

COMPLAINTS FORM

Please read the Notes for Guidance before completing this form. Please complete this form in black or dark blue ink and in block capitals or typescript. Do not write on the back of the form include additional sheets as well.

SECTION 1 - PERSONAL DETAILS

1. YOUR NAME: Mr Mrs Ms Miss Other (please state):

Forename:

Surname:

ADDRESS:
(including postcode)

Telephone Number: Work:

Home:

Which number would you prefer us to use?
Is an answerphone in use?

Work:
Yes:

Home:
No:

2. ARE YOU COMPLAINING ON BEHALF OF SOMEBODY ELSE?

No: PLEASE GO ON TO SECTION 2
Yes: Please complete this section

Name of the person for whom you are complaining:

Mr Mrs Ms Miss Other (please state):

Forename:

Surname:

Address:
(including postcode)

In dealing with this complaint should we write or copy correspondence to:

you
the person for whom you are complaining

Has the person on whose behalf you are complaining authorised you to complain?
(PLEASE ENCLOSE LETTER OF AUTHORITY)

Yes
No

7. IS AN APPEAL PENDING

Yes:
No:

Please give details of the appeal including the dates of any hearings (if known):

[Empty box for appeal details]

8. SOLICITORS INSTRUCTING THE BARRISTER:

Name of firm:

Address of firm:

*Last contact has been with Ian Skuse, Complaints Partner
Richard Tynman, Partner.*

Name of person who dealing with matter:
dealt

Solicitors' reference:

Are the solicitors still acting in the matter? Yes: No:

9. HAVE YOU RAISED THIS COMPLAINT WITH: the barrister concerned Yes No
with your solicitor Yes No

If you have raised the complaint with the barrister and/or the solicitor, please say what the result was:
If you have not done so, please say why:

*With Mr Andrew Arden QC, Complaints Officer, Arden Chambers in a letter dated 26 Jan 04. No reply to date
With Piper Smith & Basham = unsatisfactory reply.
On 16 March 04 I sent a complaint to the Office for the Supervision of Solicitors.*

10. WHEN DID THE ACTIONS ABOUT WHICH YOU ARE COMPLAINING TAKE PLACE?

If this is more than six months ago, please say why there has been a delay in making the complaint:

[Empty box for delay explanation]

11. PLEASE SET OUT BRIEFLY YOUR COMPLAINT AGAINST THE BARRISTER. YOU SHOULD READ THE NOTES FOR GUIDANCE BEFORE COMPLETING THIS SECTION.

This is a Reduced copy of pt 1 of 5 of the summary of my complaint and of page 1 of 23 of the same document. The A4 size version of this page is attached to the 23 page document

Ms Noëlle Klosterkötter-Dit-Rawé
3 Jefferson House, 11 Basil Street, London SW3 1AX
Complaint against Mr Stan Gallagher, Arden Chambers, London
5 April 2004
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+ supporting Appendices enclosed with the complaint form.

cc. Mr Andrew Arden QC, Complaints Officer – inc. all enclosures and completed Bar Council Complaint form

This is a complaint against Mr Stan Gallagher of Arden Chambers, London, for abuse of fiduciary relationship by giving me biased, unbalanced advice, ignoring highly material facts and non-compliance with what had been agreed in relation to a 'Landlord-Tenant' £14,400.19 service charge dispute with Steel Services represented by Cawdery Kaye Fireman & Taylor, solicitors (CKFT) – with detrimental consequences, including on my physical and emotional health, as well as financial position

SUMMARY OF COMPLAINT (contained in pages 1 - 5)

(NOTE: Throughout this 23 page document, references are made to source documents. Those included as an appendix with this complaint are identified with a "*" after the reference number. Other documents are available on request)

I personally chose Mr Gallagher to advise me in relation to what Steel Services' solicitors, CKFT, described as a "Without prejudice Part 36 Offer" ^{1*} they faxed to my then solicitors, Piper Smith & Basham on 21 October 2003.

I asked Ms McLean, Litigation Assistant, Piper Smith & Basham, to set-up a meeting with Mr Gallagher which took place on 28 October 2003. In preparation for this meeting, Ms McLean sent Mr Gallagher instructions, as well as supporting documents ^{2*}. In addition to Ms McLean and myself, my surveyor, Mr Tim Brock, LSM Partners, London, also attended the 28 October 2003 meeting.

Aside from Ms Lisa McLean, Mr Richard Twyman, Partner, Piper Smith & Basham was also involved in my case. (NB: I have lodged a complaint against Piper Smith & Basham with the Office for the Supervision of Solicitors – please see attached the 5 page summary ^{3*})

This summary is based on details contained in the main body of this supporting document, which comprises 2 sections (contained from pages 6 - 23):

- Background to the case (page 6 & 7)
- My complaint about Mr Stan Gallagher relates to his handling of the response to what Steel Services' solicitors, CKFT, described as a "Without prejudice Part 36 Offer" (page 7-23)

I initially addressed my letter of complaint, dated 20 January 2004, to Mr Stan Gallagher ^{4*}. He suggested that I go through his Chambers' complaints channel by writing to Mr Andrew Arden QC, Complaints Officer ^{5*}. I did this by writing a letter to Mr Arden on 26 January 2004 in order to give Mr Gallagher the opportunity to respond to my complaint ^{6*}. It is now more than two months since I sent the letter. To date, I have not received a reply.

- 1 Giving me incomplete and wrong advice and not taking the opportunity to remedy the situation in spite of my highlighting the shortcoming of the advice / emphasising the binding nature / relevance of legal documents (an action which, as the client, I should not have had to take) – leading me to suffer a detrimental outcome
 - 1.1 In spite of my bringing this up at the 28 October 2003 meeting (an action which, as the client, I should not have had to take) avoiding to discuss the highly relevant terms of my lease: need for advanced payment to be certified by an accountant – which had a high material impact on the response to the offer given 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) (page 9, 13)
 - 1.2 Scaffolding at my 7 November 2003 request that the reply should be conditional on my being provided with the 2002 year-end accounts for Jefferson House: "...Similarly, adding conditions for

¹ * Steel Services' offer, described as a "Without prejudice Part 36 Offer"
² * "Instructions to Counsel to advise in conference, Tuesday 28 October 2003", sent by Ms McLean to Mr Gallagher, including details of supporting documents
³ * Summary of complaint lodged with the OSS against Piper Smith & Basham, dated 16 March 2004
⁴ * My letter of complaint, dated 20 January 2004, addressed to Mr Stan Gallagher
⁵ * Mr Gallagher's emails, dated 21 and 23 January 2004
⁶ * My letter to Mr Andrew Arden, QC, Arden Chambers, dated 26 January 2004