

Spenser Poultney

From: "Spenser Poultney" <spenser@lcs-test.co.uk>
To: "Kamie Bramley" <KBramley@BarStandardsBoard.org.uk>
Cc: <chambers@unitystreetchambers.com>; <catriona.duthie@stjohnschambers.co.uk>
Sent: 29 January 2009 01:08
Subject: Re: New Complaint - FDC Law, BA3 2DF

Dear Kami Bramley,

Thank you for your email and I ask YOU to now accept MY apologies for the delay in responding. With the greatest respect it would seem that we BOTH need to pull up our socks a bit if we are to make any headway with this :-) I also appreciate that the "ball is in my court", as it were, and that you will need a far more detailed response from me than I can give at this moment. I have been very busy and hope to address this at the weekend.

Thank you also for your attachments - "Complaints Leaflet July 08" in particular is most interesting - I hope you do not mind me sharing this with the public [here](#) and [here](#)? I have also placed a copy of your (blank) Complaints Form [here](#) and [here](#).

I have now evolved a formula of using the www to detail the complaints and (where possible) links to the evidence. The worked extremely well with the Association of Law Costs Draughtsman (ALCD) last year and their findings are here
<http://www.lcs-test.co.uk/images/ALCD2Me121108.pdf>

Putting complaints in easy to access HTML with linked evidence "only a click away" makes life easier (and clearer) for everyone, and (I suspect) the public nature of the complaints keeps the Professional Body in question focused. Whatever the reason, so far the ALCD receives top marks as "regulator" according to <http://www.lcs-test.co.uk/HomeNav.htm> <-- click the link and follow the navigation on the left to "Bar Standards" - this will be a growing resource so please check back regularly.

Anyway, to kick you off the MAIN complaints are about David Curwen
http://www.unitystreetchambers.com/david_curwen.php

There are also complaints about Catriona Duthie
http://www.stjohnschambers.co.uk/family_members/50

Though these *may* be less serious - I look forward to your opinion.
 In Duthie's "defence" she DID pull out when it became obvious that FDC Law had pushed the bounds of decency and (on the first of 3 occasions) signed a false declaration on a bill of costs (a habit with this firm it seems). Still, D J James did conclude (in 2008) that D J Rutherford had been misled over costs in 2003 (when Duthie WAS involved) AND she was present in 2004 at my (successful) appeal before H H J Barclay. How MUCH she knew may be moot, but I imagine the BSB is in a good position to investigate and establish the facts. I look forward to your views on Duthie.

Also (in both cases) I would appreciate the BSB's opinion regarding how much of the conduct complained of is Professional Negligence and how much is Professional Misconduct? I hope you will live up to the aims stated in your leaflet.

I note from your leaflet that one should always complain to the Chambers in question. This is new to me and I did not realise this, indeed, the last piece of the jigsaw only fell into place in October last year when FDC Liar provided documents to Nigel Long (to aid HIS defence before the ALCD's disciplinary tribunal) and I got to see them. So, with a view to transparency, I also CC Curwen's Unity Street Chambers and Ms. Duthie herself.

That is probably enough for now though you will also find some background material here
<http://www.legalbullies.co.uk/setaside.htm>

More as soon as I am able. If, in the mean time, there is anything else you need from me? then I look forward to hearing from you.

Kind Regards,

Spenser Poultney

PS - I think the ALCD are amazing - it seems they may be unique as a professional body in being able to enforce THEIR rules seemingly unfettered by "courts" or the findings of "other bodies" - if ONLY the BIG boys (the LCS/SRA/BSB) could do as well. Here is your chance.

----- Original Message -----

From: "Kamie Bramley" <KBramley@BarStandardsBoard.org.uk>

To: <spenser@lcs-test.co.uk>

Sent: Tuesday, January 13, 2009 8:22 AM

Subject: FW: New Complaint - FDC Law, BA3 2DF

Dear Mr Poultney

Thank you for your below email which was forwarded to me recently. I apologise for the delay in responding.

Please find attached our complaint pack and a set of guidance notes. The guidance notes should answer any questions you have. Once the complaint form has been completed please return it to us, either by post or email.

I look forward to hearing from you.

Kind regards,

Kami Bramley
Administrator
kbramley@barstandardsboard.org.uk

-----Original Message-----

From: Spenser Poultney [<mailto:spenser@lcs-test.co.uk>]

Sent: 23 December 2008 00:33

To: enquiries@legalcomplaints.org.uk

Cc: info@ilex.org.uk; BSB Contact Us; Sheila Chapman

Subject: New Complaint - FDC Law, BA3 2DF

Importance: High

Dear Sirs,

As a "heads up" I attach a 9-page document and a covering letter - both MS Word Documents. Signed hard-copies were posted first class, "signed for", on 19th December 2008 to the address on your web site <http://www.legalcomplaints.org.uk/how-to-contact-us.page>. However, the Post Office informed me that the "8, Dormer Place" address now comes up on their system as "Norton & Company, Solicitors" (???)

Given the vagaries of the Christmas post and the query over your current address, I ask you, please, to acknowledge receipt of this email.

I also ask ILEX and the Bar Council to acknowledge receipt. In ILEX's case I do not expect that you will take up the complaint against Elaine Pitman until the LCS/SRA has dealt with the solicitor complaints (unless things have changed?) - but please acknowledge receipt nonetheless.

In the case of the Bar Council I need to know which complaints you will now address? There are OLD complaints against Catriona Duthie - but since the Court did not conclude that District Judge Rutherford had been misled (in 2003) until 25th June 2008 - these complaints could not be brought (properly) any earlier. The same goes for SOME of the complaints against David Curwen -

others are later but we were STILL missing pieces of the puzzle until October 2008 (all thanks to Nigel Long for trying to justify his own misconduct).

The third attachment, the PDF should interest you ALL...

Top marks go to the ALCD. Nigel Long was only a "minor player" (though a long-running one) in this Firm's misconduct - and yet his fine was £5,000 with £500 costs - nor did the ALCD have to wait on others (e.g. ILEX waiting on the Law Society) in order to take action. The two heads upon which the ALCD has already found are the first two heads against FDC Law... Indeed, we see the stunt that the "Incompetent" (H H J Cardinal, 2005) Patricia Wayman pulled in 2004 being mimicked in 2008 by her arrogant and stupid understudy, Ben Whelan. May I suggest this would NOT have happened if the Law Society had been even 10% as good at the ALCD at enforcing it's own rules? Disciplinary action against this firm is long overdue and this repeat performance by Whelan shows that disciplinary action is probably the ONLY way to bring this firm into line and to protect the public from their incompetence [SIC], dishonesty and greed.

Beyond acknowledging receipt I do not expect any further action this side of the New Year. Over the break I will flesh-out the complaints (particularly for ILEX and the Bar Council) to make life easier for you. Please navigate to <http://www.lcs-test.co.uk/HomeNav.htm> and follow the links on the left hand side (more will appear over the holiday). When this work is complete I expect to re-send the attached MS-Word document with updated (working) links for your ease of navigation and to assist your understanding.

Many thanks,
Wishing you all a Merry Christmas etc

Spenser Poultney

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>
