

We have recently updated our Can we help? booklet which we refer to in this form. This means that some of the page references to the booklet are wrong. The correct references are below.

- Part 2a - See page 15 of our Can we help? booklet
- Part 3 - See page 10 of our Can we help? booklet
- Part 5b - See page 19 of our Can we help? booklet
- Part 5c - See page 23 of our Can we help? booklet
- Part 5d - See page 21 of our Can we help? booklet
- Part 6d - See page 11 of our Can we help? booklet
- Part 7 - See page 6 of our Can we help? booklet for examples of poor service and page 8 for examples of misconduct.
- Part 8 - See pages 6 to 9 of our Can we help? booklet

For our use only		
ENG	38942	2004 mp/cac

OFFICE FOR THE SUPERVISION OF SOLICITORS

Complaint form

If you want us to investigate a complaint about your solicitor, please fill in this form.

You will need to read our booklet 'Can we help?' before you fill in this form. The notes all through this form show the pages of the booklet that you should turn to. You can get a copy of 'Can we help?' by writing to us at the address shown below, or phoning our helpline (please see below).

This form is to help you make your complaint. You can contact us however you prefer, but you should use this form because it will give us the information we need to deal with your complaint quickly.

When you've filled it in, please send it to us at:

The Office for the Supervision of Solicitors
Victoria Court, 8 Dormer Place, Leamington Spa,
Warwickshire CV32 5AE.
Phone: 01926 820082 or 820083
Fax: 01926 431435
Website: www.oss.lawsociety.org.uk

Helpline

Lines are open 9am to 5pm, Monday to Friday on 0845 608 6565 (all calls are charged at a local rate).

For our minicom service, call 0845 601 1682.



Part 1

Your personal details

Mr Mrs Ms Miss Other (please give details) _____

Your surname: KLOSTERKOTTER-DIT-RAWÉ

Your first names: Noëlle - Y - S

Your address and postcode: 3 Jefferson House, 11 Basil St
London SW3 1AX

Your daytime phone number: _____

Your evening phone number: _____

Your mobile phone number: _____

When is the best time to contact you? ANY

Part 2

Details of the solicitor you're complaining about

Name of the solicitors Ms Lisa McLean, Mr Richard Twyman

Name of the firm: Piper Smith & Basham

Firm's address and postcode: 31 Warwick Square,
London SW1V 2AF

Firm's phone number: 020 7828 0605

My letters and their 18 Dec 03 and 30 Jan 04 reply
are enclosed with this form.

a Have you used the firm's own complaints procedure? Yes No

If 'Yes', please send us a copy of any complaint letter (or a copy of our resolution form) which you sent to the solicitor, and their reply. of 2 Dec 03
- 24 Jan 04

If 'No', please note that unless your complaint is about professional misconduct (poor behaviour), we cannot help you until you have used the firm's own procedure.

(See page 11 of our booklet 'Can we help?')

b Do you have other solicitors acting for you now? Yes No

If 'Yes', please give their name and address. _____

c May we contact your new solicitor to discuss your complaint? Yes No

Part 3**Who is the solicitor acting for?** (See page 8 of our booklet 'Can we help?')

- a Does the solicitor you're complaining about act for you now? Yes No

If 'Yes', please go to part 4. If 'No', please go to part 6.

- b Has the solicitor's firm acted for you in the past about this matter? Yes No

- c Does the solicitor you're complaining about act for another person in connection with the same matter? Yes No

If 'Yes', who is the solicitor acting for? *They had contacted my previous solicitor on the basis that they were acting for 1-2 other residents. (in April 2003). Don't know whether they still do.*

- d Is the solicitor you're complaining about dealing with the estate of someone who has died? Yes No

Part 4**The work**

- a What kind of legal work is involved (for example, selling or buying a house, family matters, a personal injury claim or probate)?

Landlord-Tenant dispute - service charge

- b Has the work been completed? Yes No

Don't know

If 'Yes', when was the work completed?

- c When did you first instruct the solicitor?

18 August 2003

- d How are you paying for the work (for example, privately, legal aid, 'no win no fee', legal expenses' insurance, trade union funding or not known)?

privately

Part 5**Complaints which involve a solicitor's bill**

(If this does not apply, please go to part 6.)

a When did you receive the bill?

b Have you asked your solicitor to apply for a remuneration certificate?

Yes No

(See page 17 of our booklet 'Can we help?')

If 'Yes', when did you ask?

c Is your bill being reviewed by the court under the assessment procedure?

Yes No

(See page 19 of our booklet 'Can we help?')

If 'Yes', when is the assessment hearing?

d Has your solicitor issued court proceedings against you for not paying the bill?

Yes No

(See page 18 of our booklet 'Can we help?')

If 'Yes', what date is on the summons?

Part 6**Complaints about the administration of an estate**

(If this does not apply, please go to part 7.)

a Name of the person who has died: _____

b Date of their death: _____ / _____ / _____

c Name of the executors or administrators (include yourself if you are one):

d Are you a beneficiary?

Yes No

(See page 9 of our booklet.)

If 'Yes', are you entitled to a share in the estate rather than a particular gift?

Yes No

e Has the distribution of the estate been completed?

Yes No

If 'Yes', when was it completed? _____ / _____ / _____

Part 7 Details of your complaint

Please describe your complaint as clearly as possible. (If your problem is about your solicitor's poor service, you may find the list of complaints on page 5 of 'Can we help?' a useful guide. If your complaint is about your solicitor's professional misconduct (poor behaviour), please turn to page 6 of the booklet.)

This is a reduced copy of page 1 of 5 of the summary of my complaint and of page 1 of 39 of the same document. The A4 version of this page is stapled to the 39 page document enclosed with the complaint form.

Ms Noëlle Klosterkötter-Dill-Hawes
3 Jefferson House, 11 Basil Street, London SW3 1AX
Complaint against Ms Lisa McLean and Mr Richard Twyman, Piper Smith & Basham, London
16 March 2004
Page 1 of 39

cc. Mr Ian Skuse, Complaints Partner, Piper Smith & Basham – inc. completed OSS Complaint form

This is a complaint against Mr Richard Twyman and Ms Lisa McLean of Piper Smith & Basham, London, for abuse of fiduciary relationship, negligence, non-compliance with client instructions and use of intimidation and coercion tactics in relation to a 'Landlord-Tenant' service charge dispute with Steel Services represented by Cawdery Kaye Fireman & Taylor, solicitors (CKFT)

SUMMARY OF COMPLAINT (contained in pages 1–5)

This summary is based on details contained in the main body of this supporting document, which comprises 5 sections (contained from pages 6–39):

- Introduction and Background to the case (page 6)
- (A) - Steel Services 'Without prejudice Part 36 Offer' (page 7)
- (B) - The response to the directions set by West London County Court (page 25)
- (C) - The handling of my 20C Order Application to the LVT (page 28)
- (D) - Appalling administrative management of my file (page 37)

(My letters of complaint to Piper Smith & Basham of 2 December 2003 and 24 January 2004, and their replies of 18 December 2003 and 30 January 2004 are enclosed with this complaint)

- 1 Giving me the wrong advice and refusing to change their position in spite of my numerous requests and emphasis on the binding nature / relevance / importance of documents and/or legal rules and guidelines (actions which, as the client, I should not have had to take)
 - 1.1 Not advising me that the Claimant's offer, described as a "Part 36 Offer", is not compliant with CPR guidelines (Lord Woolf's recommendations on the requirements for the working of Part 36 Offers in Ford v GKR Construction Ltd [2000] 1 All ER 802 – as the offer was not supported with the information necessary for me to assess it.
 - 1.2 Opting to totally ignore the requirements for the working of Part 36 Offers in the reply to the Claimant – in spite of my (as the client!) bringing it up to the attention of Mr Twyman (page, 13, 14, 18)
 - 1.3 In spite of my four specific requests (which I should not have had to make), plus other documents (page 8, 9, 15) - repeatedly refusing to take into consideration the terms of my lease (need for advanced payment to be certified by an accountant – leading to the position that, even at the date of writing, Steel Services cannot ask me to pay a single penny towards the cost of the major works as I have not been provided with the accounts).
 - 1.4 Repeatedly refusing to take into consideration the findings contained in the 17 June 2003 report from the Leasehold Valuation Tribunal (LVT): (Principally that some £200,000 of works are not specified/ lack specification). But also, generally refusing to acknowledge the findings e.g. by stating in the minutes of the 28 October 2003 meeting with Counsel "...they had sent her a demand for £14,400 which it now seemed was an incorrect figure ...". I wrote to Ms McLean that I found the use of the word 'seemed' rather interesting – considering (i) the report by the LVT; (ii) the fact that Steel Services has admitted that the sum demanded was unreasonable by revising its demand downwards (by then for the 3rd time)) (page 8)
I emphasised/ explained/ pointed out the issue of the LVT findings to Ms McLean at least 8 times. In addition to which, she had the LVT report, my surveyor's assessment and my letters to the Court (page 10, 11, 12, 20, 21).
 - 1.5 Telling me that I could not make a 20C Order Application for the whole block – this in spite of my arguing with them that their advice went against that of: (i) LEASE; (ii) the Lands Tribunal case Langford Court v Doren Limited (LRX/37/2000) – of which I sent them a copy; (iii) my previous solicitor who had initially informed the LVT of my application; (iv) Counsel's action at the 28 April 2003 LVT hearing (page 28, 29, 33, 34, 36)
 - 1.6 Telling me that I am wrong / what I want cannot be asked/ raised when I brought the above points to their attention (instances of this throughout the supporting document – and exemplified above).
- 2 Including critical changes to the reply to the Claimant's offer without my consent (page 17, 21, 22, 23)

Although it would be helpful if you attach copies of relevant documents such as your resolution form (a form we supply to help you make your complaint to the firm), or letter of complaint and your solicitor's reply, you don't need to send us large amounts of paperwork or any original documents at this stage. We will let you know if we need more information.

We will send a copy of this form to your solicitor for their comments.

Part 8**The solution you'd like**

Please tell us what you would like us or your solicitor to do in order to help sort out your problem. [Remember – we can't give you any legal advice, handle a case for you or decide your solicitor has been negligent. But, we can award compensation of up to £5,000 if we find that the service you received from your solicitor was poor.

Or, we can discipline them if their behaviour falls below the expected standard (this is called professional misconduct).]

(See pages 14 to 16 of our booklet 'Can we help?')

In Meen 18 Dec 2003 Reply to my letter of 2 Dec 03. (both enclosed) Roper Smith & Basham stated that they view my case as having been "properly managed" and said to be "satisfied that the quality of service that we provided was perfectly acceptable". As the Supervising Body, please tell me whether you share their view. Personally, I view their conduct – Ms McLean's and Mr Twyman's – as an absolute disgrace which brings disrepute to the legal profession. I want all of my £5,000.00 refunded, as well as compensation.

Part 9**Your agreement**

I would like the Office for the Supervision of Solicitors to look into my complaint.

I understand that you will send a copy of my complaint form to the solicitor for their comments.

AS you wish, but I am copying them by the same post.

Your signature:

Date:

15 / March 2004

We recommend that you keep a copy of this form for yourself before you send it to us.

Please tell us if you have any special needs, and how we can best help you.

If English is not your first language, please contact our helpline. They will send you a translated copy of this form.

If you have difficulty in writing English, please contact our helpline and they will help you make your complaint.

If you need this form, our information leaflets or our letters in Braille, please tell us.

We can use the Typetalk phone service, so if you have hearing or speech problems we can talk to you using this service.

Our minicom numbers are 0870 600 1565 and 0845 601 1682.

Data protection notice

We will use the information you give us to investigate your complaint. We will not use that information for any unconnected purpose without your consent. We will have to reveal your information to the firm or solicitor you have complained about. We may also have to reveal that information to our agents (people acting on our behalf) and to others involved in:

- the complaints process;
- regulating the legal and other professions; or
- law enforcement generally.

Where necessary, we may have to send your information abroad.

We may also reveal certain information, on a confidential basis, to the research organisations we use to measure our customer-satisfaction levels. If you do not want us to do this in your case, please tell our data controller. The address is below.

To help us maintain a record of solicitors' professional details, we will have to keep your complaint information after we have dealt with the complaint itself.

If any of the information you have given us is sensitive or personal under the Data Protection Act 1998 (for example, information about your health), you agree to us holding that information if you go ahead with your complaint.

You can apply to us for a copy of your information (for which we may charge a fee), and to have any mistakes corrected. You should contact our data controller, Ian Salisbury, at:

Office for the Supervision of Solicitors
Victoria Court, 8 Dormer Place, Leamington Spa,
Warwickshire CV32 5AE.

Phone: 01926 822194