

## Spenser Poultney

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**From:** "Spenser Poultney" <spenser\_poultney@hotmail.com>  
**To:** "Sheila Chapman" <enquiries@alcd.org.uk>  
**Cc:** <nigel@maximiseyourcosts.co.uk>; "Sheila Chapman" <enquiries@alcd.org.uk>  
**Sent:** 16 July 2008 21:28  
**Subject:** Nigel Douglas Long - Complaint to the ALCD

Dear Sheila Chapman,

Thank you for your letters of 18th June and 14th July. Please accept my apologies for not responding sooner to your letter of 18th June which arrived when I was on holiday. As you know, under the Law Society rules it is the solicitor and NOT the costs draughtsman that retains overall responsibility for the bill. I have been kept VERY busy these past weeks "chasing the organ grinder" - and, with more than enough to do, I felt the "monkey" could wait. By this I mean Mr. Long, of course, and I DO apologise for keeping the ALCD waiting. I hope you will see (below) that the delay will have little (negative) impact on matters, though I do accept that good manners are always important.

Firstly, I confirm that I have NOT received anything from Nigel Long. Not a sausage, not a bean and certainly NOT a "bundle". Zip!

### Documents

The documents you requested in your letter of 18th June are SUBSTANTIAL. The judgement alone (you already have the part that deals with Mr. Long's attempt to mislead the court, also below) is 35 pages. Transcripts run to several hundred pages and the "bundle" used by the District Judge is 650 pages. I rather thought it would be more sensible to find out what Nigel Long is saying about matters FIRST - and then provide the evidence to prove any points that that he may still be denying.

### Update

There was a further hearing before the Regional Costs Judge, District Judge James, on 25th June 2008. Regrettably, something learned on that day leads to a FIFTH head of complaint about Nigel Long.

Below I set out the complaints against Nigel Long. I assume you will chase him for his response, or failing that you will send me a copy directly?

I look forward to hearing from you.

Yours sincerely,  
Spenser Poultney

### First Head of Complaint

On 7th March 2008 Mr. Long appeared as a witness at FDC Law's request. The [District Judge](#) - District Judge R James, normally of Aldershot and Farnham County Court - was no "mere" district judge. He was sitting as Regional Costs Judge (I think there are only 6 in the country?) - a veritable "Big Cheese" in the costs business - unlikely to make throw-away remarks? In any case, he reserved his judgment and thought about it very carefully for six weeks. Here's what he said in his draft judgment dated 15th April 2008 ...

***"I am afraid that I did not form such a good impression of Mr. Long. In evidence concerning the crucial issues as to whether there had been a breach of the indemnity principle he told the Court that District Judge Brookes was told that there was no client care letter to establish the charging rate in the bill. When challenged and it being pointed out that there was a transcript of the hearing before District Judge Brookes in the bundle, he admitted that contrary to the statement that he had just made he had read the transcript only that morning and there was no reference to such a disclosure. That was an astonishing admission and it is difficult to come to any other***

*conclusion but that Mr. Long had deliberately tried to mislead the Court. In his defence he made the lame excuse that the transcript may not be accurate, that the tape machine may have been turned off at the crucial time. I am afraid that his evidence is unquestionably tainted and I am bound to regard it with considerable scepticism."*

[So, ALCD, this is my FIRST head of complaint to you.](#)

**In my opinion Nigel Long is a liar and unfit to be a Fellow of your organisation. It would seem that a Regional Costs Judge shares my opinion. What do you intend to DO about it? To date I have emailed you FOUR times but you have not responded.**

Interesting link? <http://business.timesonline.co.uk/tol/business/law/reports/article3456104.ece>

### Second Head of Complaint

**In December 2004 Nigel Douglas Long deceived District Judge Brookes as follows:-**

1. He KNEW that FDC Law had completely abandoned the Client Care code (Rule 15) and that there was no contentious business agreement between FDC Law and their Client. He kept silent about these FACTS.
2. He KNEW that there had been no agreed hourly rate and no agreed rate increase and yet he presented his "bill" EXACTLY as if this had all been properly agreed and documented.
3. He somehow persuaded Patricia Wayman the (then) senior partner of FDC Liar to sign a certificate of accuracy and a declaration regarding the Indemnity Principle on the bill he had prepared (a work of total fiction). On 7th March 2008, Patricia Wayman admitted in Court that she was guilty of "muddle headed thinking" and that she should not have signed the bill in the circumstances.
4. He KNEW, only 3 days before the hearing, that the ONLY charging rate agreed between FDC Law and their Client was £80/hr and yet he kept silent about this vital FACT and insisted that the hourly rates of £155 and £165 claimed in his bill were "reasonable".
5. He had sight of a letter FDC Law had written to their Client more than a YEAR earlier which restricted the Client's liability to the Firm to just over £6,000 and yet he kept this secret from the judge and defended his bill for over £16,000 for the SAME work.
6. When the Judge asked about the HUGE discrepancy between the "bill" and the Forms H (*family* case - up to 530% uplift from estimates claimed) **Nigel Long LIED**. As we discovered earlier this year, the MAIN reason for the difference was the DOUBLING of the charging rate and NOT the "reason" Long gave. The Forms H were all based on £80/hr, the bill was based on £155 and £165/hr.
7. Not ONLY did Long lie about the "reason" for the increase... but it seems he almost certainly lied about the amount of the "estimate" too. On 7th March THIS year, D J James (the Regional Costs Judge) ALSO found, in Paragraph 73 of the same draft judgment, that Patricia Wayman had misled District Judge Rutherford back in 2003. Near the end of that hearing in December 2004, AFTER D J Brookes had decided to give FDC Liar 150% of their estimates, Nigel Long claimed the estimate was over £6,000. We now see that the so-called estimate included OTHER costs - the REAL amount was only just over £4,000. It seems Mr. Long tricked the judge into awarding well over 200%. Nasty little liar? Or was Long himself deceived?

I have transcripts and documents to prove ALL of the above...

So, what do the ALCD think? Is this acceptable in a *family* case? Do ~~creeps~~ (I mean) Members like this bring YOU into disrepute? I suppose we can at least be grateful that this particular Lying-Long is NOT now practicing *family* law - should he be allowed to remain a "Fellow"?

### Third Head of Complaint

Another of Long's "bills" included double charging by Elaine Pitman. Best seen on the [Pitman Page](#) - ILEX take note - the OSS/CCS are well known for covering up solicitor misconduct (I doubt another [£275,000 fine](#) this month will make any difference) - but what about the "lesser regulators"? Once again, I have documents to prove everything I say. Pitman and Long KNOW this ... and remember these are so-called "legal professionals" ... it seems there is bugger all they can do (defamation? when what's said is both true and in the public interest? Well, they haven't so much as complained to date), but isn't it embarrassing for their so-called professional bodies? Can they sit back idle? Doesn't it reflect on YOU when ~~scum~~ Er! Members? break the rules of decency?

### Fourth Head of Complaint

Nigel Long breached Client confidentiality for his own gain. It bothers me less than it does FDC Law, but surely it's still misconduct? At the time I genuinely believed he (Long) thought that FDC Liar had deceived HIM - and duly removed his name from the [Leigh Page](#) (most hits) because he found it "embarrassing". Well, now it WILL be embarrassing for him ... it seems the Lying-Long was after another £1155.00 plus VAT and (get this) a "witness fee" (for LYING to the Regional Costs Judge) of £810.00 + VAT - I wonder if D J James will think these "costs" were "*reasonably incurred*"? Did someone shout "Wasted Costs Order"? ... they WILL be. (PS do YOU question WHY FDC Law NEEDED a witness to mislead the Court?)

### Fifth Head of Complaint

It would appear that Nigel Long also assisted FDC Law in preparing costs statements and a final schedule in connection with my Application, at which hearing District Judge James, the Regional Costs Judge, found Mr. Long trying to mislead the court over his involvement in the case - i.e. at the hearing before District Judge Brookes.

This time around FDC Law HAD actually provided their client with a Rule 15 letter (you know, the Client Care and Costs Information Code 1999 - the thing incompetent solicitors like Patricia Wayman feel they can ignore completely). FDC Liar's cost draughtsman really had NO EXCUSES this time for not drafting his bills using the correct hourly rate - and given the HISTORY he had no excuses for not LOOKING for a contract. Ah, but "no excuses" does NOT stop the likes of Nigel Long from trying to cheat!!!!

The hourly rates claimed this time were £173 / hr for Elaine Pitman and £190 / hr for Ben Whelan.

In FACT the contract restricted this to just £145 / hr. Once again we have a Costs Draughtsman conspiring to hide solicitor incompetence, to deceive the Court and claim far more than the solicitors were entitled to. Think about it - add in the VAT and that's a difference of £52.88 PER HOUR. I wonder if he was paid a back-hander for this dishonesty?