



THE COURT SERVICE

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See section Lord Falconer of Thoroton for my
comments on this letter
See also section on West London County Court

Date: 23rd August 2004

Dear Ms Klosterkotter-Dit-Rawe,

Thank you for your letter to David Lammy MP and Christopher Leslie MP dated 29th June, which has been forwarded to the Customer Service Unit of the Court Service for reply as we have responsibility to reply to letters relating to Court Service matters. May, I firstly apologise for the delay in replying but it has taken some while to get responses on the number of questions that you raised.

In order to assist and be helpful, I will deal with the questions in the same sequence as you letter:

- 1 • In relation to the hearing on 28th May 2004, I accept that the Court should not have included the RCJ Advice Bureaux as your representative. I apologise for this and the Court records have been amended accordingly.
- 2 • The position with this case is that there are 9 Defendants, with the case against each defendant being dealt with separately by the Judge. As a result, orders are issued by the Judge relating to one defendant but it has to be copied out to all defendants as to what is happening in the case. Unfortunately, this can be very confusing as the order has your name on it and leads you to believe that it relates to you when it actually refers to another defendant. When you speak to Court staff, it is often difficult for them to know what the current position is in relation to you without looking through the whole Court file. I am sorry that this was not done when you visited the Court. Your letter of 19th May, was placed on the Court file for the Judge to look at on the date of the hearing, as there was insufficient time for the Court staff to reply before the hearing on 28th May. The Judge saw your letter on file but did not issue any directions as a result of your letter and it was considered that the order was a sufficient response to your letter. It would be helpful if I explained that under the Court's Charter the aim for all Courts is to reply to correspondence within 10 working days. !!!
- 3 • You state that you were informed that no hearing took place on 28th May. I am surprised that a member of the Court staff would inform you that no hearing took place as the notice of hearing is clearly marked on the Court computer.
- 4 • I understand that there was a delay in the Court processing your application for a transcript of the hearing on 28th May. I am sorry that there was a delay in your request being processed but at the time the Court file had been transferred to Wandsworth County Court and the staff had difficulty in locating the tapes without the Court file.

- 5
- The order dated 28th May, was drawn on 8th June. They are not two different orders. It is just that when an order is made by a Judge it is not drawn immediately but the Court will type the order up and post it to the parties within 10 working days, as per the Courts charter. The order simply provides for directions issued by the Judge for the 2nd and 5th Defendants to comply with. **In your particular case it acknowledges that an agreement had been reached** and the Judge felt it appropriate to stay proceedings on that basis. It is **not for me to comment on a decision made by a Judge nor is it for staff at West London to say what decision a Judge should make.** I can only suggest that you speak to the claimant solicitors, who were present at Court as it might have been an order that they sought from the Judge. **No, it was offered by the Judge as a 'freebie'** !!
- 6
- Part of the directions issued by the Judge on 28th May was that the case needed to be heard by a Circuit Judge, with a time estimate of one day. A Circuit Judge is a Judge who is more senior than a District Judge and at West London there are no Circuit Judges who sit at the Court. As a result the nearest court with a Circuit Judge is Wandsworth County Court, where the case has been transferred for a Circuit Judge to hear. **Please note that this is only in relation to the 5th Defendant and it is not against you.** The purpose of the hearing at Wandsworth is for a Circuit Judge to decide on the case against the 5th Defendant. When Wandsworth receive the Court file they will contact the relevant parties and provide them with their details, like their address and telephone number. The notice of transfer is copied to you for information.
- 7
- Although the Court received the letter from the RCJ, **a hearing cannot simply be vacated once listed.** It requires the Judge to instruct that the hearing be adjourned before a hearing date can be changed. The Judge gave no such instruction for the hearing to be vacated or adjourned. You are concerned that the Court only allowed one weeks notice before the hearing date. The Court listed the hearing on 28th May on 18th May, which was 9 working days ahead. The Court rules stipulate that the court is only required to give 5 working days notice of a hearing date.
- 8
- You ask for the order of 28th May to be changed to reflect the agreement, which you have reached. No member of the Court staff can comment or intervene in matters that have been before the Court. I can only suggest that you speak to the Claimant solicitors and see if they asked for a stay and whether they will agree for a letter to be sent to the Court to say that the case has been concluded against you.
- 9
- The Court file was forwarded to Wandsworth County Court on 9th June for the hearing against the 5th Defendant.

You have also referred to previous experiences you have suffered at West London County Court and my response is as follows:

- 10
- As explained before there are 9 defendants in this case and the action against each defendants are at different stages. I am sorry that you were informed that there was a Judgment against you when it was against the 9th Defendant. You spoke to the Court Manager, Mrs D Wharton, who I understand apologised and explained the correct position in relation to your case.
- 11
- In relation the Charging order hearing, I am surprised that no one in the Court could inform you what a charging order was as this is a common question, which staff deal with on a daily basis. That said, **you are right that a charging order can only be issued when there is a valid Judgement.** In this case the charging order was against the 7th Defendant and you had been copied in on the communication that had been sent. It is a matter for you whether you attend the hearing or not as it does not involve you. I am sorry that you had a wasted journey and I can only advise that **if in future you need to attend a court hearing, to ring the court a few days before to see if the case is still being heard.**
- 12
- I have looked at the hearing notice dated 12th June and I accept that it would have been helpful to insert in the notice the purpose of the hearing. The position was that the



i.e. our clan members: the lawyers who harass and bully leaseholders

Claimant requested a hearing before a Judge to ask the Judge for directions to be issued for the case to proceed. The Court is obliged to list the case for the first available date, which on this case was 24th June. I appreciate that you are working and this did inconvenience you but most Court Users require a hearing to be fixed at the earliest opportunity and that is why Court's try to list cases on the earliest date possible. That said the Judge made an order, in which she awarded costs to the 2nd, 5th and 7th Defendants for the wasted costs of attending the hearing. Court staff cannot be blamed for the actions of a solicitor.

- 13 • It is not for me to comment on the actions of the claimant solicitors nor is it appropriate for me to comment on what Judge Wright did or said. You state that you provided the Court with details of LVT determination but are aggrieved that this was not raised at the hearing on 26th August 2003. Once again, it is not for me to comment on any decision made by a Judge in Court. If you feel that the Judge has made a mistake, the correct procedure for you to follow is to appeal that decision to a Judge at a Higher Court. I can deal with decisions made by Court staff or errors that have been made by Court staff but the Judiciary are independent from the Administration of the Court Service and if you wish to challenge a Judges decision, then you need to appeal the decision.
- 14 • It is also not for me to comment as to why a claimant has not implemented a decision of the LVT. That is a matter for the claimant and their advisors. If you feel that they should be compelled to do so, you will need to seek legal advice from a Law Centre or Citizen's Advice Bureaux, who will be able to advise you what action to take. The Court will not of it's own volition pursue this matter unless a particular action is requested by a party.
- 15 • I am sorry to hear that you feel that the system has let you down and that in this case you have not received "justice."

Who do judges answer to?
No one?

Finally, May I just add that neither Christopher Leslie MP or David Lammy MP, may as Ministers of state, intervene in or comment on matters that have been the subject of a Judicial decision. This is not out of any lack of concern but because Judges are independent and they must be able to make their decisions without fear of interference from Government.

I am sorry that I cannot be of more help to you.

Here is the answer to my question: evidently, judges answer to no one!... except in the case of SOME judges who answer to criminal landlords and their aides

Yours sincerely,



Ian Anderson
Head of Customer Service Unit.