

Respondent: Raymond John McKeeve (SRA ID: 400963)

Matter: ADM Decision dated 30 August 2024 – referral to SDT

Representation: This response addresses paragraphs 4–71 of the ADM extract provided.

Professional Details (¶¶4–6)

4–6. Noted. I am an RFL and, at the relevant time, a partner at Jones Day LLP specialising in the larger end of private equity transactions. I currently hold a practising certificate free from conditions.

Background (¶¶7–17)

7–13. Noted. I acted for **Client A** () and **Person A** from 2018. Meetings with M&S in 2018 did not result in a deal; having initiated negotiations in early 2019, **Client A** entered into arrangements with Waitrose during May 2019.

14–16. Noted. **Person C** resigned from O on 15 May 2019 and was later placed on gardening leave. O subsequently obtained a Search and Preservation Order on 3 July 2019 against **Person A**, **Client A** and **Person C**.

17. It is correct that contempt proceedings were brought, culminating in a judgment on 3 August 2022. I address the context and my position on that judgment below.

Allegation 1 – The 3CX App (¶¶18–23)

19–21. 3CX was trialled by **Client A** IT consultant, **Person B**, as a VoIP phone system with a rudimentary messaging feature. **Person B** as Chief Technology Officer for **Client A** was responsible for trialling systems for phone systems for what was expected to be a global business with operations across many countries; his mandate was to focus on quality of communication, cost and security of communications. **Person A** was paranoid about operational and IT security and concerned that competitors would seek to hack **Client A** IT systems to gain commercial advantage. It was set up for a small group as at the time **Client A** was a small group of staff as an internal calling solution and was rarely used for text messages. I was included in it given how much time I was spending with the team at **Client A** advising them on a gamut of legal matters. Its selection was not to store or exchange documents, and it was not used nor was it capable of holding any documents including O confidential documents. It was a very basic system for calls and messages only and as an example it would not even allow photos or screen shots to be transmitted. This is confirmed in the sworn evidence of **Person B** and **Person C**.

- On the “burner box” reference: **Person B** explains this as an IT operational point (ability to decommission a trial PBX quickly) rather than a feature chosen to destroy evidence; it was not selected for nefarious purposes. He also clarifies a typographical error in his message about SIP trunks and confirms he was evaluating several PBX options in parallel. I was not aware of this being a called a ‘burn box’ but was aware that if a **Client A** employee lost his phone, laptop, tablet, then **Person B** was able to disable access to those devices to address **Person A** paranoia that **Client A** be protected from commercial espionage.

22–23. The initial pseudonym “Belinda de Lucy” (my wife’s name) was not my idea, and I objected to it; it was later changed to “Josephine.” **Person C** confirms the pseudonyming and my objection; he regarded the security steps as “over the top.”

Contact Between **Person C** and the Respondent (¶¶24–27)

24–25. Any emails that appeared to be from “Belinda” were a function of the pseudonym; I raised this as improper and it was changed. Calls via 3CX were limited and mundane; 3CX messaging was scarcely used. I included in my witness statements before the Court the handful of occasions I recall using this system with almost all other communications being by email or WhatsApp.

26–27. I raised concerns about the appropriateness of any contact while Person C was on gardening leave and objected to the use of my wife’s name. The pseudonym was changed around late June 2019.

O Concerns and the Order (¶¶28–37)

28–33. Noted. O obtained a Search and Preservation Order from Fancourt J on 3 July 2019. The Order allowed a 2-hour period to obtain legal advice, coupled with a no-tipping-off prohibition and non-destruction of “Listed Items” and “Confidential Information” as defined in Schedule C.

- As set out below, at the time of my brief call I had neither been sent nor read the Order and only understood the existence of an order, the no-tipping-off, and that a copy would be sent. I did not know the Schedule C definitions or the full scope of “Electronic Data Storage Devices” at the moment I reacted. I also had no experience or knowledge of what a search order was and informed the supervising solicitor who called me of that and that I would need to consult with my litigation colleagues. I also informed Person A that I have no idea of what this was about and I would need to check to see if the Jones Day litigation team had experience and capability in this space. It is worth noting that it took Jones Day a number of days to work out the scope of the Search Order as they regarded it as a highly complex order despite their own deep subject matter expertise in search orders.

4 July 2019 Execution (¶¶38–48)

41–45. After a ~90 second call with the supervising solicitor (who indicated an order existed, that I should not tip off, and that a copy would be sent), and a brief exchange with Person A (during which he told me his phones were being taken from him), I panicked about the possibility of my wife’s name being drawn into a dispute and sent the “burn it” message to Person B regarding 3CX and then called him to reaffirm what I meant, namely to shut down the 3CX system. There was no correlation in my mind between the 3CX system having the so called ‘burner box’ functionality and my use of the word ‘burn it’. Rather as a result of me having spent time in and around the national security space, I regarded ‘burn it’ as a clear instruction to shut down a system. I accept that this was a serious error of judgment. I apologised promptly on affidavit and later in open court and self-reported to the SRA. My singular intention was to prevent reputational harm to my wife and not to interfere with justice.

- Materiality:** Direct witnesses (Person B, Person C) attest that 3CX contained no O confidential information or Listed Items, was rarely used for messaging, and could not store documents in the conventional sense.

46–48. I immediately engaged a litigation partner at Jones Day (Mr Sion Richards) to advise on the search order and compliance. The existence of 3CX and separate email accounts was subsequently clarified in the unfolding process.

Contempt Proceedings and My Evidence (¶¶49–55)

49–55. Proceedings were issued (Part 8). I gave evidence explaining my motivation (protecting my wife), lack of knowledge of the detailed terms of the Order at the moment of the message, and that litigation/search-order practice was not my field (I am a deal lawyer). I never intended to destroy relevant evidence or thwart the Order the content of which I hadn’t been sent, nor did I understand the full import of what the granting of a search order meant. I recognise the court’s ultimate finding of contempt on the final ground, but it was equally recognised that my act was an ill-judged reaction, not an attempt to pervert the course of justice.

Context from the prior procedural history is relevant: permission for committal had initially been refused by the High Court on the basis there was no prima facie case on actus reus or mens rea; later procedural steps led to trial. Costs orders also reflected the court’s concerns about overreach in earlier phases.

My Representations (¶¶56–57)

56–57. I reiterate: I acted without the intention to breach the Order; I reacted out of concern for my wife’s name being used as a pseudonym and the risk of public misinterpretation. I fully accept the act was wrong and regret it. I also emphasise that no O■■■■ confidential material was on 3CX, per direct witnesses.

Alleged Breaches of Principles and Code

Principle 2 (Integrity) (¶¶58–61)

Response:

I accept *Wingate v SRA* states integrity is broader than honesty. The single question is whether my isolated, panicked act, undertaken before I had been sent the Order against a backdrop of never having been involved with any such matters before in 25 years of legal practice, and with the sole (albeit misguided) aim of preventing reputational harm to my wife, amounts to a failure of integrity by professional standards.

- **Evidence of purpose and effect:** 3CX did not contain O■■■■ confidential information or Listed Items; deletion therefore did not undermine the objectives of the Order by destroying relevant evidence. This is supported by all direct witnesses with knowledge of 3CX’s use and content.
- **Immediate correction & cooperation:** I immediately brought in litigation expertise within my firm, apologised on oath and in open court, self-reported to the SRA, and fully cooperated during the six years thereafter.
- **Track record & proportionality:** This was a single, unprecedented lapse in a long career with no client detriment, concealment, or dishonesty. On these facts, I acknowledge the Tribunal may conclude my act fell short of expected integrity standards, but I respectfully submit the isolated and unintended nature should lead to proportionate sanction.
- **Character References:** I would draw your attention to the many character references which were provided to the Court. These references span many areas of society including the military, politics, finance, professional and social. I would happily provide copies of these to the Tribunal if you have not already had access to them.

Principles 1 and 6 (¶¶62–65)

Response:

- **Principle 1 (Rule of law / Administration of justice):** I acknowledge the seriousness of any non-compliance risk around court orders. However, mens rea matters for assessing professional culpability: my action was not aimed at thwarting justice, and the content of 3CX, as established by evidence, meant no relevant evidence was destroyed. The prompt involvement of litigation counsel and full cooperation mitigated any risk.
- **Principle 6 (Public trust):** The public expects accountability and learning from mistakes. I accepted responsibility immediately, self-reported, apologised. I left private practice as a direct result of this matter. In these circumstances, public trust is maintained, not diminished, by transparent remediation and an otherwise unblemished record.

Note: Paragraph 65 of the ADM extract appears to reference Principle 2 again when discussing public trust expectations. I assume this was intended to refer to Principle 6.

Code of Conduct ¶5.4 – Contempt of Court (¶¶66–67)

Response:

The court’s finding of contempt is recognised. I respectfully submit that for regulatory purposes the full context should be considered: the absence of intent to interfere with justice; the absence of relevant evidence on 3CX; immediate apology, self-report, and cooperation; and an otherwise exemplary disciplinary record. Those factors should guide any outcome toward leniency.

The SRA’s Investigation (¶¶68–71)

68–71. Noted. I appreciate the SRA’s process. I stand ready to assist the SDT with full candour and documentation.

Mitigation and Proposed Outcome

- **Acceptance of wrongfulness; rejection of dishonesty:** I have consistently acknowledged the error and apologised. There was no dishonesty or intent to subvert justice.
- **No prejudice to the administration of justice:** Direct evidence establishes 3CX did not contain O■■■■ confidential information or Listed Items; deletion did not thwart the Order’s purpose. The finding was rather that notionally, had the Court been able to interrogate the 3CX system then the effect of the order would have been maintained. I accept that finding and indeed cannot quantify the extent of my regret at wrongfully instructing the shutting down of the 3CX system. In fact, the direct consequence of that action was the entire opposite of what I intended, namely that my wife’s name was drawn into a highly public legal battle. My wife has suffered directly as a consequence of my stupidity and rather than her leaning in fully to politics which she has been reluctant to do so because of the finding of the Court against me and the adverse consequences that finding would have on her career.
- **Self-reporting, cooperation, remediation:** I self-reported promptly and cooperated fully.
- **Isolated lapse in a long career:** There is no prior (or subsequent) misconduct; my practising certificate is unconditioned.
- **Sanction:** The effects of this matter have already had a profound impact on me and my family including my four daughters. An offer I had received to join a global law firm in their London office as a senior partner in their private equity team was withdrawn when O■■■■ appealed the initial High Court dismissal of the case against me. I was unable to find another role in private practice and so have had to pivot my career initialling into corporate finance and now as an M&A and strategy adviser at an IT company. Our family home will be repossessed by the mortgage lender on 6th October 2025 as I have been unable to keep up with interest payments or otherwise refinance my mortgage and I have had to borrow significant sums from friends to keep my girls in their school and generally support my family. They and I have been severely punished already.
- **Offer of Surrender of my practicing certificate:** I accept that my lapse means you may conclude that I should not continue to practice as a lawyer. I recognise that I have moved on from legal practice and have had this situation hanging over me and my family’s heads for 6 years now and would be willing to surrender my practising certificate if the Tribunal considers this appropriate. I invite the Tribunal to accept this step as sufficient protection of the public without the need for erasure.

Accordingly, while acknowledging the seriousness of my lapse, I invite the SDT to conclude that either the SDT accepts my voluntary surrender of my practicing certificate or in the alternative, that the public interest has already been served and would be adequately amplified by a finding short of any severe sanction, reflecting: (i) the unique, personal motivation; (ii) the absence of material prejudice; (iii) the profound personal and professional consequences already suffered by my family and me during the last 6 years as a direct consequence of my actions; and (iv) my sustained cooperation and contrition.

Closing

I remain committed to the highest professional standards. I respectfully ask the Tribunal to assess this matter in its full evidential context and to adopt a proportionate outcome consistent with the aims of regulation and the public interest.

Signed:

Raymond John McKeeve

30th September 2025