Case no. 12775-2025

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 SKELETON ARGUMENT ON COSTS

For the hearing on 13 January 2026

Page references in this skeleton argument are to the Master Bundle.

A. INTRODUCTION AND SUMMARY OF RESPONDENT'S CASE

1. The SRA's prosecution of the Respondent ("**Ms Gill**") was brought to an end on 12 December 2025, when the Tribunal granted Ms Gill's application for summary dismissal of the single allegation against her, which concerned a letter which had been sent by the Respondent on 26 April 2017, more than eight years previously. In its judgment dated 22 December 2025 the Tribunal rejected the SRA's case in the most emphatic terms: it was legally unsustainable, not supported by evidence, and was founded on hindsight, rather than evidence of professional misconduct. See in particular [28] – [30], [35] – [36] **[F58-59]**.

2. The application had been deprecated by the SRA's counsel as a "*distraction*" and "*interim skirmishing*"[1]. Regrettably, this dismissive attitude was of a piece with the SRA's conduct of the case more generally. As the Tribunal recognised when announcing in its decision, summary dismissal applications are unusual. They should be. A professional regulator carrying out regulatory activities which are "*transparent, accountable, proportionate,*

[1] SRA summary dismissal skeleton argument, paragraphs 1 and 15.5 **[I27, 31]**.

consistent and targeted only at cases in which action is needed"[2] should never bring cases which are liable to be dismissed without needing a substantive hearing. Such a result indicates that something is likely to have gone wrong with the prosecution. That is unquestionably the case here.

3. Ms Gill submits that there are compelling reasons to order the SRA to pay her costs:

(1) The bringing of proceedings that were misconceived in law from the outset is a paradigm case where the SRA should pay the respondent's costs. That is sufficient good reason for a costs order.

(2) But there are further considerations that would also themselves amount to good reason for making a costs order. The SRA's conduct of and in the lead-up to these proceedings was unreasonable to a high degree, in particular: (i) the deplorable delay in pursuing its investigation and formulating its case against her; (ii) its uncritical adoption of meritless complaints made by Dan Neidle and its succumbing to political pressures, (iii) its use of these proceedings as a "test case" designed to extend the boundaries of professional liability beyond their well-established limits; and (iv) its apparent determination to bring misconduct proceedings against Ms Gill at all costs – even to the extent of overruling the recommendation of its own Senior Investigation Officer to close the investigation.

4. The summary dismissal of the allegation marks the conclusion of a five-year ordeal for Ms Gill, a solicitor of the utmost integrity with an excellent reputation in her field.[3] She has now provided to the Tribunal a witness statement which sets out the emotional and professional toll that these proceedings have inflicted on her **[E174-181]**. The Tribunal is invited to consider it carefully. Throughout this tortuous process, the SRA had many opportunities, which will be set out below, to change course. It doggedly refused to do so, apparently influenced by political considerations untethered from any objective assessment of the law, the evidence, or the public interest.

5. Ms Gill has been forced to incur substantial legal costs successfully defending herself against proceedings which were wholly without merit, framed in shifting and extravagant terms, pursued for the wrong reasons, and unacceptably delayed. It is hard to envisage a more compelling case for a respondent to be awarded their costs. Had she been cowed

[2] The SRA's statutory duty under Legal Services Act, section 28(3)(a) **[J602]**.
[3] The Tribunal has in its possession character references from Adrienne Page KC **[X227-229]** and Desmond Browne KC **[X230-233]**, both leading members of the defamation Bar, which speak for themselves.

into abandoning her summary dismissal application by the SRA's belligerent response thereto[4], she would have had to incur the costs of a six-day substantive hearing in June 2026, and the costs that she would be seeking would be considerably higher.

B. HISTORY OF THE PROCEEDINGS

6. The allegation against Ms Gill, and other allegations raised (and then abandoned) by the SRA against Ms Gill and the Firm related to the Firm's retainer with Dr Ruja Ignatova and various companies in the OneCoin group in the period from June 2016 to November 2017. The SRA's investigation into Ms Gill and the Firm began some time prior to 18 May 2020, when the Firm received a section 44B notice.

7. The investigation progressed against the background of mounting media commentary and political pressure regarding alleged 'strategic lawsuits against public participation' ("**SLAPPs**"), and the supposed role of claimant defamation solicitors in facilitating them. In this connection, the SRA's then-Chief Executive Officer, Paul Philip, gave evidence to the Communications and Digital Committee of the House of Lords on 24 January 2023 **[J662-676]**.

8. The Senior Investigation Officer with responsibility for the investigation, the late Dr Sam Jones, wrote to the Firm (on its and Ms Gill's behalf) on 12 July 2023 **[X1037-1038]** to inform them that she had "*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*". Dr Jones originally made her recommendation in an internal memorandum on 25 May 2023.[5] The Firm rightly inferred that Dr Jones' recommendation was to close the investigation. This inference was put to the SRA in correspondence on several occasions over the next two years, with the SRA repeatedly refusing to confirm or deny it.[6] It was only on 26 September 2025, in its Response to Ms Gill's application for disclosure of Dr Jones' recommendation, that the SRA finally admitted – in the most oblique way possible – that

[4] See in particular Blake Morgan's letter of 10 July 2025 **[M1-2]** which asserted that "*the SD application fundamentally misrepresents our client's case*", and the SRA's Reply to Ms Gill's Answer **[C1-5]**.
[5] Witness statement of Richard Francis Sims dated 25 September 2025, paragraph 21 **[E95]**.
[6] See letters by Carter-Ruck dated 9 April 2024 **[X1071]** and 23 May 2024 **[X1081]** and representations dated 22 July 2024 **[X354]**. See, also, responses by the SRA dated 21 May 2024 **[X1079-1080]** and 12 July 2024 **[X1101-1102]**.

Dr Jones' original recommendation was to take no further action against the Firm and Ms Gill.[7]

9. On 11 September 2023, the Department of Media, Culture and Sport ("**DCMS**") announced that it would be launching a 'SLAPPs taskforce'. According to DCMS's announcement, the taskforce would look at, among other things, "*bogus defamation and privacy grounds that prevent the publication of information in the public interest*" **[J2288-2292]**. The SRA was an inaugural member of the taskforce.

10. Dr Jones had not followed up with the Firm in August 2023, nor was the investigation closed as she had recommended. Instead, seemingly under the direction of her "*senior colleagues*", she made a further request for documents on 13 November 2023 **[X1040]** (some three years after the original section 44B notice).

11. On 18 December 2023, Tax Policy Associates, an organisation founded by Dan Neidle, published an article on its website which was highly critical of the Firm's representation of OneCoin **[E119-154]**. On the same date, according to the SRA[8], Mr Neidle made a complaint to the SRA raising "*concerns that the Firm should have been aware that OneCoin was a fraud and that it had sent correspondence to unrepresented third parties which included meritless claims and false statements of fact*". Mr Neidle is a retired tax solicitor with no known expertise in professional conduct or in the law of defamation.[9]

12. Remarkably, and notwithstanding her previous recommendation that the investigation be closed, on 8 February 2024 Dr Jones formally recommended that Ms Gill and the Firm be referred to the Tribunal **[X4-32]**. The referral notices contained a wide-ranging attack, occupying 25 pages, on almost every aspect of the OneCoin retainer. They alleged that Ms Gill and the Firm had failed to carry out due diligence on their clients or the merits of their clients' case and had "*engaged in strategic litigation against public participation (a 'SLAPP')*", over the course of a year, against six named persons. Shortly afterwards, on 7 May 2024, Mr Philip gave further evidence to the Communications and Digital

[7] Applicant's Response dated 26 September 2025 at paragraph 28.2 **[E89]** ("*The SRA asserts that the recommendation is irrelevant* ***but it*** **[…]** ***will not seek to deny the inference***").
[8] SRA Notice dated 8 February 2024, paragraph 7 **[X9]**. See also Dr Jones' email of 4 January 2024 to the Firm and Ms Gill **[X1060-1061]** inviting their "observations" on Mr Neidle's article.
[9] Tax Policy Associates Ltd describes itself on its website at https://taxpolicy.org.uk/about/ as a 'not-for-profit company, founded to improve tax and legal policy, and the public understanding of tax'.

Committee, where he described these proceedings as one of the SRA's SLAPPs "*test cases*" **[J680]**.

13. What made this *volte-face* all the more remarkable was that: (1) the SRA had adopted Mr Neidle's criticisms uncritically and without properly considering whether they could be reconciled with well-established legal principles governing the duties of lawyers, most notably the principle that lawyers owe no duty of diligence (or indeed any duty) to the other side in litigation and are entitled to act on the basis of their client's instructions as to the facts, save where they are *known* to be untrue; (2) the *volte-face* had clearly resulted from the intervention of one or more of the "senior colleagues" to whom Dr Jones referred in her emails of 23 July and 13 November 2023; and (3) it came against a background of increasing political pressure on the SRA. This is addressed further below.

14. As the SRA must now accept, every single allegation advanced by Dr Jones in the referral notices was without foundation. On 22 July 2024 and in response to the notices, the Firm provided the SRA with 82 pages (including appendix) of detailed Representations settled by leading counsel **[X273-354]**, enclosing an Opinion (the "**Dutton Opinion**") **[X234-272]** from the late Timothy Dutton KC, CBE, a King's Counsel specialising in professional regulation. The Dutton Opinion explained with clarity the fundamental legal errors underpinning Dr Jones' referral and warned that advancing a case premised on those errors risked breaching the SRA's regulatory duties. The Representations warned the SRA (at paragraph 237 **[X343]**) of the costs consequences that were likely to follow if the SRA pursued these misconceived allegations.

15. On 21 March 2025, over a year after Dr Jones' referral, the SRA's Authorised Decision-Maker, John Quentin, made a final decision on referral to the Tribunal **[X1152-1161]**. He accepted the Dutton Opinion to the extent of rejecting the due diligence and SLAPP allegations in Dr Jones' referral, and (by separate decision) rejected the allegations against the Firm. Nonetheless, Mr Quentin referred two narrow, reformulated allegations against Ms Gill regarding alleged improper threats of litigation, including the McAdam Letter of 26 April 2017 (the other allegation was ultimately not advanced in the Rule 12 Statement). This decision raised the 'improper PR purpose' concept that would later be central to the SRA's misconceived prosecution of Ms Gill – although this was in effect a re-hash of the 'due diligence' case. In response, Ms Gill provided further representations on 7 April 2025 **[X1166-1180]**, enclosing an Opinion from Adrienne Page KC (the "**Page Opinion**") which addressed the serious errors regarding defamation law and practice which Mr

Quentin had made in his referral decision **[X1195-1202]**. She provided yet further representations on 25 April 2025 [**X1210-1212**].

16. The SRA again declined to change course. The Rule 12 Statement was filed on 23 May 2025 **[A4-A49]**. It is a lengthy and diffuse document spreading over 145 paragraphs and more than 44 pages. The SRA's case, as it was finally presented before the Tribunal on 11-12 December 2025, necessarily turned on the proposition that the litigation threatened in the McAdam Letter would, if issued and to Ms Gill's knowledge, have been liable to be struck out as a collateral purpose abuse of process. The Rule 12 Statement does not make that clear, and it required a Reply, further correspondence from the SRA's solicitors, and indeed the SRA's own skeleton argument at the summary dismissal hearing to distil the true nature of the allegation.[10]

17. Ms Gill filed her Answer on 28 July 2025 **[B1-46]**. Notwithstanding the challenge of responding to the Rule 12 Statement, the Answer set out in detail for the SRA the fundamental reasons why the prosecution was bound to fail (as would be later argued in the summary dismissal application). On 30 July 2025, referring to the Answer, Ms Gill's solicitors wrote to the SRA inviting them to discontinue the proceedings **[M10-11]**. The SRA again declined **[M61-62]**. In the meantime, Ms Gill's application to summarily dismiss the allegation had been issued on 7 July 2025 **[E5-8]**.

18. The Rule 12 statement was endorsed by a statement of truth by Hannah Pilkington of Capsticks who stated her own belief that the facts and matters in the statement were true. There was notably no statement that the SRA itself had that belief. On 8 July 2025, before any further steps had been taken in the proceedings, Blake Morgan informed Ms Gill that they had taken over the conduct of the matter [**M60]**. The solicitor who applies to the Tribunal on the SRA's behalf exercises an important responsibility in the public interest to ensure that the application is properly brought, that the statement of truth is justified, and the proceedings are kept under review. The SRA has refused to explain the reasons for the change of representation. James Danks of Blake Morgan, the partner with the conduct of this matter, declined to provide a further statement of truth (see the correspondence at [**M4-5, 8-13, 61-62]**). The deeply unsatisfactory position, therefore, was that these misconceived proceedings were being conducted by a solicitor who was

[10] See Reply (especially paragraphs 9 to 11 **[C4-C5]**), Blake Morgan letter of 10 July 2025 **[M1-2]**, and SRA summary dismissal skeleton argument dated 5 December 2025 **[I27-41]**.

not responsible for making the application to the Tribunal, and who was not prepared to put his name to the Rule 12 statement. Were he to have done so, he would first have had to confront the manifest legal errors on which the application proceeded.

C. LEGAL PRINCIPLES

19. The Tribunal's costs jurisdiction arises under section 47(2) of the Solicitors' Act 1974 ("**SA 1974**"), which provides (materially) that "*on the hearing of any application or complaint made to the Tribunal under this Act […] the Tribunal shall have power to make such order as it may think fit, and any such order may in particular include provision for any of the following matters—[…] (i) the payment by any party of costs or a contribution towards costs of such amount as the Tribunal may consider reasonable*." **[J2735-2736]** This jurisdiction encompasses orders for costs which predate the commencement of Tribunal proceedings.[11]

20. The exercise of the Tribunal's discretion as to costs is governed by rule 43 of the Solicitors (Disciplinary Proceedings) Rules 2019 ("**SDPR 2019**") **[J591-592]**. The Tribunal must seek to give effect to the overriding objective of dealing with cases justly and at proportionate cost when it exercises any power under the Rules, or interprets any rule (Rule 4). Per rule 43(1), "*[a]t any stage of the proceedings, the Tribunal may make such order as to costs as it thinks fit, which may include an order for wasted costs.*" As in civil proceedings, the Tribunal may either assess costs summarily itself or order a detailed assessment by a taxing Master of the Senior Courts (rule 43(2)). Ms Gill will seek a summary assessment of her costs. This is appropriate in circumstances where the Tribunal will have sufficient material before it on which to assess costs and the benefit of a half-day hearing to consider the matter. It is understood that the SRA will submit that any costs order be subject to detailed assessment. If the Tribunal is minded to accede to that

[11] The Divisional Court recognised that such an order could be made, in principle, in *Law Society v Adcock* [2006] EWHC 3212 (Admin) at [44] **[J1631]**. Pre-commencement costs can similarly be awarded civil proceedings, where the equivalent costs jurisdiction arises under section 51(1) of the Senior Courts Act 1981 ("**SCA 1981**"): see e.g. *Stubbins Marketing v Rayner Essex* [2023] EWHC 515 (Ch) at [34] **[J2691]**. The limitation on a pre-commencement costs award to costs which are "*incidental*" to the issued proceedings arises out of the wording of section 51(1) SCA 1981 and should not be read across to section 47(2) SA 1974, which is not qualified in the same way.

submission, Ms Gill will seek a reasonable payment on account of costs, as is the Tribunal's ordinary practice.[12]

21. Rule 43(4) provides as follows:

"*(4) The Tribunal must first decide whether to make an order for costs and must identify the paying party in any order made. When deciding whether to make an order for costs, against which party, and for what amount, the Tribunal will consider all relevant matters including the following—*

(a) the conduct of the parties and whether any or all of the allegations were pursued or defended reasonably;

(b) whether the Tribunal's directions and time limits imposed were complied with;

(c) whether the amount of time spent on the matter was proportionate and reasonable;

(d) whether any hourly rate and the amount of disbursements claimed is proportionate and reasonable;

(e) the paying party's means."

22. In applying Rule 43, the Tribunal is entitled to have regard to "*the full circumstances of the proceedings*" (see *Ahmud* (Case No. 11955- 2019) at [61] **[J351-352]**).

23. It has been accepted since the Court of Appeal's decision in *Baxendale-Walker v Law Society* [2008] 1 WLR 426 **[J1273-1284]** that the presumptive rule in civil proceedings that costs follow the event does not apply to a successful respondent in proceedings before the Tribunal. Instead, "*when an allegation is dismissed the starting point is that there should be no order as to costs. For costs to be awarded against the SRA there must be a good reason justifying the departure from that starting point*": *SRA v Tsang* [2024] EWHC 1150 (Admin) (per Eyre J at [57] **[J394]**). Matters such as the bringing of an allegation which is fundamentally legally misconceived and procedural failings (including inordinate and inexcusable delay) can amount to a relevant good reason: *Tsang* at [70] – [75] **[J397-399]**.

24. The recovery of costs is subject to what is known as "the indemnity principle". Broadly speaking, costs recovery must not exceed the costs that a litigant has incurred or is liable

[12] See, for example, *Ahmud* (Case No. 11955-2019) at [87] (interim payment of respondent's costs) **[J355-356]**, *Poole* (Case No. 10129-2008) at [227] and [229] **[J2677-2678]**, and *Maitland-Hudson* (Case No. 11581-2016) at [113.7] – [113.11] (interim payments of SRA costs) **[J2637-2638]**.

to pay, but subject to modification by the *Chorley* principle (see paragraph 25 below).[13] Ms Gill entered into a Conditional Fee Agreement (the "**CFA**") with her partners[14] on 1 October 2025 for her representation by the Firm in these proceedings **[E247-253]**. It covers all work performed by the Firm in connection with her defence of this matter dating back to 12 July 2023, when she received the email from Dr Jones referred to in paragraph 8 above. Under the CFA, Ms Gill is liable to pay disbursements, incidental charges and 100% of the basic charges in the event that she obtains an award of (or agreement to pay) costs in her favour. The CFA, properly construed, covers the costs of any joint work in respect of the investigation of Ms Gill and the Firm prior to 21 March 2025, when the SRA informed the Firm that the investigation of its conduct was closed **[M91-95]**. The SRA's investigation of the Firm, and the allegations advanced in the Notice in respect of the Firm **[M63-90]**, was entirely based on Ms Gill's alleged conduct. In the absence of this CFA, Ms Gill would in any event have been liable to pay costs under an implied retainer.[15]

25. Further, in the absence of any liability to pay costs under the CFA or an implied retainer, Ms Gill would be entitled to recover costs in relation to work carried out by the Firm (of which she is partner) in her defence during the period when she was an equity partner (i.e. from 1 April 2025), under the rule in *London & Scottish Benefit Society v Chorley* (1884) 13 QBD 872 **[J2715-2721]**. The *Chorley* principle, as developed in subsequent authorities, [16] is that where a solicitor defends an action in person, or the solicitor's firm of which he is a partner does so on his behalf, then the solicitor is entitled to recover his or his firm's legal costs.

D. MS GILL'S APPLICATION FOR COSTS

26. Ms Gill seeks an order for costs against the SRA under rule 43(1), to be assessed summarily. Ms Gill's Statement of Costs dated 11 December 2025 **[H6-7]** is certified by

[13] On further consideration of *Chorley*, Ms Gill's position as set out in her statement (see paragraphs 23 to 25 **[E180-181]**) has developed and the CFA is relied upon for Ms Gill's primary position on the indemnity principle.
[14] Though expressed as an agreement with the Firm, it took effect as an agreement between Ms Gill and her partners (see section 82 of the Law of Property Act 1925 **[J2734]** and *Procter v Procter* [2021] Ch 395 at [59] – [67] **[J2812-2813]**). As the Court of Appeal noted in *Malkinson v Trim* [2003] 1 WLR 463 at [24] **[J2732-2733]**, a partner cannot incur any liability to a firm of which he is a member. There is no difficulty in a CFA being entered retrospectively: see *Forde v Birmingham CC* [2009] 1 WLR 2732 at [123] – [127] **[J2777]**.
[15] See authorities discussed in *R v Miller* [1983] 1 W.L.R. 1056 at 1059 onwards **[J2742]**.
[16] As recently reaffirmed, post-CPR, by the Court of Appeal in *Malkinson v Trim* [2003] 1 WLR 463 **[J2722-2733]** (holding that the *Chorley* rule applied where a solicitor was represented by the firm in which he is a partner) and *Halborg v EMW Law* [2018] 1 WLR 52 **[J2701-2714]**. See also *Shackleton & Associates Ltd v Shamsi* [2017] EWHC 304 (Comm) **[J2494-2515]** and *Robinson v EMW Law* [2018] EWHC 1757 (Ch) **[J2476-2493]**.

Nigel Tait, a partner at the Firm, and claims a total of £761,362.33 plus VAT of £152,188.47 for the period to 12 December 2025, the majority of which were incurred since the commencement of Tribunal proceedings. Excluded from this sum is (i) any costs in relation to the considerable amount of time Ms Gill herself spent on the matter, (ii) any costs incurred prior to 12 July 2023, the date on which the SRA's senior investigation officer wrote referring to her initial recommendation to close the investigation without further action, and (iii) any costs incurred in respect of the unsuccessful disclosure application heard on 6 October 2025. An updated schedule will be provided to reflect the costs since 12 December 2025.

27. This is on any view a highly unusual case. It has some notable similarities with the facts of *Tsang*, where the SRA was ordered to pay the respondent's costs, but it is clearly an even stronger case than *Tsang* in some respects. The matters raised below are advanced individually, and in any event collectively, as good reasons, indeed compelling reasons, for departing from the presumption of no order as to costs.

(1) Submission 1: The SRA's case was not arguable and should not have been brought

28. The fact that this prosecution was summarily dismissed as raising no arguable case of misconduct itself leads to the conclusion that the Allegation against Ms Gill was not "*pursued […] reasonably*" (rule 43(4)(a)). This was not a case where it could be said that the proceedings were initially proper but subsequent events or documentary disclosures deprived them of merit. Nor did Ms Gill in any sense bring the proceedings upon herself.

29. On the contrary, Ms Gill and the Firm repeatedly tried, at great expense, to warn the SRA of the legal errors underpinning the analyses of its decision-makers, in particular through: (i) the Representations of 22 July 2024 and the Dutton Opinion; (ii) the Representations of 7 April 2025 and the Page Opinion; and (iii) the analysis of the errors in the SRA's case in the Answer on 28 July 2025 and accompanying invitation to discontinue the proceedings on 30 July 2025. A complete answer to the SRA's case, as it evolved over time, can be found in each of these documents. The SRA pressed ahead regardless.

30. In *Tsang*, Eyre J made clear that the fact that proceedings were brought on a basis which was fundamentally misconceived as a matter of law amounts to good reason for a costs order, irrespective of whether the SRA was acting in good faith or genuinely mistaken as to the law: [74] **[J398]**.

(2) Submission 2: Extraneous matters improperly influenced the SRA's pursuit of these proceedings

31. The demonstrable lack of merit in the case against Ms Gill inevitably raises the question of why the SRA chose to pursue it. As set out above, Dr Jones' senior colleagues at the SRA overrode her initial recommendation that the investigation be closed with no further action, in remarkable circumstances. First, it allowed itself to be heavily influenced by the Mr Neidle's misconceived complaint[17]. That a professional regulator in the SRA's position should have so abrogated its responsibilities as to uncritically adopt allegations that were so obviously unsound as a matter of law raises serious questions about the SRA's ability to independently and competently to carry out its investigatory functions.

32. Secondly, there is an overwhelming inference that the SRA was improperly influenced by a desire to be seen to be taking action against alleged SLAPPs in the eyes of (at least) Parliament, without proper regard to the legal and evidential merits of the prosecution. This is supported by the following evidence:

    32.1 Political and media pressure on the SRA to be seen to take action on SLAPPs had been building since early 2022 at least.[18] In November 2022, the SRA first published its Warning Notice on SLAPPs **[X1085]**. When its then-CEO Mr Philip appeared before the House of Lords Communications and Digital Committee on 24 January 2023, he was pressed by the Chair, Baroness Stowell of Beeston, on "*what action you have taken and how you have used what powers you have currently against any of the law firms that you would consider to be acting outside of your code*" **[J664]**.

    32.2 When Dr Jones performed her *volte-face*, her referral notices of 8 February 2024 explicitly alleged that Ms Gill and the Firm had "*engaged in strategic litigation against public participation (a 'SLAPP')*" **[X11]**.

    32.3 On 7 May 2024, less than three months later, Mr Philip appeared before the Digital and Communications Committee to face renewed questioning about the SRA's

[17] See paragraph 7 of Dr Jones' referral notice **[X9]**; Dr Jones' email of 4 January 2024 **[X1060-61]**; paragraphs 11-15 of the witness statement of Katie Ann Cole (Dr Jones' successor) served in opposition to Ms Gill's disclosure application **[E100]**; see also paragraphs 3 and 7.9.2 of the SRA's disclosure skeleton argument **[E18, 20]**.
[18] In particular, the Russian invasion of Ukraine in February 2022 led to a significant critical public commentary of English libel claims by Russian businessmen and other individuals said to be connected with the Putin regime. See Paul Philip's evidence before the Communications and Digital Committee **[J663]**.

action on SLAPPs. In response to a question by Baroness Stowell about the length of time taken to bring SLAPPs prosecutions, Mr Philip responded: "*we see the first few cases very much as being test cases and we want to get them right*" **[J680]**. The case against Ms Gill was clearly such a "*test case*".

32.4 After the SRA declined to take further action in another high-profile alleged SLAPP case in early 2025, Mr Philip was contacted by Baroness Stowell and pressed for an explanation of the SRA's decision. Mr Philip's letter of response, dated 3 March 2025, referred to this prosecution as evidence that the SRA was taking action on SLAPPs: "*And we have further ongoing investigations, with another case due to be heard before the Tribunal and four where we have concluded our investigations and decisions on next steps are imminent*" **[E166]**.

33. It is unacceptable for a prosecution to be brought by a professional regulator for any reason other than a dispassionate and objective assessment of the law, the evidence, and the public interest. Political and media pressure should be disregarded. The SRA can be held to no lower standard than the CPS in this respect.

34. Mr Philip's admission that this prosecution was a 'test case' is particularly disturbing. Ms Gill's professional integrity has been impugned for over five years, and her Article 8 right to private and family life interfered with, so that the SRA can 'test' novel legal theories in the Tribunal that, as the Tribunal found (see judgment at [29] – [30] **[F58]**), fly in the face of well-established legal principles. The practice of subjecting a respondent to the cost of fighting a regulatory 'test case' was rightly deprecated almost twenty years ago by the Divisional Court in the costs appeal in *Adcock*, see Waller LJ at [41] – [42] **[J1158]**. His Lordship's observations apply with equal, if not greater force, to a test case brought to satisfy external political pressure.

(3) Submission 3: Inordinate and inexcusable delay

35. The SRA's website states that it seeks to conclude complaints within 12 months in most cases **[J2474-2475]**. In this case, it took more than three years for Dr Jones to reach her initial recommendation in May 2023 that the investigation be closed, and a further ten months for her to conclude, on the contrary, that the expansive case set out in the February 2024 referral notice should be advanced.

36. There was further inexcusable delay between receipt of Ms Gill's representations in response to the referral notice in July 2024 and 21 February 2025, when the SRA wrote attaching further material that it proposed to place before the ADM (in addition to the voluminous documentation already relied on). But for Ms Gill's summary dismissal application, these proceedings would not have reached any conclusion until the substantive hearing scheduled for June 2026, over six years after the opening of the investigation and over nine years after the single alleged act of misconduct.

37. No explanation or apology for these delays has been provided. They were inordinate and inexcusable, and similar to the delay deprecated by the High Court in *Tsang*.[19] They have greatly increased the anxiety and distress inflicted on Ms Gill, and the adverse effects on her professional and family life (see further immediately below), as the Tribunal expressly recognised in paragraph 34 of its judgment **[F59]**.

(4) Submission 4: The impact of the proceedings on Ms Gill

38. Ms Gill accepts that disciplinary proceedings are liable to cause suffering and anxiety to respondents, and that this should not be a barrier to the SRA bringing a proper prosecution where there is a case to answer of professional misconduct. However, in circumstances where the Tribunal has found the case against her was not reasonably arguable, and where there is no acceptable reason why it was ever brought, the impact of the proceedings on Ms Gill is plainly relevant to the overall assessment of the SRA's conduct for the purposes of rule 43(4)(a).

39. The Tribunal is again invited to read and consider carefully the statement Ms Gill has provided **[E174-181]**. In her statement, Ms Gill sets out her professional experience and longstanding commitment to access to justice, the rule of law, and serving her clients, which have included both claimants and defendants, ranging from high-profile journalists and media organisations to ordinary people of limited means, for whom she acted under conditional fee arrangements.

40. Against that background, Ms Gill "*felt the accusation viscerally. It almost crushed* [her] *as a person and it cowed* [her] *as a lawyer, forcing* [her] *to question* [her] *own judgment*" ([10]). She has suffered "*constant anxiety*" and disrupted sleep ([11]). During the

[19] More or less five years exactly elapsed between the first production notice (April 2017) and the Rule 12 Statement in that case (April 2022): [19] **[J384-385]**. The Tribunal in *Tsang* concluded that this constituted "*unreasonable delay*": [22] **[J385]** (endorsed by the Court at [105] **[J2111]**).

currency of these proceedings, she says, "[t]*here was never any moment where it was not, at some level, on* [her] *mind, and the worry cast a shadow over all other events that otherwise would have been joyous or celebratory*" ([11]). The emotional weight of having her character and integrity called into question was worsened by the (often inaccurate) publicity that the SRA's case has received online and in the media ([13]). A low point was reached at the summary dismissal hearing itself, where the SRA's counsel derided Ms Gill's application as a "*distraction*" and more than once accused her of having "*lost her moral compass*" ([17]).

41. Ms Gill's practice has suffered from the loss of around 500 hours of her time (ca. £300,000 of chargeable time) dealing with the case; further, the existence of an ongoing SRA prosecution has undoubtedly had a negative impact on Ms Gill's professional reputation in the eyes of her clients and other third parties ([12] – [14]). Ms Gill does not seek the costs of her own time, but it is plainly still relevant to the assessment of the impact of the SRA's conduct on her.

(5) Submission 5: Other conduct points

42. The SRA's conduct of these proceedings has regrettably fallen short of these standards in several further respects which have exacerbated Ms Gill's legal costs.

43. Its initial formulation of its case against Ms Gill (in Dr Jones' notice) was so poor that even the ADM rejected the vast majority of it. Misconceived as they were, the allegations in the notice had to be taken seriously, and great expense incurred in responding to them.

44. Contrary to clear judicial guidance on the content of prosecution statements, the Rule 12 Statement did not inform Ms Gill fairly and in advance of the case she had to meet, nor did it properly analyse the relevant facts, discarding all irrelevancies.[20] A clear and focused Rule 12 Statement would have substantially saved costs relating to preparation of the Answer and the summary dismissal application. As it was, the diffuse 46-page (including appendix) Rule 12 Statement had clearly been drafted for the purposes of a much broader and more wide-ranging case,[21] and it was largely irrelevant to the supposed "*narrow factual basis on which the SRA alleges that the McAdam letter was improper*"

[20] See *Richards v Law Society* [2009] EWHC 2087 (Admin) (at [30] **[J1872]**) and *Thaker v SRA* [2011] EWHC 660 (Admin) at [64] **[J2140]**.
[21] It is telling that the sub-title preceding paragraph 131 refers to "*Allegations*" **[A43]** when only a sole Allegation was advanced against Ms Gill.

(SRA summary dismissal skeleton, paragraph 3 **[I27]**). Similarly, the SRA's failure to reduce the documents in the case to those that were truly germane to the Allegation meant that unnecessary costs were incurred in considering them.

45. The SRA ignored the Tribunal's guidance in *Ahmud* (Case No. 11995-2019) at [68] – [69] **[J353]** and *Price* (Case No. 12558-2024) at [3.77] – [3.88] **[J376-379]** that changes in the investigation officer's recommendation should be disclosed in the Rule 12 statement (see paragraphs 144 – 145 **[A47-48]**). The certifying panel was deprived of an opportunity to identify at the outset the fundamental legal flaws in the SRA's case.

(6) Submission 6: Proportionality and reasonableness of time spent, hourly rates, and disbursements

46. Ms Gill has been represented by the Firm throughout these proceedings. The hourly rates set out in the Statement of Costs are standard London market rates for litigation work. The total hours spent are commensurate with the scope of the proceedings and the manner in which the SRA has litigated the case. Indeed, the 432 hours of total incurred time since July 2023 compares well with the total of 198.4 hours which the SRA's then-solicitors, Capsticks, incurred in the two months from 26 March 2025 to 23 May 2025 **[H2]**. It was appropriate for Ms Gill to be advised by specialist regulatory leading counsel from the outset, given the legal flaws in the SRA's approach. It was similarly appropriate for her also to be represented by specialist defamation leading counsel in relation to the summary dismissal application, given the underlying subject matter of the prosecution and the importance of the matter to Ms Gill.

E. CONCLUSION

47. The Tribunal is invited to order that the SRA pay Ms Gill's costs of the proceedings since 12 July 2023, summarily assessed in their full amount (see paragraph 26 above), to be paid within 14 days. Alternatively, it is invited to order that those costs be subject to a detailed assessment on the indemnity basis, if not agreed, and that the SRA make a substantial interim payment within 14 days. The indemnity basis is appropriate as the SRA's conduct is outside the norm (see *White Book*, paragraph 44.3.8 **[J2866-2867]**).

JUSTIN RUSHBROOKE KC, RICHARD COLEMAN KC, SAMUEL BURNS

24th December 2025