

Our Ref: 31681

Confidential

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

07 June 2005

Dear Ms Klosterkotter-Dit-Rawe

Relating to my complaint
Against the Law Society's
handling of my complaint
Against Piper Smith & Basham

Thank you for your letter dated 22 May. I am replying on the Ombudsman's behalf.

I note your comments about the impression that you were left with after your initial contacts with this Office, particularly in light of the wording of the letter of 17 January. That standard letter is sent to each complainant when the file on their particular complaint is received from the relevant professional body. It is intended to reflect the fact that a preliminary sift of the file has taken place at that stage, and no more than that, so that an indication can be given to a complainant as to when they might expect a report on their complaint. Having looked at the letter again, I accept that it is misleading as it gives the impression that a review of the professional body's file has taken place, when that does not happen until the complaint is allocated for investigation. I apologise for any confusion the letter has created and am taking immediate steps to amend the template.

Otherwise, there is little that I can usefully add to what the Ombudsman told you in her report of 12 May. Unless and until the Law Society are given an opportunity to complete an investigation into your complaint to them about Piper Smith Basham (or Watton), I regret that this Office will not be able to assist you further. For that reason, I am sure you will appreciate that it would not be appropriate for me to comment on many of the other issues raised in your letter.

However, you queried the Ombudsman's comments to the effect that the Law Society are not a judicial body and that the system of professional self-regulation cannot be used as a substitute for the courts. It might assist you if I let you have my views in that regard. The Law Society's role as an investigator of complaints against solicitors is limited to the application of the rules and principles of professional conduct to which all solicitors are subject. This means that they cannot, for example, consider the matters of law and legal opinion that underpin a solicitor's conduct of a particular case nor can they make a determination where faced with differing versions of events with no incontrovertible evidence to support one version over the other. If the Law Society were to do so, they would effectively be usurping the jurisdiction of the courts, which is paramount.


See my
22 MAY
letter
to LSO

See my
16 MAR 04
complaint
Against
PSB &
Subsequent
correspondence
with Law Society
+ my 22 MAY 05 letter
to LSO

!!!

I am sorry that I cannot be more helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Bartram". The signature is written in a cursive style with a large initial "R".

Rob Bartram
Legal Adviser

A small, short horizontal line drawn in black ink, positioned to the right of the typed name.