

Howard Ellis

Employee

7021699

[Employee-related decision Date: 23 March 2023](#)

Decision - Employee-related decision

Outcome: Control of non-qualified staff (Section 43 / Section 99 order)

Outcome date: 23 March 2023

Published date: 13 April 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Latham & Watkins (London) LLP

Address(es): 99 Bishopsgate LONDON EC2M 3XF

Firm ID: 203820

Outcome details

This outcome was reached by SRA decision.

Decision details

1. Agreed outcome

1.1 Mr Howard Ellis (Mr Ellis), a former employee of Latham and Watkins (London) LLP (the Firm), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. to the SRA making an order under section 43 of the Solicitors Act 1974 (a section 43 order) in relation to Mr Ellis that, from the date of this agreement:
 - i. no solicitor shall employ or remunerate him in connection with his practice as a solicitor
 - ii. no employee of a solicitor shall employ or remunerate him in connection with the solicitor's practice
 - iii. no recognised body shall employ or remunerate him
 - iv. no manager or employee of a recognised body shall employ or remunerate him in connection with the business of that body
 - v. no recognised body or manager or employee of such a body shall permit him to be a manager of the body



vi. no recognised body or manager or employee of such body shall permit him to have an interest in the body

except in accordance with the SRA's prior permission

b. to the publication of this agreement

c. he will pay the costs of the investigation of £300.

2. Summary of facts

2.1 Mr Ellis was employed by the Firm as a Workplace Experience Specialist from 1 May 2012 until 6 July 2022.

2.2 Mr Ellis' duties and responsibilities in the role included liaison with other employees, on-site facilities activities and serving as a member of the Firm's life safety and emergency team. In addition, Mr Ellis had IT responsibilities which included the utilisation and maintenance of databases.

2.3 On 13 April 2022 Mr Ellis pleaded guilty to three counts of making indecent photographs or pseudo-photographs of a child, one count of possessing a prohibited image of a child, and one count of possessing extreme pornographic images.

2.4 On 4 July 2022, at Woolwich Crown Court Mr Ellis was sentenced to 10 months imprisonment and placed under the terms of a ten-year Sexual Harm Prevention Order (SHPO).

2.5 Mr Ellis' employment was terminated on 6 July 2022 by the Firm after it found out that Mr Ellis had been charged and convicted and received a custodial sentence.

2.6 The Firm notified the SRA of Mr Ellis' conviction on 19 July 2022.

3. Admissions

3.1 Mr Ellis makes the following admissions which the SRA accepts, that by virtue of his conviction, it means that it is undesirable for him to be involved in a legal practice.

4. Why a section 43 order is appropriate

4.1 The SRA's Enforcement Strategy and its guidance on how it regulates non-authorised persons, sets out its approach to using section 43 orders to control where a non-authorised person can work.

4.2 When considering whether a section 43 order is appropriate in this matter, the SRA has taken into account the admissions made by Mr Ellis and the following mitigation which he has put forward:

a. He pleaded guilty at the earliest opportunity.



b. He has co-operated with our investigation.

4.3 The SRA and Mr Ellis agree that a section 43 order is appropriate because:

- a. Mr Ellis is not a solicitor
- b. his employment or remuneration at the Firm means that he was involved in a legal practice
- c. he has been convicted of an offence which makes it undesirable for him to be involved in a legal practice.

4.4 The offence makes it undesirable for Mr Ellis to be involved in a legal practice because of the nature of his convictions (four sexual offences relating to children). In giving a custodial sentence and a ten-year SHPO this shows the seriousness of the conviction. The nature and seriousness of the convictions damages public confidence and trust in the profession.

4.5 Mr Ellis' role was within the facilities department. He had contact with and liaised with other employees at all levels of seniority across the organisation, as a normal part of his day to day role. He would also have had potential contact with clients and other persons who had reason to visit the premises. Additionally, Mr Ellis had access to the Firm's IT systems. Therefore the nature and seriousness of the convictions presents a risk of future damage or harm towards clients of any firm Mr Ellis may go on to work for, employees of any such firm, and the firm itself.

5. Publication

5.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory process. Mr Ellis agrees to the publication of this agreement.

6. Acting in a way which is inconsistent with this agreement

6.1 Mr Ellis agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7. Costs

7.1 Mr Ellis agrees to pay the costs of the SRA's investigation in the sum of £300. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

Reasons/basis

Mr Ellis has accepted responsibility for his actions and has no intention to work in a legal practice again. On that basis a s43 seemed suitable and two IMs agreed to this being dealt with by way of an RSA.

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