

My complaints are about:

FDC Law
Norton House
High Street
Midsomer Norton
BA3 2DF

This firm also has offices in Frome (BA11 1DP) and Paulton (BS39 7LG) and seems also to trade under the name of Conveyance Express.

These complaints encompass:-

- Over-charging and attempted over-charging.
- Complete abandonment of the Client Care Code (as found by judge)
- Employing a witness to deliberately mislead the Court (as found by judge)
- Failing to supervise staff (ILEX and ALCD members) and conspiring **with** those staff and with Council (David Curwen) in order to hide their own misconduct from the Courts
- FDC Law has brought the “profession” into public disrepute
- FDC Law has brought the Law Society AND the Office of the Legal Services Ombudsman into disrepute.
- ***FDC Law LIED to the Law Society in 2004***
- ***FDC Law’s solicitors and employees conspired to deceive, to hide their earlier misconduct and to pervert the course of justice for the Firms own gain.***

All of the above are NEW complaints. These are set against a (highly relevant) background of now proven or admitted...

- ***Inadequate Professional Service*** (according to the Law Society Rules) – i.e. persistent and material breaches of the code
- ***Professional Misconduct*** by the solicitors and partners of the firm (breaches of many rules over a long and sustained period).
- Admitted ***Professional Negligence***.
- Lying, deceit and dishonesty and (potentially) ***criminal fraud***.
- ***Attempted double- charging***

This complaint is based mainly upon the judgement of District Judge R James (a Regional Costs Judge) which was formally handed down on 25th June 2008. It is therefore brought to you within the 6-month period allowed under your published rules – see

<http://www.legalcomplaints.org.uk/complain-about-your-solicitor/when-to-contact-us.page>

Further complaints will now need to be made about earlier misconduct by this firm based upon FACTS and proofs that only came to light as a result of those proceedings before District Judge James. SOME of these complaints were previously dismissed by the Law Society (OSS/CCS) under complaint number CDT/33561-2003. The LCS should therefore have something of a “head start” on this, assuming the original file is still available to you?

This complaint is about someone else’s solicitor. According to your website the SRA deals with these complaints. According to the SRA’s website (here

<http://www.sra.org.uk/consumers/consumers.page>) I must contact YOU.

PLEASE tell me where I must send the bulk documents? In what format?

I point out that these complaints are long running and complex. They cover many years of conspiracy by the firm which involves it's solicitors (past and present), it's Legal Executive (Elaine Pitman, ILEX), it's Costs Draughtsman (Nigel Long, ALCD) and the Barrister they employed (David Curwen - Bar Council or it's modern equivalent?). There are MANY documents and I think it will take some time to formulate the complaints in full, determine their correct destination and to identify and provide the documents needed by the LCS/SRA (and other organisations) in order that a PROPER investigation can finally take place. These are SERIOUS complaints of gross misconduct against the public interest. I trust that both the SRA and the LCS will take the time to co-operate, work with me and finally get it RIGHT.

I think we must expect the complaint itself to evolve in light of feedback from the LCS/SRA – most especially the older complaints against which background these later complaints are set. Which ones will you now deal with? How? What further information do you need? From me? From FDC Law? These complaints cover a number of “regulators”. Following the Clementi Review we were promised a single point of contact.

The LCS/SRA will need to look beyond just the complaints against the solicitors involved in order to gain the FULL picture. I will help you as much as I can by placing ALL of the complaints in one place in a handy electronic format, which is MUCH easier to follow than huge paper bundles. The URL to start at is <http://www.lcs-test.co.uk/HomeNav.htm> which contains the full explanation. In brief I am aiming for *transparency* – this has been lacking in the past and my aims are compatible with the Legal Services Act which was granted Royal Assent on 30th October 2007. I believe the LCS/SRA publicly supports this aim. This is a good test for you – folks will be watching.

Earlier this year the ALCD held a disciplinary tribunal for FDC Law's costs draughtsman, Nigel Long. Despite the fact that I could not attend the ALCD has already upheld two of my complaints and Nigel Long was fined £5,000 and ordered to pay £500 costs for HIS involvement, which was minor compared with that of the solicitors. I am really hoping that the New LCS/SRA will prove as worthy and efficient in taking disciplinary action against it's mal-practising Members as the (much smaller) ALCD has proved itself to be.

Top marks to the ALCD. I point out that this work with the ALCD, concentrating on only one small part of my complaints against FDC Law has taken up much time and is partly responsible for the delay in bringing THIS complaint. However, provided this complaint reaches you by Christmas Day 2008 it will be in time according to your published rules – without you needing to consider special dispensations. I intend to post it tomorrow (signed for) and back it up with a copy by email.

Finally, through long and bitter past experience I became VERY disenchanted with the so-called regulators. The evidence NOW available certainly shows the OSS/CCS in a very bad light indeed – it suggests that even towards MP's they were paying mere lip service. I am NOT trying to start a witch-hunt. Rather, there are lessons to be learned and disciplinary action to be taken NOW. May I suggest you employ an experienced caseworker? Better still, why not take a leaf from the ALCD's book and call a disciplinary tribunal as soon as possible. I will be glad to attend as a witness.

Spenser Poultney (18/12/2008)

First Head of Complaint

On 25th June 2008 FDC Law attempted to deceive the Court into awarding costs based upon much higher hourly rates than they had agreed with their client. Specifically, they claimed:-

- Rates for solicitor Ben Whelan of £190 / hr (£223.25)
- Rates for Elaine Pitman of £173/hr (£203.28)

See [this exhibit](#)

In fact the rates for both were capped by a Rule 15 letter to just **£145/hr**.

Ben Whelan signed the statement. Under the Law Society rules it is the solicitor NOT the costs draughtsman that retains responsibility for the bill.

The ALCD (at a disciplinary tribunal on 23rd October 2008) found their costs draughtsman, Nigel Long, guilty for his part in this action and fined him £5,000 with £500 costs

See [this exhibit](#) ([ocr copy here](#)) – see [here](#) and [here](#) for more details.

Of course, Nigel Long was merely the “monkey” – the “organ grinder” was Ben Whelan.

The Indemnity Principle is now enshrined in statute. It is part of the Solicitors Act 1974.

Henry LJ (at 575–576) also highlighted the importance of the signature by the solicitor to the bill of costs:

*In so signing he certifies that the contents of the bill are correct. **That signature is no empty formality.** The bill specifies the hourly rates applied, and the care and attention uplift claimed. If an agreement between the receiving solicitor and his client ... restricted (say) the hourly rate payable by the client, that hourly rate is the most that can be claimed or recovered on [assessment] ... **The signature of the bill of costs under the rules is effectively the certificate by an officer of the court that the receiving party's solicitors are not seeking to recover in relation to any item more than they have agreed to charge their client ... For the avoidance of doubt, I also agree that the [costs] officer may and should seek further information where some feature of the case raises suspicions that the whole truth may not have been told. **And the other side of a presumption of trust afforded to the signature of an officer of the court must be that breach of that trust should be treated as a most serious disciplinary offence.*****

The above was cited during these proceedings – as was the Indemnity Principle, which was central to the case. Also during these proceedings FDC Law’s former Senior Partner admitted under oath that she should NOT have signed an earlier bill BECAUSE of the Indemnity Principle. Ben Whelan was present. Like Nigel Long, he has absolutely NO EXCUSE whatsoever for this under these circumstances.

That Ben Whelan signed the statement in these circumstances is absolute FACT. The LCS/SRA may well try to conclude that he is nothing more than a negligent idiot. I suggest that it is more likely than not that he is in fact a dishonest idiot. I ask you to determine which? If a £5,000 fine is acceptable for the “monkey” what is the penalty for the “organ grinder”, I ask?

Second Head of Complaint

During these proceedings FDC Law employed a witness (Nigel Long their employee and costs draughtsman) to deliberately try and mislead the Court.

Here is what District Judge R James (the Regional Costs judge) had to say about it in his Judgement handed down on 25th June 2008...

*"I am afraid that I did not form such a good impression of Mr. Long. In evidence concerning the crucial issues as to whether there had been a breach of the indemnity principle he told the Court that District Judge Brookes was told that there was no client care letter to establish the charging rate in the bill. When challenged and it being pointed out that there was a transcript of the hearing before District Judge Brookes in the bundle, he admitted that contrary to the statement that he had just made he had read the transcript only that morning and there was no reference to such a disclosure. **That was an astonishing admission and it is difficult to come to any other conclusion but that Mr. Long had deliberately tried to mislead the Court. In his defence he made the lame excuse that the transcript may not be accurate, that the tape machine may have been turned off at the crucial time. I am afraid that his evidence is unquestionably tainted and I am bound to regard it with considerable scepticism.**"*

The evidence suggests that various solicitors within FDC Law conspired with each other, with Nigel Long, with Elaine Pitman (ILEX) and with council David Curwen to cover up the firm's earlier misconduct. I suggest the conspiracy may also extend to Tony Williams and John Killah – both of whom were involved earlier and must surely have known the truth.

Once again the ALCD upheld this complaint against (the “monkey”) Nigel Long. Once again the misconduct must be more serious for the solicitor(s) concerned. They are “officers of the court”. They are supposed to be regulated by the Law Society.

See [here](#) for more details. See [here](#) for the judgement excerpt (pdf) (ocr).

Why does an “honest” law firm NEED a witness to mislead the court? FDC Law's “defence” that day consisted of two solicitors, a barrister, a legal executive and a costs draughtsman ... FIVE highly paid “professionals” pitted against a single Litigant in Person... and yet they STILL needed to lie? Why? Remember, the above judgement had already been given in draft form before Ben Whelan made his later attempt at deception ([Head 1](#)). What's his excuse, I wonder?

The district judge thought better of their only other witness – FDC Law's former senior partner, Patricia Wayman. Despite this, under oath she had to admit to “muddle headed thinking”. The court even concluded that this so-called “senior” solicitor didn't have a clue about costs or the 150 year-old Indemnity Principle. Unbelievable? In 2005 His Honour Judge Cardinal described FDC Law's behaviour as “Incompetence”. Incompetence, stupidity lies and deceit? How can such (prolonged) practice be in the public interest?

I first complained about Patricia Wayman in 2003 and the Law Society did nothing. Since then both Wayman and Whelan have received complaints and criticism from others (see [here](#) and [here](#) and [here](#)). If the Law Society had acted then, maybe the public would have been protected. How many more must suffer from this greedy, self-serving and lying law firm?

Third Head of Complaint

Solicitors have a duty to supervise their staff and FDC Law failed in this duty.

Clearly they did not properly “supervise” Nigel Long (see [Head 2](#) and the ALCD findings)

See [here](#) and [here](#)

Clearly they did not properly “supervise” Elaine Pitman

See [here](#) and [here](#)

And yet they all profited from Pitman and Long’s misconduct, at the expense of their Client and myself.

Is this a coincidence?

I suggest that in addition to failing to “supervise” these staff, it is more likely than not that FDC Law actively *conspired with* those same members of staff.

Please tell me what you need from me in order to fully investigate this likelihood.

Fourth Head of Complaint

FDC Law has brought the “profession” into public disrepute.

Check out [this witness statement](#) from Richard Graham dated 9th Feb. 2005 ([ocr](#))

Actually the statement is wrong in paragraph 3 (I did not remove Wayman’s photograph, FDC Law did) ... and paragraph 2 is very suspect. IF the information is defamatory then that is certainly NOT proven... no action has been taken.

My Google rating is indeed credible (Para. 4) and has been for many years. Try [this](#) or [this](#).

My sites are hosted in the UK, they are regularly updated, they cost FDC Law clients and no-doubt cause them much embarrassment... and they are STILL there. FDC Law tried to intimidate my ISP (at least twice) and tried to intimidate ME. It would seem that is the best they can do. They bring themselves and the profession into disrepute.

A law firm that can’t even protect it’s own reputation is a disgrace. If only they were like other businesses ... I do not believe that local Trading Standards would have allowed such a bunch of self-serving “Incompetents” to continue trading. Action, please.

I know that I have managed to warn some people against using this firm. Equally I know that others have fallen foul of their mal-practice despite my efforts. SFH (for example) has six listings for the firm [1](#), [2](#), [3](#), [4](#), [5](#), [6](#) and only 3 are mine – 3 OTHER victims since my MP, Dan Norris, asked the Law Society to investigate my complaints about this firm. It is not my “job” to protect the public – I suggest it is YOURS. How many more victims must there be before you finally act? [Here is one](#) that pre-dates me – FDC Liar = Long Time Crooks

Fifth Head of Complaint

FDC Law has brought the Law Society into disrepute.

It is now plain, from information revealed during the proceedings in 2008 and from the judgement handed down on 25th June 2008, that FDC MUST have lied to the Law Society back in 2004. The only alternative is that caseworker Greg Clark deliberately lied to me about what FDC Law had told him – and I do NOT believe that he did.

One must conclude that either:-

- FDC Law's lies were extremely convincing – OR
- The Law Society was completely incompetent

Consider [this finding of District Judge R. James](#) (the Regional Costs Judge)

Not only did FDC Law fail to provide a Client Care Letter but they “**totally ignored the code**” – **that is the Solicitors Costs Information and Client Care Code 1999**. Compliance has been mandatory since 1999 and the Law Society has been continually trying to enforce this ever since in MANY high profile campaigns, much criticism and lots of press coverage. It was certainly much in the news in 2003/04 when I first complained... so this was very much “on the agenda” as it were...

IF FDC Law HAD followed the Code then NONE of what was to follow COULD possibly have happened. These were *material* breaches of the Code. FDC “**totally ignored the code**” **for YEARS** – evidence that came to light this year shows that they were STILL ignoring the code long after the so-called “investigation” by the Law Society – this despite serious allegations of misconduct and further Court action. These were clearly *persistent* breaches of the code. According to the Law Society Rules – Material or persistent breaches of the code may be deemed Inadequate Professional Service – that in addition to agreed *Professional Misconduct* and (eventually) admitted *Professional Negligence*. How?

My original complaints were with the OSS for more than six months. Greg Clark seems to have acknowledged that FDC Law were guilty of *Professional Misconduct* (see [here](#)) – specifically breach of Principle 17.03 (here) AND guilty of breaching the CPR (CPD s 13.5 which is not far removed from what should have been provided under the Code and under Principle 17.03). Very plainly something was wrong with FDC Laws “costs” – which surely demanded proper investigation by the OSS. In January 2004 I sent [this CD-ROM](#) to the OSS which clearly shows the lengths I went to obtain costs information that FDC Law SHOULD have provided.

Despite ALL of the above it NOW seems that (far from “investigating”) – the OSS failed to check that FDC Law had complied with even the most BASIC rules. How? This was not some minor rule they had overlooked but an entire code that they had “**totally ignored**”. Not even the most basic contract and no updates – *material and persistent breaches* – the “investigation” didn’t even GET to first base – let alone past it. This makes the Law Society look ENTIRELY incompetent.

So, what lies convinced Greg Clark to not even LOOK or ask questions? Was Greg Clark negligent? Was Greg Clark Stupid? It was a long time ago. What does the file say?

The trouble IS, it gets even WORSE. Greg Clark escalated this to his supervisor, Pat Estabrooke – and yes, SHE too failed to even check the most fundamental FACTS for herself. Why did she appear to “believe” everything FDC Law had to say and yet ignore the many FACTS that showed something was wrong? How did she “miss” the obvious – that not only were FDC Law in breach of a high-profile mandatory code but had in fact **“totally ignored the code”** (assuming we believe the Regional Costs Judge? Certainly FDC Law has not challenged his judgement of their negligence). Was Pat Estabrooke stupid, negligent or was there a MAJOR problem with the procedures followed by the Law Society? Were the lies of FDC Law THAT convincing, perhaps?

It gets even WORSE... Around April 2004 there had been no progress on the part of the OSS/CCS and my MP, Dan Norris wrote to the CCS and my complaints were escalated to the Parliamentary Casework Team Case Worker Lorraine Gamble under the guidance (he was personally involved) of Andrew Croombes. Guess what? They ALSO failed to “reach first base” and discover gross misconduct and IPS that would have been relevant back in 2004. (I suppose if the HAD discovered it and kept quiet about it that would have been even worse – collusion? – so we must assume they didn’t)

Ah... and the Quality and Service Standards Team, to whom I complained in detail (I will need to look up names), and who’s job it was to check on the procedures... THEY failed (miserably) to spot anything wrong TOO.

District Judge R James (the Regional Costs Judge) is clearly an intelligent man. In a few scant hours he managed to find LOTS of problems which happened YEARS before, with a trail that had long gone cold. What really beggars belief is that so MANY people in the Law Society could find NOTHING wrong when the trail was still warm.

I am sorry, but the misconduct of FDC Law has made the earlier incarnations of your Office a laughing-stock. I am not trying to start a witch-hunt – but this makes me ashamed to be British and I can only hope that the millions (billions?) spent on Clementi, the Legal Service Act and all that followed, have FINALLY paid off? I can only hope that AT LAST we have a “regulator” that is fit for purpose...

Well, you have plenty of FRESH complaints and detailed background with which to redeem yourselves... all of which shows that FDC Law is STILL the SAME bunch of incompetent rule-breakers it was in 2004. The public needs protection against these rogues and the profession at large needs to see that this will no longer go un-punished. You’ve had 9 YEARS to get the Solicitors Costs Information and Client Care Code 1999 working and STILL incompetent, arrogant country-bumpkins like FDC Law are flouting your Rules.

Out of interest, the ALCD quickly took this matter very seriously indeed – and this was just one underling, one tiny cog in FDC Law’s mal-practicing “machine”. The ALCD called Nigel Long to a Tribunal. I had hoped to attend as a witness but couldn’t. Despite this they STILL found their tiny cog “guilty” and took appropriate action - £5,000 plus £500 costs for only TWO of my FIVE heads of complaint. From my point of view a small and relatively new “regulator” WORKS. Can the LCS/SRA rise to the challenge and be as efficient?

FDC Law’s misconduct has made your predecessors (at best) look like incompetents who don’t even understand the word “investigation”... (at worst) they appear willing blind and in

cahoots with the very lawyers they are paid to “regulate”. I believe it is now time for you to address this. Here is your opportunity.

Sixth Head of Complaint

This is really the “background”, the earlier complaints to be considered in light of the new evidence and the charge of collusion with Council and with Staff (other Partners, solicitors in the firm, ILEX and ALCD Members). I do not really know where to start or who deals with what. It seems the “single point of contact” promised by Clementi is some way off. I will need your help. I trust we can thrash this out. For now I will say that the new evidence suggests the following, which is clearly serious and needs investigation...

- That FDC Law MUST have lied to the Law Society in 2004. They did this because:-
 - They had misled D J Rutherford in 2003 (judgement here) and included their client’s other costs in a claim against ME.
 - Having got away with this deception and obtained a WRONG order, but one which favoured THEM, they decided three months later to ALSO bill their Client for those SAME costs – i.e. **double charging**.
- That FDC Law misled their client to obtain public funding to hide their own misconduct
- That FDC Law took public funds and acted with a conflict of interests in 2004
- That FDC Law withheld the truth and deceived H H J Barclay in September 2004
- That FDC Law deceived D J Brookes in December 2004 – In March 2008 Patricia Wayman admitted under oath that she should NOT have signed the bill in the circumstances. We may need a transcript of her evidence – who pays for it?
- In 2008 we finally had proof that FDC Law’s costs estimates (for work already done) were based on £80/hr. In 2004 they claimed a rate of £160/hr and told the Court that the reason for the HUGE difference was a failure to record TIME properly. In TRUTH the MAIN reason for the difference was the doubling of the charging rate claimed.
- In early 2005 H H J Barclay (the circuit judge that had granted my first appeal) listed my second appeal as a re-hearing before assessors. I have since pieced together what happened next... *the final piece in this jigsaw only became available in October 2008 as a result of the ALCD investigation. Nigel Long, in desperation to save his own skin, sent the ALCD a 300+ page “bundle” – most was entirely irrelevant but it contained this document.*
 - It seems FDC Law was terrified because they had misled H H J Barclay in 2004
 - Their previous council (Catriona Duthie) deserted them and they found, or were forced to find, the even less honest, David Curwen.
 - They cooked up what I refer to as “The Curwen Ruse” (click here)
 - Elaine Pitman made a clandestine visit to Bristol County Court armed with this document and the attachments and sought a private audience with a judge. I can only guess at the lies she probably told. In short they concocted a potential defamation claim to mislead a senior judge in an irregular and underhand “private visit” knowing they could never bring it because the knew what I had published about them was TRUE
 - Curwen feigned ignorance of all this in front of H H J Barclay despite the fact that he had gathered and printed the content referred to in the affidavit. However the result of this underhand behaviour was that H H J B was forced to hand the case on to another judge – exactly as the ruse intended. What a cowardly and deceitful act?

- FDC Law and David Curwen kept secret the fact that the estimates had been based on a charging rate of £80/hr whereas the bill was based on a claimed £160/hr. They kept secret the fact that there was no contract and that FDC Law had totally ignored the Solicitors Costs and Client Care Code 1999 – effectively they misled and deceived H H J Cardinal in August 2005. They kept these secrets until March 2008. Lying scum?

Ok ... enough for now. I need to know:-

- How we deal with this?
- Who deals with what?
- Which “heads” will be taken on board by which regulator?
- What ELSE you need to know?

Spenser Poultney (18/12/2008)