

Ellen Shaw

Call to Bar: 2017



Ellen is an established and sought after junior who specialises in crime, regulatory, and professional discipline, and is frequently instructed in work well beyond her call. She is particularly regarded for her engaging advocacy and authoritative delivery.

Ellen is equally respected for her ability to put clients at ease by establishing their confidence and trust quickly. Ellen is regularly instructed to both prosecute and defend in a wide range of cases including offences against the person, dishonesty, drugs, sexual offences, intellectual property, driving offences, breach proceedings and cases involving proceeds of crime applications.

Ellen provides advice and assistance to both the prosecution and defence on all aspects and stages of the criminal and regulatory enforcement process including: enforcement notices, the investigation, the decision to prosecute, and PII and disclosure issues. She also regularly advises on evidence, procedure, sentence and appeal. Ellen is a level 3 Crown Court prosecutor, and often receives instructions as a regulatory and private prosecutor. In this capacity she frequently prosecutes for government departments (the HMRC, DWP, DVLA and DVSA) local councils and organisations such as the Post Office. Ellen is a member of the specialist regulatory advocates panel in Health and Safety and Environmental law. In her defence practice Ellen receives instructions to act along-side leading counsel but also regularly acts as solely instructed counsel in cases where the prosecution, and other defendants, have both leading and junior counsel.

Ellen accepts instructions on all types of regulatory and public law matters.

Crime Ellen is a level 3 prosecutor and undertakes a wide range of criminal defence and prosecution work including violence, dishonesty, drugs, public disorder, sexual offences, driving, regulatory offences and confiscation proceedings.

Ellen is also frequently instructed as a private prosecutor, undertaking work for The Insolvency Service, the Post Office, HMRC, the DWP, the DVLA, the DVSA and TM EYE Legal.

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Practice areas:

Crime
Regulatory
Inquest & Inquiry
Professional Discipline

Professional appointments:

CPS Level 3

CPS Level 3 – Serious Crime

Ellen also receives instructions to defend against prosecutions by local authorities and other bodies including the RSPCA, she also has experience defending in cases when instructed by the Police Federation.

Ellen regularly prepares and presents legal applications and arguments, such as bad character, dismissal, disclosure, abuse of process, applications to exclude evidence, and submissions of no case to answer.

Ellen has been instructed in cases involving vulnerable witnesses requiring the use of ABE interviews and intermediaries and has experience in applying for and responding to special measures and ground rules applications as well as the s28 procedure. Ellen is regularly instructed by Greater Manchester Police and the Serious Fraud Office as independent counsel for legal privilege determinations wherein she reviews material to assess whether it is subject to legal professional privilege. These instructions often require a detailed Advice to facilitate disclosure in complex multi-handed cases. Ellen has also received instructions as disclosure counsel including cases where there are PII applications.

Regulatory and Professional Discipline

Ellen was instructed as junior counsel to the Independent Inquiry into Child Sexual Abuse, specifically instructed on the Roman Catholic Investigation (July 2017-2019). The investigation considered the extent to which the Nolan and Cumberlege reviews of child protection in the Roman Catholic Church improved the Church's policy and practice considering 3 case studies: firstly the English Benedictine Congregation focusing on the Schools Ampleforth and Downside, second: Ealing Abbey and St Benedict's School and thirdly: the Archdiocese of Birmingham.

Ellen took a leading role in the review of disclosed material and supervised the redaction process. She was responsible for drafting Rule 9 statement requests and assisted with preparation for the public hearings, including the formulation of evidence proposals as well as drafting witness questions for leading counsel, she also oversaw the rule 10 procedure determining which questions from the Core Participants would be adopted by Counsel to the Inquiry. She attended the public hearings as junior counsel and was one of the four counsel who drafted the Ampleforth and Downside report.

Ellen is a regulatory list C practitioner and accepts instructions to both prosecute and defend in regulatory cases, she has particular experience in this area having been led in two separate cases by Andrew Thomas QC prosecuting a defendant company for corporate manslaughter and health and safety offences (R v BCHL). Ellen accepts instructions in all Environment Agency and Health and Safety Executive matters.

Ellen has experience in licensing cases and is frequently instructed to deal with cases involving taxi licensing. Ellen also receives instructions in education authority work, trading standards, anti-social behaviour and food hygiene.

Ellen spent time assisting senior counsel in Fitness to Practice proceedings before the MPTS, as well as researching various aspects of substantive and procedural law for the General Medical Council and advising on a number of topics including service on doctors residing in a foreign jurisdiction and has also undertaken work for the Royal College of Nursing. Ellen also has experience of representing individuals in the Mental Health Tribunal.

Recent examples of cases include:

REGULATORY

Independent Inquiry into Child Sexual Abuse, Roman Catholic Investigation, junior counsel. Ellen oversaw the disclosure exercise, formulated evidence proposals and drafted witness questions for leading counsel, and she also managed the rule 10 procedure for the hearings determining which questions from the Core Participants would be adopted by Counsel to the Inquiry. She was also one of the four counsel who drafted the Ampleforth and Downside report. <https://www.iicsa.org.uk/keydocuments/6583/view/ampleforth-downsideinvestigation-report-august-2018.pdf>

GROSS NEGLIGENCE/CORPORATE MANSLAUGHTER

R v BHL- Prosecution junior counsel in a prosecution of a company and director responsible for the death of an individual as a result of systemic failures to maintain their fleet of vehicles.

R v MH - Prosecution junior counsel in a prosecution of a company director responsible for the death of two people as a result of systemic failures to maintain their fleet of vehicles.

MCC v PS – successful prosecution for a local council in a food safety case.

RSPCA v JE and others – defence of three defendants all charged with a large number of animal cruelty counts.

MURDER

R v DA – Junior counsel for the prosecution led by Guy Gozem QC in a case concerning the death of a 14 month old child, the defendant was convicted of manslaughter.

R v MJ - Junior counsel for the prosecution in a case concerning the death of a man and post-mortem mutilation of the body.

PERVERTING THE COURSE OF JUSTICE

R v EB and others– defence, led junior by Lisa Roberts QC in a case where three police officers were charged with conspiracy to pervert the course of justice.

R v AA and others – defence of a lady charged with attempting to pervert the course of public justice on an indictment also containing murder and attempted murder. Ellen was instructed as sole junior when the prosecution and all but one of the other defendants had leading and junior counsel. Ellen made a successful half time submission to secure the acquittal of her client.

R v WM – defence of man charged with attempting to pervert the course of public justice on an indictment also containing murder. Ellen was instructed as sole junior when the prosecution and all but one of the other defendants had leading and junior counsel.

R v AT-P – defence of a single mother charged with committing an act to pervert the course of justice. No evidence was offered by the Crown.

SERIOUS VIOLENCE

R v RH - Ellen was led by Mohammed Nawaz QC to represent a client charged with possession of firearm with intent to endanger life, the client was acquitted (all co-defendants charged with murder and convicted).

Operation Tweed. R v DH and R v ML – defence of two men in separate trials under the same operation concerning the historic physical abuse of boys in care homes in the 1970-80s. The only counsel to have clients in both trials under this operation and to have both acquitted. Ellen was instructed as sole counsel in both cases where the prosecution had both leading and junior counsel.

R v SC – defence of a man charged with x2 s18 offences, possession of a knife and a violent disorder, successful half time submission made leading to the withdraw of the s18 and knife offences from the jury.

R v MT - defence of a man charged with threatening with a bladed article and assault. Acquitted.

R v TJ - defence of a young man (18) charged with a knife point robbery. Acquitted

SEXUAL OFFENCES

R v JB - instructed to defend a client who was not fit to plead due to suffering from dementia but was accused 18 counts of the historic rape and sexual abuse of his 3 children.

R v MQ - instructed to defend a defendant accused of the rape of an underage female.

R v DH - instructed to defend an ex-teacher accused of the historic sexual abuse of pupils.

DRUGS

R v OM and others - instructed as prosecution junior in a drugs and firearms conspiracy which involves the use of Encrochat evidence.

R v CR - instructed to defend client charged with supply of large amounts of Class A drugs R v SF instructed to defend client charged with the production and supply of large amounts of Class B drugs FRAUD

R v MB and SC – instructed to prosecute a fraud committed by two men who targeted an 80yr old couple and extorted thousands of pounds in a building fraud.

R v KH – defence of a man charged with 4 counts of Fraud.

COURT OF APPEAL

R v AO - reduction of sentence (fraud offences) by 11 months.

R v DL - reduction of sentence (possession of offensive weapon) by 12 months R v KO - reduction of compensation order (made at sentence) by £5000.

Other Experience

Ellen is a University of Bristol Graduate and a scholar of The Middle Temple (Gardiner Scholarship 2013/14) During her degree, she studied at the National University of Singapore undertaking courses in comparative criminal law, Ellen also took the opportunity to travel across South-East Asia, including Myanmar and the Philippines. Combining her legal experience with her love of horse riding, Ellen has given talks to a number of riding and bridleway associations affiliated with the British Horse Society, alongside the BHS and representatives of Greater Manchester, Cheshire, and Lancashire Police. Ellen has worked with the road safety campaigns “Dead Slow” and “Operation Considerate”, including a talk at GMP's Mounted division to over 200 people. Ellen has assisted with the interpretation of road traffic legislation and the Highway Code to help the BHS in their campaign. Ellen has also been quoted in Equisaftey's recent launch of their hat mounted video cameras and her comments have been published by the British Equestrian Trade Association and Your Horse Magazine. She was awarded the BHS Sephton award in 2017 for services to rider safety.