# High Court imposes extended civil restraint order on meritless litigant Derek Banner



The High Court has taken a firm stance against frivolous litigation by granting an extended civil restraint order against businessman Derek Banner, who has persistently brought meritless proceedings against two law firms. Banner’s legal troubles began in Sweden, where he claimed that a television gameshow format he created was unlawfully replicated. After his allegations were dismissed at multiple levels, including by the Swedish Supreme Court, he transferred the intellectual property rights to his business and launched a similar claim in the High Court. This too was dismissed, prompting him to target his former solicitors, Fox Williams LLP and Wiggin LLP, as well as the solicitors representing the defendants.

In his pursuit of £55 million in damages, Banner alleged serious misconduct against the firms involved. However, the High Court ruled against him, emphasizing that his claims were completely devoid of merit. The judgment in the case of Banner Universal Motion Pictures Limited v Wiggin LLP & Anor highlighted Banner's refusal to acknowledge the finality of the judicial decisions rendered against him. His continued correspondence with the court only served to confirm his obstinacy, as he attempted to reopen his appeal despite being informed that his legal avenues were exhausted.

Mr Justice Mellor, overseeing the case, underscored the significance of the allegations Banner made, characterising them as “totally without merit”. The judge expressed concern over Banner's repeated attempts to challenge the court’s decisions, indicating a troubling pattern of abuse towards the judicial process. In light of these considerations, the extended civil restraint order was deemed necessary to prevent further frivolous claims.

This is not an isolated case; the courts have increasingly resorted to issuing civil restraint orders to mitigate similar abuses. Recently, a struck-off solicitor, Farid El Diwany, was subjected to a three-year General Civil Restraint Order. The Court of Appeal found that El Diwany had consistently issued meritless claims against the Solicitors Regulation Authority and others, a behaviour parallel to that of Banner. Such orders serve to protect the integrity of the legal system, ensuring that it is not overwhelmed by unmeritorious litigations that seek to exploit judicial resources.

Similarly, the High Court has also imposed civil restraint orders on individuals like barrister Tariq Rehman, who relentlessly challenged disciplinary findings against him. Justice Hickinbottom noted Rehman’s pattern of meritless claims and appeals and the overarching theme of a perceived conspiracy against him. This recurring issue of persistent litigants highlights a broader concern about the misuse of the courts to settle personal grievances rather than legitimate legal disputes.

In the context of these developments, the introduction of civil restraint orders has become a vital tool for courts to curtail unwarranted litigation. These court orders can vary in scope, with types including Limited Civil Restraint Orders (LCRO), Extended Civil Restraint Orders (ECRO), and General Civil Restraint Orders (GCRO), each designed to adapt to the severity and frequency of the litigant's actions. Courts have the authority to impose these defensive mechanisms when it is evident that an individual is abusing the court process.

The legal community continues to grapple with the ramifications of such persistent, meritless claims. The judicial system’s response reflects a commitment to uphold judicial efficacy and integrity, safeguarding against those who would misuse access to the courts to perpetuate their grievances. As cases like that of Derek Banner illustrate, the courts are prepared to take decisive action to protect both their resources and the wider public from the burden of baseless legal actions.

## Reference Map:

* Paragraph 1 – [[1]](https://www.lawgazette.co.uk/news/litigant-handed-restraint-order-after-bringing-meritless-claims-against-solicitors/5123410.article), [[6]](https://tvedwards.com/news-and-blogs/blogs/civil-restraint-orders/)
* Paragraph 2 – [[1]](https://www.lawgazette.co.uk/news/litigant-handed-restraint-order-after-bringing-meritless-claims-against-solicitors/5123410.article), [[3]](https://www.legalfutures.co.uk/latest-news/high-court-slaps-barrister-civil-restraint-order-over-relentless-challenges-disciplinary-rulings)
* Paragraph 3 – [[2]](https://www.legalfutures.co.uk/latest-news/ca-issues-general-civil-restraint-order-against-struck-off-solicitor), [[4]](https://www.legalfutures.co.uk/latest-news/sra-granted-civil-restraint-order-against-struck-off-solicitor)
* Paragraph 4 – [[5]](https://valawyersweekly.com/2018/05/08/court-fines-relentless-plaintiff-enjoins-further-filing/), [[6]](https://tvedwards.com/news-and-blogs/blogs/civil-restraint-orders/)
* Paragraph 5 – [[1]](https://www.lawgazette.co.uk/news/litigant-handed-restraint-order-after-bringing-meritless-claims-against-solicitors/5123410.article), [[2]](https://www.legalfutures.co.uk/latest-news/ca-issues-general-civil-restraint-order-against-struck-off-solicitor)

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## Bibliography

1. <https://www.lawgazette.co.uk/news/litigant-handed-restraint-order-after-bringing-meritless-claims-against-solicitors/5123410.article> - Please view link - unable to able to access data
2. <https://www.legalfutures.co.uk/latest-news/ca-issues-general-civil-restraint-order-against-struck-off-solicitor> - The Court of Appeal has imposed a three-year General Civil Restraint Order (GCRO) on a struck-off solicitor, Farid El Diwany, who persistently issued meritless claims against the Solicitors Regulation Authority (SRA) and others. The court found that El Diwany 'persists in issuing claims and making applications that are totally without merit', including three that were the subject of its ruling and a further nine in the past three years. The court noted that El Diwany 'will not take no for an answer and seeks repeatedly to re-open decisions that have become final'.
3. <https://www.legalfutures.co.uk/latest-news/high-court-slaps-barrister-civil-restraint-order-over-relentless-challenges-disciplinary-rulings> - The High Court has issued a two-year Civil Restraint Order (CRO) against barrister Tariq Rehman, who repeatedly and unsuccessfully challenged disciplinary findings made against him. Mr Justice Hickinbottom noted that Rehman had been found by three different judges to have issued meritless claims, appeals, and applications against, among others, the Bar Standards Board (BSB), Legal Ombudsman (LeO), and various members of the legal profession and judges in relation to disciplinary proceedings he has faced. The barrister has argued that there is a conspiracy against him.
4. <https://www.legalfutures.co.uk/latest-news/sra-granted-civil-restraint-order-against-struck-off-solicitor> - The High Court has granted the Solicitors Regulation Authority (SRA) an extended Civil Restraint Order (ECRO) to prevent a struck-off solicitor, Farid El Diwany, from taking further legal action against it. Mr Justice Murray held there was 'a significant risk' that El Diwany would continue to issue claims and applications over disciplinary action the SRA took against him. El Diwany was referred to the SRA by his former law firm employer after he disclosed his criminal record in Norway.
5. <https://valawyersweekly.com/2018/05/08/court-fines-relentless-plaintiff-enjoins-further-filing/> - A Virginia court fined a plaintiff and enjoined him from further filings due to his refusal to comply with court directives and abuse of the in forma pauperis statute. The court had previously dismissed Draper's fourth and fifth actions against Muy Pizza Southeast LLC, advising him that any future filings must comply with Federal Rule of Civil Procedure 11, with non-compliant filings potentially resulting in monetary sanctions. The court expressed concern over Draper's insistence on pursuing meritless cases and his refusal to accept court decisions.
6. <https://tvedwards.com/news-and-blogs/blogs/civil-restraint-orders/> - Civil Restraint Orders (CROs) are court orders issued to prevent individuals from making further applications to court that are totally without merit. There are three types of CROs: Limited Civil Restraint Order (LCRO), Extended Civil Restraint Order (ECRO), and General Civil Restraint Order (GCRO). The article discusses the circumstances under which each type of order may be issued and provides examples of recent cases where such orders have been granted, including the case of Sayed Sangamneheri, who was issued with a second ECRO by a High Court judge for continuing to bring meritless claims.
7. <https://www.brettwilson.co.uk/blog/slapps-a-real-problem-or-a-defendants-wildcard/> - The article discusses Strategic Lawsuits Against Public Participation (SLAPPs), which are lawsuits filed with the intention of silencing or intimidating critics by burdening them with legal costs. It highlights that judges already have the authority to strike out claims that are an abuse of the court’s process and impose civil restraint orders. The article also mentions that proposals have been made to enable courts to throw out suspected SLAPPs earlier in proceedings and impose civil restraint orders to prevent people from bringing repeated legal challenges.