

CONFIDENTIAL

Mr M Glasgow
3 Tansley Court
Highfield Lane
Newbold
Chesterfield
S41 7AW

Our ref: 38900

20 February 2008

Dear Mr Glasgow

**Re: Robert L Bashforth & Co of First Floor 2-4 Corporation Street Chesterfield
Derbyshire S41 7TP**

In January 2006 the Law Society split its regulatory and representative functions. Subsequent to this, in January 2007;

- a) The Solicitors Regulation Authority (SRA) became responsible for regulatory and disciplinary matters; setting and monitoring standards and investigating conduct complaints
- b) The Law Society became responsible for representing solicitors

The Legal Complaints Service (LCS), formerly known as the Consumer Complaints Service, remains responsible for dealing with consumer complaints about solicitors.

For ease of reference the terms "LCS" and "SRA" will be used throughout this report to refer to the Law Society's Legal Complaints Service and the Law Society's Solicitors Regulation Authority respectively.

Further to our previous correspondence, I am writing to let you know that we have now received the file on your case from the LCS and I have considered what you say about the way that they dealt with your complaint about the above. All the correspondence and related documents on the LCS's file have been reviewed, and I am writing now to let you know my conclusions.

On 20 March 2007 you complained to the LCS about Robert L. Bashforth & Co Solicitors. You had instructed the firm to represent you in relation to your criminal trial taking place on 13 March 2007.

Your complaints were that the firm failed to follow your instructions in relation to your trial and that they failed to keep you informed of proceedings throughout the case. You also stated that the firm misled you.

Your complaint form was acknowledged on 29 March by the LCS. The caseworker noted that you had not sent a copy of your complaint to the firm and therefore advised you to do so.

On 24 April the LCS received a large number of documents from you in connection with your complaint. You advised the caseworker that you had not received a satisfactory response from the firm.

On 1 May you telephoned the LCS and were advised that your file would be transferred to the complaint centre for allocation to a caseworker.

On 11 June the caseworker who had been allocated your case wrote to you to introduce herself. She confirmed that she was going to review your correspondence and write to you within the next 15-20 days.

On 2 July the caseworker wrote to you. She advised you that she was unable to consider any of the complaints that you had against counsel. She provided you with the contact details of the Bar Council if you wished to pursue your complaint against counsel.

The caseworker explained the powers of the LCS. She also explained that the LCS could not conclude that the solicitors were responsible for the outcome of your case. She advised you that if you thought this was the case then you might want to consider a possible claim in negligence.

On 5 July it would appear that you hand delivered a letter to the caseworker together with a large volume of documents and 3 CD-Roms. The caseworker acknowledged your letter on 31 July and advised you that she would contact you within the next 15-20 days.

On 15 August the caseworker wrote to Mr Bashforth at the firm and informed him of your complaints as follows:

- failure to advise;
- failure to follow instructions.

The caseworker advised that she required a response from him within 14 days.

Mr Bashforth contacted the caseworker on 3 September and advised her that he was unable to respond by the date given as the file was away with the National Taxing Team.

Mr Bashforth wrote to the caseworker again on 7 September and advised that he would be in receipt of the file on 11 September and would then deal with your complaints.

Mr Bashforth provided a full response to the caseworker on 13 September.

On 12 October the caseworker wrote to you after having reviewed the firm's response. The caseworker advised you that following her review of the firm's response she had decided that there had been no inadequate professional service on behalf of the firm. The caseworker explained her reasons in detail for reaching this conclusion. There is no need for me to go into detail of that letter as you have a copy.

You contacted the caseworker on 24 October and confirmed that you were going to appeal the court decision. The caseworker explained to you that she was unable to continue with the investigation at the moment, if however, the court made any findings, for example of negligence, then you could write to the LCS to see if your file could be reopened to consider distress and inconvenience.

The caseworker wrote to you on 25 October to confirm that she had closed your file and provided you with details of my Office.

On 14 November you wrote to the caseworker and enclosed a number of documents for her attention. You disagreed with the caseworker that there had been no inadequate professional service.

A casework coach responded to you on 4 December. He explained that his role was to consider the information you had sent in and to consider whether it was necessary to re-open your file.

The casework coach explained that he had reviewed your correspondence and had decided that your complaint had been dealt with appropriately and therefore your file would not be re-opened.

Referral to my Office and my assessment

You sent an application form to my Office as you were not satisfied with the LCS's investigation of your complaint. Your application form was received on 13 December 2007.

It might assist if I explain at the outset that my primary role is to oversee the manner in which the various professional bodies deal with complaints about lawyers, with a view to ensuring that they follow proper procedures and that

they reach decisions that fall within the bounds of reasonableness. It is only in exceptional circumstances that I consider it appropriate to investigate the original complaint about the lawyer. Such circumstances are not present in your case and I have therefore confined my review of the matter to a consideration of the LCS's handling of the complaint.

In your complaint form to my Office you have stated that the caseworker took too long with her investigation and that she was wrong to state that there had been no inadequate professional service by the firm. You also state that the caseworker agreed that if you presented further information to support your complaints then your file would be reopened at a later date.

I have reviewed the LCS'S file and I am satisfied with their investigation into your complaints.

Having reviewed your file I do not feel that the caseworker took too long with the investigation. The file was allocated to her in July 2007 and she had completed her investigation by October 2007. During this time the caseworker had to wait to receive the requested information from Mr Bashforth and then review it so that she could reach a fair conclusion. I also note that you sent in a large volume of documents to the caseworker, which again she reviewed and responded to in her investigation. In the circumstances I consider that the investigation was conducted within a reasonable time frame without unnecessary delay.

The LCS are unable to comment on matters of professional judgement. This is a matter of jurisdiction. It should not be regarded as a reflection on the merits of your complaint. Matters relating to the exercise of professional judgement fall within the jurisdiction of the courts. It is open to you to seek independent legal advice as to whether you have any recourse in the courts.

The caseworker was also correct in advising you that the LCS cannot question the approach and/or tactics adopted by a lawyer in dealing with a case. It is not within their remit as a complaints-handling body to do so.

You also feel that your file should have been reopened when you sent in further information. The further information you sent in was reviewed by a casework coach who concluded that this information did not add anything more to support your complaint. In view of this your file was not reopened.

I am satisfied that all the information you sent in was thoroughly reviewed, not only by the caseworker but also by the casework coach.

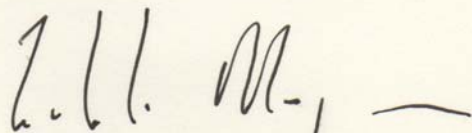
You have informed me that you requested that the LCS send all documentation and communication sent to and received from the firm to you. In his letter of 4 December 2007 the casework coach stated that he would arrange for this to be done, however, you inform me that to date you have not received anything from

the LCS. I have contacted the LCS for you and have been informed that all the documents were sent to you on 10 December. Hopefully you will have received these by now, however, if you have not, I would advise you to contact the LCS immediately.

In the circumstances, while I realise that this might disappoint you, I take the view that the LCS's response to your complaint about Robert L Bashforth & Co was satisfactory and that their decision to close their file was justified for the reasons given in their letter dated 12 October 2007.

I am required by Section 23(1) of the Courts and Legal Services Act 1990 to report my conclusions to the parties involved. I am therefore sending a copy of this letter to Robert L Bashforth & Co and to the LCS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Z. Manzoor', followed by a horizontal line.

Zahida Manzoor CBE
Legal Services Ombudsman for England and Wales