complete record of the multiple conversations I had).

5. What I can say with certainty is that, the purpose of the threatened claims, so far as my (and, I believed, the client's) understanding was concerned, was not solely a PR purpose. Nor was it the dominant purpose. I had clear instructions from the client that they wanted to take legal action for defamation. In other words, that the primary objective for the client was through that process to obtain the relief that could be obtained either through early resolution (in particular by the defamatory statements being taken down) or a determination of the court in a defamation claim. It was not about damages, and indeed on instructions and having regard to the fact that Ms McAdam at least was an individual, the client did not seek monetary relief. What they wanted was vindication and their immediate objective was, for Ms McAdam and Bitsonline (published by Talon) to cease publishing the defamatory statements. I had clear instructions from them that the very seriously defamatory allegations being made about them were false. Given this it never, ever, entered my head that writing letters on instructions, threatening litigation that the client was intent on bringing at the time the letters were sent and where I had unequivocal instructions that the allegations were false, could be an abuse. The letters that were written were entirely measured in terms of their tone and structure and I remember thinking it important, for example, to stress in the letter to Ms McAdam that we were not seeking to prevent her from speaking to the police.

6. Regarding the stated "PR purpose", this was repeatedly referred to by Chelgate, the PR advisors, and then echoed in communications from me and the Norwegian lawyer in response to him. From Chelgate's point of view, the lack of action in relation to the defamatory statements was making their job impossible. Chelgate were involved in the discussions about the strategy and they did strongly express the view that an action for defamation had to be started, even if (my emphasis) it had to be dropped later; the language used in the email of 20 April 2017 to which Capsticks refers reflects what they were saying for the purpose of communicating with the client.

7. We have referred in representations to matters that put that particular email in context, including my email to Ruja Ignatova the day before the letters were sent. At no time did the client team ever say to me that they did not intend to follow through the threat of proceedings, to trial if necessary. When the letters were sent, the next step I took, besides seeking from the client the information I needed about the proposed corporate claimants,

and arranging for Scottish lawyers to be engaged, was to instruct leading Counsel, with a view to settling proceedings, focussing first on advice about jurisdiction.

8. It has already been said in the representations on my behalf, and echoed by Adrienne Page KC in her opinion, that the law of defamation provides the legal basis for the assertion of the right to protect reputation, and so it has always gone hand in hand with what might be considered "PR objectives". So the objectives of the PR strategy and the legal strategy are aligned. Given this, there was never anything that I thought was improper about the reference in our communications and in our assessment of strategy, to PR objectives.

9. In the letter to Ms McAdam of 26 April 2017, we also asked her to provide and preserve a copy of the recording of her conversation with DC Kieron Vaughan of the City of London Police; in other words the subsequent recommendation, first made not by me in my letter of 22 May 2017 to which Capsticks refers, but by Leading Counsel in his email of 9 May 2017 and in his advice at and after the conference on 11 May, to bring a *Norwich Pharmacal* application against her, was not made for a PR purpose and that was not its "sole justification". Its primary purpose was to assist with the complaint made to CoLP about the conduct of DC Vaughan.

10. In the letter from Capsticks it is stated that I must have known at the time of sending the letters that a claim could not have been pursued beyond the initial stages because the client had failed to provide fundamental information and/or documentation to address the truth. That is incorrect - I certainly did *not* know that. I knew that I had not yet been provided with sufficient information as to the falsity of the allegations against the client that would be needed to plead a Reply if Ms McAdam and Talon pleaded a defence of truth and adduced evidence to support that defence. But this did not mean that I knew there was a "strong possibility that OneCoin was fraudulent" – I did not. Nor did I know that a claim could not have been pursued beyond the initial stages; it could have been, but I was taking care to make sure that the client team knew that in all likelihood, if the claim was defended, they would have to provide more evidence and information than that provided to date. It is important to note that, at the time the letters were sent I was still expecting to receive the "White Paper" about the blockchain that the CEO had commissioned. I expected this to provide more information, addressing the blockchain allegations.

11. I did not think that my clients, (that is the various people at OneCoin and OneLife, including a UK regulated lawyer who worked for Ruja Ignatova's family office,) from whom I took instructions, were lying to me, and I had not seen any evidence that led me to believe that I was in fact being lied to. We have referred in the representations to the information that had been provided to the firm and to me, to the fact that I had visited the OneCoin offices in Bulgaria more than once, and the fact that they had advice from Hogan Lovells about the lawfulness of the multi-level marketing scheme. So, I did not know or think, while I was acting for the client, that the allegations being made against OneCoin were "substantially true".

12. I did feel in April 2017 that the proposed defamation claims were risky, and until the client insisted that they must take action, I advised them against going down that route. This was not just because of the state of the evidence as it stood at the time. It was also because there were a myriad of other issues, including jurisdiction, and evidence of serious harm and I could see that a case could be drawn out and complicated, and conducted in a public forum against a backdrop of an on-going police investigation. Libel actions are always risky, and can easily get side-tracked by interlocutory issues like disputes over meaning, and so I am naturally cautious by nature and in my advice. The client took the decision in April 2017 that notwithstanding the risks of which I had advised, they should go ahead to take action. This decision, and the intention when the letters were sent, was always going to be subject to on-going assessment and advice, and to an on-going appraisal of the state of the evidence. I have rarely had any case where, at the time of sending a pre-action

letter, I had a full evidential picture or where the client, at that early stage, has a settled intention to take the case all the way to trial; there are too many variables. I was following completely normal practice, that is, on instructions, to send a letter of claim to see if proceedings could be avoided, and then instructing Counsel to advise on strategy and to settle proceedings if after having Counsel's advice, that is what the clients decided to do.

13. As the clients' clear instructions were that the defamatory allegations were untrue, when I wrote the two letters on 26 April 2017 I considered that they were entitled to invoke the legal process to protect their reputation, and to be seen to be doing so (PR), whilst recognising that it might be necessary in due course, depending how the matter developed, to advise the clients against further pursuing the claim. I believed then, and I believe now, that that was consistent with both standard practice relating to defamation cases and my professional obligations (and I note the opinion of Adrienne Page KC supports this).

14. The SRA has reached a view as to my intentions based on its interpretation of some of the documents, but because that view does not reflect my thinking or intentions at the time (or correctly interpret the documents they reference) I wanted to try and explain why I consider that view to be fundamentally wrong and would ask that this letter is given consideration.

[redacted]

Claire Gill 25.04.25