

*Which Came First, the Season or the Episode?*

**“MARSHALL’S LAW”**  
**(aka “The Great Defender”)**

by

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## Abstract

My dissertation is divided into two elements.

The first is a reflective analysis of how my career progression allowed me to develop as a writer and how it became an essential element in my research into the Victorian legal system and which later evolved into my creative writing.

The second element is the resulting two one-hour Pilot episodes I have written as the opening for a ten-part high-end television series entitled “Marshall’s Law”.

My dissertation argues that societal friction in England during the frequent financial crises and political volatility experienced between 1883 and 1896 both reflected and shaped the lives of ordinary people who often turned to crime to survive.

The influence of an expanding but often corrupt Police force caused cultural anxiety in a seemingly random and increasingly uncertain world.

We view all of this turmoil from the perspective of a liberally minded young barrister who is just starting his career at the Bar and who does not see compassion as an impediment to progress.

Edward “Marshall” Hall was a unique individual who married his childhood sweetheart Ethel Moon who turned out to be irredeemably promiscuous.

Marshall endured this in the vain hope that his understanding nature would encourage faithfulness. It did not and Ethel became pregnant by an army officer. The consequences of a botched abortion were Ethel’s untimely death, a murder charge against the abortionist and the heartbreak and public humiliation of Marshall.

The research required to write “Marshall’s Law” was extensive and included an in-depth analysis of the social, economic, and political framework in British society and how the consequences of being on the wrong side of the legal system could devastate lives and livelihoods.

My series connects the reality of poverty and hardship with the legal, aristocratic, and political worlds.

## *Which Came First, the Season or the Episode?*

### **MARSHALL'S LAW**

**(aka "The Great Defender")**

It is about two and a half years ago that I determined to undertake a Master of Arts in screenwriting by research.

I set out to devise a six-part historical legal drama series for high-end television with a central character determining the key narrative.

I first read a biography about Edward Marshall Hall when I was fourteen years old and contemplated what I wanted to do with my life.

My examinations at school did go to plan in that I didn't feel included in the curriculum as a sixteen-year-old and found most teaching in the nineteen seventies at my non-selective school completely uninspiring, lacking in any sort of original thinking component and the rote learning was a waste of everyone's time.

At a time when libraries were plentiful and well stocked, I spent most of my time reading. The subjects that grabbed my attention most were the law, politics and history all of which I was keen to read in the context of any creative storytelling I came across.

I then had a four-year stint as ground crew in the Royal Air Force at the time of the Falklands War.

In between my personal efforts to bring down the ruling Junta I found time four nights a week to attend adult education classes where I gained thirteen grade A 'O' levels and four "A" levels I had neglected to secure at school.

In 1985 was ready for university and my first law degree and Hull provide me with all I needed. Close to the coast, a feeling of isolation and the mighty Hull Truck Theatre Company.

I mention this now as a flash forward to 1998 when we get to the bit about awards. It was then I managed to scrape my only nomination for a Bafta on a feature film I produced based on John Godber's "Up 'n' Under".

I think my story of a working-class lad from a mining family background resonated with his own and he loved the idea he was helping a fledgling barrister.

Godber let me have an option on the material for a peppercorn of one pound but upon realising I needed petrol to get back to Sheffield we settled on forty-eight pence.

Back to my studies. As a passion developed for social and economic suicide was made possible by my determination to follow in the steps of Edward Marshall Hall and be called to the Bar.

Everyone who knows anything knows that solicitors get paid to train and are salaried from the earliest point in their career. Barristers get nothing. Zip. Nada.

Unless you shone academically and were properly educated at a narrow list of institutions.

I was self-aware enough to know that I would have to stand out and that an upper second and various “soc” presidencies would not be enough to bring me to any one's attention when it came to finding a place in chambers.

Against my better judgement, I spurned Marshall's path into a life of crime and instead opted for a master's degree in corporate and commercial law at QMC, London University. The rationale was to make lots of money and then go and practice at the criminal bar.

Becoming the President of Lincoln's Inn got me a lot of backstage access to court reports and trial papers about Marshall's cases and his life at the bar.

Fast forward to a summer school course at NYU to specialise in entertainment law. After a few days, I was press-ganged into helping out on a film shoot in Brooklyn and discovered a passion for the sharp end of the business.

In the intervening years between the early nineties, I have produced and co-written contemporary stories too ranging from arthouse, crime, comedy and drama. One key characteristic of my writing is that I fastidiously research the subject matter to discard it. I know that sounds odd but once you understand the “world” I find that you can highlight aspects of it that enhance the story and minimise everything else. I write by the mantra, better to have it and not need it than need it and not have it.

My career to date has allowed me to work as the development producer on many feature films. I have also produced and executive-produced movies. I have a theatrical distribution company (Ballpark Film Distributors) meaning I have at some point been intimately involved from page to stage.

Highlights include being the development producer and script edited “The Bank Job” with Dick Clement and Ian La Frenais in their guest house in Benedict Canyon for eight weeks. I adapted the bestselling book “The Kid” by Kevin Lewis into a feature film starring Rupert Friend and Jodie Whittaker. Nick Moorcroft and I wrote the extended treatment for “Burke and Hare” which John Landis directed and starring Andy Serkis and Simon Pegg. I co-wrote and produced “Triggermen” with Tony Johnstone, one of three films I made in Toronto. I produced and developed the number one bestseller “Rancid Aluminium” which starred Rhys Ifans and Joe Fiennes. I also developed “Go, Go Tales” with Abel Ferrara.

I mention these things as an illustration of how important the acquisition of a master's qualification by research is in my life. I believe I have enough experience to move over from feature film to High-End Television. That is my goal

I came to the notion of making television quite late despite having a rapacious for the stories it can convey in an unfussy way.

I decided that if I were to pursue a series which follows the life and career of barrister and socialite Edward Marshall Hall (known simply as “Marshall”) I would need structure, mentoring and counselling.

Marshall was born in Brighton in 1858 from upper-middle-class stock. He attended notable public schools, the University of Cambridge and his elder sister was married to an eminent member of the House of Lords.

By contrast, Marshall defended the poorest in society and worked hard both as a lawyer and later as a Member of Parliament for reform of the Poor Laws and legal aid.

It hadn't perhaps occurred to me at the outset that the conjoining of these juxtaposed elements in Marshall's life would not be easy.

Analysing the evolution from where I originally thought the project was going and where we ended up is eye-opening.

My idea was to loosely follow Marshall's famous trials chronologically.

Further research taught me that in the early part of his professional career Marshall was no more than a bit player in the few and far between very rare cases that did make the newspapers.

I knew that to give the fullest account of his life we had to begin at the beginning and that proved challenging in terms of interesting cases.

Fortunately, many unreported cases were still available at Inner Temple and Lincoln's Inn libraries, and it was here I found some compelling early material.

By starting as early as possible we give ourselves the greatest chance in the event the series is recommissioned thus creating the best commercial environment for when the most newsworthy cases come along later in Marshall's career.

There were several ways to go about writing the series but to begin with I needed a solid structure and outline for (a) the overview of the first season narrative and (b) individual stories for each episode.

Whilst there would be the core character that would feature in every episode, each would contain an "A" and a "B" story.

I decided that the Pilot Episodes, which are set in 1884 - when Marshall was a fledgling barrister of fewer than two years call - would have entirely fictionalised cases.

The cases of Crown -v- Gideon Rosenberg and Crown -v- William and Sarah Sneddon were constructed to have some overlap in one crucial regard.

In British homicide law, there was one crucial difference between murder and manslaughter and that was the mandatory death penalty for the former.

With regards to the latter, the judge had every sentencing option available to him (it was always a man in Victorian times) from an absolute discharge to execution.

It was this judicial discretion that lay at the heart of "*Rosenberg*" and "*Sneddon*" because Judges tended to have a method, they were not keen on deviating from when determining sentences in manslaughter.

If you think about it, the term "hanging Judge" doesn't apply to a finding of guilty by a jury or a plea of guilty by the defendant because in murder trials the Judge has no choice but to pass a sentence of execution.

It is in that clammy, grey area between murder and manslaughter that the drama lies since personal choices come into play.

On a charge of murder, First, the Jury determine the verdict – Guilty – automatic death sentence - Not Guilty of murder but guilty of manslaughter – the judge can still hang you – Not Guilty per se, automatic release.

Beyond the Pilot and into Episodes three to ten, we would have as the central story a well-documented case which had brought Marshall to prominence either in the law reports, largely the domain of professional lawyers, or in the popular press.

Another key element of the Marshall Hall story is that of his social and political life.

It is well documented that he was elected to the House of Commons twice in his life both times in Northern constituencies.

He was not known for his oratory and other than supporting his own causes in the fields of "poor law", legal aid and certain mental health defences he was considered an ineffective MP. Put another way, he preferred the spotlight, the cut and thrust of the adversarial courtroom battle.

Turning to his social life and what a life it was.

Marshall's older sister and mentor Ada, fourteen years his senior, married Lord Labouchere, a well-known and litigious theatre impresario, newspaper owner, politician and publisher.

This opened up a new world for well-educated but not so well-heeled Marshall.

As his fame grew, he was feted by Royalty, the aristocracy and celebrities in every field and certainly became the star of the law. This Faustian pact was very real and only manifested itself when the press barons who sold so many newspapers off the back of his murder trials turned on him when the utmost tragedy came to his door.

The death of his beloved wife Ethel in 1890 affected Marshall for the rest of his life. Ethel was a beautiful slightly frivolous young woman who had a confidence problem which only seemed to go away when she saw how besotted men became with her. She fell for an Army officer and quickly became pregnant.

Abortions were illegal and the act of procuring one also carried a harsh sentence. It was in these circumstances that a back street, ill-trained and unhygienic conman got his grips on a desperate Ethel as she tried to end her pregnancy without disgracing her husband, her parents and herself.

The botched procedure saw the "doctor" inject Ethel with mercury and she died in agony five days later.

The subsequent murder trial of the abortionist was newspaper gold and brought great professional and personal shame upon Marshall.

It was only because of the clandestine nature of abortions and an unwillingness to self-incriminate that allowed the fake medical practitioner escaped the gallows and he was instead given fifteen years of penal servitude.

Pulling this material together proportionately was the biggest challenge as the project evolved over time.

This is what I thought the project was in July 2020:

***TITLE: The Great Defender***

***LOGLINE:***

*The life of barrister Marshall Hall was extraordinary. His early career brought great highs and terrible lows. He became a media celebrity. Socialite. Lover. Detective. Intellectual. Social reformer. That was just the beginning.*

***GENRE: Historical crime drama***

***OVERVIEW:*** *Edward Marshall Hall changed the legal landscape in England. He saved more people from the gallows than any advocate before or since. He harnessed the latent power of the press to help him change the circumstances in which people coming before the courts found themselves. He understood that his own branding as a leading defence counsel and later, a Member of Parliament would enhance his ability to get things done. To change the inequities in life.*

*He paved the way for the creation of a fund to provide quality legal counsel for the poor. Marshall had appeared as defence counsel in one of the first "poor defendants fund" which were set up by newspapers in cause celebres. This was basically the defendant trading an exclusive story in exchange for getting a legal team. These were private commercial transactions. What Marshall wanted was a legal aid fund that was universal and paid for by the state.*

*Whilst Marshall was a celebrity with his face adorning the front pages of newspapers everywhere, his life was not immune to tragedy. He married his childhood sweetheart Ethel Moon. Ethel suffered from depression and a narcissistic personality. She required constant attention and when she did not get that from her husband, she sought it elsewhere. Ethel became pregnant by an army officer. She told Marshall she would keep the child who, like his father would have the title of "Count".*

*The father however would not do the honourable thing and forced her into having an abortion. She was taken to a disreputable "Doctor" who was a fraudster. After several pathetic attempts to induce the abortion failed, he injected Ethel with nitric acid, and it took her six agonising days to die.*

*The subsequent murder trial exposed the Faustian nature of Marshall's relationship with the press. His private life was laid bare for all to see. The abortionist was found guilty but not of murder. His conviction for manslaughter attracted a fifteen-year fifteen-year sentence rather than the hangman's noose. This haunted Marshall for the rest of his life.*

*Marshall as he was known, was an ardent advocate for women that had fallen on hard times. He shaped the creation of the defence which in modern times became known as battered spouse syndrome. He recognised that men often punished their wives physically and sexually. It was not illegal for a man to rape his wife. Marshall tried but failed to change that aspect of the law. It did eventually change a hundred years later.*

*Another aspect of the law that troubled Marshall was the lack of a right of appeal against the harshest verdicts, especially the death sentence. He fought to create the right to appeal a wrongful sentence to a higher court.*

*Marshall represented several high profile high-profile clients who were charged with murder when alcohol, drugs, epilepsy or mental illness was a factor. He succeeded in getting the law to recognise diminished capacity in such cases.*

*His desire to bring about social reform extended to widespread recognition that the process of the legal system was meant to rehabilitate rather than just punish.*

*Marshall enjoyed a brilliant social life and was regarded as great company by his equally famous friends. Amongst those close companions he counted Prince Edward (later to become King Edward VII). Legal reformer Lord Labouchere was his brother-in-law. Leading actors Henry Irving and Ellen Terry, Bram Stoker, Arthur Conan Doyle, Gilbert and Sullivan, Oscar Wilde and Jack the Ripper's prime suspect, Montague Druitt were all close confidantes. Most weekends were spent at the stately country homes of the aristocracy, including Cavendish Hall, a palatial country estate where shooting, fishing and equestrian pursuits supplemented sexual and romantic intrigue.*

*This series is a cross-over between high-end crime drama and Downton Abbey.*

*Why this, why now?*

*Edward Marshall Hall was a big part of why I wanted to become a barrister. He is now one of the reasons I want to focus my professional energies to evolve from being a feature film producer to becoming a full-time screenwriter.*

*I have become immersed in the later Victorian era whilst finding interesting ways to tell the story of our hero Marshall. To populate his universe with the developments of the era, the events that happened around him, and especially the socio-economic events that shaped society. Series One takes us from 1885 – 1895 and includes the story of Jack the Ripper prime suspect and Marshall's friend Montague Druitt.*

*I have written contemporary stories too ranging from arthouse, crime, comedy and drama. One key characteristic of my writing is that I fastidiously research the subject matter to discard it. I know that sounds odd but once you understand the “world” I find that you can highlight aspects of it that enhance the story and minimise everything else. I write by the mantra, better to have it and not need it than need it and not have it.*

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*I mention these things as an illustration of how important the acquisition of a higher degree by research is in my life.*

*Regarding “Marshall's Law”, film and television references would have to include “Murder by Decree” a Sherlock Holmes story set in Victorian London in 1888. The atmosphere, dialogue and production design are reflective of what I want to achieve.*

*I cannot speak about why I want to undertake this research degree without once again referring back to the underlying project. There is a juxtaposition between Marshall's professional life where he rubbed shoulders with the criminal proletariat and his gilded social life mixing with aristocracy and those at the height of their respective professions is stark. This must have informed his desire to generate diversity, fairness and compassion into the world he lived in.*

*Why else would he go out of his way to promote social harmony by a levelling up of standards? Other references specific to “The Great Defender” include “Gosford Park”, which has at its heart the social divisiveness of the Edwardian era, “Ripper Street” for the grittier stories of the*



*time, "A Shooting Party" is set not long before the first World war and it again shows the social turbulence affecting the upper classes. "Belgravia" and "Downton Abbey" are both from Julian Fellowes and take a cross-sectional view between those upstairs and those downstairs. I know how to work on my own. Having an academic supervisor will be a huge bonus. I think I have something to offer York Universities Film and Television department and am looking to provide mentorship and part-time teaching if that is deemed appropriate. I look forward to hearing your views.*

*Mark Thomas 6th July 2020*

During my time writing and re-writing the narrative into what turned out to be the ten-part series now named "Marshall's Law" I took on a great deal of advice from seasoned television screenwriters.

As set out in my July 2020 thesis, my previous experience of writing for the screen was for cinema and I quickly realised that HETV is a completely different animal.

Perhaps the best advice I was given was from "Unforgotten" and "Ripper Street" director Andy Wilson who said, "television avariciously eats story and always wants more of it".

I think by that he meant that as each episode progresses the writer must be cognisant of the viewers' desire to better understand the motivation of the characters and to see how they react to different unfolding situations.

By putting obstacles in the way of my principal characters we can see how they adapt in a bid to overcome them.

I have described the project as "Ripper Street" meets "Downton Abbey" and as such one invites a choice of which tone prevails in each part of the story.

The social side of life for the upper middle classes was one of opulence and an abundance of pleasure whereas the lower classes had to work every hour God sent to keep body and soul together.

It had perhaps not been as clear as it should as the writer's choices had to be made in presentational terms.

One element that I thought would never change in Episode One, was the establishing narrative at the opening. This was definitely on the "Ripper" side of the street if you will forgive the pun.

Throughout ninety-seven drafts, we opened at night during Guy Fawkes firework celebrations with a French-flagged ship named the "Cormorant" emerging from beneath Blackfriars bridge.

The vessel was bringing a human cargo of what was destined to become sex slave labour from Africa and Europe.

The teenagers assembled on the deck ready for disembarkation were just like every other illegal undocumented immigrants brought to another land on the promise of well-paid jobs and a respectful reception.

They had been duped and were destined for high-end London brothels of "Cormorant's" owner Lord Somerset. Somerset was a fixture in the establishment. He was equerry to the Prince of Wales (soon to be King Edward VII) and was seen as beyond reproach.

We then introduce a character - who will become the doomed Samaritan of the two-part pilot – a customs officer called “Bill Sneddon”.

Billy Sneddon has a secret which motivates him to try to intervene on behalf of two of the trafficked teenagers. The “Dubois” siblings, “Veronique” and “Henri” are naïve and innocent. Sneddon knows he cannot rescue all of the teenagers but if he can send just save these two from a life as sex workers, he will have done his bit.

Just as Sneddon is advocating on behalf of the Dubois the Police raid the docks and arrests are made.

This storyline was sacrosanct in my mind as it establishes the gloomy background of London in 1885 before we meet our hero, Edward Marshall Hall (known as “Marshall”).

I wanted a dramatic opening which spoke of corruption and the dark underbelly of London’s black economy.

The narrative was that, just as today, the Victorians used quasi-slave labour from economic migrants as it propped up the need for employees to fulfil the voracious appetites of the industrial machine. Factories needed workers to churn out commodities for consumers to buy.

In this specific case, the illegal migrants were destined to be sex workers, but the principle is the same.

The tone would have been set. The world we were in needed heroes to protect the underclass and Marshall was such a man.

However, the way into the story changed and with it the tone.

I decided that introducing Marshall first was crucial to the handing of the narrative and from that everything is seen through that prism.

The new opening shows Marshall in a ladies' bedroom having vigorous sex. His partner is a well-known actress Lilly Langtree who was also the mistress of the Prince of Wales.

Clearly, the tone is completely different, and we are opening the show more “Downton” than “Ripper street”.

However, from the boudoir, Marshall goes to Newgate jail where, after interrupting an execution en route to seeing a client, Marshall witnesses his first hanging.

It is that of a young woman who bears an unnerving resemblance to Lilly Langtree. The executioner is incompetent, and the hanging is brutal. Marshall is shaken to the core.

This changes the mood and sets us up for a meeting with his doomed client, “Gideon Rosenberg”.

We do not have to attend the hanging of Mr Rosenberg because we know what he is going to face at the hands of the Newgate executioner.

The way the narrative now plays out gives us much more insight into Marshall's character and lifestyle than what came before in the original outline.

This first episode puts Marshall at the heart of a murder trial representing a defendant no one else would touch and who was regarded by other legal minds as a "forlorn hope".

The secret that Bill Sneddon was hiding involves his wife "Sarah" who was herself trafficked from Africa aboard Cormorant.

Just like the Dubois siblings and the other teenagers, Sarah Sneddon had been brought to England on false pretences.

Sadly, Sarah became a prostitute for Lord Somerset and only got out of that life when she became "too old" at age nineteen. She met Billy not long afterwards and they have guarded their secret with great vigour.

When two Royal Navy officers recalled they had previously been clients of Sarah, Billy became enraged, and a brutal knife fight began. This left the two navy men dead and Billy and Sarah on trial for their lives.

I referred to obstacles for Marshall to overcome. In the original imagining of how the trial for the Sneddon's would proceed it was always in contemplation that Marshall would be proactive in investigating the facts.

Indeed, it is historically accurate to say that Marshall attended the scene of the crime for all of his trials. He "needed to know what the police know".

What changed in the version we have now is that I allowed Marshall to be less documentary and more gumshoe hero.

What we have now is Marshall and his accomplices actively seeking out truth beyond merely the locus in quo (crime scene) and to make it suspenseful.

Remember, this is a time when people are routinely armed, and streets were lit at best by notoriously unreliable gas lamps. Wandering around London at night was not an activity undertaken lightly.

As a character, Marshall was and must be seen as full of resourcefulness and a lawyer that would go the extra mile for his clients.

For example, In Episode Two, as part of his attempt to mitigate the murder charge, Marshall is forced to board the vessel Cormorant in the dead of night to search for evidence that will prove that Sarah was trafficked.

The advice I received from television writers was "have fun with the characters".

I started to rewrite with a tone is much more tense but full of the expectation of success. By placing Marshall in harm's way, we see his character come to the fore. He could get caught, beaten, stabbed, shot and/or struck off but he was doing this for a good cause.

The current situation with "Marshall's Law" is that I am extremely lucky to have attracted two prominent HETV directors to attach themselves to it.

Andy Wilson directed every episode of “Unforgotten”, the bulk of “Ripper Street”, “World on Fire” “Poirot” and “Endeavour”.

Nick Copus is known as a producer/director on shows like “Gotham”, “Lethal Weapon”, “Animal Kingdom” and “The Right Stuff”.

We just received news that Mammoth Screen and ITV Studios are backing an offer to Tom Hiddleston for the lead.

The development period over which the project has run has been long but fruitful.

I have determined a story change during the writing of this reflective essay which I believe will tighten up the Pilot narrative.

Never has a truer phrase been coined than “writing is re-writing”.

Since hurriedly writing this reflection in December 2021 many things have changed as I have developed the project guided by the need to find a “star” for my backers.

We opened in America to the inauguration of the Brooklyn Bridge and our first meeting with Lilly Fortune.

In the story of Sarah Sneddon - an African woman of Zulu origin who met her future husband when he was fighting in the tribal wars including at Rorkes Drift – we have gone from a dubious storyline that she does or maybe can or can’t understand English to the present draft (post “Coda”) that she is deaf.

Research into British Sign Language and how the army dealt with artillerymen who lost their hearing opened up an entirely new world for the piece and hopefully, this will work critically and commercially.

***I declare that this thesis is a presentation of original work, and I am the sole author. This work has not previously been presented for an award at this, or any other, University. All sources are acknowledged as References.***

Mark Thomas 5th August 2022