

## **Spenser Poultney**

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**Sent:** 04 August 2005 00:30  
**Subject:** New Link - Leigh Vs Michelin - CTD/33561-2003

### **OPEN LETTER - Includes Undisclosed Recipients**

Hello,

Back in January 2004 Greg Clark agreed that FDC law should have provided costs information under Principle 17.03 of your rules. He asked FDC Law to provide it (belatedly) and they refused though Wayman didn't admit at the time (as far as I'm aware?) that she COULDN'T provide the information BECAUSE SHE HADN'T KEPT RECORDS!

Later, as a result of copying information for Greg Clark, we turned up that damning "heading" which stated that Wayman had included other costs which I had not been liable for. This accounted for the HUGE uplift in their "bill" but was ALSO evidence that suggested criminal double-charging since Wayman had also billed her Client £1,500 in relation to the SAME work. Greg Clark told me that he had asked FDC Law for an explanation for this "heading" but that they had REFUSED to provide one. This is when your so-called "investigation" dried up. My MP (Dan Norris) finally managed to jump-start you months later but by then the evidence that there was something seriously WRONG with Wayman's conduct was considerable. You side-stepped and attempted to back-track to a point where you made yourselves look totally inept and did ABSOLUTELY NOTHING TO ENFORCE YOUR OWN RULES.

As you know (because you have kept a very close watch on matters despite your file being "temporarily closed") I won a belated appeal against Wayman. FDC Law mounted an extreme defence to protect Wayman (i.e. NOT their Client's £6,000) which undoubtedly netted Wayman a good few £1,000 more in tax payers money - all I got was my £9.25 / hr - and would you believe that I have a transcript where their costs draughtsman (Nigel Long) spends considerable time quibbling about 20p (twenty New English Pence). Then of course their Client had to pay the costs of a detailed assessment. From the bills of Nigel Long (that I have seen) this is a further £3000. My own bill rose a further £3,750 ish. Do you begin to get the picture?

By the time this is over Wayman's "take" from this is likely to be around £35,000 - and all for something YOU agreed she should have provided for FREE under your own "Rules". Tell me, just what USE are YOU - the ONLY so-called "regulator".

Yesterday the Judge (in connection with Wayman's failure to keep records) used the words "Gross Incompetence" (he may have said "Total Incompetence" or "Complete Incompetence" etc. - I don't mind being corrected - but you get the gist, I am sure. Incompetent might describe your so-called "investigation" - but few of us are truly that naive - it is my personal opinion that you are as corrupt as the solicitors you pretend to "regulate". See last years [Which? Report](#) :-). It seems there are MANY of us agree - see these [links](#) half way down.

Of course, there ARE now guidelines for cases such as this - Leigh Vs Michelin Tyre. I have written my own - NOT very good and still in need of MUCH tweaking - but I expect anyone in the know will get the picture - 1st draft [here](#).

Interestingly I now have a SECOND judge who has (incorrectly according to the CPR) refused to hear an application for a Wasted Costs Order despite the RSC and CPR 44.14 and 48.7. Another mini-article to follow perhaps - poorly written, perhaps, but good enough for those in the know to understand. It seems that it is fine to charge £165 / hr as long as you are incompetent AND a solicitor. Does it follow that it's fine to steal from Families, children, your own "broke" Clients and the LSC as long as you are an idiot that is "Regulated by The Law Society"?

Perhaps the WORST thing about the Judge's ruling was the way in which he brushed aside the Indemnity Principle - saying there was no evidence that it had been breached. Of course, there WAS evidence - under Wayman's control but no judge has ever looked at it and I wasn't given the chance to put them to an election because the file wasn't even before the Court. I pointed out that it would be a very unusual (illegal) agreement between solicitor and Client that says "we will tell you what you owe us because the FPR says we must, but if it's questioned two years later we reserve the right to claim five times as much". We ALL know that under the Rule 15 of the SPR a solicitor must inform her Client about her costs at least every six months. There was even a letter from FDC Law stating that they would be providing their Client with a detailed bill in October 2003 - WHY would they state one set of figures for the Court and a MUCH higher one for their Client? It's unbelievable and would be another breach of the rules.

Wayman's failure to keep records that she had a DUTY to keep is now verified FACT. Two judges have now commented on it and one said she was "Incompetent". Will the Law Society lift a finger?

In theory compliance with YOUR rules is underpinned by law. I've yet to see a judge even consider your rules and YOU manifestly DON'T enforce them. Of course, there was a DUTY for wayman to keep records - this goes well beyond **Incompetence** or even **Professional Misconduct**. That breach of duty is **Professional Negligence** and that's something ELSE you don't deal with. Is there a point to your existence?

Yours Sincerely  
Spenser M. Poultney

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PS - **Collusion?** See below - It is most gratifying and (of course) beyond coincidence, given the hearing on 1st August, the interest shown by yourselves in [www.legalbullies.co.uk](http://www.legalbullies.co.uk) today. How DID you know?

#### Hearing 1st August 2005 - logs of 2nd August

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193.119.54.2 - - [02/Aug/2005:14:33:21 +0000] "GET / HTTP/1.0" 200 14325
195.92.40.49 - - [02/Aug/2005:14:33:24 +0000] "GET /index.htm HTTP/1.1" 200 14361
193.119.54.2 - - [02/Aug/2005:14:34:06 +0000] "GET /osschron.htm HTTP/1.0" 200 11590
193.119.54.2 - - [02/Aug/2005:14:37:13 +0000] "GET /links.htm HTTP/1.0" 200 5163
193.119.54.2 - - [02/Aug/2005:14:37:30 +0000] "GET /feedback.htm HTTP/1.0" 200 5882
```

% Information related to '193.119.54.0 - 193.119.54.255'

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inetnum: 193.119.54.0 - 193.119.54.255
netname: LAW-SOCIETY-OF-ENGLAND-WALES
descr: LAW SOCIETY OF ENGLAND & WALES
country: GB
admin-c: KK6846-RIPE
tech-c: RJ638-RIPE
status: ASSIGNED PA
mnt-by: PSINET-UK-SYSADMIN
source: RIPE # Filtered
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