

Mr Ariel Ricci
Assistant Executive Secretary
Professional Conduct and Complaints Committee
The Bar Council
289-293 High Holborn
London WC1V 7HZ

Ms Noëlle Klosterkötter-Dit-Rawé
3 Jefferson House
11 Basil Street
London SW3 1AX

(By Recorded Delivery)

Your ref: PC 2004/0188/J

22 June 2005

Dear Mr Ricci

Complaint against Mr Stan Gallagher, Arden Chambers

I acknowledge receipt of your letter dated 3 June 2005 which you state is in reply to my letters of 25 March (my reply to your Office "*final decision*" dated 27 January 2005) and 2 April 2005 (my letter to the LSO on which I copied your Office (Ms Seidenstein)).

I draw your attention to the fact that Ms Seidenstein has already sent follow-up communication, dated 30 March 2005, to my 25 March letter. Specifically, that she was "*seeking further advice in light of the issues you have raised*". This is in spite of her 27 January 2005 correspondence in which she 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 LSO to investigate the way we have dealt with it*")

In light of this, and given that two months elapsed between your correspondence and my copying your Office on my 2 April letter to the LSO, I am opting to conclude that your letter was in fact prompted by mine to the LSO of 22 May (in relation to my complaint against the Law Society) on which I copied Which? (but not your Office). In particular, my statement that the LSO's initial handling of my complaint against your Office had prompted me to contact Which? to add my support to their campaign for (the very much needed) legal reforms.

I am hesitant as to the true objective of your letter:

1. is it an attempt to 'bury' - among others - the 30 March 2005 letter from your Office because of an assumption that I copied it to Which?, or
2. should I take it as a hint that the LSO will return my complaint against your Office – after a 'suitable' period of time – under some excuse that I will not attempt to second guess?

Although I am now finding it particularly difficult to curb my cynicism, I will nonetheless opt for option # 1.

This, in itself, is another fascinating display of twists and turns from your Office:

1. You state (in her 30 March 2005 letter) "*Miss Seidenstein was seeking further advice, namely whether your complaint should be re-considered in the light of your analysis*"
 - And in the following third paragraph: "*Your letter of 25 March 2005 is, in essence a critique of the decision making process of the Committee and also going over the same ground covered in your substantial submissions in support of your complaint*"
- ➔ In other words, having first told me that what I wrote in my 25 March 2005 letter required "*seeking further advice in light of the issues you have raised*" (in spite of the contents of the 27 January letter), your Office is now saying that I did not highlight anything new (which is indeed the case – and what I have argued).

2. I note your comment that “...Mr Gallagher’s involvement concerned a time frame of only about 3 weeks...”.

This is the first time over the course of the last 14 months that has entailed numerous exchange of correspondence with Mr Gallagher and your Office that this comment has been made.

- ➔ Should I conclude from this an intention to now use this feeble and, quite frankly, laughable excuse, in defence to my complaint?

You state being “*disappointed that [I] 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*”. You go on to state that “[you] 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”.

Well, Mr Ricci, leaving aside my first-hand experience with your Office as it is already well documented (and to which I can now add this latest communication from you), I draw your attention to the following:

- The outcome of the Review of the Regulatory Framework for Legal Services led by Sir David Clementi (to which I referred in my communication to your Office of 25 March 2005)
- An article in the Law Gazette of 1 April 2005, headed “*Disciplinary procedure: council to amend process after human rights breach*” and goes on to state: “*The Bar Council has made a U-turn over its plans to challenge a High Court judge’s ruling that its complaints procedure is in breach of human rights law...*”.

Among others, the article also states: “*Initially the Bar Council had claimed the decision – which has caused embarrassment to the bar – may not be correct. However, a spokesman has since revealed that, as changes will be needed anyway as a result of the Clementi review, the Bar Council will amend its disciplinary practice rather than challenge the judgment. The Visitors’ judgment could lead to hundreds of disciplinary cases being reopened*”

In spite of the evidently excellent lines of communication between your Office and that of the LSO, I am opting to nonetheless copy this letter to Mrs Manzoor.

Yours sincerely

N Klosterkotter-Dit-Rawé

cc. Mrs Zahida Manzoor, Legal Services Ombudsman

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