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23rd August 2023

The Trustees
Monkton Wyld Court
Monkton Wyld
Bridport
DT6 6DQ

Dear Trustees,

I'm writing to you because I've recently heard about the problems between you and some members of the Monkton Wyld Court community, and would like to offer an opinion on the matter from a jurist's perspective.

Although I've only visited Monkton Wyld Court once (when I attended a land rights gathering in 2011) I feel a strong personal connection with it because it's the place where I met my wife. I also have an interest because I think there's potential for this dispute to act as a catalyst for some fundamentally important reforms.

Please note that I am a jurist, not a lawyer, and my analysis of this dispute, and opinion on how a court might view it, should not be taken as legal advice. For the reasons given below, I strongly recommend that you do take legal advice before continuing down the path you are taking. In my opinion, unless the material that community members have made available through their website presents a very misleading picture, there is no realistic possibility of a judge finding in your favour if the matter comes to court.

I believe Simon Fairlie is quite capable of satisfying a court that you have not considered this matter with the care and attention that your office requires, and the seriousness of the situation demands, and some of what I say will simply endorse points he and Jared Hills have already made to you. I'm writing in the hope that my perspective, and the additional points I make, will help you understand the weakness of your position before it turns into a legal dispute.

My interest

For the record, I regard Simon and Gill as friends, though I don't know either of them well: I met Simon at four weekend gatherings between 2004 and 2011, and Gill at three gatherings in 2011/12. I've also had a handful of conversations and email exchanges with Simon over the years, about scything and legal/land rights matters.

My relationship with Simon might best be described as one of 'intellectual neighbours'. We share the view that land is fundamentally important to a healthy society but, from there, we go in very different directions. His focus has been on engaging in, and promoting, land-based activities, helping people negotiate the maze of planning law and publishing The Land magazine. Mine has been on jurisprudence, particularly as it relates to land (and other areas which have an impact on social justice) but also the constitutional factors which make land reform difficult. I say a bit more about my work as a jurist, and how this dispute might act as a catalyst for reform, in an appendix.

As I said above, I am a jurist, not a lawyer – but my work in recent years has obliged me to think deeply about what kind of arguments would pass muster with the courts and I feel at home with judicial analysis in a way that I believe many lawyers don't.

I have had two short email exchanges with both Simon and another community member but otherwise I have only seen the documents that the community has shared on their website. What follows is my opinion of how a judge would view the evidence that I have had sight of.

Analysis

1 I'll start by looking at the trustees' email giving the outcome of the disciplinary hearing, before turning to the various background documents. I take this as my starting point because this is where a decision is communicated which brings the matter into the sphere of the courts.

Disciplinary Outcome (link)

2 In the first two paragraphs, there are three mentions of whistleblowing. Despite repeated email requests from Simon for an explanation of why complaints about personal behaviour have been treated as whistleblowing, and a quote from government guidance in his Proof of Evidence that strongly suggests that it is not appropriate in situations of this kind, you have provided no explanation of why this process was chosen.

3 In the FAQ that you subsequently sent out, you justify it by saying "*The allegations were not restricted to bullying and intimidation, they included financial irregularities, breaches in tenancy agreements, poor governance, and conflict of interest, as such they required a whistleblowing procedure*". The fact that the initial letter raised other issues doesn't mean that the complaints about personal behaviour must be investigated through the same process as the other issues; it means that separate investigations are necessary. (I say more about this below when I look at the report produced by the HR consultant, Kelly Marsden.)

4 In paragraph 2 you say "*we have considered information gained during the investigation*". I note that, in the FAQ, you say in answer to question 7 "*The investigation is not disciplinary, it is fact finding to see if there is a case to answer*". It's certainly appropriate enough to have an initial, relatively informal investigation to establish whether a full investigation is necessary – and the HR Consultant's report might perhaps be regarded as adequate if that was its purpose. It is clearly *not* adequate, however, as a basis for a decision to evict someone from the home they have lived in for thirteen years.

5 In his Proof of Evidence, Simon pointed out a number of specific inadequacies of that report (all of which I would expect a court to concur with) and Jared Hills also offered a number of well-argued objections to it. Your decision needs to be supported with clear reasons why you reject the arguments they make – instead you do not even mention them.

6 You tell Simon that he has a right to appeal but it turns out that the appeal is to be heard by one of the people who made the initial decision, in conjunction with an outsider chosen by the trustees themselves. The purpose of an appeal is either to allow the arguments to be taken to another level or to allow them to be viewed through

independent eyes. If you had provided some rationale for rejecting Simon and Jared's arguments it might have been reasonable for the same people to hear Simon's counter-arguments. Without a rationale for the original decision, all this appeal process offered, essentially, was an opportunity for the same arguments to be heard by the same people.

7 In view of the seriousness of what is at stake – someone's right to remain in the home they have lived in for thirteen years – I would expect a court to regard your failure to engage with his arguments as gross negligence, and your decision to evict him as misfeasance. In that case, I believe the trustees would be personally liable for costs and possibly for compensation, and the court would take account of any lapses or aggravating factors in your actions leading up to it.

8 For example, you say that "*This is the unanimous decision of The Board of Trustees*". I note that two trustees resigned between the hearing and your email communicating the decision, and a third resigned a week later. I imagine a court would want to hear why they resigned; if it was because they disagreed with the decision, and did not want to be party to it (or accept liability for it under the principle of collective responsibility), then I'd expect the court to regard this statement as deliberately misleading (even if it was strictly true at the moment the email was sent) because it might be taken to suggest that it was a unanimous decision by those trustees who were present at the disciplinary hearing.

9 Since you are all volunteers, I don't think a court would regard your actions up to the disciplinary hearing as misfeasance. However, I would expect them to take into account, in their assessment of costs, whether you had considered the initial complaint and the HR consultant's report with the necessary care and attention.

The Complainant's Letter (link)

10 My first impression reading this letter comes from the 2nd, 3rd and 4th paragraphs where I read that he cares deeply about MWC, has great concern for the current situation, that the issues weigh heavily on his mind and that he writes without prejudice and malice.

11 In my opinion, most honest people would hesitate to write such things because doing so would make them reflect on whether they were really true; dishonest people, on the other hand, have no difficulty making glib assurances of that kind. I imagine most judges would be put on their guard by those statements – and would expect the trustees to have been put on their guard also.

Conflict of interest

12 Almost immediately, in paragraph 6, we find the writer going out of his way to share (possibly malicious) gossip about the circumstances in which Simon left another community twelve years previously. The complainant is not providing any substantive information in this paragraph: the trustees already know that Simon '*was asked to join MWC by Johti personally*' and the complainant clearly does not himself know when the friendship started (it '*goes back to at least 12 years ago*'). The fact that passing on this bit of gossip casts Simon in a poor light may be nothing more than clumsiness – but it might also be calculated to prejudice the trustees ahead of the substantive complaint.

13 (As it happens, the question of how the friendship started is very important, since it goes to the heart of whether it represents a possible conflict of interest or simply reflects a confluence of interest. I discuss this further below.)

14 In paragraphs 8 and 9, we learn that Simon has expressed '*concerns regarding the influence of the new trustees*' and that (by hearsay) community members have '*discussed [...] curbing the influence of the new trustees*'. Again, it's possible that this is simply clumsiness – but it might also be calculated to prejudice the trustees ahead of the substantive complaint.

15 At the time of the meeting mentioned in paragraph 8, it seems that the community has not yet met the incoming trustees but do know that Jyoti was not involved in signing them up, and (I presume) that the two who are stepping down are being replaced by five new ones (I imagine a judge would have a number of questions about that, which I discuss below). It seems perfectly reasonable for the community to be concerned about those facts and, since the two groups haven't yet met, the concern is clearly not personal.

16 Paragraph 9 is entirely hearsay and is reported speech: has the complainant accurately repeated what he was told and has his informant accurately relayed what was actually said?; and has the complainant considered that his informant might have been motivated by malice?

17 The complainant makes much of the fact that these discussions were not recorded in the minutes. I note that Simon agrees that they should have been, '*in the spirit of openness*', but I see no reason why. On the contrary, I would say that including them in the minutes without explicit approval from the people present might constitute breach of confidence.

18 Meetings of this kind are not simply a meeting of the members of the organisation for the discussion of organisation business; they are also, in parallel, a meeting of private individuals for whom it is an opportunity to discuss matters of mutual interest. This is especially true in a community like this where there is no clear distinction between home and workplace. Matters of business should be recorded in the minutes; matters of mutual interest to the private individuals present should not. If the community is wholly subordinate to the trustees and has no power over them, the reported discussions cannot be regarded as community business. It is perfectly reasonable for the private individuals who make up the community to have private discussions about the trustees who have power over them, on the implicit understanding that what is said is not for the ears of the trustees. In my view, the complainant, attending the meetings by invitation rather than right, has breached an implicit obligation of confidentiality.

19 By this stage, I would expect a judge to have very little confidence in what the complainant says: even if his own motives are innocent, he clearly has no scruples about repeating things which might not be true and disclosing private discussions to people who have no right to know about them.

Simon's Tenancy etc

20 In paragraphs 13 to 23, the complainant raises a number of issues, '*with the best of intentions for the benefit of MWC*', about which he is '*clearly no expert [...] and admittedly could be wrong*'. He is indeed clearly no expert and his remarks in this section amount to little more than speculation.

21 He provides links to government guidance and quotes the obligation trustees are under to '*get the best deal*' for their charity but appears to be unaware that the best deal is not a purely monetary concept. To my mind, the further insights offered by the language used,

and the invocation of the rulebook, favour the view that he is calculating rather than merely clumsy.

22 The issues raised in this section are ones which a judge would expect new trustees, as a matter of course, to inform themselves about as soon as reasonably possible after taking office, and the complainant does not offer any reason to suppose that the previous trustees were unaware of the facts. The points raised here can be safely disregarded – and I would expect a judge to have questions about why the trustees thought it appropriate to ask the HR Consultant to investigate them.

Bullying and Harassment

23 Paragraph 26 reveals more about the complainant's character when he says '*after only being with MWC for 5 weeks I raised a point regarding my concerns about a lack of a unified approach towards to the operation of MWC and any unified or cohesive plans*'.

24 This statement on its own should be enough for a responsible arbiter to recognise that this man's judgement should not be taken too seriously. At best it demonstrates remarkable arrogance and insensitivity: that a provisional member of the community (who, as I understand it, has only spent a total of seven weeks there and is only present at the meeting by invitation) should presume to tell long-standing members how the place should be run … The fact that he has been invited to subsequent meetings is testimony to the tolerance and openness of the community.

25 I note from Simon and Jared's testimony that acceptance as a permanent member requires the unanimous approval of all members. Presumably this also applies to a decision to extend the probationary period, in which case the decision to allow him a further opportunity to fit in with the community (which came after the letter was written but before the investigation was started) casts doubt on his belief that certain members were trying to drive him out.

26 The trustees have no way of knowing, from this letter, whether the writer's claims about Simon's dominance of the community are well-founded. Since Simon has no legal authority over the other members of the community the question is essentially one of whether his general behaviour is acceptable in a community of this sort (the fact that it might not be acceptable in another environment is irrelevant). That question can only be answered by the community members themselves. The trustees needed to ensure that all the members of the community felt able to answer that question honestly but, in the first instance, that was all they needed to do. I imagine a judge would expect the trustees to explain why, instead, they decided to treat it as an employment issue.

Community Governance

27 I won't look in detail at the specific issues the complainant raises in paragraphs 32 to 43 because they have been adequately answered by Simon and Jared. As Jared points out, many of the issues raised are the responsibility of the maintenance coordinator – and this should have been obvious to the trustees simply from reading the letter.

28 I note that most of the issues he lists are ones of procedure and documentation; he's not identifying fire hazards or parts of the building that are unsafe, he's saying that rules haven't been followed. Identifying and putting those shortcomings right is undoubtedly a good thing but using that list to justify a statement that '*neglect and the lack of any*

oversight have left MWC in an extremely vulnerable state with huge liability problems' is further evidence of poor judgement.

29 In paragraph 42 he says "S*ome of the biggest issues we face are the lack of training and sign-offs for volunteers, poor H&S policy such as risk assessments, the state of the main house and outbuildings, poor and not up to date fire safety records and that we will not have a fire safety officer in place when Camilo leaves*". The state of the main house and outbuildings might be a serious concern but all he mentions is the Pine Hall roof leaking. Otherwise, if these are indeed the biggest issues they face, I can only wish that every community was so lucky. Again, it sheds light on his judgement.

30 The complainant says '*I did try to write a formal complaint [...] but there was no procedure to do so*'. This is absurd. The procedure is obvious: he writes the letter and presents it to the community during a meeting. There is clearly no need for a formally defined process in a community of this size.

31 The trustees undoubtedly needed to take some action in response to this letter but whether it was appropriate for them to hire an outside consultant is questionable. I would expect a judge to ask how the trustees decided on that course of action and what led them to choose this particular consultant.

The HR Consultant's Report (link)

32 The first thing I notice when reading this report is that the title calls it a 'Whistleblowing Compliant'. In itself, this is an insignificant mistake which even the most diligent writer might make but, in a professional document relating to a serious matter, it might also be indicative of a certain carelessness in how the report has been produced. If this initial suspicion is reinforced in the body of the document (as indeed it is), I would expect any responsible arbiter reading it to assume, in the absence of strong evidence to the contrary, that the investigation itself was also carried out carelessly.

Redaction

33 In the version of the report supplied to the community, the name of the complainant and the names of the witnesses are redacted.

34 It has emerged subsequently that four of the eleven witnesses were in fact the four people identified by name in the 'main points' box. In the redacted version, this gives the impression that there were more independent witnesses than was in fact the case, so it makes the question of who did the redacting quite important: if it was the author of the report, it is merely another indication of carelessness; if it was the trustees, however, it might be indicative of deliberate intent to mislead. I imagine a judge would want that question answered early on, though the pointless redaction of the complainant's name (when the redactor knows full well that Stephen Williams has acknowledged to the community that he made the complaint) suggests that little thought went into the redaction, whoever did it.

Bullying and Harassment

35 As I understand it, this is a fact-finding report. Phrases like '*this is no excuse for the way Simon and Gill have responded or behaved during the investigation*' and '*there is no*

excuse for this kind of behaviour and it should not be condoned or tolerated' make it clear that the consultant has not approached her task objectively.

36 In a number of places, the report says things like '*It was confirmed by four of the witnesses*', '*Two witnesses spoke of*' etc. Because the witnesses are not identified, the reader cannot know whether those numbers include Stephen Williams himself. One would hope that she meant **independent** witnesses but this can't be taken for granted, especially in a matter as important as this. The trustees should have required the consultant to identify which winesses said these things, and to provide quotes.

37 The report says '*All [witnesses] suggested [Simon and Gill's] outburst and behaviour comes from a place of fear*'. Again, one assumes she meant all independent witnesses but, again, this can't be taken for granted. The trustees should have required the consultant to provide quotes.

38 I won't duplicate the criticisms that Simon and Jared have made of this report, both before and after the disciplinary hearing, but I am confident that a court would agree with them on most points.

39 Simon points out in his investigation into the report that various claims made in this section appear to misrepresent what witnesses actually said. If the trustees had rejected the report, and required it to be rewritten, identifying exactly who said exactly what, it would have been apparent to them that the consultant had misrepresented what she'd been told.

Conflict of Interest

40 In addition to the circularity pointed out by Simon, I am struck here by the phrase '*Jyoti had shared confidential information with the community after being told not to*'. After being told not to? Does the HR consultant imagine that the board of trustees has authority over individual trustees?

40.1 If this accurately reflects the information she was given, it raises serious questions about how well the trustees understand their roles[1];

40.2 If it doesn't accurately reflect it, it suggests she is well out of her depth in an investigation of this kind.

41 The second paragraph of this section is extraordinary. Stephen reported a discussion that XXX informed him had taken place in a meeting he did not attend. The consultant could have said something like 'XXX confirms that they did indeed tell Stephen this and that it accurately represents what took place at that meeting'. Instead, she presents it as though both Stephen and the other person had witnessed that discussion personally.

42 In any case, that discussion – between members of the community – is wholly irrelevant to the question of whether any actions that Jyoti has taken, or might take, are influenced by her friendship with Simon.

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1 Charity Commission guidance does say that individual trustees are bound by the decision of the majority but (unless the courts have taken leave of their senses and there is case law to the contrary) this only refers to executive decisions. It simply means that, under the principle of collective responsibility, individual trustees cannot escape liability for actions approved or initiated by the board simply by voting against them. It does not mean that a majority of trustees can impose an obligation on the minority to refrain from giving information to the beneficiaries, which those individual trustees believe they should have.

43 I note that, despite this being a fact-finding investigation, she seems to have made no attempt to find out the circumstances in which Jyoti and Simon became friends. This is important because, if the friendship is rooted in concerns which are central to the goals of the charity then it does not represent a significant potential conflict of interest.

43.1 In other words, if they met each other because they were both active within the broader community that has been promoting sustainability since long before it became fashionable, and became friends because of a shared vision of how the world might operate sustainably, there is very little reason for Jyoti to be suspected of allowing her friendship with Simon to adversely affect her judgement on what is best for the charity.

43.2 It's only if their friendship originated in some sphere apart from the goals of the charity that the possibility of a serious conflict of interest needs to be investigated.

Simon's role and business interests

44 I questioned, above, the appropriateness of asking the HR consultant to investigate matters which the trustees should have been acquainting themselves with as a matter of course, and it's clear that she is well out of her depth here also: she provides very little in the way of facts and the questions she raises show she has little understanding of the matters she is supposed to be investigating. Is she even aware, for example, that there are exemptions in planning law for certain agricultural buildings?

Grievance Outcome

45 I note that the consultant says '*Throughout this investigation [...] I believe that everything he said is in fact completely justified*'. This might be no more than another example of careless drafting but, in light of the loaded language highlighted by both Simon and Jared, I'm inclined to think it accurately reflects the objectivity with which she has approached her task.

46 She says '*The evidence made available to me also suggests that there is a conflict of interest*' inherent in Jyoti's friendship with Simon. I don't know what instructions she was given by the trustees – perhaps they did ask for recommendations. – but tin the FAQ they say '*The investigation is not disciplinary, it is fact finding to see if there is a case to answer*'. The purpose of a fact-finding investigation is to ascertain facts in order to help an adjudicator to form a judgement on the matter. I see nothing in the conflict of interest section of this report which constitutes evidence and the fact that she finishes by offering her own conclusions reinforces the impression that she is not a suitable person to conduct an investigation of this kind.

47 I would expect a court to agree with Simon's assessment that this is a shoddy piece of work and that the trustees should not have set any store by it.

The Trustees

48 There are a number of questions that I'd expect a judge to ask about how the new trustees came to be signed up, and the decisions that have been taken since.

49 I understand from a community member that Janice Freeborn has not been active as a trustee for some years (though Simon mentions her as having been present at a meeting shortly before lockdown) and that they have tried to contact her since this dispute started but have received no reply. I imagine a judge would want to know early on whether she is or is not still active.

49.1 If she is, why has she not responded to the community's attempts to contact her?

49.2 If she is not, what steps have the current board taken to contact her and/or have her trusteeship revoked?

49.3 If she has been active through a proxy, further questions would arise: for example, I would expect a judge to want confirmation that she is still fully capable of performing a trustee's duties, and that emails are not going to a third party.

50 Regarding the appointment of the new trustees:

50.1 How and why was the decision taken to expand the board, by appointing three more members than were stepping down?

50.2 At the community meeting on 17/10/22, Simon apparently expressed concern about Jyoti's lack of involvement in signing up the new trustees. Has she subsequently been given answers to any questions she has asked about the process?

51 What reasons did the new trustees have for joining the board and how did they come to hear about it?

51.1 I understand that three of the new trustees attended the school which occupied the building before the charity was set up and that one of them, George Slavin, is a friend of a current community member, so there is no mystery about how they became aware of the vacancy.

51.2 This does, however, raise the question of whether their primary interest is in conserving a building they have a sentimental attachment to (especially, in the case of Richard Johnstone, in the light of the comments he has made on the community's facebook page).

51.3 Laura Guest's connection is not obvious, though I note that there is a Georgina Freeborn working at Haringey Circle CIC where Ms Guest is a director. Is this coincidence or was it a connection to Janice Freeborn that led her to apply?

51.4 In view of the fact that the charity's objectives were set and the community was formed long before sustainability become fashionable, I would expect a judge to enquire about the new trustees' reasons for wanting to be involved in a charity focused on that issue, and would want to see some evidence that they either had some prior commitment to that sphere of activity or a genuine intent to learn about it in depth.

52 I note that Jyoti Fernandes had been asked to step down before Stephen Williams made his complaint about Simon. Given that, at this point, there were five new trustees and only three old ones (one of whom was perhaps inactive) I imagine a judge would want to know the reason for this.

53 In his Proof of Evidence, Simon raises the question (paragraph 84) of whether there was collusion between Stephen Williams and the trustees. I would expect a court to require full disclosure of any prior acquaintance and of any correspondence between them that has not been made available to the community.

54 I have already mentioned a number of questions raised by the trustees' actions following receipt of Stephen Williams' complaint:

- why did the trustees think it appropriate to conflate three separate investigations?;
- why did they appoint an HR consultant to investigate a trustee's possible conflict of interest?;
- why did they appoint an HR consultant to investigate contractual and business affairs which they themselves should have familiarised themselves with as a matter of course?

55 In light of these questions, the court might want to see minutes and/or transcripts of the trustees' meetings where they discussed the letter and how they should respond to it, and the terms of reference and additional information provided to the HR consultant.

56 I understand from a community member that Laura Guest is a magistrate. If this is indeed the case, a judge might want to ask further questions: the judiciary tend to be very concerned about the integrity of the whole judicial system, so any matter that concerns someone involved in it attracts particular scrutiny.

57 For example, question 10 of the trustees' FAQ is '*Are the trustees trying to sell Monkton Wyld Court and make a profit, to property developers*?'. This conflates two concerns that community members and others have: are the trustees thinking of selling the property?; and are they hoping to profit personally from doing so?

57.1 There is an inherent conflict between the sustainability goals of the charity and the curatorship objective of preserving a building which was not designed with sustainablility in mind. If the community were failing, it would be perfectly legitimate for responsible trustees to consider selling the property (with suitable covenants to satisfy objective D of the charity's goals) and deploying the funds raised in other ways that promote sustainability. With a strong community in residence, however, I don't think responsible trustees would consider that option.

58 The trustees' answer to this question strike me as worrying for a number of reasons.

58.1 The phrase '*There is no evidence to support this*' is well-used as a means of deflecting questions that people do not want to give a direct answer to. It is certainly not equivalent to saying "We have not considered selling the property".

58.2 If there is documented evidence that previous trustees have investigated that path in the past, it seems unreasonable to dismiss current speculation as vexatious.

58.3 The fact that '*Legally the trustees cannot sell Monkton Wyld Court and make a profit*' is irrelevant. As a magistrate will certainly know, people do not always act

within the law. Saying that it '*should be discounted as nonsense*' on that basis is disingenuous at best.

59 I would expect a judge to ask whether the trustees had considered and/or discussed the possibility of selling the property, and that he or she would expect an unequivocal answer. If the answer were yes, they would expect a good explanation of why that was not admitted in this FAQ.

Conclusion

As I said at the beginning, I see no realistic possibility of a judge finding in your favour if the matter comes to court. I am not a lawyer – but I strongly recommend that you consult one without further ado.

I trust and hope that this matter can be resolved without recourse to the courts but I don't see any prospect of the current trustees ever establishing a comfortable working relationship with the community. I hope you will recognise this and step down as soon as replacements have been appointed.

Malcolm Ramsay
(Independent Jurist)

23rd August 2023

Appendix: My interest and background

As I said in the body of this letter, I share the view with Simon Fairlie that land is fundamentally important to a healthy society. From a jurist's perspective, that means that the laws determining the ownership and inheritance of land are fundamentally important. After thinking about it for some years, I came to the conclusion that current land law is essentially derelict – in that it has become detached from the circumstances that gave rise to it – and is incompatible with uncontroversial principles, notably the principle of equality of opportunity. My analysis of the problems with current land law and an outline of the basic reforms I think are necessary can be found near the bottom of the Jurisprudence page of my old website.

It became clear to me years ago that, in the current political environment, meaningful reform of land law would be impossible through purely political means. I therefore started thinking about whether reform might be possible through the courts, and about the constitutional flaws that hinder reform. As a result, I have spent many years thinking and writing about how a healthy society should govern itself, both at the national level and locally, trying to understand how the flaws in current social structures came about and how they might be addressed.

In 2019, after trying several ways of initiating necessary constitutional reform through established political processes, I came to the conclusion that Britain's political infrastructure is irredeemably broken. Since then I have concentrated on reconciling the apparent incompatibility between the doctrines of Parliamentary Sovereignty and the Rule of Law (which leading legal academics and retired law lords have expressed concern about for many years). My thoughts on how this can be done can be found in my recent paper, The Rule of Law, and the earlier pieces it links to.

For the most part, my analysis and proposed reforms have been too radical to attract mainstream attention but a couple of my papers have been publicly shared by respected mainstream commentators: David Allen Green, a very well-known blogger and columnist shared a paper of mine on the possibility of a Democratically Accountable Monarchy; and a blogger calling himself The Law Drafter shared my (fairly radical) analysis of parliamentary sovereignty, A Trust of Sovereignty (I believe The Law Drafter is not particularly well-known himself but, since I came across him when Joshua Rozenberg shared some commentary of his, I have no qualms about calling him a respected commentator),

Generally, it is only in the context of a dispute that the courts will listen to arguments about legal principles so, throughout the last few years, I have been constantly on the lookout for legal disputes where my analysis might be relevant. I did briefly wonder if this dispute might provide an opportunity to put some of my arguments to a court (if Simon had agreed) but it quickly became clear that your position was so weak that arguments about fundamental principles would be wholly unnecessary.

However, the affair has reminded me that there is in fact another way that arguments can come before a court without there being a dispute: through an application to amend the goals of a charity outside the terms of its founding document. If a new board of trustees is interested in discussing the possibility of amending the charity's Articles of Association to prevent a situation like this recurring, I'll be happy to offer some suggestions.