



Our Reference: PC 2004/0188/J
(Attn Ariel Ricci)
E-mail: Aricci@BarCouncil.org.uk

PRIVATE & CONFIDENTIAL

Ms Noelle Klosterkotter-Dit-Rawe
3 Jefferson House
11 Basil Street
London
SW3 1AX

03 June 2005

(A)

Dear Ms Klosterkotter-Dit-Rawe

Re: Complaint by you against Mr Stanley Harold Gallagher

2 months!!

Further to your letter dated 25th March and 2nd April 2005 and the referral of your Complaint to the Legal Services Ombudsman.

!!
Your letter of 25th March 2005 is, if I may say so, an impressively detailed analysis of how you see the issues on your complaint. It was on this letter that Miss Seidenstein was seeking further advice, namely whether your complaint should be re-considered in the light of your analysis.

(B)

I know from your letter of 2nd April 2005 that you have characterised the decision to seek further advice as a u-turn. Miss Seidenstein was, to put it simply, attempting to prevent your complaint being sent to the LSO and being sent back by her to the Professional Conduct and Complaints Committee for reconsideration if the matters raised in your letter of 25th March made such an outcome inevitable.

(C)

I am sorry for the delay in getting the further advice, but I can tell you that your complaint will not be put before the Committee for reconsideration unless the LSO later decides that the Committee should re-consider the complaint. I am today forwarding your file to the LSO to enable her to investigate the way in which the Bar Council dealt with your complaint as you have previously requested.

(D)

Your letter of 25th March 2005 is, in essence, a critique on the decision making process of the Committee and also going over the same ground covered in your substantial submissions in support of your complaint.

(E)

I am disappointed that you believe that the Committee is unable to carry out its task as a result of a conflict of interest leading to a lack of objectivity and integrity. I have attended many meetings of the Committee and have to say that I have seen no evidence that complaints are decided on the basis of a 'trade union' for members of the Bar.

(F)

THE BAR COUNCIL

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I am satisfied from reviewing the file that all relevant information was placed before the Committee when it considered your complaint against Mr Gallagher. Although the litigation with your landlord had a relatively long previous history, Mr Gallagher's involvement concerned a time frame of only about 3 weeks in October/November 2003 and was only really concerned with whether and on what terms you should accept the landlord's offer of compromise. The Committee, in my view, knew sufficient both of the prior history of the litigation and the differences between you and Mr Gallagher on your complaint to be able to come to an informed decision on your complaint. (G)

Yours sincerely



Ariel Ricci
Assistant Executive Secretary
Professional Conduct and Complaints Committee

See my notes
on next page

My comments in relation to Ariel Ricci, Bar Council, letter to me dated 3 June 2005
Written on 13 June 2005 (I will subsequently compare this assessment with events)

Note A

Given that 2 months elapsed since I sent the letters, my take on what generated this letter is the 22 May 2005 letter I sent to the Legal Services Ombudsman. In this, I explained that the LSO's initial handling of my complaint against the Bar Council had led me to contact Which? to add my support to their campaign for legal reforms. I also copied Which? on my 22 May letter to the LSO.

Note B

"...in light of your analysis". As evidenced by the extensive cross-referencing to previous documents – and the numerous instances when I wrote: *"your Committee has opted to ignore this"* - there was no new information in my letter.

In addition, the 27 January 2005 letter from the Bar Council to me stated: *"Under the Rules, there is no mechanism for you to appeal this decision... If you are dissatisfied with the way in which your complaint has been considered by the Bar Council, you may approach the Legal Services Ombudsman to investigate the way we have dealt with it."*

Note C

"...attempting to prevent your complaint being sent to the LSO... if the matters raised in your letter of 25th March made such an outcome inevitable..."

Is this an attempt to cover up the 25 March 2005 letter (I sent to Which?) or is this a hint that an agreement has already been made between the LSO and the Bar Council that the complaint will be returned to me – alleging that I have raised new issues? The 5th paragraph points to the first possibility.

Note D

"... it will not be put before the committee for reconsideration unless the LSO later decides that the committee should reconsider the complaint..."

'IF' an agreement has been reached, the probable intention will be to make me miss the deadline for issuing proceedings against Mr Gallagher, as the scenario would be something along the following:

- the LSO would return the complaint to me after a 'suitable' period of time. 5 months? (As in the case of my complaint against the Law Society) – which would make it September 2005
- The file will be returned by the LSO to the Bar Council. Note that it has taken 2 months for the Bar Council to send my file to the LSO (Ariel Ricci states in the 3 June 2005 that my file is *"today being sent to the LSO"*). The LSO's letter of 8 April 2005 states: *"I have today asked the Bar Council for their file"*). Hence, the Bar Council 'might' receive the file in November 2005
- 'IF' there is a committee review, it will take weeks from start to finish (1st time round it took 3 months - from 2 November 2004 to 27 January 2005) – which would make it February 2006
- As, given my first-hand experience, I am likely to be dissatisfied with the reply, the scenario will once again repeat itself – including the Bar Council taking 2 months to send my file to the LSO
- Then Bar Council and LSO would have achieved their objectives: I would be past the 3 year deadline to issue proceedings

Note E

Having previously stated in its 30 March 2005 letter *"In light of the issues you have raised, I am seeking further advice"*, the Bar Council is now saying that in my 25 March 2005 letter I *"was going over the same ground covered in your substantial submissions in support of your complaint"*

Note F

I am not the only one highlighting the issue of the Bar Council's objectivity and integrity e.g. Law Gazette - *Bar rules out rights appeal*, 01 April 2005 *"A decision made by the Visitors to the Inns of Court, the appeal panel for barristers' disciplinary proceedings, ruled that the bar's current disciplinary practice did not provide an impartial tribunal as required by the Human Rights Act 1998"*

Note G

Unbelievable! It conjures up the analogy of a patient seeing a specialist and saying: I have had cancer for some time; here are my medical records – and the specialist opting to dispense a treatment totally ignoring the patient's medical history.