

12 January 2002



The Law Society

Dear Mr Dowling

I understand from David that there are three particular questions to which you would like unambiguous answers. He has told me what they are and I hope these answers will show you that I have understood the questions and answered them directly.

In my professional opinion:

1. Leeds Day did not have the right to deduct monies they claimed were owing to them from trustee/stakeholder monies which they held.
2. It was a misrepresentation in a reference to Annex 14e to omit the reference in the last paragraph to the exception for money paid to a solicitor for a particular purpose.
3. It was a breach of a solicitor's duty to the court to produce a bundle of documents which replaced the agreed bundle without making it clear to the court that the second bundle was not agreed.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Fraser Whitehead'.

Fraser Whitehead  
Law Society Council Member  
and Chair of Civil Litigation