

Alison Robinson,
Office For Legal Complaints,
7th. Floor, Victoria House,
Southampton Row, London WC1B 4AD

8th. October 2009

Dear Madam, OLC Scheme Rules

I have been for many years a campaigner against the present and recent past practices within the legal system and of the complaints against solicitors. I contributed to Sir David Clementi's Review and the resultant White Paper produced by Lord Falconer.

I am concerned that whilst the Legal Services Act is now LAW, and in your scheme rules you state "The Act Is not subject to change", why this long discussion continues. In the same way, the Rules (now called "Code") for solicitors has long clearly stated that the first rule is compliance with common law, and if in any doubt, the public interest shall prevail, solicitors still apply their own rules, many of which are contrary to common law and business practice. A list of these, collated from a number of complainants, was sent by myself, ROCAS, CASIA, the Consumer dept. of the previously called DTI, M.P.s, to the Office of Fair Trading. The previous CEO, Penny Boys agreed to investigate these, but the present Head claims that this investigation was done, but has never published their findings. But the OFT is composed of lawyers.

The law exists and there is no requirement for 3 years of discussion on what is fact.

I note that you preface your web-page as the Scheme being "Independent and impartial" yet continue "which meets the needs of lawyers" - I refer you to Lord Falconer's White Paper "putting the customer first" not equal, but first. You appear to have reversed this principle.

You also repeatedly state that you will "ask the Lord Chancellor" But the present Lord Chancellor is a QC, and therefore cannot be, and be seen to be, fair equal and independent as the Human Rights Act requires. It seems that you are willing to flout the first law for the people in order to diminish the second. I also question how anyone can hold such Office in the House of Lords whilst sitting on the front bench of the Commons at the same time, where, as a QC, he cannot speak for the common people. I simply do not understand.

You continue to promote in-house complaint procedures, whereas one of the main issues raised by the Clementi Review was that it has been found unsatisfactory (for the consumer) to refer anything but a simple query to the solicitor complained about. The consumer is immediately placed in conflict with the solicitor, again, and unequal situation.

Time limits: it is outrageous to set time limits although it is clear that the profession would wish this. Solicitors deal with very long term issues: house purchases and mortgages where a fault may not come to light for many years, and wills and probate, *where it may adversely affect the next generation*. It is preposterous if there is no remedy for such faults, if not by the original solicitor (who may be long gone) but by an independent body.

"Not accepting pre-existing complaints" - you cannot seriously expect the unfortunate and unhappy consumer to suffer because the system will not allow fair resolution. It is relevant here to repeat what was raised in the Clementi Review that here were almost as many complaints about the present and past LSOs as there were against solicitors. The purpose of the OLC is understood to correct that situation not to preserve it. (That the present LSO has claimed "not enough time or resources" is unacceptable when she has been content to occupy two offices (premises and workload) - Sir David Clementi commented on that.

Where attendance is considered necessary it must be within the complainant's home area. It must be fair to a complainant living in the wilds in the North as well as to those who are London based. (The same applies to the High Court).

Assistance with complaints ó this can hardly be by a lawyer. I was once privileged to be appointed to a Local Conciliation Officer, who turned out to be another solicitor. Although the OSS (Law Society) accepted his decision, they then reneged on their conclusion! ó so much for fair play.

I have repeatedly referred to the Clementi Review and the resultant White Paper. I regret that the OLC continue to debate the clear resolutions, -putting the customers first. Since the passing of Lord Falconer I perceive a slowing of progress and in fact a clear reversal of the agreements made. We have gone back several years.

But then, it is being directed by the legal profession.

I will be surprised if you even accept these criticisms, but then I am a consumer of legal services, and there you have the basic problem.

Yours sincerely,

Roy Fox

Copies to all other concerned consumers, who no longer feel first.