

IN THE MATTER OF EDWARD WILLIAM ELLIS, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr W M Hartley (in the chair)  
Mr K Duncan  
Mr M G Taylor CBE

Date of Hearing: 2nd November 2006

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## **FINDINGS**

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Law Society by Andrew Miller, solicitor employed by the Law Society at 8 Dorner Place, Victoria Court, Leamington Spa, Warwickshire, CV32 5AE on 4th April 2006 that Edward William Ellis of Westholme Chambers, 134A Sandgate Road, Folkestone, Kent, CT20 2BW, solicitor, might be required to answer the allegations contained in the statement which accompanied the application and that such order might be made as the Tribunal should think right.

The allegations were that the Respondent had been guilty of conduct unbecoming a solicitor in that:-

- 1) He failed to promptly comply with a direction made by the Office for the Supervision of Solicitors pursuant to Section 37A and Schedule 1A of the Solicitors Act 1974 (as amended);
- 2) He failed to reply promptly, substantively and with relevance to Law Society correspondence; and
- 3) He directed correspondence in inappropriate and/or offensive terms to The Law Society and/or a complainant and/or third parties; and

- 4) He had written correspondence in terms that are derogatory of others, including members of the judiciary.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 2nd November 2006 when Mr Andrew Miller appeared as the Applicant and the Respondent, accompanied by his wife, appeared in person.

The Applicant advised the Tribunal that he wished to withdraw his further application dated 4<sup>th</sup> April 2006 that a direction be made by the Tribunal that Directions of The Law Society made on 17th May 2005 and on 25th August 2005 in favour of a Mrs FM relating to inadequate professional services be treated for the purposes of enforcement as if they were contained in an Order of the High Court. This was because the Respondent with effect from 23rd October 2006 had complied with those Directions. The Tribunal consented to the withdrawal of this application.

**At the conclusion of the hearing the Tribunal made the following Order:-**

The Tribunal Orders that the Respondent Edward William Ellis of Westholme Chambers, 134A Sandgate Road, Folkestone, Kent, CT20 2BW, solicitor, be suspended from practice as a solicitor for an indefinite period to commence on the 2nd day of November 2006 and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £4,000.

**Application by the Respondent to admit documents**

1. The Respondent sought to put further documents before the Tribunal. He first raised this matter by an undated letter received at the Tribunal's offices on 27th October 2006. The documents (three lever arch files) related to the Respondent's petition to the Master of the Rolls for renewal of his Practising Certificate. The Respondent believed the documents to be relevant to matters before the Tribunal because, he said, they demonstrated systematic perversion of the course of justice by The Law Society and in particular by the Applicant. The Respondent submitted that his hearing before the Tribunal could not be fair if the Tribunal did not first establish the integrity of The Law Society's processes and the Applicant's personal integrity.
2. The Applicant opposed the application. The documents in question had not been served upon him under the Rules. He had received some of them in connection with other proceedings and he was able to say that those other proceedings were not relevant to today's proceedings and likewise the documents in question were not relevant to matters before the Tribunal.
3. The Respondent was invited to respond to the Applicant's submissions. The Tribunal reminded the Respondent that it did not have jurisdiction to look at matters other than under the Solicitors Act and that its function today was to test the allegations against the evidence. The Respondent reiterated his belief that The Law Society and the Applicant in particular were corrupting processes in order to bring allegations against him.

### The Tribunal's Decision

4. The Respondent did not give any satisfactory explanation of the documents' relevance to the proceedings today. In these circumstances and given that the documents, which were extensive, had been presented well out of time, the Tribunal determined that the application should be dismissed.

### **The Substantive Hearing**

#### **The Evidence Before the Tribunal**

5. The Applicant had served Civil Evidence Act Notices and had received no counter-notices. The Respondent did not give evidence but in the course of presenting his case made some admissions as to the facts albeit he denied all the allegations. The Respondent's undated letter received on 27 October 2006 entitled "Skeleton of Edward Ellis" and a copy of his letter dated 19<sup>th</sup> October 2006 entitled "Contempt of Parliament" were before the Tribunal.

#### **The facts are set out in paragraphs 6 to 15 hereunder:-**

6. The Respondent, born in 1952, was admitted as a solicitor in 1978. The Respondent practised at all material times under the style of Ellis & Jessup Solicitors at Westholme Chambers, 134A Sandgate Road, Folkestone, Kent, CT20 2BW.
7. In November 2002 a Mrs FM made complaint to the then Office for the Supervision of Solicitors ("the Office") concerning the manner in which the Respondent's firm had dealt with the estate of her mother and in particular had dealt with litigation between the estate and her brother over the beneficial ownership of a property.
8. The Office undertook an investigation of this complaint, first contacting the Respondent by telephone on 15th May 2003. On 5th June 2003 the Office wrote to the Respondent requiring a reply. The Respondent did not reply but wrote on 9th June 2003 to Mrs FM. The content of this letter was inappropriate. It included the line "It is an abuse for you to totally fail as a client, live in denial of the truth and then complain because the impossible has not been achieved," and a suggestion in jest that one of two ways of getting some money would be "murder Michael (her brother) and get away with it". Subsequently on 8th September 2003 the Respondent entered into correspondence directly with the Office. On 10th October 2003 the Respondent was advised that the matter would proceed to a formal adjudication and his response for that purpose was required. There was a lengthy exchange of correspondence between the Office and the Respondent.
9. On 17th May 2005 an Adjudicator decided that the services of the Respondent's firm in the matter of the estate of Mrs FM's mother were not of the standard which it was reasonable to expect of a solicitor. He directed that the Respondent pay Mrs FM the sum of £2,000 compensation and limited the costs owed by the estate to Ellis & Jessup to £5,098 plus VAT and disbursements and further directed that the firm give credit to Mrs FM in the sum of £2,549 plus VAT (£2,995.07).
10. The Respondent applied for review of that decision but by a further decision dated 25th August 2005 the terms of the original decision were upheld by the Compliance Board Adjudication Panel. The decision was sent to the Respondent on 19th September 2005.

11. The Respondent refused to comply with the decision. He said that he intended to apply for judicial review. On or about 25th November 2005 the Respondent lodged with the High Court an application for permission to apply for judicial review which purported to seek, amongst other remedies, “an order restraining The Law Society from using any powers to the disadvantage of Edward William Ellis”. The Court of its own motion directed that the Respondent file particulars of the decisions which he complained of, and when he failed to do so, refused permission. The Respondent’s oral renewal of that application for leave was rejected by the Court.
12. The Respondent ought to have complied with The Law Society’s direction on or before 4th October 2005. He finally did so on 23rd October 2006.
13. On 22nd December 2005 a Law Society Adjudicator resolved that the Respondent’s conduct be referred to the Tribunal.
14. The Respondent’s letters to Mrs FM dated 11th October 2002, 9th June 2003, 8th September 2003, 30th September 2003, 12th December 2003, 16th August 2004, 18th August 2004, 11th January 2005, 8th June 2005, 30th June 2005 were improperly dismissive of the complainant’s legitimate concerns and inappropriately expressed.
15. The Respondent in other correspondence also expressed himself inappropriately and in derogatory terms about named judges. Particular instances of inappropriate or offensive correspondence from the Respondent were:-
  - 1) In his 24th May 2005 letter to Lords Justices T and K, Mr Justice F and Mr Justice N the Respondent stated:-
 

“It was shocking for Edward Ellis to witness conduct of Lord Justice T ... Subsequent events have caused his conduct to be reviewed. The behaviour of Lord Justice T can be understood once one grasps that the judiciary are in denial of the responsibility to control corruption, but committed to achieving the political objectives of a corrupt executive.”
  - 2) Later in the same letter the following remarks, apparently addressed to all four Judges:-
 

“You ought to know that judicial immunity it [sic] not available to judges who conspire to pervert the course of justice in England or abroad. You ought to know that the names of Lord Justice K and Mr Justice N have been given as witnesses Mr C wishes called in the Dutch appeal. You can refuse to co-operate. If you do the people and the juries will contrast what you have done to achieve an unfair trial abroad with what they know they have a right to expect from the judiciary. You ought to know that this is only one case in which there is clear evidence of corruption by officers of the executive. A decision of a judge has aided abetted counselled or procured each corrupt decision. Juries will try the cases. The people will not tolerate the failure of the judiciary to observe the corruption controls and enforce them against the executive.”
  - 3) His letter of 13th June 2005 to Canterbury Crown Court accused Judges M and W of collusion in corruption and having a concealed motive when making orders.

- 4) His letter of 3rd June 2005 to Canterbury Crown Court read:-

“I will delay making the demand to allow an early consideration of this case. It will save Judge M the embarrassment how he frames the case that it is irrational for an Englishman to make the case for separation of the powers and an honest, competent and independent judiciary.”

### **The Applicant's Submissions**

16. The Applicant relied upon the documentary evidence before the Tribunal to substantiate the allegations. The Applicant believed there was no dispute as to the essential facts. The issue was whether these facts amounted to conduct unbecoming a solicitor.

### **The Respondent's Submissions**

17. The Respondent accepted that he had not complied with The Law Society's direction regarding inadequate professional services to Mrs FM. The Respondent considered however that he was entitled not to comply because he believed The Law Society's decision was invalid because of corruption within The Law Society's processes. He said that in any event he had had other overriding matters to deal with.
18. As to the second allegation, while the Respondent accepted that he had not replied promptly to The Law Society's correspondence, he denied the allegation of unbecoming conduct because he believed that he should not have been troubled with such matters at that time.
19. As to the third allegation, which the Respondent also denied, he believed it was inevitable that offence would be taken in contentious proceedings by one party or the other. The Respondent submitted that the test here should be a subjective one and that in his view what he said had not been offensive.
20. As to the fourth allegation, the Respondent said that he could prove that several members of the judiciary had perverted the course of justice. He believed that these Judges were fabricating matters in legal proceedings in order to interfere with the general election in 2005. He accepted that it was derogatory to say such things about the judiciary but they were true and it therefore could not be wrong to say it.

### **The Findings of the Tribunal**

21. The Tribunal found all the allegations to be substantiated. It seemed to the Tribunal that from among what the Respondent had said in presenting his case there were admissions as to the relevant facts. However, because much of what the Respondent had said was incoherent, the Tribunal had placed greater weight in finding the allegations proved upon the documentary evidence put before it by the Applicant. It was from these documents that the Tribunal made its above findings of fact. The Tribunal was satisfied that on the facts as found the Respondent was guilty of conduct unbecoming a solicitor.

### **The Respondent's Mitigation**

22. The Respondent was invited to address the Tribunal in mitigation. The Respondent returned to his theme of perversion of the course of justice by The Law Society. He produced to the Tribunal a copy of the Sunday Times dated 29th October 2006 and stated that it was his belief that it was in connection with this perversion of the course of justice that the Prime Minister is to be interviewed about the sale of honours. The Respondent told the Tribunal that it was penalising a lawyer from putting the regimes of Europe through their paces for suppressing evidence, fabricating proceedings and perverting the course of justice. The Respondent then told the Tribunal of a contested probate matter within his own family.

### **The Tribunal's Decision and its Reasons**

23. The Tribunal found this a very sad case and a difficult one to conduct. The Respondent had represented himself and at times had great difficulty in confining what he said to the issues before the Tribunal. The Respondent reverted endlessly to his fears that the processes of the legal system both here and in the Netherlands had been corrupted by those whose function it was to implement it. The Tribunal had to draw the Respondent back to the relevant issues on a number of occasions.
24. The Tribunal had formed the view that while the allegations which had been found proved against the Respondent were not such that it would normally consider a penalty which rendered a solicitor unable to continue in practice, nevertheless it was the appropriate penalty in the Respondent's case. The Tribunal viewed particularly seriously the Respondent's inappropriate and offensive remarks to a number of persons, including members of the judiciary, which, the Tribunal believed, brought the profession into disrepute. It was apparent from what the Respondent had said to the Tribunal today that he holds to these views even now and is continuing to make wholly inappropriate and deeply offensive remarks to and about those involved in the legal system and judicial processes. The Tribunal can see no foundation for these remarks. In these circumstances the Tribunal has concluded that the only appropriate penalty must be suspension indefinitely from practice.
25. The Applicant asked that costs be fixed today. He said that The Law Society's costs in this matter were £5,021. The Tribunal concluded that in all the circumstances it would be best to fix costs today and accordingly fixed them in the sum of £4,000.

Dated this 11<sup>th</sup> day of January 2007  
On behalf of the Tribunal

W M Hartley  
Chairman